

January 12, 1998. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

In recent years, we have witnessed an unprecedented and intolerable increase in acts of terrorism involving bombings in public places in various parts of the world. The United States initiated the negotiation of this convention in the aftermath of the June 1996 bombing attack on U.S. military personnel in Dhahran, Saudi Arabia, in which 17 U.S. Air Force personnel were killed as the result of a truck bombing. That attack followed other terrorist attacks including poison gas attacks in Tokyo's subways; bombing attacks by HAMAS in Tel Aviv and Jerusalem; and a bombing attack by the IRA in Manchester, England. Last year's terrorist attacks upon United States embassies in Nairobi and Dar es Salaam are recent examples of such bombings, and no country or region is exempt from the human tragedy and immense costs that result from such criminal acts. Although the penal codes of most states contain provisions proscribing these kinds of attacks, this Convention provides, for the first time, an international framework for cooperation among states directed toward prevention of such incidents and ensuing punishment of offenders, wherever found.

In essence, the Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits an offense as defined in Article 2, attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of an offense by a group of persons acting with a common purpose. A State Party is subject to these obligations without regard to the place where the alleged act covered by Article 2 took place.

Article 2 of the Convention declares that any person commits an offense within the meaning of the Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility, with the intent (a) to cause death or serious bodily injury or (b) cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss. States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 2.

The recommended legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is a vitally important new element in the campaign

against the scourge of international terrorism. I hope that all states will become Parties to this Convention, and that it will be applied universally. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understandings and reservation that are described in the accompanying State Department report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 8, 1999.

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, with Annexes, signed at Santo Domingo on April 30, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicles treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles that have been stolen or embezzled and taken to the Dominican Republic.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 8, 1999.

#### TO INCREASE LEAVE TIME FOR FEDERAL EMPLOYEE ORGAN DONORS

Mr. BROWNBAC. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 264, H.R. 457.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 457) to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBAC. I ask unanimous consent that the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 457) was considered read the third time and passed.

#### VETERANS BENEFITS ACT OF 1999

Mr. BROWNBAC. I ask that the Senate proceed to the consideration of Calendar No. 230, S. 1076.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1076) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the "Veterans Benefits Act of 1999".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

#### *TITLE I—MEDICAL CARE*

##### *Subtitle A—Long-Term Care*

Sec. 101. Adult day health care.

Sec. 102. In-home respite care services.

##### *Subtitle B—Management of Medical Facilities and Property*

Sec. 111. Enhanced-use lease authority.

Sec. 112. Designation of hospital bed replacement building at Department of Veterans Affairs medical center in Reno, Nevada, after Jack Streeter.

##### *Subtitle C—Homeless Veterans*

Sec. 121. Extension of program of housing assistance for homeless veterans.

Sec. 122. Homeless veterans comprehensive service programs.

Sec. 123. Authorizations of appropriations for homeless veterans' reintegration projects.

Sec. 124. Report on implementation of General Accounting Office recommendations regarding performance measures.

##### *Subtitle D—Other Health Care Provisions*

Sec. 131. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.

Sec. 132. Improvement of specialized mental health services for veterans.

Sec. 133. Treatment and services for drug or alcohol dependency.

Sec. 134. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.

Sec. 135. Extension of certain Persian Gulf War authorities.

Sec. 136. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Sec. 137. Reimbursement of medical expenses of veterans located in Alaska.

Sec. 138. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

##### *Subtitle E—Major Medical Facility Projects Construction Authorization*

Sec. 141. Authorization of major medical facility projects.

#### *TITLE II—BENEFITS MATTERS*

Sec. 201. Payment rate of certain burial benefits for certain Filipino veterans.

- Sec. 202. Extension of authority to maintain a regional office in the Republic of the Philippines.
- Sec. 203. Extension of Advisory Committee on Minority Veterans.
- Sec. 204. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
- Sec. 205. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
- Sec. 206. Clarification of veterans employment opportunities.

### TITLE III—MEMORIAL AFFAIRS

#### Subtitle A—Arlington National Cemetery

- Sec. 301. Short title.
- Sec. 302. Persons eligible for burial in Arlington National Cemetery.
- Sec. 303. Persons eligible for placement in the columbarium in Arlington National Cemetery.

#### Subtitle B—World War II Memorial

- Sec. 311. Short title.
- Sec. 312. Fund raising by American Battle Monuments Commission for World War II Memorial.
- Sec. 313. General authority of American Battle Monuments Commission to solicit and receive contributions.
- Sec. 314. Intellectual property and related items.

### TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

- Sec. 401. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.
- Sec. 402. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.
- Sec. 403. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.
- Sec. 404. Definition.

### SEC. 2. 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—MEDICAL CARE

#### Subtitle A—Long-Term Care

#### SEC. 101. ADULT DAY HEALTH CARE.

Section 1720(f)(1)(A)(i) is amended by striking “subsections (a) through (d) of this section” and inserting “subsections (b) through (d) of this section”.

#### SEC. 102. IN-HOME RESPITE CARE SERVICES.

Section 1720B(b) is amended—

- (1) in the matter preceding paragraph (1), by striking “or nursing home care” and inserting “, nursing home care, or home-based care”; and
- (2) in paragraph (2), by inserting “or in the home of a veteran” after “in a Department facility”.

#### Subtitle B—Management of Medical Facilities and Property

#### SEC. 111. ENHANCED-USE LEASE AUTHORITY.

(a) MAXIMUM TERM OF LEASES.—Section 8162(b)(2) is amended by striking “may not exceed—” and all that follows through the end and inserting “may not exceed 55 years.”.

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES RELATING TO LEASES.—Section 8162(b)(4) is amended—

- (1) by inserting “(A)” after “(4)”;
- (2) in subparagraph (A), as so designated—
  - (A) in the first sentence, by striking “only”; and
  - (B) by striking the second sentence; and
  - (3) by adding at the end the following new subparagraph:

“(B) Any payment by the Secretary in contribution to capital activities on property that has been leased under this subchapter may be made from amounts appropriated to the Department for construction, minor projects.”.

(c) EXTENSION OF AUTHORITY.—Section 8169 is amended by striking “December 31, 2001” and inserting “December 31, 2011”.

(d) TRAINING AND OUTREACH REGARDING AUTHORITY.—The Secretary of Veterans Affairs shall take appropriate actions to provide training and outreach to personnel at Department of Veterans Affairs medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(e) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY.—(1) The Secretary shall take appropriate actions to secure from an appropriate entity independent of the Department of Veterans Affairs an analysis of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) The analysis under paragraph (1) shall include—

(A) a survey of the facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of the survey under paragraph (2)(A) the entity determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of the survey the entity determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.

(f) AUTHORITY FOR ENHANCED-USE LEASE OF PROPERTY UNDER BUSINESS PLAN.—(1) The Secretary may enter into an enhanced-use lease of any property identified as presenting an opportunity for such lease under the analysis under subsection (e) if such lease is consistent with the business plan under paragraph (4) of that subsection.

(2) The provisions of subchapter V of chapter 81 of title 38, United States Code, shall apply with respect to any lease under paragraph (1).

#### SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN RENO, NEVADA, AFTER JACK STREETER.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the “Jack Streeter Building”. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

### Subtitle C—Homeless Veterans

#### SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking “December 31, 1999” and inserting “December 31, 2001”.

#### SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Paragraph (1) of section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting “, and expanding existing programs for furnishing,” after “new programs to furnish”.

(b) EXTENSION OF AUTHORITY TO MAKE GRANTS.—Paragraph (2) of that section is amended by striking “September 30, 1999” and inserting “September 30, 2001”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting “and \$50,000,000 for each of fiscal years 2000 and 2001” after “for fiscal years 1993 through 1997”.

#### SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' RE-INTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

“(H) \$10,000,000 for fiscal year 2000.

“(I) \$10,000,000 for fiscal year 2001.”.

#### SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) REPORT.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) OUTCOME MEASURES.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

### Subtitle D—Other Health Care Provisions

#### SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) DEFINITIONS.—Section 1701 is amended—

(1) in paragraph (6)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title.”; and

(2) by adding at the end the following new paragraph:

“(10) The term ‘emergency medical condition’ means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

“(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

“(B) serious impairment to bodily functions; or

“(C) serious dysfunction of any bodily organ or part.”.

(b) CONTRACT CARE.—Section 1703(a)(3) is amended by striking “medical emergencies” and all that follows through “health of a veteran” and inserting “an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is”.

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) is amended—

(1) by striking “or” before “(D)”; and

(2) by inserting before the semicolon at the end the following: “, or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title”.

(d) PAYMENT PRIORITY.—Section 1705 is amended by adding at the end the following new subsection:

“(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

#### SEC. 132. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH SERVICES FOR VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 is amended by inserting after section 1712B the following new section:

##### “§ 1712C. Specialized mental health services

“(a) The Secretary shall carry out programs for purposes of enhancing the provision of specialized mental health services to veterans.

“(b) The programs carried out by the Secretary under subsection (a) shall include the following:

“(1) Programs relating to the treatment of Post Traumatic Stress Disorder (PTSD), including programs for—

“(A) the establishment and operation of additional outpatient and residential treatment facilities for Post Traumatic Stress Disorder in areas that are underserved by existing programs relating to Post Traumatic Stress Disorder, as determined by qualified mental health personnel of the Department who oversee such programs;

“(B) the provision of services in response to the specific needs of veterans with Post Traumatic Stress Disorder and related disorders, including short-term or long-term care services that combine residential treatment of Post Traumatic Stress Disorder;

“(C) the provision of Post Traumatic Stress Disorder or dedicated case management services on an outpatient basis; and

“(D) the enhancement of staffing of existing programs relating to Post Traumatic Stress Disorder which have exceeded the projected workloads for such programs.

