A BILL

[H. R. 2280]

[Report No. 106-202]

106TH CONGRESS

REPORTED WITH AMENDMENTS COMMITTED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION; AND ORDERED TO BE PRINTED
A BILL

To amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for
service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

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 Improvement Act of 1999”.

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

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

TITLE I—COMPENSATION

Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 102. Presumption that bronchiolo-alveolar carcinoma is service-connected.
Sec. 103. Dependency and indemnity compensation for surviving spouses of former prisoners of war.
Sec. 104. Reinstatement of certain benefits for remarried surviving spouses of veterans upon termination of their remarriage.

TITLE II—MEMORIAL AFFAIRS

Subtitle A—American Battle Monuments Commission
Sec. 201. Codification and expansion of authority for World War II Memorial.
Sec. 202. General authority to solicit and receive contributions.
Sec. 203. Intellectual property and related items.
Sec. 204. Technical amendments.

Subtitle B—National Cemeteries
Sec. 211. Establishment of additional national cemeteries.
Sec. 212. Independent study on improvements to veterans’ cemeteries.

TITLE III—HOUSING

Sec. 301. Permanent eligibility for housing loans for former members of the Select Reserve.
Sec. 302. Homeless veterans’ reintegration programs.
Sec. 303. Transitional housing loan guarantee program technical amendment.
TITLE IV—COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 401. Authority to prescribe rules and regulations.
Sec. 402. Recall of retired judges.
Sec. 403. Calculation of years of service as a judge.
Sec. 404. Judges' retired pay.
Sec. 405. Survivor annuities.
Sec. 406. Limitation on activities of retired judges.
Sec. 407. Early retirement authority for current judges in order to provide for staggered terms of judges.

TITLE V—OTHER MATTERS

Sec. 501. Repeal of certain sunset provisions.
Sec. 502. Enhanced quality assurance program within the Veterans Benefits Administration.
Sec. 503. Extension of Advisory Committee on Minority Veterans.
Sec. 504. Recognition of Veterans of Foreign Wars.
Sec. 505. Codification of recurring provisions in annual Department of Veterans Affairs Appropriations Acts.

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—COMPENSATION

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1999, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).
(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.
(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1999.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1999, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.
(c) Publication of Adjusted Rates.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1999, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to this section.

SEC. 102. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED.

Section 1112(c)(2) is amended by adding at the end the following new subparagraph:

“(P) Bronchiolo-alveolar carcinoma.”.

SEC. 103. 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 who had
been diagnosed as having one of the diseases specified in section 1112(b) of this title.”.

(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. 104. REINSTATEMENT OF CERTAIN BENEFITS FOR REMARRIED SURVIVING SPOUSES OF VETERANS UPON TERMINATION OF THEIR REMARRIAGE.

(a) RESTORATION OF PRIOR ELIGIBILITY.—Section 103(d) is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by adding at the end the following:

“(2) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of
the veteran if the remarriage has been terminated by
death or divorce unless the Secretary determines that the
divorce was secured through fraud or collusion.

“(3) If the surviving spouse of a veteran ceases living
with another person and holding himself or herself out
openly to the public as that person’s spouse, the bar to
granting that person benefits as the surviving spouse of
the veteran shall not apply in the case of the benefits spec-
ified in paragraph (5).

“(4) The first month of eligibility for benefits for a
surviving spouse by reason of this subsection shall be the
month after—

“(A) the month of the termination of such re-
marriage, in the case of a surviving spouse described
in paragraph (2); or

“(B) the month of the cessation described in
paragraph (3), in the case of a surviving spouse de-
scribed in that paragraph.

“(5) Paragraphs (2) and (3) apply with respect to
benefits under the following provisions of this title:

“(A) Section 1311, relating to dependency and
indemnity compensation.

“(B) Section 1713, relating to medical care for
survivors and dependents of certain veterans.
“(C) Chapter 35, relating to educational assistance.

“(D) Chapter 37, relating to housing loans.”.

(b) Conforming Amendment.—Section 1311 is amended by striking subsection (e).

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first month beginning after the month in which this Act is enacted or October 1, 1999, whichever is later.

