

NATIONAL CEMETERY EXPANSION ACT OF 2003

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JULY 10, 2003.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. SMITH of New Jersey, from the Committee on Veterans' Affairs,  
submitted the following

R E P O R T

[To accompany H.R. 1516]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1516) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Cemetery Expansion Act of 2003".

**SEC. 2. ESTABLISHMENT OF NEW NATIONAL CEMETERIES.**

(a) **ESTABLISHMENT.**—Not later than four years after the date of the enactment of this Act, the Secretary of Veterans Affairs, in accordance with chapter 24 of title 38, United States Code, shall establish five new national cemeteries. The new cemeteries shall be located in the following locations (those locations having been determined by the Secretary of Veterans Affairs to be the most appropriate locations for new national cemeteries):

- (1) Southeastern Pennsylvania.
- (2) The Birmingham, Alabama, area.
- (3) The Jacksonville, Florida, area.
- (4) The Bakersfield, California, area.
- (5) The Greenville/Columbia, South Carolina, area.

(b) **FUNDS.**—Amounts appropriated for the Department of Veterans Affairs for any fiscal year after fiscal year 2003 for Advance Planning shall be available for the purposes of subsection (a).

(c) **SITE SELECTION PROCESS.**—In determining the specific sites for the new cemeteries required by subsection (a) within the locations specified in that subsection, the Secretary shall solicit the advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(d) **INITIAL REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries required by subsection (a). The report shall—

(1) set forth a schedule for the establishment of each such cemetery and an estimate of the costs associated with the establishment of each such cemetery; and

(2) identify the amount of Advance Planning Funds obligated for purposes of this section as of the submission of the report.

(e) ANNUAL REPORTS.—The Secretary shall submit to Congress an annual report on the implementation of this section until the establishment of all five cemeteries is completed and each such cemetery has opened. The Secretary shall include in each such annual report an update of the information provided under paragraphs (1) and (2) of subsection (d).

(f) DEFINITION OF SOUTHEASTERN PENNSYLVANIA.—In this section, the term “southeastern Pennsylvania” means the city of Philadelphia and Berks County, Bucks County, Chester County, Delaware County, Philadelphia County, and Montgomery County in the State of Pennsylvania.

Amend the title so as to read:

A bill to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.

#### INTRODUCTION

The reported bill reflects the Committee’s consideration of H.R. 1516, introduced on March 31, 2003, by Honorable Jim Gerlach and Honorable Joseph M. Hoeffel.

On June 11, 2003, the Subcommittee on Benefits held a hearing on eight bills, among them H.R. 1516, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania.

On June 25, 2003, the Subcommittee on Benefits met and unanimously ordered H.R. 1516, as amended, reported favorably to the full Committee.

On June 26, 2003, the full Committee met and ordered H.R. 1516, as amended, reported favorably to the House by unanimous voice vote.

#### SUMMARY OF THE REPORTED BILL

H.R. 1516, as amended, would:

1. Direct the Secretary of Veterans Affairs to establish, not later than four years after the date of enactment, five new national cemeteries in the following areas: southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and Greenville/Columbia, South Carolina.
2. Direct the Secretary to use Advance Planning Funds for the establishment of the new cemeteries.
3. Direct the Secretary, in determining the specific sites for the new cemeteries, to solicit the advice of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.
4. Require the Secretary to submit a report to Congress within 120 days of enactment setting forth the five areas where those cemeteries will be established, a schedule for establishment, the estimated cost associated with establishment, and the amount of Advance Planning Funds obligated for this purpose.
5. Require the Secretary to submit to Congress an annual report that updates the information included in the initial report until the five cemeteries are completed.

## BACKGROUND AND DISCUSSION

*Establishment of new national cemeteries.*—Section 2(a) of the bill would require the Secretary of Veterans Affairs to establish, not later than four years after the date of enactment of this Act, five new national cemeteries in the following areas: southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; and Greenville/Columbia, South Carolina. The Committee intends that the cemetery in southeastern Pennsylvania will be readily accessible to veterans in southwestern New Jersey. The Committee expects the Secretary to be sensitive to the concerns of veterans and the local population in the designated areas.

In July of 1862, Congress enacted legislation authorizing the President to purchase “cemetery grounds to be used as national cemeteries for soldiers who shall have died in the service of the country.” That year, fourteen cemeteries were established. The words spoken by President Abraham Lincoln at the dedication of the national cemetery at Gettysburg set the perspective: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract.”