“(2) Programs relating to substance use disorders, including programs for—

“(A) the establishment and operation of additional Department-based or community-based residential treatment facilities;

“(B) the expansion of the provision of opioid treatment services, including the establishment and operation of additional programs for the provision of opioid treatment services; and

“(C) the reestablishment or enhancement of substance use disorder services at facilities at which such services have been eliminated or curtailed, with an emphasis on the reestablishment or enhancement of services at facilities where demand for such services is high or which serve large geographic areas.

“(c)(1) The Secretary shall provide for the allocation of funds for the programs carried out under this section in a centralized manner.

“(2) The allocation of funds for such programs shall—

“(A) be based upon an assessment of the need for funds conducted by qualified mental health personnel of the Department who oversee such programs; and

“(B) emphasize, to the maximum extent practicable, the availability of funds for the programs described in paragraphs (1) and (2) of subsection (b).”.

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1712B the following new item: “1712C. Specialized mental health services.”.

(b) REPORT.—(1) Not later than March 1 of each of 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to Congress a report on the programs carried out by the Secretary under section 1712C of title 38, United States Code (as added by subsection (a)).

(2) The report shall, for the period beginning on the date of the enactment of this Act and ending on the date of the report—

(A) describe the programs carried out under such section 1712C;

(B) set forth the number of veterans provided services under such programs; and

(C) set forth the amounts expended for purposes of carrying out such programs.

#### SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “may not be transferred” and inserting “may be transferred”; and

(B) by striking “unless such transfer is during the last thirty days of such member’s enlistment or tour of duty”; and

(2) in the first sentence of paragraph (2), by striking “during the last thirty days of such person’s enlistment period or tour of duty”.

#### SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking “(1)”; and

(2) by striking “each designated health care region” and inserting “each Department health care facility”;

(3) by striking “each region” and inserting “each facility”;

(4) by striking “such region” both places it appears and inserting “such facility”; and

(4) by striking paragraph (2).

#### SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.—Section 105(b)(2) of the Persian Gulf War Veterans’ Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking “December 31, 1999” and inserting “December 31, 2002”.

(b) THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.—Section 107(b) of Persian Gulf War Veterans’ Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking “December 31, 1999” and inserting “December 31, 2002”.

#### SEC. 136. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans’ Affairs and Armed Services of the Senate and the Committees on Veterans’ Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

#### SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.

(a) PRESERVATION OF CURRENT REIMBURSEMENT RATES.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

**SEC. 138. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF UNDER SECRETARY FOR HEALTH AND UNDER SECRETARY FOR BENEFITS.**

(a) UNDER SECRETARY FOR HEALTH.—Section 305 is amended—

(1) by striking subsection (c); and  
(2) by redesignating subsection (d) as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—Section 306 is amended—

(1) by striking subsection (c); and  
(2) by redesignating subsection (d) as subsection (c).

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to individuals appointed as Under Secretary for Health and Under Secretary for Benefits, respectively, on or after that date.

**Subtitle E—Major Medical Facility Projects Construction Authorization**

**SEC. 141. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed \$14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed \$12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed \$13,000,000.

**(b) AUTHORIZATION OF APPROPRIATIONS.—**

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account \$213,100,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;”.

**TITLE II—BENEFITS MATTERS**

**SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.**

(a) PAYMENT RATE.—Section 107 is amended—  
(1) in subsection (a), by striking “Payments” and inserting “Subject to subsection (c), payments”; and

(2) by adding at the end the following:  
“(c)(1) In the case of an individual described in paragraph (2), payments under section 2302

or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of \$1 for each dollar authorized.

“(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of the Veterans Benefits Act of 1999 if the individual, on the individual’s date of death—

“(A) is a citizen of the United States;

“(B) is residing in the United States; and

“(C) either—

“(i) is receiving compensation under chapter 11 of this title; or

“(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.”.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

**SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.**

Section 315(b) is amended by striking “December 31, 1999” and inserting “December 31, 2004”.

**SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.**

Section 544(e) is amended by striking “December 31, 1999” and inserting “December 31, 2004”.

**SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.**

(a) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking “that either—” in the matter preceding paragraph (1) and inserting “rated totally disabling if—”; and

(2) by adding at the end the following new paragraph:

“(3) the veteran was a former prisoner of war who died after September 30, 1999, and whose disability was continuously rated totally disabling for a period of one year immediately preceding death.”.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1)—

(A) by inserting “the disability” after “(1)”; and

(B) by striking “or” after “death;”;

(2) in paragraph (2)—

(A) by striking “if so rated for a lesser period, was so rated continuously” and inserting “the disability was continuously rated totally disabling”; and

(B) by striking the period at the end and inserting “; or”.

**SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.**

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

**SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.**

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105-339; 112 Stat. 3182), to which such amendments relate.

**TITLE III—MEMORIAL AFFAIRS**

**Subtitle A—Arlington National Cemetery**

**SEC. 301. SHORT TITLE.**

This subtitle may be cited as the “Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999”.

**SEC. 302. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.**

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

**“§2412. Arlington National Cemetery: persons eligible for burial**

“(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

“(1) Any member of the Armed Forces who dies while on active duty.

“(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

“(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

“(A) served on active duty; and

“(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

“(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

“(A) Medal of Honor.

“(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

“(C) Distinguished Service Medal.

“(D) Silver Star.

“(E) Purple Heart.

“(5) Any former prisoner of war who dies on or after November 30, 1993.

“(6) The President or any former President.

“(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

“(A) Vice President.

“(B) Member of Congress.

“(C) Chief Justice or Associate Justice of the Supreme Court.

“(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

“(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

“(8) Any individual whose eligibility is authorized in accordance with subsection (b).

“(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) In the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

“(2) In the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

“(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

"(4)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

"(B) Each report under subparagraph (A) shall—

"(i) identify the individual authorized for burial; and

"(ii) provide a justification for the authorization for burial.

"(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall publish in the Federal Register a notice of the authorization as soon as practicable after the authorization.

"(B) Each notice under subparagraph (A) shall—

"(i) identify the individual authorized for burial; and

"(ii) provide a justification for the authorization for burial.

"(c) **ELIGIBILITY OF FAMILY MEMBERS.**—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1)(A) Except as provided in subparagraph (B), the spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

"(B) In a case under subparagraph (A) in which the same gravesite may not be used due to insufficient space, a person otherwise eligible under that subparagraph may be interred in a gravesite adjoining the gravesite of the person listed in subsection (a) if space in such adjoining gravesite had been reserved for the burial of such person otherwise eligible under that subparagraph before January 1962.

"(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

"(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

"(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

"(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

"(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

"(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

"(d) **SPOUSES.**—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

"(e) **DISABLED ADULT UNMARRIED CHILDREN.**—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

"(f) **FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.**—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

"(g) **EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.**—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

"(h) **APPLICATION FOR BURIAL.**—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

"(i) **REGISTER OF BURIED INDIVIDUALS.**—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

"(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(j) **DEFINITIONS.**—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95–202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery."

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial."

(b) **PUBLICATION OF UPDATED PAMPHLET.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) **TECHNICAL AMENDMENTS.**—Section 2402(7) is amended—

(1) by inserting "(or but for age would have been entitled)" after "was entitled";

(2) by striking "chapter 67" and inserting "chapter 1223"; and

(3) by striking "or would have been entitled to" and all that follows and inserting a period.

(d) **EFFECTIVE DATE.**—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

### SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBIAN IN ARLINGTON NATIONAL CEMETERY.

(a) **IN GENERAL.**—(1) Chapter 24 is amended by adding after section 2412, as added by section 302(a)(1) of this Act, the following new section:

#### "§2413. Arlington National Cemetery: persons eligible for placement in columbarium

"(a) **ELIGIBILITY.**—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

"(b) **SPOUSE.**—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title."

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 302(a)(2) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium."

(b) **EFFECTIVE DATE.**—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

### Subtitle B—World War II Memorial

#### SEC. 311. SHORT TITLE.

This subtitle may be cited as the "World War II Memorial Completion Act".

#### SEC. 312. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) **CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.**—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

#### "§2113. World War II memorial in the District of Columbia

"(a) **DEFINITIONS.**—In this section:

"(1) The term 'World War II memorial' means the memorial authorized by Public Law 103–32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

"(2) The term 'Commission' means the American Battle Monuments Commission.

"(3) The term 'memorial fund' means the fund created by subsection (c).

"(b) **SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.**—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

"(c) **CREATION OF MEMORIAL FUND.**—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

"(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

"(B) Obligations obtained under paragraph (3).

"(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

"(D) Amounts borrowed using the authority provided under subsection (e).

"(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

"(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b).

The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

“(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

“(d) **USE OF MEMORIAL FUND.**—The memorial fund shall be available to the Commission for—

“(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

“(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

“(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

“(e) **SPECIAL BORROWING AUTHORITY.**—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of \$65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

“(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

“(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

“(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

“(f) **TREATMENT OF BORROWING AUTHORITY.**—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow

from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

“(g) **VOLUNTARY SERVICES.**—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

“(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

“(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

“(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

“(h) **TREATMENT OF CERTAIN CONTRACTS.**—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

“(i) **EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.**—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103-32 (107 Stat. 90) shall not expire until December 31, 2005.”

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

“2113. World War II memorial in the District of Columbia.”

(b) **CONFORMING AMENDMENTS.**—Public Law 103-32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) **EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.**—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103-32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

#### **SEC. 313. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.**

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

“(e) **SOLICITATION AND RECEIPT OF CONTRIBUTIONS.**—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

“(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

“(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

“(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.”

#### **SEC. 314. INTELLECTUAL PROPERTY AND RELATED ITEMS.**

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

“(l) **INTELLECTUAL PROPERTY AND RELATED ITEMS.**—(1) The Commission may—

“(A) adopt, use, register, and license trademarks, service marks, and other marks;

“(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

“(C) obtain, use, and license patents; and

“(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

“(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

“(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

“(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

“(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.”