(d) Limitation.—No payment may be made to a person by reason of paragraphs (2) and (3) of section 103(d) of title 38, United States Code, as added by subsection (a), for any period before the effective date specified in subsection (e).

TITLE II—MEMORIAL AFFAIRS
Subtitle A—American Battle Monuments Commission

SEC. 201. CODIFICATION AND EXPANSION OF AUTHORITY 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) Solicitation and Acceptance of Contributions.—Consistent with its authority under section 2103(e) of this title, the American Battle Monuments Commission shall solicit and accept contributions for the memorial authorized by Public Law 103–32 (40 U.S.C. 1003 note) to be established by the 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 (hereinafter in this section referred to as the ‘World War II memorial’).

“(b) Creation of Memorial Fund.—(1) There is hereby created in the Treasury a fund for the World War II memorial. The fund shall consist of the following:

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

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


“(D) Amounts borrowed using the authority provided under subsection (d).
“(E) Any funds received by the Commission under section 2114 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 fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

“(3) The Secretary shall invest any portion of the fund that, as determined by the Chairman, 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 the Chairman determines has a maturity suitable for the fund.

“(c) Use of Fund.—The fund shall be available to the Commission—

“(1) for 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) for 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 2114 of this title to aid or facilitate the construction of the World War II memorial.

“(d) Special Borrowing Authority.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are carried out 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, 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, 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. 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 fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

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

“(f) 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 United States 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 of the Code of Federal Regulations.

“(3) The Commission may provide for reimbursement of incidental expenses that are incurred by a person pro-
viding voluntary services under this subsection. The Com-
mission shall determine those expenses that are eligible for
reimbursement under this paragraph.

“(4) Nothing in this subsection shall be construed to
require any Federal employee to work without compensa-
tion or to allow the use of volunteer services to displace
or replace any Federal employee.

“(g) TREATMENT OF CERTAIN CONTRACTS.—A con-
tract entered into by the Commission for the design or
construction of the World War II memorial is not a fund-
ing agreement as that term is defined in section 201 of
title 35.

“(h) EXTENSION OF AUTHORITY TO ESTABLISH ME-
MORIAL.—Notwithstanding section 10 of the Commemora-
tive Works Act (40 U.S.C. 1010), the authority for the
construction of the World War II memorial provided by
Public Law 103–32 (40 U.S.C. 1003 note) expires on De-
cember 31, 2005.”.

(2) The table of sections at the beginning of such
chapter 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 (40 U.S.C. 1003 note) is amended by striking sections
3, 4, and 5.
1 (c) Effect of Repeal of Current Memorial
2 Fund.—Upon the enactment of this Act, the Secretary
3 of the Treasury shall transfer amounts in the fund created
4 by section 4(a) of Public Law 103–32 (40 U.S.C. 1003
5 note) to the fund created by section 2113(b) of title 36,
6 United States Code, as added by subsection (a).

7 SEC. 202. GENERAL AUTHORITY TO SOLICIT AND RECEIVE
8 CONTRIBUTIONS.

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

“(e) Solicitation and Receipt of Contributions.—(1) The Commission may solicit and receive
12 funds and in-kind donations and gifts from any State, mu-
13 nicipal, or private source to carry out the purposes of this
14 chapter. The Commission shall deposit such funds in a
15 separate account in the Treasury. Funds from that ac-
16 count shall be disbursed upon vouchers approved by the
17 Chairman.

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

“(A) reflect unfavorably on the ability of the
24 Commission, or any member or employee of the
25 Commission, to carry out the responsibilities or offi-
cial 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. 203. INTELLECTUAL PROPERTY AND RELATED ITEMS.

(a) In General.—Chapter 21 of title 36, United States Code, as amended by section 201(a)(1), is further amended by adding at the end the following new section:

“§ 2114. Intellectual property and related items

“(a) Authority to use and register intellectual property.—The American Battle Monuments Commission may—

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

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

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

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

“(b) Authority to grant licenses.—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 the extent the grant of such license by the Commission would
be contrary to any contract or license by which the use of the mark, copyright, or patent was obtained.

“(c) Enforcement Authority.—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.