The National Cemetery Administration (NCA) maintains almost 2.5 million gravesites at 124 national cemeteries in 39 states, the District of Columbia and Puerto Rico. Of these, 61 have available, unassigned gravesites for burial of both casketed and cremated remains; 26 will only accept cremated remains and the remains of family members for interment in the same gravesite as a previously deceased family member; and 33 are closed to new internments, but may accommodate family members in the same gravesite as a previously deceased family member.

Occupied graves maintained by NCA are projected to increase from 2,380,500 in fiscal year 2000 to almost 3 million in 2008. VA is continuing to develop new cemeteries in areas not presently served by a veterans’ cemetery, including national cemeteries, Atlanta, Georgia; Detroit, Michigan; Fort Sill, Oklahoma; Miami, Florida; Pittsburgh, Pennsylvania; and Sacramento, California.

Section 613 of Public Law 106–117, the Veterans Millennium Health Care and Benefits Act, required VA to contract for an assessment of the current and future burial needs of the nation’s veterans. VA awarded the contract to Logistics Management Institute (LMI). Volume 1 of the study, entitled “Future Burial Needs,” reviewed current and future burial needs of veterans and identified areas of the country where new national cemeteries might be constructed. According to existing VA planning guidelines, VA should establish cemeteries as needed to provide service to 90 percent of veterans within 75 miles of their homes. The study projected burial needs in 5-year increments to the year 2020, and discussed the costs of establishing a new cemetery. It was based upon data from the 1990 census; in June, 2003, VA updated the burial needs report to reflect the veterans’ population from the 2000 census. As a result of the study, several areas of need were identified. The five areas listed in the bill are the areas most in need that cannot be served through expansion of an existing national cemetery or through establishment of a state cemetery using federal grant funds.

## SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would provide that this Act is to be cited as the “National Cemetery Expansion Act of 2003”.

Section 2(a) of the bill would require the Secretary of Veterans Affairs to establish, not later than four years after the date of the enactment of this Act, five new national cemeteries. The new cemeteries shall be located in the following locations (those locations having been determined by the Secretary to be the most appropriate locations for new national cemeteries): southeastern Pennsylvania; the Birmingham, Alabama, area; the Jacksonville, Florida, area; the Bakersfield, California, area; and the Greenville/Columbia, South Carolina, area.

Section 2(b) of the bill would make available amounts appropriated for the Department of Veterans Affairs for any fiscal year after fiscal year 2003 for Advance Planning shall be available for the purposes of subsection (a).

Section 2(c) of the bill would require the Secretary, in determining the specific sites for the new cemeteries required by subsection (a), to solicit the advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

Section 2(d) of the bill would require the Secretary to submit a report, not later than 120 days after date of enactment, on the establishment of the national cemeteries required by subsection (a). The report would (1) set forth a schedule for the establishment of each such cemetery and an estimate of the cost associated with the establishment of each such cemetery; and (2) identify the amount of Advance Planning Funds obligated for purposes of this section as of the submission of the report.

Section 2(e) of the bill would require the Secretary to submit to Congress an annual report on the implementation of this section until the establishment of all five cemeteries is completed and each cemetery has opened. The Secretary would be required to include in each annual report an update of the information provided in the initial report as required in subsection (d).

Section 2(f) of the bill would define the term “southeastern Pennsylvania” as the city of Philadelphia and Berks County, Bucks County, Chester County, Delaware County, Philadelphia County, and Montgomery County in the State of Pennsylvania.

## PERFORMANCE GOALS AND OBJECTIVES

The reported bill would authorize establishment of new national cemeteries under laws administered by the Secretary of Veterans Affairs. The performance goals and objectives of national cemeteries administered by the National Cemetery Administration are established in annual performance plans and are subject to the Committee’s regular oversight.

## STATEMENT OF THE VIEWS OF THE ADMINISTRATION

*Statement of Robert J. Epley, Associate Deputy Under Secretary for Policy and Program Management, Veterans Benefits Administration, Department of Veterans Affairs, Before the House Committee on Veterans' Affairs, Subcommittee on Benefits, June 11, 2003*

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify today on several legislative items of interest to veterans. Accompanying me today is John H. Thompson, Deputy General Counsel.

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## H.R. 1516

H.R. 1516 would direct the Secretary of Veterans Affairs to establish within four years a national cemetery to serve veterans and their families in southeastern Pennsylvania. It would also direct the Secretary to consult with appropriate Federal, State, and local officials and representatives of veterans service organizations before selecting the site for the cemetery and would allow the Governor of Pennsylvania to establish a panel to make a recommendation to the Secretary concerning the selection of the site. In addition, it would direct the Secretary to submit a report to Congress setting forth a schedule and cost estimate for the establishment of the national cemetery.