#### **TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

##### **SEC. 401. TEMPORARY SERVICE OF CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS UPON EXPIRATION OF THEIR TERMS OR RETIREMENT.**

(a) **AUTHORITY FOR TEMPORARY SERVICE.**—(1) Notwithstanding subsection (c) of section 7253 of title 38, United States Code, and subject to the provisions of this section, a judge of the Court whose term on the Court expires in 2004 or 2005 and completes such term, or who retires from the Court under section 7296(b)(1) of such title, may continue to serve on the Court after the expiration of the judge's term or retirement, as the case may be, without reappointment for service on the Court under such section 7253.

(2) A judge may continue to serve on the Court under paragraph (1) only if the judge submits to the chief judge of the Court written notice of an election to so serve 30 days before the earlier of—

(A) the expiration of the judge's term on the Court as described in that paragraph; or

(B) the date on which the judge meets the age and service requirements for eligibility for retirement set forth in section 7296(b)(1) of such title.

(3) The total number of judges serving on the Court at any one time, including the judges serving under this section, may not exceed 7.

(b) **PERIOD OF TEMPORARY SERVICE.**—(1) The service of a judge on the Court under this section may continue until the earlier of—

(A) the date that is 30 days after the date on which the chief judge of the Court submits to the President and Congress a written certification based on the projected caseload of the Court that the work of the Court can be performed in a timely and efficient manner by judges of the Court under this section who are



senior on the Court to the judge electing to continue to provide temporary service under this section or without judges under this section; or

(B) the date on which the person appointed to the position on the Court occupied by the judge under this section is qualified for the position.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

(C) TEMPORARY SERVICE IN OTHER POSITIONS.—(1) If on the date that the person appointed to the position on the Court occupied by a judge under this section is qualified another position on the Court is vacant, the judge may serve in such other position under this section.

(2) If two or more judges seek to serve in a position on the Court in accordance with paragraph (1), the judge senior in service on the Court shall serve in the position under that paragraph.

(D) COMPENSATION.—(1) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this section an amount as follows:

(A) In the case of a person eligible to receive retired pay under subchapter V of chapter 72 of title 38, United States Code, or a retirement annuity under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable, an amount equal to one-half of the amount of the current salary payable to a judge of the Court under chapter 72 of title 38, United States Code, having a status on the Court equivalent to the highest status on the Court attained by the person.

(B) In the case of a person not eligible to receive such retired pay or such retirement annuity, an amount equal to the amount of current salary payable to a judge of the Court under such chapter 72 having a status on the Court equivalent to the highest status on the Court attained by the person.

(2) Amounts paid under this subsection to a person described in paragraph (1)(A)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(3) Amounts paid under this subsection to a person described in paragraph (1)(B) shall be treated as pay for purposes of deductions or contributions for or on behalf of the person to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(4) Amounts paid under this subsection shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(E) CREDITABLE SERVICE.—(1) The service as a judge of the Court under this section of a person who makes an election provided for under subsection (d)(2)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title.

(2) The service as a judge of the Court under this section of a person paid salary under subsection (d)(1)(B) shall constitute creditable service of the person toward retirement under subchapter V of chapter 72 of title 38, United States Code, or subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable.

(F) ELIGIBILITY FOR ADDITIONAL SERVICE.—The service of a person as a judge of the Court under this section shall not affect the eligibility of the person for appointment to an additional term or terms on the Court, whether in the position occupied by the person under this section or in another position on the Court.

(G) TREATMENT OF PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the party membership of a judge serving on the Court under this section shall not be taken into account.

#### SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(A) MODIFIED TERMS.—Notwithstanding section 7253(c) of title 38, United States Code, the term of any judge of the Court who is appointed to a position on the Court that becomes vacant in 2004 shall be 13 years.

(B) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of a judge appointed as described in subsection (a)—

(A) the age and service requirements in the table in paragraph (2) shall apply to the judge instead of the age and service requirements in the table in subsection (b)(1) of that section that would otherwise apply to the judge; and

(B) the minimum years of service applied to the judge for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	And the years of service as a judge are at least
65 .....	13
66 .....	13
67 .....	13
68 .....	12
69 .....	11
70 .....	10

#### SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(A) TEMPORARY AUTHORITY.—A voluntary separation incentive payment may be paid in accordance with this section to any judge of the Court described in subsection (c).

(B) AMOUNT OF INCENTIVE PAYMENT.—The amount of a voluntary separation incentive payment paid to a judge under this section shall be \$25,000.

(C) COVERED JUDGES.—A voluntary separation incentive payment may be paid under this section to any judge of the Court who—

(1) meets the age and service requirements for retirement set forth in section 7296(b)(1) of title 38, United States Code, as of the date on which the judge retires from the Court;

(2) submits a notice of an intent to retire in accordance with subsection (d); and

(3) retires from the Court under that section not later than 30 days after the date on which the judge meets such age and service requirements.

(D) NOTICE OF INTENT TO RETIRE.—(1) A judge of the Court seeking payment of a voluntary separation incentive payment under this section shall submit to the President and Congress a timely notice of an intent to retire from the Court, together with a request for payment of the voluntary separation incentive payment.

(2) A notice shall be timely submitted under paragraph (1) only if submitted—

(A) not later than one year before the date of retirement of the judge concerned from the Court; or

(B) in the case of a judge whose retirement from the Court will occur less than one year after the date of the enactment of this Act, not later than 30 days after the date of the enactment of this Act.

(E) DATE OF PAYMENT.—A voluntary separation incentive payment may be paid to a judge of the Court under this section only upon the retirement of the judge from the Court.

(F) TREATMENT OF PAYMENT.—A voluntary separation incentive payment paid to a judge under this section shall not be treated as pay for purposes of contributions for or on behalf of the judge to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code.

(G) ELIGIBILITY FOR TEMPORARY SERVICE ON COURT.—A judge seeking payment of a voluntary separation incentive payment under this section may serve on the Court under section 401 if eligible for such service under that section.

(H) SOURCE OF PAYMENTS.—Amounts for voluntary separation incentive payments under this section shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(I) EXPIRATION OF AUTHORITY.—A voluntary separation incentive payment may not be paid under this section to a judge who retires from the Court after December 31, 2002.

#### SEC. 404. DEFINITION.

In this title, the term "Court" means the United States Court of Appeals for Veterans Claims.

Amend the title so as to read: "A bill To amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes."

AMENDMENT NO. 1622

(Purpose: To improve the provisions relating to long-term health care for veterans and for other purposes)

Mr. BROWNBAC. Senators ROCKEFELLER and SPECTER have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBAC], for Mr. ROCKEFELLER and Mr. SPECTER, proposes an amendment numbered 1622.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. Madam President, as chairman of the Senate Committee on Veterans' Affairs, I am pleased to report to the Senate on the features of S. 1076, the "Veterans Benefits Act of 1999," as amended. This is a very important bill, and I direct the Senate's attention to some of its more salient features.

As is explained in detail in the Committee Report which accompanies this legislation, S. 1076 would improve and enhance the ability of the Department of Veterans Affairs (VA) to address a variety of the needs of the Nation's veterans. It would enhance VA's ability to provide long term care services to

aging veterans, and housing, training and other services to homeless veterans. It would extend VA programs to provide outreach and medical monitoring services to Persian Gulf War veterans and their families. It would improve and expand VA's authority to enter into "enhanced use leases"—leases which permit VA to more effectively manage its large and costly infrastructure—and it would authorize needed construction projects. Further, S. 1076 would improve benefits provided to institutionalized veterans, to the survivors of former prisoners of war, and to certain Filipino veterans. Finally, it would clarify and codify standards governing burial in Arlington National Cemetery and provide statutory authority needed to permit the timely construction in Washington of a World War II Memorial.

One matter that has not yet been resolved prior to the reporting of this bill—how proposed pilot programs to provide long term care and assisted living services to veterans ought to be structured—merits explanation now. The Ranking Minority Member of the Committee, Senator Rockefeller, and I have now resolved that matter and our agreement is reflected in an amendment to the bill that we offer jointly today. As amended, S. 1076 would instruct VA to initiate pilot programs to provide veterans long term care and assisted living services.

The long term care pilot programs mandated by this legislation would require that VA—without interrupting current services—provide and report on long term care services offered in separate VA "designated health care regions" (Veterans Integrated Service Networks or "VISNs" under VA's current organizational structure) using three models: an "in house" model; a community-based cooperative model; and a model representing a hybrid of the VA-staffed and community-based approaches. We hope to demonstrate that VA can offer the Nation a meaningful methodology for managing comprehensive care to an aging clientele, and identify the model or models by which such care can be provided most cost-effectively.

The second pilot program mandated by this legislation would direct VA to develop an appropriate model for furnishing assisted living services to veterans, as recommended by the Federal Advisory Committee on Long Term Care. This pilot program would empower VA to provide services to aged and disabled veterans in their homes or in other residential settings to assist them with their activities of daily living—and to assist them in avoiding or deferring more costly hospital or nursing home care. The Ranking Member and I hope to thrust VA into the forefront of this growing and challenging field of health care and foster the development of new and cost-effective solutions to challenges which all aging Americans face.

I urge the immediate passage of this bill as amended. And I thank the Sen-

ate for its attention to the needs of the Nation's veterans.

Mr. ROCKEFELLER. Madam President, as ranking member of the Senate Committee on Veterans' Affairs, I am pleased to support this comprehensive bill, which would make valuable changes to a wide range of veterans' benefits and services.

The bill we consider today, S. 1076, the Veterans Benefits Act of 1999, addresses many initiatives—from ensuring that the surviving spouses of ex-POW's will be provided for compensated to furnishing job training to homeless veterans. I will mention here only a few of the issues which are of particular interest to me.