“(d) Legal Representation.—The Attorney General shall furnish the Commission with legal representation as the Commission may require under subsection (c). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

“(e) Irrevocability of Transfers of Copyrights to Commission.—Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter, as amended by section 201(a)(2), is further amended by adding at the end the following new item:

“2114. Intellectual property and related items.”.

SEC. 204. TECHNICAL AMENDMENTS.

Chapter 21 of title 36, United States Code, is amended as follows:

(1) In section 2101(b)—
(A) by striking “title 37, United States Code,” in paragraph (2) and inserting “title 37”; and

(B) by striking “title 5, United States Code,” in paragraph (3) and inserting “title 5”.

(2) In section 2102(a)(1), by striking “title 5, United States Code” and inserting “title 5”.

(3) In section 2103—

(A) by striking “title 31, United States Code” in subsection (h)(2)(A)(i) and inserting “title 31”;

(B) by striking “title 44, United States Code” in subsection (i) and inserting “title 44”; and

(C) by striking “chairman” each place it appears and inserting “Chairman”.

Subtitle B—National Cemeteries

SEC. 211. ESTABLISHMENT OF ADDITIONAL NATIONAL CEMETERIES.

(a) Establishment.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in each of the four areas in the United States that the Secretary determines to be most in need of such a cemetery to serve the needs of veterans and their families.
(b) Obligation of Funds in Fiscal Year 2000.—

The Secretary shall obligate from the advance planning fund in the Construction, Major Projects account appropriated to the Department of Veterans Affairs for fiscal year 2000 such amounts for costs that the Secretary estimates are required for the planning and commencement of the establishment of national cemeteries under this section.

(e) Reports.—(1) 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 under subsection (a). The report shall set forth the four areas identified by the Secretary for such establishment, a schedule for such establishment, an estimate of the costs associated with such establishment, and the amount obligated from the advance planning fund under subsection (b).

(2) Not later than one year after the date on which the report described in paragraph (1) is submitted to Congress, and annually thereafter until the establishment of the national cemeteries under subsection (a) is complete, the Secretary shall submit to Congress a report that updates the information included in the report described in paragraph (1).
SEC. 212. INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' CEMETERIES.

(a) Study.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with one or more qualified organizations to conduct a study of national cemeteries described in subsection (b). For purposes of this section, an entity of Federal, State, or local government is not a qualified organization.

(b) Matters Studied.—(1) The study conducted pursuant to the contract entered into under subsection (a) shall include an assessment of each of the following:

(A) The one-time repairs required at each national cemetery under the jurisdiction of the National Cemetery Administration of the Department of Veterans Affairs to ensure a dignified and respectful setting appropriate to such cemetery, taking into account the variety of age, climate, and burial options at individual national cemeteries.

(B) The feasibility of making standards of appearance of such national cemeteries commensurate with standards of appearance of the finest cemeteries in the world.

(C) The number of additional national cemeteries that will be required for the interment and memorialization in such cemeteries of individuals
qualified under chapter 24 of title 38, United States
Code, who die after 2005.

(D) Improvements to burial benefits under
chapter 23 of title 38, United States Code, including
a proposal to increase the amount of the benefit for
plot allowances under section 2303(b) of such title,
to better serve veterans and their families.

(2) In presenting the assessment of additional na-
tional cemeteries required under paragraph (1)(C), the re-
port shall identify by five-year period, beginning with 2005
and ending with 2020, the following:

(A) The number of additional national ceme-
teries required during each such five-year period.

(B) With respect to each such five-year period,
the areas in the United States with the greatest con-
centration of veterans whose needs are not served by
national cemeteries or State veterans’ cemeteries.

(c) REPORT.—(1) Not later than one year after the
date on which a qualified organization enters into a con-
tract under subsection (a), the organization shall submit
to the Secretary a report setting forth the results of the
study conducted and conclusions of the organization with
respect to such results.

(2) Not later than 120 days after the date on which
a report is submitted under paragraph (1), the Secretary
shall transmit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a copy of such report, together with any comments on the report that the Secretary considers appropriate.