VA is aware that not all of America's veterans and their families have easy and convenient access to a national cemetery. In the Veterans Millennium Health Care and Benefits Act, Congress directed VA to identify areas of the country with the greatest concentration of veterans who do not have reasonable access to a burial option in a national or state veterans cemetery. Substantial documentation exists to demonstrate that 80 percent of burials in national cemeteries involve individuals who resided within 75 miles of the cemetery. VA has determined that a veteran population of 170,000 within a 75-mile service radius would be an appropriate threshold for the establishment of a new national cemetery.

VA notes that the New Jersey state veterans cemetery is not available to Pennsylvania veterans and that, under current conditions, the Beverly National Cemetery in New Jersey will become unavailable for new burials much sooner than we had expected. We also determined that Monroe County, Pennsylvania should be included in the Philadelphia area service area. These circumstances, coupled with updated data on veteran demographics, lead to a conclusion that there are 170,000 or more veterans living in southeast Pennsylvania, including Philadelphia, who do not have adequate access to a burial option within 75 miles that would provide appropriate honor for their service as veterans of the Armed Forces of the United States.

Consequently, VA supports the concept of H.R. 1516 and will prioritize the construction of a Philadelphia area cemetery within 2005 budgetary resources.

Based on our experience, there are several steps involved in establishing a new national cemetery. Depending on the size of the project, the cost of these steps can range from \$100,000 to \$250,000 for environmental compliance; \$3 million to \$6 million for land acquisition, if required; \$1 million to \$2 million for master planning and design; and \$15 million to \$25 million for construction. Even with an aggressive schedule, it generally takes 4½ to 5 years to open a cemetery to initial burials. The average annual operational costs of a new national cemetery range between \$1 million and \$2 million, without consideration of headstones and grave liners, which are purchased through mandatory funding.

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## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The following letter was received from the Congressional Budget Office concerning the cost of the reported bill:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 1, 2003*

Hon. CHRISTOPHER H. SMITH  
*Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC*

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

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Dwayne M. Wright and Melissa E. Zimmerman, who can be reached at 226-2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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

*As ordered reported by the House Committee on Veterans' Affairs on  
June 26, 2003*

SUMMARY

H.R. 1516 would direct the Secretary of Veterans Affairs (VA) to establish new national cemeteries for deceased veterans located in southeastern Pennsylvania, the Birmingham, Alabama area, the Jacksonville, Florida area, the Bakersfield, California area, and the Greenville/Columbia, South Carolina area. CBO estimates that implementing the bill would cost \$9 million in 2004 and \$78 million over the 2004–2008 period, assuming appropriation of the necessary amounts. The bill would not affect direct spending or receipts.

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

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1516 is shown in the following table. The estimate assumes that H.R. 1516 will be enacted by October 1, 2003, and that the necessary amounts will be appropriated for each year. The costs of this legislation fall within budget function 700 (veterans benefits and services).

	By Fiscal Year, in Millions of Dollars					
	2003	2004	2005	2006	2007	2008
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
Estimated Authorization Level .....	0	35	0	18	0	75
Estimated Outlays .....	0	9	26	9	9	25

## BASIS OF ESTIMATE

Based on information from VA about the costs of cemeteries currently under construction, CBO estimates that the planning and construction of these five new national cemeteries would require appropriation of \$128 million over the 2004–2008 period. According to VA, it takes about five years, on average, to establish a new national cemetery. In 2004, costs of about \$35 million would stem from environmental impact studies and the acquisition of the needed land. Absent information from VA, CBO assumes that all of the land for these cemeteries would have to be purchased (land donations would decrease the cost of acquisition). The subsequent planning, design, and preparation of specifications for the five cemeteries would take about two years and would cost about \$18 million. CBO estimates that appropriations of about \$75 million would be necessary in 2008 for cemetery construction, and that the resulting outlays would occur over a three-year period. Thus, CBO estimates that implementing the bill would cost \$9 million in 2004 and \$78 million over the 2004–2008 period, assuming appropriation of the necessary amounts.

## INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

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

## ESTIMATE PREPARED BY:

Federal Costs: Dwayne M. Wright and Melissa E. Zimmerman  
(226–2840)

Impact on State, Local, and Tribal Governments: Gregory Waring  
(225–3220)

Impact on the Private Sector: Allison Percy (226–2900)

## ESTIMATED APPROVED BY:

Paul R. Cullinan  
Chief for Human Resources Cost Estimates Unit  
Budget Analysis Division

## STATEMENT OF FEDERAL MANDATES

The preceding Congressional Budget Office cost estimate states that the bill contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act.

## STATEMENT OF CONSTITUTIONAL AUTHORITY

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