The first is long-term care for veterans.

S. 1076, as amended, represents a comprehensive effort to address the long-term care needs of our veterans. Title I includes provisions based on the "Veterans' Long-Term Care Enhancement Act of 1999," which I introduced earlier in the session. In my view, we must take a first step to reach out to veterans who presently need long-term care services, or will in the future. I am glad that we have done so.

At the outset, I want to say that my wish would be for VA to provide long-term care to all veterans who need and want it. While the provisions now included in S. 1076 are only one step toward determining what VA should be doing to meet the needs of veterans for long-term care, I believe that it is an important step in that regard.

There is no doubt that demand for long-term care—for veterans and non-veterans alike—is increasing. In the Department of Veterans Affairs (VA), however, we face an even more pressing demand.

I am proud of VA's work in responding to current demand for long-term care services. VA has developed geriatric evaluation teams, home-based primary care, and adult day health care—all cost-effective ways to assess and care for veterans. But to quote from the Report of the Federal Advisory Committee on the Future of VA Long-Term Care, despite VA's high quality and long tradition, "VA long-term care is marginalized and unevenly funded."

There are three key elements to Subtitle A of Title I. The first includes provisions which clarify that long-term care is not only nursing home care, and that existing differences in law between eligibility for institutional long-term care and other types of care offered by VA do not affect VA's ability to furnish a full array of noninstitutional long-term care services.

Specifically, the provision would add "noninstitutional extended care services" to the definition of "medical services," thereby removing any doubt about VA's authority to furnish such services to veterans enrolled in VA care. The term would be defined to include the following: home-based primary care; adult day health care; res-

pite care; palliative and end-of-life care; and homemaker or home health care aide visits. Veterans would have unfettered access to these needed and cost-effective long-term care services.

Second, S. 1076, as amended, would add clear authority for VA to furnish assisted living services, including to the spouses of veterans. VA already furnishes a form of assisted living services through its domiciliary care program, but the provisions in the bill would provide express authority to furnish this modality of care to older veterans within the confines of a demonstration project at a Veterans Integrated Service Network.

The Report of the Federal Advisory Committee on the Future of VA Long-Term Care specifically notes that while many state programs are moving in the direction of assisted living—to cut costs and to provide the most appropriate level of care—VA cannot do so. The results of the demonstration project will provide VA and Congress with a rational basis from which to proceed to authorize assisted living for all veterans.

Third, VA would be mandated to carry out a series of pilot programs, over a period of 3 years, which would be designed to gauge the best way for VA to meet veterans' long-term care needs—either directly, through cooperative arrangements with community providers, or by purchasing services from non-VA providers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. Some experts even believe that VA's expertise is gradually eroding.

For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities. Those who would benefit by further action to develop and capitalize on VA's long-term care expertise include older veterans, primarily our honored World War II veterans; those health organizations, including academic medicine and research entities, with which VA is now connected; and finally, the rest of the U.S. health care system, and ultimately all Americans who will need some form of long-term care services.

Each element of the pilot program would establish and carry out a comprehensive long-term care program, with a full array of services, ranging from inpatient long-term care—in intermediate care beds, nursing homes, and domiciliary care facilities—to comprehensive noninstitutional services, which include hospital-based home care, adult day health care, respite care, and other community-based interventions.

In each element of the pilot programs, VA would also be mandated to furnish case management services to



ensure that veterans participating in the pilot programs receive the optimal treatment and placement for services. Preventive health care services, such as screening and patient education, and a particular focus on end-of-life care are also emphasized. In my view, VA must have ready access to all of these services.

Finally, a key purpose of the pilot program would be to test and evaluate various approaches to meeting the long-term care needs of eligible veterans, both to develop approaches that could be expanded across VA, as well as to demonstrate to others outside of VA the effectiveness and impact of various approaches to long-term care. To this end, the pilot program within S. 1076 would include specific data collection on matters such as cost effectiveness, quality of health care services provided, enrollee and health care provider satisfaction, and the ability of participants to carry out basic activities of daily living.

I look forward to working with the chairman and the members of the Committee on Veterans' Affairs in the House of Representatives to advance the cause of long-term care in VA. And I thank Senator SPECTER for his willingness to undertake these advancements in veterans' long-term care programs.

Another major issue of great interest to me which S. 1076 addresses are specialized mental health services for veterans.

Last year, I directed my staff on the Committee on Veterans' Affairs to undertake a study of the services the Department of Veterans Affairs offers to veterans with special needs. Earlier this summer, I released the report my Committee staff wrote based on their 8-month oversight investigation, which sought to determine if VA is complying with a Congressional mandate to maintain capacity in five of the specialized programs: Prosthetics and Sensory Aids Services, Blind Rehabilitation, Spinal Cord Injury (SCI), Post-Traumatic Stress Disorders (PTSD), and Substance Use Disorders.

In summary, my staff determined that field personnel have just barely been able to maintain the level of services in the Prosthetics, Blind Rehabilitation, and SCI programs, but that the PTSD and substance use disorder programs are not being maintained in accordance with the mandates in law. Because of staff and funding reductions, and the resulting increases in workloads and excessive waiting times, the latter two programs are failing to sustain services at the needed levels.

This is particularly troubling because from its inception, the Department of Veterans Affairs' health care system has developed widely recognized expertise in providing services to meet the special needs of veterans with spinal cord injuries, amputations, blindness, and post-traumatic stress disorder.

With specific regard to PTSD, VA has been moving to reduce inpatient treat-

ment of PTSD, while expanding its use of outpatient programs. VA's decision has been fueled in part by studies of the cost effectiveness of various treatment approaches. The potential to stretch limited VA dollars to be able to treat more veterans is appealing. However, VA needs to be cautious before subscribing to the idea that outpatient care is as good as inpatient care for all veterans with PTSD. For some of the more seriously affected veterans—who have not succeeded in shorter inpatient or outpatient programs, are homeless or unemployed, or have dual diagnoses—longer inpatient or bed-based care may be a necessity.

Substance use disorders also present complex treatment problems and have taken perhaps the hardest hit of all the specialized programs. It is not surprising that treatment has shifted from an emphasis on inpatient to outpatient care. Some substance use disorder programs have terminated inpatient treatment completely, except for veterans requiring short detoxifications in extreme situations. While some medical centers have closed inpatient substance use disorder beds, they have worked to provide alternative, sheltered living arrangements. Unfortunately, not all facilities have made these efforts. Many have moved directly to the closure of inpatient units without first developing these other alternatives.

Section 132 of S. 1076, as amended, mandates that the Secretary of Veterans Affairs carry out programs to enhance the provision of specialized mental health services to veterans. The "Veterans Benefits Act of 1999" specifically targets services for those afflicted with PTSD and substance use disorders. The legislation before us also requires that funding will be available, in a centralized manner, to fund proposals from the Veterans Integrated Service Networks and the individual facilities to provide specialized mental health services. Qualified mental health personnel at the VA who oversee these programs shall conduct an assessment of need for the funds.

I must stress that these provisions are not aimed at rebuilding the traditional inpatient infrastructure. Instead, the focus is on expanding outpatient and residential treatment facilities, developing better case management, and generally improving the availability of services.

In my view, VA's mental health treatment programs, in general, have been eroded to the point that veterans in some areas of the country are suffering needlessly. That is why I am so pleased that S. 1076 includes provisions to prompt VA to begin to rebuild some of what has been lost.

The third major issue of particular concern to me which S. 1076 addresses is emergency care for veterans. I am very pleased that it includes provisions drawn directly from the "Veterans' Access to Emergency Care Act of 1999," which would authorize VA to cover emergency care at non-VA facilities for

those veterans who have enrolled with VA for their health care. I thank my colleague, Senator DASCHLE, for his leadership on this issue.

While VA provides a very generous standard benefits package for all veterans who are enrolled with the VA for their health care, enrolled veterans do not have comprehensive emergency care. This is a serious gap in coverage for veterans, as large and unexpected emergency medical care bills can present a significant financial burden. That is why I offered this proposal at a Committee meeting. I am gratified that my colleagues on the Committee chose to support it.

Coverage of emergency care services for all veterans is supported by the consortium of veterans services organizations that authored the Independent Budget for Fiscal Year 2000—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The concept is also included in the Administration's FY 2000 budget request for VA and the Consumer Bill of Rights, which President Clinton has directed every federal agency engaged in managing or delivering health care to adopt.

To quote from the Consumer Bill of rights:

Consumers have the right to access emergency health care services when and where the need arises. Health plans should provide payment when a consumer presents to an emergency department with acute symptoms of sufficient severity—including severe pain—such that a "prudent layperson" could reasonably expect the absence of medical attention to result in placing their health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

S. 1076 adopts this "prudent layperson" standard, which is intended to protect both the veteran and the VA.

I look forward to working with my colleagues on the House Committees on Veterans' Affairs to make this proposal a reality. Through their service to our country, our veterans have earned comprehensive, high quality health care, and that must include emergency care, as well.

The final issue contained in S. 1076 to which I wish to draw attention is a provision to improve VA's enhanced use lease authority, because I believe it is a critical component of VA's management strategy for its property. Many terrific projects that better serve veterans and assist the VA have been developed under this authority. I believe it is vital for VA to develop more enhanced use lease projects to leverage its assets, before it begins to dispose of irreplaceable property. I thank Senator Specter for accepting these provisions.

Since VA received enhanced use authority, it has been used to lease land to companies that build nursing homes where VA can place veterans at discounted rates, resulting in savings of millions of dollars. Another use has been to provide transitional housing for homeless veterans. Other projects

have created reliable child care and adult day care facilities for VA employees' families, so that they can care for veterans without having to worry about the health and safety of their loved ones. In other locations, VA regional offices are moving onto VA medical center campuses, resulting in more convenient access for veterans and better cooperation between the Veterans Benefits Administration and the Veterans Health Administration.