**TITLE III—HOUSING**

**SEC. 301. PERMANENT ELIGIBILITY FOR HOUSING LOANS FOR FORMER MEMBERS OF THE SELECTED RESERVE.**

Section 3702(a)(2)(E) is amended by striking “For the period beginning on October 28, 1992, and ending on September 30, 2003, each veteran” and inserting “Each veteran”.

**SEC. 302. HOMELESS VETERANS’ REINTEGRATION PROGRAMS.**

(a) In General.—Chapter 41 is amended by adding at the end the following new section:

“§ 4111. Homeless veterans’ reintegration programs

“(a) In General.—The Secretary, acting through the Assistant Secretary of Labor for Veterans’ Employment and Training, shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force.

“(b) Authority To Monitor Expenditure of Funds.—The Secretary may collect such information as
the Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section, and such information shall be furnished to the Secretary in such form as the Secretary determines appropriate.

“(c) DEFINITION.—As used in this section, the term ‘homeless veteran’ has the meaning given that term by section 3771(2) of this title.

“(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section amounts as follows:

“(A) $10,000,000 for fiscal year 2000.
“(B) $15,000,000 for fiscal year 2001.
“(C) $20,000,000 for fiscal year 2002.
“(D) $25,000,000 for fiscal year 2003.
“(E) $30,000,000 for fiscal year 2004.

“(2) Funds obligated for any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.”.

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

“4111. Homeless veterans’ reintegration programs.”.

SEC. 303. TRANSITIONAL HOUSING LOAN GUARANTEE PROGRAM TECHNICAL AMENDMENT.

Section 3775 is amended—
(1) by inserting “(a)” before “During each”; and
(2) by adding at the end the following new subsection:
“(b) After the first 3 years of operation of such a multifamily transitional housing project, the Secretary may provide for periodic audits of the project.”.

TITLE IV—COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 401. AUTHORITY TO PRESCRIBE RULES AND REGULATIONS.

Section 7254 is amended by adding at the end the following new subsection:
“(f) The Court may prescribe rules and regulations to carry out this chapter.”.

SEC. 402. RECALL OF RETIRED JUDGES.

(a) AUTHORITY TO RECALL RETIRED JUDGES.—Chapter 72 is amended by inserting after section 7256 the following new section:

“§ 7257. Recall of retired judges
“(a)(1) A retired judge of the Court may be recalled for further service on the Court in accordance with this section. To be eligible to be recalled for such service, a retired judge must at the time of the judge’s retirement provide to the chief judge of the Court (or, in the case
of the chief judge, to the clerk of the Court) notice in writ-
ing that the retired judge is available for further service
on the Court in accordance with this section and is willing
to be recalled under this section. Such a notice provided
by a retired judge is irrevocable.

“(2) For the purposes of this section—

“(A) a retired judge is a judge of the Court of
Veterans Appeals who retires from the Court under
section 7296 of this title or under chapter 83 or 84
of title 5; and

“(B) a recall-eligible retired judge is a retired
judge who has provided a notice under paragraph
(1).

“(b)(1) The chief judge may recall for further service
on the court a recall-eligible retired judge in accordance
with this section. Such a recall shall be made upon written
certification by the chief judge that substantial service is
expected to be performed by the retired judge for such
period, not to exceed 90 days (or the equivalent), as deter-
mined by the chief judge to be necessary to meet the needs
of the Court.

“(2) A recall-eligible retired judge may not be re-
called for more than 90 days (or the equivalent) during
any calendar year without the judge’s consent or for more
than a total of 180 days (or the equivalent) during any calendar year.

“(3) If a recall-eligible retired judge is recalled by the chief judge in accordance with this section and (other than in the case of a judge who has previously during that calendar year served at least 90 days (or the equivalent) of recalled service on the court) declines (other than by reason of disability) to perform the service to which recalled, the chief judge shall remove that retired judge from the status of a recall-eligible judge.

“(4) A recall-eligible retired judge who becomes permanently disabled and as a result of that disability is unable to perform further service on the court shall be removed from the status of a recall-eligible judge. Determination of such a disability shall be made in the same manner as is applicable to judges of the United States under section 371 of title 28.

“(e) A retired judge who is recalled under this section may exercise all of the powers and duties of the office of a judge in active service.