Section 111 of S. 1076 would remove many of the current barriers preventing VA from having an even more successful enhanced use lease program. It would allow VA to enter into leases of up to 55-year terms, rather than the current 20 and 35 years, while eliminating the distinction in lease terms that exists between leases involving new construction or substantial renovation, and those involving current structures. Section 111 would also authorize VA to use appropriated funds from its minor construction account for contributions to capital activities in order to secure the best lease terms possible.

Current authority for VA to enter into enhanced use leases is set to expire on December 31, 2001. Projects that are currently in development face the possibility of negotiations not being completed prior to the expiration date. Therefore, S. 1076 extends VA's authority by a sufficient length of time—until December 31, 2011—so as not to chill negotiations in the near future.

I am very interested in seeing VA engage in more of these projects, so I am pleased to see that S. 1076 would require the Secretary to provide training and outreach regarding enhanced use leasing to personnel at VA medical centers. The bill also requires the Secretary to contract for an independent assessment of opportunities for enhanced use leases. This assessment would include a survey of suitable facilities, a determination of the feasibility of projects at those facilities, and an analysis of the resources required to enter into a lease. I hope that more training—which until now has been sporadic and primarily on a by-request basis—and a more systematic and centralized approach would assist the VA in maximizing its enhanced use lease opportunities.

In conclusion, I believe that S. 1076 represents a real step forward in providing veterans with the type of care that they require, and in giving VA the legislative tools to carry out that care—be it emergency care, long-term care, or specialized mental health treatment. When Congress passed VA health care eligibility reform in 1996, we told veterans that VA would be their comprehensive health care provider; but since its enactment, we have found significant limitations and barriers to providing the types of care veterans need. S. 1076 tears down many of those barriers.

I urge my colleagues in the House to carefully examine these critical provi-

sions and to work with Senator SPECTER and me to implement them. America's veterans deserve nothing less.

Mr. CLELAND. Mr. President, I am very pleased to endorse S. 1076, the Veterans' Benefit Act of 1999. I want to thank the distinguished Chairman and Ranking Member of the Senate Committee on Veterans' Affairs for all their hard work to maintain and enhance veterans' benefits and for including the much needed construction renovation at the Atlanta VA Medical Center. Senators SPECTER and ROCKEFELLER have provided excellent leadership during these challenging times of matching current budget levels with the provision of promised benefits.

The Atlanta VA Medical Center renovation will be critical to providing care for all of our veterans, men and women, in the new millennium. S. 1076 proposes other needed benefits in the areas of service-connected disability compensation, health and education, medical facility construction and burial entitlements.

Again, I salute the work of Senate Veterans' Committee and I am pleased to support S. 1076.

Mr. BROWNBACK. I ask unanimous consent that the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1622) was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 1076), as amended, was considered read the third time, and passed, as follows:

#### S. 1076

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. References to title 38, United States Code.

#### TITLE I—MEDICAL CARE

##### Subtitle A—Long-Term Care

Sec. 101. Continuum of care for veterans.  
Sec. 102. Pilot programs relating to long-term care of veterans.  
Sec. 103. Pilot program relating to assisted living services.

##### Subtitle B—Management of Medical Facilities and Property

Sec. 111. Enhanced-use lease authority.  
Sec. 112. Designation of hospital bed replacement building at Department of Veterans Affairs medical center in Reno, Nevada, after Jack Streeter.

##### Subtitle C—Homeless Veterans

Sec. 121. Extension of program of housing assistance for homeless veterans.

Sec. 122. Homeless veterans comprehensive service programs.

Sec. 123. Authorizations of appropriations for homeless veterans' reintegration projects.

Sec. 124. Report on implementation of General Accounting Office recommendations regarding performance measures.

##### Subtitle D—Other Health Care Provisions

Sec. 131. Emergency health care in non-Department of Veterans Affairs facilities for enrolled veterans.

Sec. 132. Improvement of specialized mental health services for veterans.

Sec. 133. Treatment and services for drug or alcohol dependency.

Sec. 134. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.

Sec. 135. Extension of certain Persian Gulf War authorities.

Sec. 136. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Sec. 137. Reimbursement of medical expenses of veterans located in Alaska.

Sec. 138. Repeal of four-year limitation on terms of Under Secretary for Health and Under Secretary for Benefits.

##### Subtitle E—Major Medical Facility Projects Construction Authorization

Sec. 141. Authorization of major medical facility projects.

#### TITLE II—BENEFITS MATTERS

Sec. 201. Payment rate of certain burial benefits for certain Filipino veterans.

Sec. 202. Extension of authority to maintain a regional office in the Republic of the Philippines.

Sec. 203. Extension of Advisory Committee on Minority Veterans.

Sec. 204. Dependency and indemnity compensation for surviving spouses of former prisoners of war.

Sec. 205. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.

Sec. 206. Clarification of veterans employment opportunities.

#### TITLE III—MEMORIAL AFFAIRS

##### Subtitle A—Arlington National Cemetery

Sec. 301. Short title.

Sec. 302. Persons eligible for burial in Arlington National Cemetery.

Sec. 303. Persons eligible for placement in the columbarium in Arlington National Cemetery.

##### Subtitle B—World War II Memorial

Sec. 311. Short title.

Sec. 312. Fund raising by American Battle Monuments Commission for World War II Memorial.

Sec. 313. General authority of American Battle Monuments Commission to solicit and receive contributions.

Sec. 314. Intellectual property and related items.

#### TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 401. Temporary service of certain judges of United States Court of Appeals for Veterans Claims upon expiration of their terms or retirement.

Sec. 402. Modified terms for certain judges of United States Court of Appeals for Veterans Claims.

Sec. 403. Temporary authority for voluntary separation incentives for certain judges on United States Court of Appeals for Veterans Claims.

Sec. 404. Definition.

## SEC. 2. 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—MEDICAL CARE

#### Subtitle A—Long-Term Care

##### SEC. 101. CONTINUUM OF CARE FOR VETERANS.

(a) INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting “noninstitutional extended care services,” after “preventive health services.”; and

(2) by adding at the end the following new paragraphs:

“(10) The term ‘noninstitutional extended care services’ includes—

“(A) home-based primary care;

“(B) adult day health care;

“(C) respite care;

“(D) palliative and end-of-life care; and

“(E) home health aide visits.

“(11) The term ‘respite care’ means hospital care, nursing home care, or residence-based care which—

“(A) is of limited duration;

“(B) is furnished in a Department facility or in the residence of an individual on an intermittent basis to an individual who is suffering from a chronic illness and who resides primarily at that residence; and

“(C) is furnished for the purpose of helping the individual to continue residing primarily at that residence.”.

(b) CONFORMING AMENDMENTS TO TITLE 38.—(1)(A) Section 1720 is amended by striking subsection (f).

(B) The section heading of such section is amended by striking “; adult day health care”.

(2) Section 1720B is repealed.

(3) Chapter 17 is further amended by redesignating sections 1720C, 1720D, and 1720E as sections 1720B, 1720C, and 1720D, respectively.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 17 is amended—

(1) in the item relating to section 1720, by striking “; adult day health care”; and

(2) by striking the items relating to sections 1720B, 1720C, 1720D, and 1720E and inserting the following:

“1720B. Noninstitutional alternatives to nursing home care.

“1720C. Counseling and treatment for sexual trauma.

“1720D. Nasopharyngeal radium irradiation.”.

(d) ADDITIONAL CONFORMING AMENDMENT.—Section 101(g)(2) of the Veterans Health Programs Extension Act of 1994 (Public Law 103-452; 108 Stat. 4785; 38 U.S.C. 1720D note) is amended by striking “section 1720D” both places it appears and inserting “section 1720C”.

##### SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM CARE OF VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out three pilot programs for the purpose of determining the feasibility and practicability of a variety of methods of meeting the long-term care needs of eligible veterans. The pilot programs shall be carried out in accordance with the provisions of this section.

(b) LOCATIONS OF PILOT PROGRAMS.—(1) Each pilot program under this section shall be carried out in two designated health care regions of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(2) In selecting designated health care regions of the Department for purposes of a particular pilot program, the Secretary shall, to the maximum extent practicable, select designated health care regions containing a medical center or medical centers whose current circumstances and activities most closely mirror the circumstances and activities proposed to be achieved under such pilot program.

(3) The Secretary may not carry out more than one pilot program in any given designated health care region of the Department.

(c) SCOPE OF SERVICES UNDER PILOT PROGRAMS.—(1) The services provided under the pilot programs under this section shall include a comprehensive array of health care services and other services that meet the long-term care needs of veterans, including—

(A) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(B) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care.

(2) As part of the provision of services under the pilot programs, the Secretary shall also provide appropriate case management services.

(3) In providing services under the pilot programs, the Secretary shall emphasize the provision of preventive care services, including screening and education.

(4) The Secretary may provide health care services or other services under the pilot programs only if the Secretary is otherwise authorized to provide such services by law.

(d) DIRECT PROVISION OF SERVICES.—Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans directly through facilities and personnel of the Department of Veterans Affairs.

(e) PROVISION OF SERVICES THROUGH COOPERATIVE ARRANGEMENTS.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through a combination (as determined by the Secretary) of—

(A) services provided under cooperative arrangements with appropriate public and private non-Governmental entities, including community service organizations; and

(B) services provided through facilities and personnel of the Department.

(2) The consideration provided by the Secretary for services provided by entities under cooperative arrangements under paragraph (1)(A) shall be limited to the provision by the Secretary of appropriate in-kind services to such entities.

(f) PROVISION OF SERVICES BY NON-DEPARTMENT ENTITIES.—(1) Under one of the pilot programs under this section, the Secretary shall provide long-term care services to eligible veterans through arrangements with appropriate non-Department entities under which arrangements the Secretary acts solely as the case manager for the provision of such services.