“(d)(1) The pay of a recall-eligible retired judge who retired under section 7296 of this title is specified in subsection (e) of that section.

“(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be paid,
during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge’s annuity under the applicable provisions of chapter 83 or 84 of title 5.

“(e)(1) Except as provided in subsection (d), a judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be considered to be a reemployed annuitant under that chapter.

“(2) Nothing in this section affects the right of a judge who retired under chapter 83 or 84 of title 5 to serve as a reemployed annuitant in accordance with the provisions of title 5.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7256 the following new item:

“7257. Recall of retired judges.”.

SEC. 403. CALCULATION OF YEARS OF SERVICE AS A JUDGE.

Section 7296(b) is amended by adding at the end the following new paragraph:

“(4) For purposes of calculating the years of service of an individual under this subsection and subsection (e), only those years of service as a judge of the Court shall be credited. In determining the number of years of such
service, that portion of the aggregate number of years of such service that is a fractional part of one year shall be disregarded if less than 183 days and shall be credited as a full year if 183 days or more.”

SEC. 404. JUDGES' RETIRED PAY.

(a) In General.—Subsection (c)(1) of section 7296 is amended by striking “at the rate of pay in effect at the time of retirement.” and inserting the following: “as follows:

“(A) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court (or of the chief judge, if the individual retired from service as chief judge).

“(B) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

“(C) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title

•HR 2280 RH
and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.’’.

(b) COST-OF-LIVING ADJUSTMENTS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

“(3)(A) A cost-of-living adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section only in the case of retired pay computed under paragraph (2) of subsection (c).

“(B)(i) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired chief judge being in excess of the annual rate of pay in effect for the chief judge of the court as provided in section 7253(e)(1) of this title, such adjustment may be made in the retired pay of that retired chief judge only in such amount as results in the retired pay of the retired chief judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).

“(ii) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired judge (other than a retired chief judge) being in excess of the annual rate of pay in effect for judges of the
court as provided in section 7253(e)(2) of this title, such
adjustment may be made only in such amount as results
in the retired pay of the retired judge being equal to that
annual rate of pay (as in effect on the effective date of
such adjustment).”.

(c) Coordination With Military Retired Pay.—Subsection (f) of such section is further amended by adding after paragraph (3), as added by subsection (b), the following new paragraph:

“(4) Notwithstanding subsection (c) of section 5532 of title 5, if a regular or reserve member of a uniformed service who is receiving retired or retainer pay becomes a judge of the court, or becomes eligible therefor while a judge of the court, such retired or retainer pay shall not be paid during the judge’s regular active service on the court, but shall be resumed or commenced without reduc tion upon retirement as a judge.”.

SEC. 405. Survivor Annuities.

(a) Surviving Spouse.—Subsection (a)(5) of section 7297 is amended by striking “two years” and inserting “one year”.

(b) Election to Participate.—Subsection (b) of such section is amended in the first sentence by inserting before the period “or within six months after the date on
which the judge marries if the judge has retired under section 7296 of this title”.

(c) REDUCTION IN CONTRIBUTIONS.—Subsection (c) of such section is amended by striking “3.5 percent of the judge’s pay” and inserting “that percentage of the judge’s pay that is the same as provided for the deduction from the salary or retirement salary of a judge of the United States Court of Federal Claims for the purpose of a survivor annuity under section 376(b)(1)(B) of title 28”.

(d) INTEREST PAYMENTS.—Subsection (d) of such section is amended—

(1) by inserting “(1)” after “(d)”; and

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

“(2) The interest required under the first sentence of paragraph (1) shall not be required for any period—

“(A) during which a judge was separated from any service described in section 376(d)(2) of title 28; and

“(B) during which the judge was not receiving retired pay based on service as a judge or receiving any retirement salary as described in section 376(d)(1) of title 28.”.

(e) SERVICE ELIGIBILITY.—(1) Subsection (f) of such section is amended—
(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking “at least 5 years” and inserting “last at least 18 months”; and

(ii) by striking “last 5 years” and inserting “last 18 months”; and

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

“(5) If a judge dies as a result of an assassination and leaves a survivor or survivors who are otherwise entitled to receive annuity payments under this section, the 18-month requirement in the matter in paragraph (1) preceding subparagraph (A) shall not apply.”.