(2) Payment for services provided to veterans under the pilot programs under this subsection shall be made by the Department to the extent that payment for such services is not otherwise provided by another government or non-government entity.

(g) DATA COLLECTION.—As part of the pilot programs under this section, the Secretary shall collect data regarding—

(1) the cost-effectiveness of such programs and of other activities of the Department for

purposes of meeting the long-term care needs of eligible veterans, including any cost advantages under such programs and activities when compared with the Medicare program, Medicaid program, or other Federal program serving similar populations;

(2) the quality of the services provided under such programs and activities;

(3) the satisfaction of participating veterans, non-Department, and non-Government entities with such programs and activities; and

(4) the effect of such programs and activities on the ability of veterans to carry out basic activities of daily living over the course of such veterans’ participation in such programs and activities.

(h) REPORT.—(1) Not later than six months after the completion of the pilot programs under subsection (i), the Secretary shall submit to Congress a report on the health services and other services furnished by the Department to meet the long-term care needs of eligible veterans.

(2) The report under paragraph (1) shall—

(A) describe the comprehensive array of health services and other services furnished by the Department under law to meet the long-term care needs of eligible veterans, including—

(i) inpatient long-term care in intermediate care beds, in nursing homes, and in domiciliary care facilities; and

(ii) non-institutional long-term care, including hospital-based primary care, adult day health care, respite care, and other community-based interventions and care;

(B) describe the case management services furnished as part of the services described in subparagraph (A) and assess the role of such case management services in ensuring that eligible veterans receive services to meet their long-term care needs; and

(C) in describing services under subparagraphs (A) and (B), emphasize the role of preventive services in the furnishing of such services.

(i) DURATION OF PROGRAMS.—(1) The Secretary shall commence carrying out the pilot programs required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot programs shall cease on the date that is three years after the date of the commencement of the pilot programs under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) ELIGIBLE VETERAN.—The term “eligible veteran” means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) LONG-TERM CARE NEEDS.—The term “long-term care needs” means the need by an individual for any of the following services:

(A) Hospital care.

(B) Medical services.

(C) Nursing home care.

(D) Case management and other social services.

(E) Home and community based services.

##### SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING SERVICES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the purpose of determining the feasibility and practicability of providing assisted living services to eligible veterans. The pilot program shall be carried out in accordance with this section.

(b) **LOCATION.**—The pilot program under this section shall be carried out at a designated health care region of the Department of Veterans Affairs selected by the Secretary for purposes of this section.

(c) **SCOPE OF SERVICES.**—(1) Subject to paragraph (2), the Secretary shall provide assisted living services under the pilot program to eligible veterans.

(2) Assisted living services may not be provided under the pilot program to a veteran eligible for care under section 1710(a)(3) of title 38, United States Code, unless such veteran agrees to pay the United States an amount equal to the amount determined in accordance with the provisions of section 1710(f) of such title.

(3) Assisted living services may also be provided under the pilot program to the spouse of an eligible veteran if—

(A) such services are provided coincidentally with the provision of identical services to the veteran under the pilot program; and

(B) such spouse agrees to pay the United States an amount equal to the cost, as determined by the Secretary, of the provision of such services.

(d) **REPORTS.**—(1) The Secretary shall annually submit to Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program under this section. The report shall include a detailed description of the activities under the pilot program during the one-year period ending on the date of the report and such other matters as the Secretary considers appropriate.

(2)(A) In addition to the reports required by paragraph (1), not later than 90 days before concluding the pilot program under this section, the Secretary shall submit to the committees referred to in that paragraph a final report on the pilot program.

(B) The report on the pilot program under this paragraph shall include the following:

(i) An assessment of the feasibility and practicability of providing assisted living services for veterans and their spouses.

(ii) A financial assessment of the pilot program, including a management analysis, cost-benefit analysis, Department cash-flow analysis, and strategic outlook assessment.

(iii) Recommendations, if any, regarding an extension of the pilot program, including recommendations regarding the desirability of authorizing or requiring the Secretary to seek reimbursement for the costs of the Secretary in providing assisted living services in order to reduce demand for higher-cost nursing home care under the pilot program.

(iv) Any other information or recommendations that the Secretary considers appropriate regarding the pilot program.

(e) **DURATION.**—(1) The Secretary shall commence carrying out the pilot program required by this section not later than 90 days after the date of the enactment of this Act.

(2) The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program under paragraph (1).

(f) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE VETERAN.**—The term "eligible veteran" means the following:

(A) Any veteran eligible to receive hospital care and medical services under section 1710(a)(1) of title 38, United States Code.

(B) Any veteran (other than a veteran described in subparagraph (A)) if the veteran is enrolled in the system of annual patient enrollment under section 1705 of title 38, United States Code.

(2) **ASSISTED LIVING SERVICES.**—The term "assisted living services" means services which provide personal care, activities, health-related care, supervision, and other assistance on a 24-hour basis within a residential or similar setting which—

(A) maximizes flexibility in the provision of such care, activities, supervision, and assistance;

(B) maximizes the autonomy, privacy, and independence of an individual; and

(C) encourages family and community involvement with the individual.

#### **Subtitle B—Management of Medical Facilities and Property**

##### **SEC. 111. ENHANCED-USE LEASE AUTHORITY.**

(a) **MAXIMUM TERM OF LEASES.**—Section 8162(b)(2) is amended by striking "may not exceed—" and all that follows through the end and inserting "may not exceed 55 years."

(b) **AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES RELATING TO LEASES.**—Section 8162(b)(4) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—(A) in the first sentence, by striking "only"; and

(B) by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

"(B) Any payment by the Secretary in contribution to capital activities on property that has been leased under this subchapter may be made from amounts appropriated to the Department for construction, minor projects."

(c) **EXTENSION OF AUTHORITY.**—Section 8169 is amended by striking "December 31, 2001" and inserting "December 31, 2011".

(d) **TRAINING AND OUTREACH REGARDING AUTHORITY.**—The Secretary of Veterans Affairs shall take appropriate actions to provide training and outreach to personnel at Department of Veterans Affairs medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(e) **INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY.**—(1) The Secretary shall take appropriate actions to secure from an appropriate entity independent of the Department of Veterans Affairs an analysis of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) The analysis under paragraph (1) shall include—

(A) a survey of the facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of the survey under paragraph (2)(A) the entity determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of the survey the entity determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary

to implement the plan for all property determined to present an opportunity for such lease.

(f) **AUTHORITY FOR ENHANCED-USE LEASE OF PROPERTY UNDER BUSINESS PLAN.**—(1) The Secretary may enter into an enhanced-use lease of any property identified as presenting an opportunity for such lease under the analysis under subsection (e) if such lease is consistent with the business plan under paragraph (4) of that subsection.

(2) The provisions of subchapter V of chapter 81 of title 38, United States Code, shall apply with respect to any lease under paragraph (1).

##### **SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN RENO, NEVADA, AFTER JACK STREETER.**

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

#### **Subtitle C—Homeless Veterans**

##### **SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.**

Section 3735(c) is amended by striking "December 31, 1999" and inserting "December 31, 2001".

##### **SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.**

(a) **PURPOSES OF GRANTS.**—Paragraph (1) of section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting "and expanding existing programs for furnishing," after "new programs to furnish".

(b) **EXTENSION OF AUTHORITY TO MAKE GRANTS.**—Paragraph (2) of that section is amended by striking "September 30, 1999" and inserting "September 30, 2001".

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting "and \$50,000,000 for each of fiscal years 2000 and 2001" after "for fiscal years 1993 through 1997".

##### **SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' RE-INTEGRATION PROJECTS.**

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(H) \$10,000,000 for fiscal year 2000.

"(I) \$10,000,000 for fiscal year 2001."

##### **SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.**

(a) **REPORT.**—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) **OUTCOME MEASURES.**—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

#### **Subtitle D—Other Health Care Provisions**

##### **SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.**

(a) **DEFINITIONS.**—Section 1701 is amended—

(1) in paragraph (6)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title.”; and

(2) by adding at the end the following new paragraph:

“(10) The term ‘emergency medical condition’ means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

“(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

“(B) serious impairment to bodily functions; or

“(C) serious dysfunction of any bodily organ or part.”.

(b) **CONTRACT CARE.**—Section 1703(a)(3) is amended by striking “medical emergencies” and all that follows through “health of a veteran” and inserting “an emergency medical condition of a veteran who is enrolled under section 1705 of this title or who is”.

(c) **REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.**—Section 1728(a)(2) is amended—

(1) by striking “or” before “(D)”;

(2) by inserting before the semicolon at the end the following: “, or (E) for any emergency medical condition of a veteran enrolled under section 1705 of this title”.

(d) **PAYMENT PRIORITY.**—Section 1705 is amended by adding at the end the following new subsection:

“(d) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

#### **SEC. 132. IMPROVEMENT OF SPECIALIZED MENTAL HEALTH SERVICES FOR VETERANS.**

(a) **IN GENERAL.**—(1) Subchapter II of chapter 17 is amended by inserting after section 1712B the following new section:

##### **“§ 1712C. Specialized mental health services**

“(a) The Secretary shall carry out programs for purposes of enhancing the provision of specialized mental health services to veterans.

“(b) The programs carried out by the Secretary under subsection (a) shall include the following:

“(1) Programs relating to the treatment of Post Traumatic Stress Disorder (PTSD), including programs for—

“(A) the establishment and operation of additional outpatient and residential treatment facilities for Post Traumatic Stress Disorder in areas that are underserved by existing programs relating to Post Traumatic Stress Disorder, as determined by qualified mental health personnel of the Department who oversee such programs;

“(B) the provision of services in response to the specific needs of veterans with Post Traumatic Stress Disorder and related disorders, including short-term or long-term care services that combine residential treatment of Post Traumatic Stress Disorder;

“(C) the provision of Post Traumatic Stress Disorder or dedicated case management services on an outpatient basis; and

“(D) the enhancement of staffing of existing programs relating to Post Traumatic Stress Disorder which have exceeded the projected workloads for such programs.

“(2) Programs relating to substance use disorders, including programs for—

“(A) the establishment and operation of additional Department-based or community-based residential treatment facilities;

“(B) the expansion of the provision of opioid treatment services, including the establishment and operation of additional programs for the provision of opioid treatment services; and

“(C) the reestablishment or enhancement of substance use disorder services at facilities at which such services have been eliminated or curtailed, with an emphasis on the reestablishment or enhancement of services at facilities where demand for such services is high or which serve large geographic areas.

“(c)(1) The Secretary shall provide for the allocation of funds for the programs carried out under this section in a centralized manner.

“(2) The allocation of funds for such programs shall—

“(A) be based upon an assessment of the need for funds conducted by qualified mental health personnel of the Department who oversee such programs; and

“(B) emphasize, to the maximum extent practicable, the availability of funds for the programs described in paragraphs (1) and (2) of subsection (b).”.

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1712B the following new item:

“1712C. Specialized mental health services.”.

(b) **REPORT.**—(1) Not later than March 1 of each of 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to Congress a report on the programs carried out by the Secretary under section 1712C of title 38, United States Code (as added by subsection (a)).

(2) The report shall, for the period beginning on the date of the enactment of this Act and ending on the date of the report—

(A) describe the programs carried out under such section 1712C;

(B) set forth the number of veterans provided services under such programs; and

(C) set forth the amounts expended for purposes of carrying out such programs.

#### **SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.**

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “may not be transferred” and inserting “may be transferred”; and

(B) by striking “unless such transfer is during the last thirty days of such member’s enlistment or tour of duty”; and

(2) in the first sentence of paragraph (2), by striking “during the last thirty days of such person’s enlistment period or tour of duty”.

#### **SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.**

Section 1729A(d) is amended—

(1) by striking “(1)”;

(2) by striking “each designated health care region” and inserting “each Department health care facility”;

(3) by striking “each region” and inserting “each facility”;

(4) by striking “such region” both places it appears and inserting “such facility”; and

(5) by striking paragraph (2).

#### **SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.**

(a) **THREE-YEAR EXTENSION OF NEWSLETTER ON MEDICAL CARE.**—Section 105(b)(2) of the Persian Gulf War Veterans’ Benefits Act (title I of Public Law 103-446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking “December 31, 1999” and inserting “December 31, 2002”.

(b) **THREE-YEAR EXTENSION OF PROGRAM FOR EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.**—Section 107(b) of Persian Gulf War Veterans’ Benefits Act (title I of Public Law 103-446; 38 U.S.C. 1117 note) is amended by striking “December 31, 1999” and inserting “December 31, 2002”.

#### **SEC. 136. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.**

(a) **REQUIREMENT.**—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans’ Affairs and Armed Services of the Senate and the Committees on Veterans’ Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) **REPORT ELEMENTS.**—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies

between the Department of Veterans Affairs and the Department of Defense.

(1) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

#### SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.

(a) PRESERVATION OF CURRENT REIMBURSEMENT RATES.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

#### SEC. 138. REPEAL OF FOUR-YEAR LIMITATION ON TERMS OF UNDER SECRETARY FOR HEALTH AND UNDER SECRETARY FOR BENEFITS.

(a) UNDER SECRETARY FOR HEALTH.—Section 305 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) UNDER SECRETARY FOR BENEFITS.—Section 306 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to individuals appointed as Under Secretary for Health and Under Secretary for Benefits, respectively, on or after that date.

#### Subtitle E—Major Medical Facility Projects Construction Authorization

#### SEC. 141. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed \$14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans

Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed \$12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed \$13,000,000.

(4) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed \$12,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account \$225,500,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3348).

(2) LIMITATION ON FISCAL YEAR 2000 PROJECTS.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1999 PROJECTS.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;”

#### TITLE II—BENEFITS MATTERS

#### SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking “Payments” and inserting “Subject to subsection (c), payments”; and

(2) by adding at the end the following:

“(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of \$1 for each dollar authorized.

“(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of the Veterans Benefits Act of 1999 if the individual, on the individual's date of death—

“(A) is a citizen of the United States;

“(B) is residing in the United States; and

“(C) either—

“(i) is receiving compensation under chapter 11 of this title; or

“(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.”

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

#### SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking “December 31, 1999” and inserting “December 31, 2004”.

#### SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking “December 31, 1999” and inserting “December 31, 2004”.

#### SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.

(a) ELIGIBILITY.—Section 1318(b) is amended—

(1) by striking “that either—” in the matter preceding paragraph (1) and inserting “rated totally disabling if—”; and

(2) by adding at the end the following new paragraph:

“(3) the veteran was a former prisoner of war who died after September 30, 1999, and whose disability was continuously rated totally disabling for a period of one year immediately preceding death.”

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (1)—

(A) by inserting “the disability” after “(1)”; and

(B) by striking “or” after “death;”; and

(2) in paragraph (2)—

(A) by striking “if so rated for a lesser period, was so rated continuously” and inserting “the disability was continuously rated totally disabling”; and

(B) by striking the period at the end and inserting “; or”.

#### SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

#### SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) CLARIFICATION.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105-339; 112 Stat. 3182), to which such amendments relate.

#### TITLE III—MEMORIAL AFFAIRS

##### Subtitle A—Arlington National Cemetery

#### SEC. 301. SHORT TITLE.

This subtitle may be cited as the “Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999”.

#### SEC. 302. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding at the end the following new section:

##### “§ 2412. Arlington National Cemetery: persons eligible for burial

“(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

“(1) Any member of the Armed Forces who dies while on active duty.

“(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.



“(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

“(A) served on active duty; and

“(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

“(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

“(A) Medal of Honor.

“(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

“(C) Distinguished Service Medal.

“(D) Silver Star.

“(E) Purple Heart.

“(5) Any former prisoner of war who dies on or after November 30, 1993.

“(6) The President or any former President.

“(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

“(A) Vice President.

“(B) Member of Congress.

“(C) Chief Justice or Associate Justice of the Supreme Court.

“(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

“(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

“(8) Any individual whose eligibility is authorized in accordance with subsection (b).

“(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—(1) In the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

“(2) In the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

“(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

“(4)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

“(B) Each report under subparagraph (A) shall—

“(i) identify the individual authorized for burial; and

“(ii) provide a justification for the authorization for burial.

“(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall publish in the Federal Register a notice of the authorization as soon as practicable after the authorization.

“(B) Each notice under subparagraph (A) shall—

“(i) identify the individual authorized for burial; and

“(ii) provide a justification for the authorization for burial.

“(c) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

“(1)(A) Except as provided in subparagraph (B), the spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

“(B) In a case under subparagraph (A) in which the same gravesite may not be used due to insufficient space, a person otherwise eligible under that subparagraph may be interred in a gravesite adjoining the gravesite of the person listed in subsection (a) if space in such adjoining gravesite had been reserved for the burial of such person otherwise eligible under that subparagraph before January 1962.

“(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

“(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

“(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

“(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

“(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

“(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

“(d) SPOUSES.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

“(e) DISABLED ADULT UNMARRIED CHILD.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

“(f) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child

of the member may not be buried in the group gravesite.

“(g) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

“(h) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

“(i) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

“(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

“(j) DEFINITIONS.—For purposes of this section:

“(1) The term ‘retired member of the Armed Forces’ means—

“(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

“(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

“(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

“(2) The term ‘former member of the Armed Forces’ includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

“(3) The term ‘Superintendent’ means the Superintendent of Arlington National Cemetery.”

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

“2412. Arlington National Cemetery: persons eligible for burial.”

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) TECHNICAL AMENDMENTS.—Section 2402(7) is amended—

(1) by inserting “(or but for age would have been entitled)” after “was entitled”;

(2) by striking “chapter 67” and inserting “chapter 1223”; and

(3) by striking “or would have been entitled to” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

### SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding after section 2412, as added by section 302(a)(1) of this Act, the following new section:

#### “§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

“(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in

the columbarium in Arlington National Cemetery:

“(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

“(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

“(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

“(b) SPOUSE.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.”.

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 302(a)(2) of this Act, the following new item:

“2413. Arlington National Cemetery: persons eligible for placement in columbarium.”.

(b) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

#### Subtitle B—World War II Memorial

##### SEC. 311. SHORT TITLE.

This subtitle may be cited as the “World War II Memorial Completion Act”.

##### SEC. 312. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

##### “§ 2113. World War II memorial in the District of Columbia

“(a) DEFINITIONS.—In this section:

“(1) The term ‘World War II memorial’ means the memorial authorized by Public Law 103-32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

“(2) The term ‘Commission’ means the American Battle Monuments Commission.

“(3) The term ‘memorial fund’ means the fund created by subsection (c).

“(b) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

“(c) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

“(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

“(B) Obligations obtained under paragraph (3).

“(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

“(D) Amounts borrowed using the authority provided under subsection (e).

“(E) Any funds received by the Commission under section 2103(1) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

“(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

“(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

“(d) USE OF MEMORIAL FUND.—The memorial fund shall be available to the Commission for—

“(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

“(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

“(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(1) of this title to aid or facilitate the construction of the World War II memorial.

“(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of \$65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

“(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

“(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

“(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

“(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the

Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

“(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

“(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

“(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

“(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

“(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

“(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103-32 (107 Stat. 90) shall not expire until December 31, 2005.”.

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

“2113. World War II memorial in the District of Columbia.”.

(b) CONFORMING AMENDMENTS.—Public Law 103-32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103-32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

##### SEC. 313. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

“(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

“(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

“(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

“(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.”.