(2) Subsection (a) of such section is further amended—

(A) in paragraph (2), by inserting “who is in active service or who has retired under section 7296 of this title” after “Court”; 

(B) in paragraph (3), by striking “7296(c)” and inserting “7296”;

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

“(8) The term ‘assassination’ as applied to a judge shall have the meaning provided that term in
section 376(a)(7) of title 28 as applied to a judicial
official.”.

(f) Age Requirement of Surviving Spouse.—
Subsection (f) of such section is further amended by strik-
ing “or following the surviving spouse’s attainment of the
age of 50 years, whichever is the later” in paragraph
(1)(A).

SEC. 406. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.

(a) In General.—Chapter 72 is amended by adding
at the end the following new section:

“§ 7299. Limitation on activities of retired judges
“(a) A retired judge of the Court who is recall-eligible
under section 7257 of this title and who in the practice
of law represents (or supervises or directs the representa-
tion of) a client in making any claim relating to veterans’
benefits against the United States or any agency thereof
shall, pursuant to such section, be considered to have de-
clined recall service and be removed from the status of
a recall-eligible judge. The pay of such a judge, pursuant
to section 7296 of this title, shall be the pay of the judge
at the time of the removal from recall status.

“(b) A recall-eligible judge shall be considered to be
an officer or employee of the United States, but only dur-
ing periods when the judge is serving in recall status. Any
prohibition, limitation, or restriction that would otherwise
apply to the activities of a recall-eligible judge shall apply only during periods when the judge is serving in recall status.”.

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

“7299. Limitation on activities of retired judges.”.

**SEC. 407. EARLY RETIREMENT AUTHORITY FOR CURRENT JUDGES IN ORDER TO PROVIDE FOR STAGGERED TERMS OF JUDGES.**

(a) **RETIREMENT AUTHORIZED.**—One eligible judge may retire in accordance with this section with respect to each year beginning in 1999 and ending in 2003.

(b) **ELIGIBLE JUDGES.**—For purposes of this section, an eligible judge is an associate judge of the United States Court of Appeals for Veterans Claims who—

(1) has at least 10 years of service creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service described in section 7297(l) of such title; and

(4) is at least 55 years of age.

(e) **MULTIPLE ELIGIBLE JUDGES.**—If for any year specified in subsection (a) more than one eligible judge provides notice in accordance with subsection (d), the
judge who has the greatest seniority as a judge of the
United States Court of Appeals for Veterans Claims shall
be the judge who is eligible to retire in accordance with
this section in that year.

(d) NOTICE.—An eligible judge who desires to retire
in accordance with this section with respect to any year
covered by subsection (a) shall provide to the President
and the chief judge of the United States Court of Appeals
for Veterans Claims written notice to that effect not later
than April 1 of that year, except that in the case of an
eligible judge desiring to retire with respect to 1999, such
notice shall be provided not later than November 1, 1999,
or 15 days after the date of the enactment of this Act,
whichever is later. Such a notice shall specify the retire-
ment date in accordance with subsection (e). Notice pro-
vided under this subsection shall be irrevocable.

(e) DATE OF RETIREMENT.—A judge who is eligible
to retire in accordance with this section shall be retired
during the fiscal year in which notice is provided pursuant
to subsection (d), but not earlier than 90 days after the
date on which that notice is provided, except that a judge
retired in accordance with this section with respect to
1999 shall be retired not earlier than 90 days, and not
later than 150 days, after the date on which notice is pro-
vided pursuant to subsection (d).
(f) **APPLICABLE PROVISIONS.**—Except as provided in subsection (g), a judge retired in accordance with this section shall be considered for all purposes to be retired under section 7296(b)(1) of title 38, United States Code.

(g) **RATE OF RETIRED PAY.**—The rate of retired pay for a judge retiring in accordance with this section is—

1. the rate applicable to that judge under section 7296(c)(1) of title 38, United States Code, multiplied by

2. the fraction (not in excess of 1) in which—

   A. the numerator is the sum of (i) the number of years of service of the judge as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title, and (ii) the age of the judge; and

   B. the denominator is 80.

(h) **ADJUSTMENTS IN RETIRED PAY FOR JUDGES AVAILABLE FOR RECALL.**—Subject to section 7296(f)(3)(B) of title 38, United States Code, an adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section in the case of a judge who is a recall-eligible retired judge under section 7257 of such title, or who was a recall-eligible retired judge under that section and was removed
from recall status under subsection (b)(4) of that section by reason of disability.

(i) Duty of Actuary.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

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

“(C) For purposes of subparagraph (B), the term ‘present value’ includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.”

**TITLE V—OTHER MATTERS**

**SEC. 501. REPEAL OF CERTAIN SUNSET PROVISIONS.**

(a) Enhanced Loan Asset Sale Authority.—Section 3720(h) is amended—

(1) by striking “(1)” after “(h)”; and

(2) by striking paragraph (2).

(b) Procedures Applicable to Liquidation Sales on Defaulted Home Loans.—Section 3732(c) is amended by striking paragraph (11).

(e) Income Verification Authority.—Section 5317(g) is repealed.
SEC. 502. ENHANCED QUALITY ASSURANCE PROGRAM WITHIN THE VETERANS BENEFITS ADMINISTRATION.

(a) In General.—(1) Chapter 77 is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—QUALITY ASSURANCE

§ 7731. Establishment

“(a) The Secretary shall carry out a quality assurance program in the Veterans Benefits Administration. The program may be carried out through a single quality assurance division in the Administration or through separate quality assurance entities for each of the principal organizational elements (known as ‘services’) of the Administration.

“(b) The Secretary shall ensure that any quality assurance entity established and operated under subsection (a) is established and operated so as to meet generally applicable governmental standards for independence and internal controls for the performance of quality reviews of Government performance and results.

§ 7732. Functions

“The Under Secretary for Benefits, acting through the quality assurance entities established under section 7731(a), shall on an ongoing basis perform and oversee quality reviews of the functions of each of the principal
organizational elements of the Veterans Benefits Administra-

§ 7733. Personnel

“The Secretary shall ensure that the number of full-
time employees of the Veterans Benefits Administration
assigned to quality assurance functions under this sub-
chapter is adequate to perform the quality assurance func-
tions for which they have responsibility.

§ 7734. Annual report to Congress

“The Secretary shall include in the annual report to
the Congress required by section 529 of this title a report
on the quality assurance activities carried out under this
subchapter. Each such report shall include—

“(1) an appraisal of the quality of services pro-
vided by the Veterans Benefits Administration,
including—

“(A) the number of decisions reviewed;

“(B) a summary of the findings on the de-
cisions reviewed;

“(C) the number of full-time equivalent
employees assigned to quality assurance in each
division or entity;

“(D) specific documentation of compliance
with the standards for independence and inter-
nal control required by section 7731(b) of this title; and

“(E) actions taken to improve the quality of services provided and the results obtained;
“(2) information with respect to the accuracy of decisions, including trends in that information; and
“(3) such other information as the Secretary considers appropriate.”.

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

“SUBCHAPTER III—QUALITY ASSURANCE

“7731. Establishment.
“7732. Functions.
“7733. Personnel.
“7734. Annual report to Congress.”.

(b) EFFECTIVE DATE.—Subchapter III of chapter 77 of title 38, United States Code, as added by subsection
(a), shall take effect on the later of October 1, 1999, or at the end of the 60-day period beginning on the date of the enactment of this Act.

SEC. 503. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

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

SEC. 504. RECOGNITION OF VETERANS OF FOREIGN WARS.

(a) FINDINGS.—The Congress finds that—
(1) the organization now known as the Veterans of Foreign Wars of the United States (the VFW) was founded in Columbus, Ohio, on September 29, 1899;

(2) the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, and Bosnia, and

(3) the VFW has, for the past 100 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the Nation and has worked toward the betterment of veterans in general and society as a whole.

(b) RECOGNITION. — The Congress —

(1) recognizes the historic significance of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States;

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the Nation; and

(4) calls upon the President to issue a proclamation recognizing the anniversary of the VFW and
the contributions made by the VFW to veterans and
the Nation and calling upon the people of the United
States to observe such anniversary with appropriate
ceremonies and activities.

SEC. 505. CODIFICATION OF RECURRING PROVISIONS
IN ANNUAL DEPARTMENT OF VETERANS AF-
FAIRS APPROPRIATIONS ACTS.

(a) CODIFICATION OF RECURRING PROVISIONS.—(1)
Section 313 is amended by adding at the end the following
new subsections:

“(c) COMPENSATION AND PENSION.—Funds appro-
priated for Compensation and Pensions are available for
the following purposes:

“(1) The payment of compensation benefits to
or on behalf of veterans as authorized by section 107
and chapters 11, 13, 51, 53, 55, and 61 of this title.

“(2) Pension benefits to or on behalf of vet-
erans as authorized by chapters 15, 51, 53, 55, and
61 of this title and section 306 of the Veterans’ and
Survivors’ Pension Improvement Act of 1978.

“(3) The payment of benefits as authorized
under chapter 18 of this title.

“(4) Burial benefits, emergency and other offi-
cers’ retirement pay, adjusted-service credits and
 certificates, payments of premiums due on commer-
cial life insurance policies guaranteed under the pro-
visions of article IV of the Soldiers' and Sailors'
Civil Relief Act of 1940 (50 U.S.C. App. 540 et
seq.), and other benefits as authorized by sections
107, 1312, 1977, and 2106 and chapters 23, 51, 53,
55, and 61 of this title and the World War Adjusted
Compensation Act (43 Stat. 122, 123), the Act of
May 24, 1928 (Public Law No. 506 of the 70th
Congress; 45 Stat. 735), and Public Law 87–875
(76 Stat. 1198).

“(d) MEDICAL CARE.—Funds appropriated for Med-
ical Care are available for the following purposes:

“(1) The maintenance and operation of hos-
pitals, nursing homes, and domiciliary facilities.

“(2) Furnishing, as authorized by law, inpatient
and outpatient care and treatment to beneficiaries of
the Department, including care and treatment in fa-
cilities not under the jurisdiction of the Department.

“(3) Furnishing recreational facilities, supplies,
and equipment.

“(4) Funeral and burial expenses and other ex-
penses incidental to funeral and burial expenses for
beneficiaries receiving care from the Department.

“(5) Administrative expenses in support of
planning, design, project management, real property
acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

“(6) Oversight, engineering, and architectural activities not charged to project cost.

“(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

“(8) Uniforms or uniform allowances, as authorized by sections 5901 and 5902 of title 5.

“(9) Aid to State homes, as authorized by section 1741 of this title.

“(10) Administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of this title and Public Law 87–693, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

“(e) Medical Administration and Miscellaneous Operating Expenses.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:
“(1) The administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law.

“(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

“(3) Engineering and architectural activities not charged to project costs.

“(4) Research and development in building construction technology.

“(f) GENERAL OPERATING EXPENSES.—Funds appropriated for General Operating Expenses are available for the following purposes:

“(1) Uniforms or allowances therefor.

“(2) Hire of passenger motor vehicles.

“(3) Reimbursement of the General Services Administration for security guard services.

“(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.

“(g) CONSTRUCTION.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available, with respect to a project, for the following purposes:

“(1) Planning.

“(2) Architectural and engineering services.

“(3) Maintenance or guarantee period services costs associated with equipment guarantees provided under the project.

“(4) Services of claims analysts.

“(5) Offsite utility and storm drainage system construction costs.

“(6) Site acquisition.

“(h) CONSTRUCTION, MINOR PROJECTS.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

“(1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

“(2) temporary measures necessary to prevent or to minimize further loss by such causes.”.

(2)(A) Chapter 1 is amended by adding at the end the following new section:
§ 116. Definition of cost of direct and guaranteed loans

For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of any such loan, including the cost of modifying any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).”.

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

“116. Definition of cost of direct and guaranteed loans.”.

(b) EFFECTIVE DATE.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a)(1), and section 116 of such title, as added by subsection (a)(2), shall take effect with respect to funds appropriated for fiscal year 2001.