#### SEC. 314. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

“(1) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

“(A) adopt, use, register, and license trademarks, service marks, and other marks;

“(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

“(C) obtain, use, and license patents; and

“(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

“(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

“(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

“(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

“(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.”.

#### TITLE IV—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

##### SEC. 401. TEMPORARY SERVICE OF CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS UPON EXPIRATION OF THEIR TERMS OR RETIREMENT.

(a) AUTHORITY FOR TEMPORARY SERVICE.—(1) Notwithstanding subsection (c) of section 7253 of title 38, United States Code, and subject to the provisions of this section, a judge of the Court whose term on the Court expires in 2004 or 2005 and completes such term, or who retires from the Court under section 7296(b)(1) of such title, may continue to serve on the Court after the expiration of the judge's term or retirement, as the case may be, without reappointment for service on the Court under such section 7253.

(2) A judge may continue to serve on the Court under paragraph (1) only if the judge submits to the chief judge of the Court written notice of an election to so serve 30 days before the earlier of—

(A) the expiration of the judge's term on the Court as described in that paragraph; or

(B) the date on which the judge meets the age and service requirements for eligibility for retirement set forth in section 7296(b)(1) of such title.

(3) The total number of judges serving on the Court at any one time, including the judges serving under this section, may not exceed 7.

(b) PERIOD OF TEMPORARY SERVICE.—(1) The service of a judge on the Court under this section may continue until the earlier of—

(A) the date that is 30 days after the date on which the chief judge of the Court submits to the President and Congress a written certification based on the projected caseload of the Court that the work of the Court can be performed in a timely and efficient manner by judges of the Court under this section who are senior on the Court to the judge electing to continue to provide temporary service under this section or without judges under this section; or

(B) the date on which the person appointed to the position on the Court occupied by the judge under this section is qualified for the position.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

(c) TEMPORARY SERVICE IN OTHER POSITIONS.—(1) If on the date that the person appointed to the position on the Court occupied by a judge under this section is qualified another position on the Court is vacant, the judge may serve in such other position under this section.

(2) If two or more judges seek to serve in a position on the Court in accordance with paragraph (1), the judge senior in service on the Court shall serve in the position under that paragraph.

(d) COMPENSATION.—(1) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this section an amount as follows:

(A) In the case of a person eligible to receive retired pay under subchapter V of chapter 72 of title 38, United States Code, or a retirement annuity under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable, an amount equal to one-half of the amount of the current salary payable to a judge of the Court under chapter 72 of title 38, United States Code, having a status on the Court equivalent to the highest status on the Court attained by the person.

(B) In the case of a person not eligible to receive such retired pay or such retirement annuity, an amount equal to the amount of current salary payable to a judge of the Court under such chapter 72 having a status on the Court equivalent to the highest status on the Court attained by the person.

(2) Amounts paid under this subsection to a person described in paragraph (1)(A)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(3) Amounts paid under this subsection to a person described in paragraph (1)(B) shall be treated as pay for purposes of deductions or contributions for or on behalf of the per-

son to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(4) Amounts paid under this subsection shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(e) CREDITABLE SERVICE.—(1) The service as a judge of the Court under this section of a person who makes an election provided for under subsection (d)(2)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title.

(2) The service as a judge of the Court under this section of a person paid salary under subsection (d)(1)(B) shall constitute creditable service of the person toward retirement under subchapter V of chapter 72 of title 38, United States Code, or subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable.

(f) ELIGIBILITY FOR ADDITIONAL SERVICE.—The service of a person as a judge of the Court under this section shall not affect the eligibility of the person for appointment to an additional term or terms on the Court, whether in the position occupied by the person under this section or in another position on the Court.

(g) TREATMENT OF PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the party membership of a judge serving on the Court under this section shall not be taken into account.

##### SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) MODIFIED TERMS.—Notwithstanding section 7253(c) of title 38, United States Code, the term of any judge of the Court who is appointed to a position on the Court that becomes vacant in 2004 shall be 13 years.

(b) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of a judge appointed as described in subsection (a)—

(A) the age and service requirements in the table in paragraph (2) shall apply to the judge instead of the age and service requirements in the table in subsection (b)(1) of that section that would otherwise apply to the judge; and

(B) the minimum years of service applied to the judge for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	And the years of service as a judge are at least
65 .....	13
66 .....	13
67 .....	13
68 .....	12
69 .....	11
70 .....	10

##### SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TEMPORARY AUTHORITY.—A voluntary separation incentive payment may be paid in accordance with this section to any judge of the Court described in subsection (c).

(b) AMOUNT OF INCENTIVE PAYMENT.—The amount of a voluntary separation incentive

payment paid to a judge under this section shall be \$25,000.

(c) COVERED JUDGES.—A voluntary separation incentive payment may be paid under this section to any judge of the Court who—

(1) meets the age and service requirements for retirement set forth in section 7296(b)(1) of title 38, United States Code, as of the date on which the judge retires from the Court;

(2) submits a notice of an intent to retire in accordance with subsection (d); and

(3) retires from the Court under that section not later than 30 days after the date on which the judge meets such age and service requirements.

(d) NOTICE OF INTENT TO RETIRE.—(1) A judge of the Court seeking payment of a voluntary separation incentive payment under this section shall submit to the President and Congress a timely notice of an intent to retire from the Court, together with a request for payment of the voluntary separation incentive payment.

(2) A notice shall be timely submitted under paragraph (1) only if submitted—

(A) not later than one year before the date of retirement of the judge concerned from the Court; or

(B) in the case of a judge whose retirement from the Court will occur less than one year after the date of the enactment of this Act, not later than 30 days after the date of the enactment of this Act.

(e) DATE OF PAYMENT.—A voluntary separation incentive payment may be paid to a judge of the Court under this section only upon the retirement of the judge from the Court.

(f) TREATMENT OF PAYMENT.—A voluntary separation incentive payment paid to a judge under this section shall not be treated as pay for purposes of contributions for or on behalf of the judge to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code.

(g) ELIGIBILITY FOR TEMPORARY SERVICE ON COURT.—A judge seeking payment of a voluntary separation incentive payment under this section may serve on the Court under section 401 if eligible for such service under that section.

(h) SOURCE OF PAYMENTS.—Amounts for voluntary separation incentive payments under this section shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(i) EXPIRATION OF AUTHORITY.—A voluntary separation incentive payment may not be paid under this section to a judge who retires from the Court after December 31, 2002.

#### SEC. 404. DEFINITION.

In this title, the term "Court" means the United States Court of Appeals for Veterans Claims.

The title was amended so as to read: "A bill To amend title 38, United States Code, to enhance programs providing health care and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes."

#### ORDER FOR STAR PRINT—S. 1547

Mr. BROWNBAC. Madam President, I ask unanimous consent that S. 1547 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, SEPTEMBER 9, 1999

Mr. BROWNBAC. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 9:30 a.m. on Thursday, September 9. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately begin three consecutive votes as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BROWNBAC. For the information of all Senators, the Senate will convene at 9:30 a.m. and begin a series of three stacked votes. The first vote is on cloture on the motion to proceed to the Transportation appropriations bill. That will be followed by a vote on or in relation to the Bond amendment, No. 1621, and, third, the Robb amendment, No. 1583. Following the votes, the Senate will resume consideration of the pending Hutchison amendment regarding oil royalties. Further amendments and votes are expected throughout tomorrow's session of the Senate, with the anticipation of completing action on the bill.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBAC. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:37 p.m., adjourned until Thursday, September 9, 1999, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 8, 1999:

##### DEPARTMENT OF THE TREASURY

JAY JOHNSON, OF WISCONSIN, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS, VICE PHILIP N. DIEHL, TERM EXPIRED.

##### AFRICAN DEVELOPMENT BANK

WILLENE A. JOHNSON, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE ALICE MARIE DEAR, TERM EXPIRED.

##### DEPARTMENT OF STATE

JOSEPH W. PRUEHER, OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

##### DEPARTMENT OF JUSTICE

MARK REID TUCKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE WILLIAM I. BERRYHILL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be general

GEN. THOMAS A. SCHWARTZ, 0000.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

GEORGE CARNER, OF CALIFORNIA  
WILLIAM S. RHODES, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ELENA BRINEMAN, OF VIRGINIA  
LISA CHILES, OF THE DISTRICT OF COLUMBIA  
DIRK W. DIJKERMAN, OF NEW YORK  
LEWIS W. LUCKE, OF TEXAS  
WALTER E. NORTH, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES R. BONNELL, OF VIRGINIA  
DAVID E. ECKERSON, OF WASHINGTON  
WILLIAM A. JEFFERS, OF FLORIDA  
RODNEY W. JOHNSON, OF VIRGINIA  
DEBRA D. MCFARLAND, OF FLORIDA  
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RYAN CLARK CROCKER, OF WASHINGTON  
MARC I. GROSSMAN, OF VIRGINIA  
DONNA JEAN HRINAK, OF PENNSYLVANIA  
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RICHARD A. CHRISTENSON, OF WISCONSIN  
JOHN R. DAWSON, OF NEW YORK  
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M. MICHAEL EINIK, OF VIRGINIA  
W. DOUGLAS FRANK, OF MARYLAND  
DANIEL FRIED, OF THE DISTRICT OF COLUMBIA  
MICHAEL F. GALLAGHER, OF PENNSYLVANIA  
MAURA HARTY, OF FLORIDA  
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WAYNE E. JULIAN, OF TEXAS  
SCOTT MARK KENNEDY, OF CALIFORNIA  
JIMMY J. KOLKER, OF SOUTH DAKOTA  
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TERRY R. SNELL, OF WASHINGTON  
JAMES VANDERHOFF, OF TEXAS  
LINDA E. WATT, OF VIRGINIA  
GRETCHEN GERWE WELCH, OF CALIFORNIA  
WALLACE RAY WILLIAMS, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR: