

106TH CONGRESS
1ST SESSION

S. 1076

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1999

Referred to the Committee on Veterans' Affairs

AN ACT

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.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans Benefits Act of 1999”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 38, United States Code.

1 **TITLE I—MEDICAL CARE**
2 **Subtitle A—Long-Term Care**

3 **SEC. 101. CONTINUUM OF CARE FOR VETERANS.**

4 (a) INCLUSION OF NONINSTITUTIONAL EXTENDED
5 CARE SERVICES IN DEFINITION OF MEDICAL SERV-
6 ICES.—Section 1701 is amended—

7 (1) in paragraph (6)(A)(i), by inserting “non-
8 institutional extended care services,” after “preven-
9 tive health services,”; and

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

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

14 “(A) home-based primary care;

15 “(B) adult day health care;

16 “(C) respite care;

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

18 “(E) home health aide visits.

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

22 “(A) is of limited duration;

23 “(B) is furnished in a Department facility
24 or in the residence of an individual on an inter-
25 mittent basis to an individual who is suffering

1 from a chronic illness and who resides primarily
 2 at that residence; and

3 “(C) is furnished for the purpose of help-
 4 ing the individual to continue residing primarily
 5 at that residence.”.

6 (b) CONFORMING AMENDMENTS TO TITLE 38.—

7 (1)(A) Section 1720 is amended by striking subsection (f).

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

10 (2) Section 1720B is repealed.

11 (3) Chapter 17 is further amended by redesignating
 12 sections 1720C, 1720D, and 1720E as sections 1720B,
 13 1720C, and 1720D, respectively.

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

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

18 (2) by striking the items relating to sections
 19 1720B, 1720C, 1720D, and 1720E and inserting
 20 the following:

“1720B. Noninstitutional alternatives to nursing home care.

“1720C. Counseling and treatment for sexual trauma.

“1720D. Nasopharyngeal radium irradiation.”.

21 (d) ADDITIONAL CONFORMING AMENDMENT.—Sec-
 22 tion 101(g)(2) of the Veterans Health Programs Exten-
 23 sion Act of 1994 (Public Law 103–452; 108 Stat. 4785;
 24 38 U.S.C. 1720D note) is amended by striking “section

1 1720D” both places it appears and inserting “section
2 1720C”.

3 **SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM**
4 **CARE OF VETERANS.**

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

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

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

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

1 (c) SCOPE OF SERVICES UNDER PILOT PRO-
2 GRAMS.—(1) The services provided under the pilot pro-
3 grams under this section shall include a comprehensive
4 array of health care services and other services that meet
5 the long-term care needs of veterans, including—

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

9 (B) non-institutional long-term care, including
10 hospital-based primary care, adult day health care,
11 respite care, and other community-based interven-
12 tions and care.

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

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

19 (4) The Secretary may provide health care services
20 or other services under the pilot programs only if the Sec-
21 retary is otherwise authorized to provide such services by
22 law.

23 (d) DIRECT PROVISION OF SERVICES.—Under one of
24 the pilot programs under this section, the Secretary shall
25 provide long-term care services to eligible veterans directly

1 through facilities and personnel of the Department of Vet-
2 erans Affairs.

3 (e) PROVISION OF SERVICES THROUGH COOPERA-
4 TIVE ARRANGEMENTS.—(1) Under one of the pilot pro-
5 grams under this section, the Secretary shall provide long-
6 term care services to eligible veterans through a combina-
7 tion (as determined by the Secretary) of—

8 (A) services provided under cooperative ar-
9 rangements with appropriate public and private non-
10 Governmental entities, including community service
11 organizations; and

12 (B) services provided through facilities and per-
13 sonnel of the Department.

14 (2) The consideration provided by the Secretary for
15 services provided by entities under cooperative arrange-
16 ments under paragraph (1)(A) shall be limited to the pro-
17 vision by the Secretary of appropriate in-kind services to
18 such entities.

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

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

6 (g) DATA COLLECTION.—As part of the pilot pro-
7 grams under this section, the Secretary shall collect data
8 regarding—

9 (1) the cost-effectiveness of such programs and
10 of other activities of the Department for purposes of
11 meeting the long-term care needs of eligible vet-
12 erans, including any cost advantages under such
13 programs and activities when compared with the
14 Medicare program, Medicaid program, or other Fed-
15 eral program serving similar populations;

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

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

21 (4) the effect of such programs and activities
22 on the ability of veterans to carry out basic activities
23 of daily living over the course of such veterans' par-
24 ticipation in such programs and activities.

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

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

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

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

14 (ii) non-institutional long-term care, in-
15 cluding hospital-based primary care, adult day
16 health care, respite care, and other community-
17 based interventions and care;

18 (B) describe the case management services fur-
19 nished as part of the services described in subpara-
20 graph (A) and assess the role of such case manage-
21 ment services in ensuring that eligible veterans re-
22 ceive services to meet their long-term care needs;
23 and

1 (C) in describing services under subparagraphs
2 (A) and (B), emphasize the role of preventive serv-
3 ices in the furnishing of such services.

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

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

12 (j) DEFINITIONS.—In this section:

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

15 (A) Any veteran eligible to receive hospital
16 care and medical services under section
17 1710(a)(1) of title 38, United States Code.

18 (B) Any veteran (other than a veteran de-
19 scribed in subparagraph (A)) if the veteran is
20 enrolled in the system of annual patient enroll-
21 ment under section 1705 of title 38, United
22 States Code.

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

1 (A) Hospital care.

2 (B) Medical services.

3 (C) Nursing home care.

4 (D) Case management and other social
5 services.

6 (E) Home and community based services.

7 **SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING**
8 **SERVICES.**

9 (a) IN GENERAL.—The Secretary of Veterans Affairs
10 shall carry out a pilot program for the purpose of deter-
11 mining the feasibility and practicability of providing as-
12 sisted living services to eligible veterans. The pilot pro-
13 gram shall be carried out in accordance with this section.

14 (b) LOCATION.—The pilot program under this section
15 shall be carried out at a designated health care region of
16 the Department of Veterans Affairs selected by the Sec-
17 retary for purposes of this section.

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

21 (2) Assisted living services may not be provided under
22 the pilot program to a veteran eligible for care under sec-
23 tion 1710(a)(3) of title 38, United States Code, unless
24 such veteran agrees to pay the United States an amount

1 equal to the amount determined in accordance with the
2 provisions of section 1710(f) of such title.

3 (3) Assisted living services may also be provided
4 under the pilot program to the spouse of an eligible vet-
5 eran if—

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

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

12 (d) REPORTS.—(1) The Secretary shall annually sub-
13 mit to Committees on Veterans' Affairs of the Senate and
14 the House of Representatives a report on the pilot pro-
15 gram under this section. The report shall include a de-
16 tailed description of the activities under the pilot program
17 during the one-year period ending on the date of the re-
18 port and such other matters as the Secretary considers
19 appropriate.

20 (2)(A) In addition to the reports required by para-
21 graph (1), not later than 90 days before concluding the
22 pilot program under this section, the Secretary shall sub-
23 mit to the committees referred to in that paragraph a final
24 report on the pilot program.

1 (B) The report on the pilot program under this para-
2 graph shall include the following:

3 (i) An assessment of the feasibility and prac-
4 ticability of providing assisted living services for vet-
5 erans and their spouses.

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

10 (iii) Recommendations, if any, regarding an ex-
11 tension of the pilot program, including recommenda-
12 tions regarding the desirability of authorizing or re-
13 quiring the Secretary to seek reimbursement for the
14 costs of the Secretary in providing assisted living
15 services in order to reduce demand for higher-cost
16 nursing home care under the pilot program.

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

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

24 (2) The authority of the Secretary to provide services
25 under the pilot program shall cease on the date that is

1 three years after the date of the commencement of the
2 pilot program under paragraph (1).

3 (f) DEFINITIONS.—In this section:

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

6 (A) Any veteran eligible to receive hospital
7 care and medical services under section
8 1710(a)(1) of title 38, United States Code.

9 (B) Any veteran (other than a veteran de-
10 scribed in subparagraph (A)) if the veteran is
11 enrolled in the system of annual patient enroll-
12 ment under section 1705 of title 38, United
13 States Code.

14 (2) ASSISTED LIVING SERVICES.—The term
15 “assisted living services” means services which pro-
16 vide personal care, activities, health-related care, su-
17 pervision, and other assistance on a 24-hour basis
18 within a residential or similar setting which—

19 (A) maximizes flexibility in the provision of
20 such care, activities, supervision, and assist-
21 ance;

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

24 (C) encourages family and community in-
25 volvement with the individual.

1 **Subtitle B—Management of**
 2 **Medical Facilities and Property**

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

4 (a) MAXIMUM TERM OF LEASES.—Section
 5 8162(b)(2) is amended by striking “may not exceed—”
 6 and all that follows through the end and inserting “may
 7 not exceed 55 years.”.

8 (b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVI-
 9 TIES RELATING TO LEASES.—Section 8162(b)(4) is
 10 amended—

11 (1) by inserting “(A)” after “(4)”;

12 (2) in subparagraph (A), as so designated—

13 (A) in the first sentence, by striking
 14 “only”; and

15 (B) by striking the second sentence; and

16 (3) by adding at the end the following new sub-
 17 paragraph:

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

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

1 (d) TRAINING AND OUTREACH REGARDING AUTHOR-
2 ITY.—The Secretary of Veterans Affairs shall take appro-
3 priate actions to provide training and outreach to per-
4 sonnel at Department of Veterans Affairs medical centers
5 regarding the enhanced-use lease authority under sub-
6 chapter V of chapter 81 of title 38, United States Code.
7 The training and outreach shall address methods of ap-
8 proaching potential lessees in the medical or commercial
9 sectors regarding the possibility of entering into leases
10 under that authority and other appropriate matters.

11 (e) INDEPENDENT ANALYSIS OF OPPORTUNITIES
12 FOR USE OF AUTHORITY.—(1) The Secretary shall take
13 appropriate actions to secure from an appropriate entity
14 independent of the Department of Veterans Affairs an
15 analysis of opportunities for the use of the enhanced-use
16 lease authority under subchapter V of chapter 81 of title
17 38, United States Code.

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

19 (A) a survey of the facilities of the Department
20 for purposes of identifying Department property
21 that presents an opportunity for lease under the en-
22 hanced-use lease authority;

23 (B) an assessment of the feasibility of entering
24 into enhanced-use leases under that authority in the

1 case of any property identified under subparagraph
 2 (A) as presenting an opportunity for such lease; and
 3 (C) an assessment of the resources required at
 4 the Department facilities concerned, and at the De-
 5 partment Central Office, in order to facilitate the
 6 entering into of enhanced-used leases in the case of
 7 property so identified.

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

13 (4) If as a result of the survey the entity determines
 14 that certain Department property presents an opportunity
 15 for lease under the enhanced-use lease authority, the anal-
 16 ysis shall include a single integrated business plan, devel-
 17 oped by the entity, that addresses the strategy and re-
 18 sources necessary to implement the plan for all property
 19 determined to present an opportunity for such lease.

20 (f) AUTHORITY FOR ENHANCED-USE LEASE OF
 21 PROPERTY UNDER BUSINESS PLAN.—(1) The Secretary
 22 may enter into an enhanced-use lease of any property
 23 identified as presenting an opportunity for such lease
 24 under the analysis under subsection (e) if such lease is

1 consistent with the business plan under paragraph (4) of
2 that subsection.

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

6 **SEC. 112. DESIGNATION OF HOSPITAL BED REPLACEMENT**
7 **BUILDING AT DEPARTMENT OF VETERANS**
8 **AFFAIRS MEDICAL CENTER IN RENO, NE-**
9 **VADA, AFTER JACK STREETER.**

10 The hospital bed replacement building under con-
11 struction at the Ioannis A. Lougaris Department of Vet-
12 erans Affairs Medical Center in Reno, Nevada, is hereby
13 designated as the “Jack Streeter Building”. Any reference
14 to that building in any law, regulation, map, document,
15 record, or other paper of the United States shall be consid-
16 ered to be a reference to the Jack Streeter Building.

17 **Subtitle C—Homeless Veterans**

18 **SEC. 121. EXTENSION OF PROGRAM OF HOUSING ASSIST-**
19 **ANCE FOR HOMELESS VETERANS.**

20 Section 3735(c) is amended by striking “December
21 31, 1999” and inserting “December 31, 2001”.

22 **SEC. 122. HOMELESS VETERANS COMPREHENSIVE SERVICE**
23 **PROGRAMS.**

24 (a) **PURPOSES OF GRANTS.**—Paragraph (1) of sec-
25 tion 3(a) of the Homeless Veterans Comprehensive Service

1 Programs Act of 1992 (38 U.S.C. 7721 note) is amended
 2 by inserting “, and expanding existing programs for fur-
 3 nishing,” after “new programs to furnish”.

4 (b) EXTENSION OF AUTHORITY TO MAKE GRANTS.—
 5 Paragraph (2) of that section is amended by striking
 6 “September 30, 1999” and inserting “September 30,
 7 2001”.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 9 12 of that Act (38 U.S.C. 7721 note) is amended in the
 10 first sentence by inserting “and \$50,000,000 for each of
 11 fiscal years 2000 and 2001” after “for fiscal years 1993
 12 through 1997”.

13 **SEC. 123. AUTHORIZATIONS OF APPROPRIATIONS FOR**
 14 **HOMELESS VETERANS’ REINTEGRATION**
 15 **PROJECTS.**

16 Section 738(e)(1) of the Stewart B. McKinney Home-
 17 less Assistance Act (42 U.S.C. 11448(e)(1) is amended
 18 by adding at the end the following:

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

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

21 **SEC. 124. REPORT ON IMPLEMENTATION OF GENERAL AC-**
 22 **COUNTING OFFICE RECOMMENDATIONS RE-**
 23 **GARDING PERFORMANCE MEASURES.**

24 (a) REPORT.—Not later than three months after the
 25 date of the enactment of this Act, the Secretary of Vet-

1 erans Affairs shall submit to the Committees on Veterans'
 2 Affairs of the Senate and the House of Representatives
 3 a report containing a detailed plan for the evaluation by
 4 the Department of Veterans Affairs of the effectiveness
 5 of programs to assist homeless veterans.

6 (b) OUTCOME MEASURES.—The plan shall include
 7 outcome measures which determine whether veterans are
 8 housed and employed within six months after housing and
 9 employment are secured for veterans under such pro-
 10 grams.

11 **Subtitle D—Other Health Care** 12 **Provisions**

13 **SEC. 131. EMERGENCY HEALTH CARE IN NON-DEPARTMENT** 14 **OF VETERANS AFFAIRS FACILITIES FOR EN-** 15 **ROLLED VETERANS.**

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

17 (1) in paragraph (6)—

18 (A) by striking “and” at the end of sub-
 19 paragraph (A);

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

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

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

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

6 “(10) The term ‘emergency medical condition’
7 means a medical condition manifesting itself by
8 acute symptoms of sufficient severity (including se-
9 vere pain) such that a prudent layperson, who pos-
10 sesses an average knowledge of health and medicine,
11 could reasonably expect the absence of immediate
12 medical attention to result in—

13 “(A) placing the health of the individual
14 (or, with respect to a pregnant woman, the
15 health of the woman or her unborn child) in se-
16 rious jeopardy;

17 “(B) serious impairment to bodily func-
18 tions; or

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

21 (b) CONTRACT CARE.—Section 1703(a)(3) is amend-
22 ed by striking “medical emergencies” and all that follows
23 through “health of a veteran” and inserting “an emer-
24 gency medical condition of a veteran who is enrolled under
25 section 1705 of this title or who is”.

1 (c) REIMBURSEMENT OF EXPENSES FOR EMER-
2 GENCY CARE.—Section 1728(a)(2) is amended—

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

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

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

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

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

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

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

6 **“§ 1712C. Specialized mental health services**

7 “(a) The Secretary shall carry out programs for pur-
8 poses of enhancing the provision of specialized mental
9 health services to veterans.

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

12 “(1) Programs relating to the treatment of Post
13 Traumatic Stress Disorder (PTSD), including pro-
14 grams for—

15 “(A) the establishment and operation of
16 additional outpatient and residential treatment
17 facilities for Post Traumatic Stress Disorder in
18 areas that are underserved by existing pro-
19 grams relating to Post Traumatic Stress Dis-
20 order, as determined by qualified mental health
21 personnel of the Department who oversee such
22 programs;

23 “(B) the provision of services in response
24 to the specific needs of veterans with Post
25 Traumatic Stress Disorder and related dis-
26 orders, including short-term or long-term care

1 services that combine residential treatment of
2 Post Traumatic Stress Disorder;

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

6 “(D) the enhancement of staffing of exist-
7 ing programs relating to Post Traumatic Stress
8 Disorder which have exceeded the projected
9 workloads for such programs.

10 “(2) Programs relating to substance use dis-
11 orders, including programs for—

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

15 “(B) the expansion of the provision of
16 opioid treatment services, including the estab-
17 lishment and operation of additional programs
18 for the provision of opioid treatment services;
19 and

20 “(C) the reestablishment or enhancement
21 of substance use disorder services at facilities at
22 which such services have been eliminated or
23 curtailed, with an emphasis on the reestablish-
24 ment or enhancement of services at facilities

1 where demand for such services is high or
2 which serve large geographic areas.

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

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

8 “(A) be based upon an assessment of the need
9 for funds conducted by qualified mental health per-
10 sonnel of the Department who oversee such pro-
11 grams; and

12 “(B) emphasize, to the maximum extent prac-
13 ticable, the availability of funds for the programs de-
14 scribed in paragraphs (1) and (2) of subsection
15 (b).”.

16 “(2) The table of sections at the beginning of chapter
17 17 is amended by inserting after the item relating to sec-
18 tion 1712B the following new item:

 “1712C. Specialized mental health services.”.

19 (b) REPORT.—(1) Not later than March 1 of each
20 of 2000, 2001, and 2002, the Secretary of Veterans Af-
21 fairs shall submit to Congress a report on the programs
22 carried out by the Secretary under section 1712C of title
23 38, United States Code (as added by subsection (a)).

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

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

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

8 (C) set forth the amounts expended for pur-
9 poses of carrying out such programs.

10 **SEC. 133. TREATMENT AND SERVICES FOR DRUG OR ALCO-**
11 **HOL DEPENDENCY.**

12 Section 1720A(c) is amended—

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

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

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

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

1 **SEC. 134. ALLOCATION TO DEPARTMENT OF VETERANS AF-**
 2 **FAIRS HEALTH CARE FACILITIES OF**
 3 **AMOUNTS IN MEDICAL CARE COLLECTIONS**
 4 **FUND.**

5 Section 1729A(d) is amended—

6 (1) by striking “(1)”;

7 (2) by striking “each designated health care re-
 8 gion” and inserting “each Department health care
 9 facility”;

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

12 (4) by striking “such region” both places it ap-
 13 pears and inserting “such facility”; and

14 (4) by striking paragraph (2).

15 **SEC. 135. EXTENSION OF CERTAIN PERSIAN GULF WAR AU-**
 16 **THORITIES.**

17 (a) **THREE-YEAR EXTENSION OF NEWSLETTER ON**
 18 **MEDICAL CARE.**—Section 105(b)(2) of the Persian Gulf
 19 War Veterans’ Benefits Act (title I of Public Law 103–
 20 446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended
 21 by striking “December 31, 1999” and inserting “Decem-
 22 ber 31, 2002”.

23 (b) **THREE-YEAR EXTENSION OF PROGRAM FOR**
 24 **EVALUATION OF HEALTH OF SPOUSES AND CHILDREN.**—
 25 Section 107(b) of Persian Gulf War Veterans’ Benefits
 26 Act (title I of Public Law 103–446; 38 U.S.C. 1117 note)

1 is amended by striking “December 31, 1999” and insert-
2 ing “December 31, 2002”.

3 **SEC. 136. REPORT ON COORDINATION OF PROCUREMENT**
4 **OF PHARMACEUTICALS AND MEDICAL SUP-**
5 **PLIES BY THE DEPARTMENT OF VETERANS**
6 **AFFAIRS AND THE DEPARTMENT OF DE-**
7 **FENSE.**

8 (a) REQUIREMENT.—Not later than March 31, 2000,
9 the Secretary of Veterans Affairs and the Secretary of De-
10 fense shall jointly submit to the Committees on Veterans’
11 Affairs and Armed Services of the Senate and the Com-
12 mittees on Veterans’ Affairs and Armed Services of the
13 House of Representatives a report on the cooperation be-
14 tween the Department of Veterans Affairs and the De-
15 partment of Defense in the procurement of pharma-
16 ceuticals and medical supplies.

17 (b) REPORT ELEMENTS.—The report under sub-
18 section (a) shall include the following:

19 (1) A description of the current cooperation be-
20 tween the Department of Veterans Affairs and the
21 Department of Defense in the procurement of phar-
22 maceuticals and medical supplies.

23 (2) An assessment of the means by which co-
24 operation between the departments in such procure-
25 ment could be enhanced or improved.

1 (3) A description of any existing memoranda of
2 agreement between the Department of Veterans Af-
3 fairs and the Department of Defense that provide
4 for the cooperation referred to in subsection (a).

5 (4) A description of the effects, if any, such
6 agreements will have on current staffing levels at the
7 Defense Supply Center in Philadelphia, Pennsyl-
8 vania, and the Department of Veterans Affairs Na-
9 tional Acquisition Center in Hines, Illinois.

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

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

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

23 (8) An assessment of the extent to which coop-
24 erative agreements could be expanded to include
25 medical equipment, major systems, and durable

1 goods used in the delivery of health care by the De-
 2 partment of Veterans Affairs and the Department of
 3 Defense.

4 (9) A description of the effects such agreements
 5 might have on distribution of items purchased coop-
 6 eratively by the Department of Veterans Affairs and
 7 the Department of Defense, particularly outside the
 8 continental United States.

9 (10) An assessment of the potential to establish
 10 common pharmaceutical formularies between the De-
 11 partment of Veterans Affairs and the Department of
 12 Defense.

13 (11) An explanation of the current Uniform
 14 Product Number (UPN) requirements of each De-
 15 partment and of any planned standardization of
 16 such requirements between the Departments for
 17 medical equipment and durable goods manufactur-
 18 ers.

19 **SEC. 137. REIMBURSEMENT OF MEDICAL EXPENSES OF**
 20 **VETERANS LOCATED IN ALASKA.**

21 (a) PRESERVATION OF CURRENT REIMBURSEMENT
 22 RATES.—Notwithstanding any other provision of law, the
 23 Secretary of Veterans Affairs shall, for purposes of reim-
 24 bursing veterans in Alaska for medical expenses under sec-
 25 tion 1728 of title 38, United States Code, during the one-

1 year period beginning on the date of the enactment of this
2 Act, use the fee-for-service payment schedule in effect for
3 such purposes on July 31, 1999, rather than the Partici-
4 pating Physician Fee Schedule under the Medicare pro-
5 gram.

6 (b) REPORT.—(1) Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Vet-
8 erans Affairs and the Secretary of Health and Human
9 Services shall jointly submit to the Committees on Vet-
10 erans' Affairs of the Senate and the House of Representa-
11 tives a report and recommendation on the use of the Par-
12 ticipating Physician Fee Schedule under the Medicare pro-
13 gram as a means of calculating reimbursement rates for
14 medical expenses of veterans located in Alaska under sec-
15 tion 1728 of title 38, United States Code.

16 (2) The report shall—

17 (A) assess the differences between health care
18 costs in Alaska and health care costs in the conti-
19 nental United States;

20 (B) describe any differences between the costs
21 of providing health care in Alaska and the reim-
22 bursement rates for the provision of health care
23 under the Participating Physician Fee Schedule; and

24 (C) assess the effects on health care for vet-
25 erans in Alaska of implementing the Participating

1 Physician Fee Schedule as a means of calculating
 2 reimbursement rates for medical expenses of vet-
 3 erans located in Alaska under section 1728 of title
 4 38, United States Code.

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

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

10 (1) by striking subsection (c); and

11 (2) by redesignating subsection (d) as sub-
 12 section (c).

13 (b) UNDER SECRETARY FOR BENEFITS.—Section
 14 306 is amended—

15 (1) by striking subsection (c); and

16 (2) by redesignating subsection (d) as sub-
 17 section (c).

18 (c) APPLICABILITY.—The amendments made by sub-
 19 sections (a) and (b) shall take effect on the date of the
 20 enactment of this Act and shall apply with respect to indi-
 21 viduals appointed as Under Secretary for Health and
 22 Under Secretary for Benefits, respectively, on or after that
 23 date.

1 **Subtitle E—Major Medical Facility**
2 **Projects Construction Author-**
3 **ization**

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

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

10 (1) Construction of a long term care facility at
11 the Department of Veterans Affairs Medical Center,
12 Lebanon, Pennsylvania, in an amount not to exceed
13 \$14,500,000.

14 (2) Renovations and environmental improve-
15 ments at the Department of Veterans Affairs Med-
16 ical Center, Fargo, North Dakota, in an amount not
17 to exceed \$12,000,000.

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

22 (4) Renovations and environmental improve-
23 ments at the Department of Veterans Affairs Med-
24 ical Center, Atlanta, Georgia, in an amount not to
25 exceed \$12,400,000.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—

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

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

13 (A) funds appropriated for fiscal year 2000
 14 pursuant to the authorizations of appropria-
 15 tions in subsection (a);

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

20 (C) funds appropriated for Construction,
 21 Major Projects, for fiscal year 2000 for a cat-
 22 egory of activity not specific to a project.

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

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

3 (2) by inserting after subparagraph (A) the fol-
 4 lowing new subparagraph (B):

5 “(B) funds appropriated for fiscal year 2000
 6 pursuant to the authorization of appropriations in
 7 section 341(b)(1) of the Veterans Benefits Act of
 8 1999;”.

9 **TITLE II—BENEFITS MATTERS**

10 **SEC. 201. PAYMENT RATE OF CERTAIN BURIAL BENEFITS**

11 **FOR CERTAIN FILIPINO VETERANS.**

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

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

16 (2) by adding at the end the following:

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

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

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

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

3 “(C) either—

4 “(i) is receiving compensation under chap-
5 ter 11 of this title; or

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

11 (b) APPLICABILITY.—No benefits shall accrue to any
12 person for any period before the date of the enactment
13 of this Act by reason of the amendments made by sub-
14 section (a).

15 **SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN A RE-**
16 **GIONAL OFFICE IN THE REPUBLIC OF THE**
17 **PHILIPPINES.**

18 Section 315(b) is amended by striking “December 31,
19 1999” and inserting “December 31, 2004”.

20 **SEC. 203. EXTENSION OF ADVISORY COMMITTEE ON MI-**
21 **NORITY VETERANS.**

22 Section 544(e) is amended by striking “December 31,
23 1999” and inserting “December 31, 2004”.

1 **SEC. 204. DEPENDENCY AND INDEMNITY COMPENSATION**
 2 **FOR SURVIVING SPOUSES OF FORMER PRIS-**
 3 **ONERS OF WAR.**

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

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

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

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

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

16 (1) in paragraph (1)—

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

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

20 (2) in paragraph (2)—

21 (A) by striking “if so rated for a lesser pe-
 22 riod, was so rated continuously” and inserting
 23 “the disability was continuously rated totally
 24 disabling”; and

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

1 **SEC. 205. REPEAL OF LIMITATION ON PAYMENTS OF BENE-**
 2 **FITS TO INCOMPETENT INSTITUTIONALIZED**
 3 **VETERANS.**

4 Section 5503 is amended—

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

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

8 **SEC. 206. CLARIFICATION OF VETERANS EMPLOYMENT OP-**
 9 **PORTUNITIES.**

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

12 (1) by striking paragraph (4);

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

15 (3) by inserting after paragraph (1) the fol-
 16 lowing new paragraph (2):

17 “(2) If selected, a preference eligible or veteran de-
 18 scribed in paragraph (1) shall acquire competitive status
 19 and shall receive a career or career-conditional appoint-
 20 ment, as appropriate.”.

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

1 **TITLE III—MEMORIAL AFFAIRS**
 2 **Subtitle A—Arlington National**
 3 **Cemetery**

4 **SEC. 301. SHORT TITLE.**

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

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

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

11 **“§ 2412. Arlington National Cemetery: persons eligi-**
 12 **ble for burial**

13 “(a) PRIMARY ELIGIBILITY.—The remains of the fol-
 14 lowing individuals may be buried in Arlington National
 15 Cemetery:

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

18 “(2) Any retired member of the Armed Forces
 19 and any person who served on active duty and at the
 20 time of death was entitled (or but for age would
 21 have been entitled) to retired pay under chapter
 22 1223 of title 10.

23 “(3) Any former member of the Armed Forces
 24 separated for physical disability before October 1,
 25 1949, who—

1 “(A) served on active duty; and

2 “(B) would have been eligible for retire-
3 ment under the provisions of section 1201 of
4 title 10 (relating to retirement for disability)
5 had that section been in effect on the date of
6 separation of the member.

7 “(4) Any former member of the Armed Forces
8 whose last active duty military service terminated
9 honorably and who has been awarded one of the fol-
10 lowing decorations:

11 “(A) Medal of Honor.

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

14 “(C) Distinguished Service Medal.

15 “(D) Silver Star.

16 “(E) Purple Heart.

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

19 “(6) The President or any former President.

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

24 “(A) Vice President.

25 “(B) Member of Congress.

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

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

6 “(E) An individual who served in the for-
7 eign or national security services, if such indi-
8 vidual died as a result of a hostile action out-
9 side the United States in the course of such
10 service.

11 “(8) Any individual whose eligibility is author-
12 ized in accordance with subsection (b).

13 “(b) ADDITIONAL AUTHORIZATIONS OF BURIAL.—

14 (1) In the case of a former member of the Armed Forces
15 not otherwise covered by subsection (a) whose last dis-
16 charge or separation from active duty was under honorable
17 conditions, if the Secretary of Defense makes a determina-
18 tion referred to in paragraph (3) with respect to such
19 member, the Secretary of Defense may authorize the bur-
20 ial of the remains of such former member in Arlington
21 National Cemetery under subsection (a)(8).

22 “(2) In the case of any individual not otherwise cov-
23 ered by subsection (a) or paragraph (1), if the President
24 makes a determination referred to in paragraph (3) with
25 respect to such individual, the President may authorize the

1 burial of the remains of such individual in Arlington Na-
2 tional Cemetery under subsection (a)(8).

3 “(3) A determination referred to in paragraph (1) or
4 (2) is a determination that the acts, service, or other con-
5 tributions to the Nation of the former member or indi-
6 vidual concerned are of equal or similar merit to the acts,
7 service, or other contributions to the Nation of any of the
8 persons listed in subsection (a).

9 “(4)(A) In the case of an authorization for burial
10 under this subsection, the President or the Secretary of
11 Defense, as the case may be, shall submit to the Commit-
12 tees on Veterans’ Affairs of the Senate and the House of
13 Representatives a report on the authorization not later
14 than 72 hours after the authorization.

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

16 “(i) identify the individual authorized for bur-
17 ial; and

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

20 “(5)(A) In the case of an authorization for burial
21 under this subsection, the President or the Secretary of
22 Defense, as the case may be, shall publish in the Federal
23 Register a notice of the authorization as soon as prac-
24 ticable after the authorization.

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

1 “(i) identify the individual authorized for bur-
2 ial; and

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

5 “(c) ELIGIBILITY OF FAMILY MEMBERS.—The re-
6 mains of the following individuals may be buried in Arling-
7 ton National Cemetery:

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

13 “(B) In a case under subparagraph (A) in
14 which the same gravesite may not be used due to in-
15 sufficient space, a person otherwise eligible under
16 that subparagraph may be interred in a gravesite
17 adjoining the gravesite of the person listed in sub-
18 section (a) if space in such adjoining gravesite had
19 been reserved for the burial of such person otherwise
20 eligible under that subparagraph before January
21 1962.

22 “(2)(A) The spouse, minor child, and, at the
23 discretion of the Superintendent, unmarried adult
24 child of a member of the Armed Forces on active

1 duty if such spouse, minor child, or unmarried adult
2 child dies while such member is on active duty.

3 “(B) The individual whose spouse, minor child,
4 and unmarried adult child is eligible under subpara-
5 graph (A), but only if buried in the same gravesite
6 as the spouse, minor child, or unmarried adult child.

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

12 “(4)(A) Subject to subparagraph (B), the sur-
13 viving spouse, minor child, and, at the discretion of
14 the Superintendent, unmarried adult child of a
15 member of the Armed Forces who was lost, buried
16 at sea, or officially determined to be permanently ab-
17 sent in a status of missing or missing in action.

18 “(B) A person is not eligible under subpara-
19 graph (A) if a memorial to honor the memory of the
20 member is placed in a cemetery in the national cem-
21 etery system, unless the memorial is removed. A me-
22 morial removed under this subparagraph may be
23 placed, at the discretion of the Superintendent, in
24 Arlington National Cemetery.

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

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

12 “(e) DISABLED ADULT UNMARRIED CHILDREN.—In
13 the case of an unmarried adult child who is incapable of
14 self-support up to the time of death because of a physical
15 or mental condition, the child may be buried under sub-
16 section (c) without requirement for approval by the Super-
17 intendent under that subsection if the burial is in the same
18 gravesite as the gravesite in which the parent, who is eligi-
19 ble for burial under subsection (a), has been or will be
20 buried.

21 “(f) FAMILY MEMBERS OF PERSONS BURIED IN A
22 GROUP GRAVESITE.—In the case of a person eligible for
23 burial under subsection (a) who is buried in Arlington Na-
24 tional Cemetery as part of a group burial, the surviving

1 spouse, minor child, or unmarried adult child of the mem-
 2 ber may not be buried in the group gravesite.

3 “(g) EXCLUSIVE AUTHORITY FOR BURIAL IN AR-
 4 LINGTON NATIONAL CEMETERY.—Eligibility for burial of
 5 remains in Arlington National Cemetery prescribed under
 6 this section is the exclusive eligibility for such burial.

7 “(h) APPLICATION FOR BURIAL.—A request for bur-
 8 ial of remains of an individual in Arlington National Cem-
 9 etery made before the death of the individual may not be
 10 considered by the Secretary of the Army, the Secretary
 11 of Defense, or any other responsible official.

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

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

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

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

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

1 “(B) any member of the Fleet Reserve or
 2 Fleet Marine Corps Reserve who served on ac-
 3 tive duty and who is entitled to retainer pay;
 4 and

5 “(C) any member of a reserve component
 6 of the Armed Forces who has served on active
 7 duty and who has received notice from the Sec-
 8 retary concerned under section 12731(d) of title
 9 10 of eligibility for retired pay under chapter
 10 1223 of title 10.

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

16 “(3) The term ‘Superintendent’ means the Su-
 17 perintendent of Arlington National Cemetery.”.

18 (2) The table of sections at the beginning of chapter
 19 24 is amended by adding at the end the following new
 20 item:

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

21 (b) PUBLICATION OF UPDATED PAMPHLET.—Not
 22 later than 180 days after the date of enactment of this
 23 Act, the Secretary of the Army shall publish an updated
 24 pamphlet describing eligibility for burial in Arlington Na-
 25 tional Cemetery. The pamphlet shall reflect the provisions

1 of section 2412 of title 38, United States Code, as added
2 by subsection (a).

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

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

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

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

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

15 **SEC. 303. PERSONS ELIGIBLE FOR PLACEMENT IN THE**
16 **COLUMBARIUM IN ARLINGTON NATIONAL**
17 **CEMETERY.**

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

21 **“§ 2413. Arlington National Cemetery: persons eligi-**
22 **ble for placement in columbarium**

23 **“(a) ELIGIBILITY.—The cremated remains of the fol-**
24 **lowing individuals may be placed in the columbarium in**
25 **Arlington National Cemetery:**

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

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

6 “(B) The spouse, surviving spouse, minor child,
7 and, at the discretion of the Superintendent of Ar-
8 lington National Cemetery, unmarried adult child of
9 such a veteran.

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

13 (2) The table of sections at the beginning of chapter
14 24 is amended by adding after section 2412, as added by
15 section 302(a)(2) of this Act, the following new item:

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

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

20 **Subtitle B—World War II Memorial**

21 **SEC. 311. SHORT TITLE.**

22 This subtitle may be cited as the “World War II Me-
23 morial Completion Act”.

1 **SEC. 312. FUND RAISING BY AMERICAN BATTLE MONU-**
 2 **MENTS COMMISSION FOR WORLD WAR II ME-**
 3 **MORIAL.**

4 (a) CODIFICATION OF EXISTING AUTHORITY; EX-
 5 PANSION OF AUTHORITY.—(1) Chapter 21 of title 36,
 6 United States Code, is amended by adding at the end the
 7 following new section:

8 **“§ 2113. World War II memorial in the District of Co-**
 9 **lumbia**

10 “(a) DEFINITIONS.—In this section:

11 “(1) The term ‘World War II memorial’ means
 12 the memorial authorized by Public Law 103–32
 13 (107 Stat. 90) to be established by the American
 14 Battle Monuments Commission on Federal land in
 15 the District of Columbia or its environs to honor
 16 members of the Armed Forces who served in World
 17 War II and to commemorate the participation of the
 18 United States in that war.

19 “(2) The term ‘Commission’ means the Amer-
 20 ican Battle Monuments Commission.

21 “(3) The term ‘memorial fund’ means the fund
 22 created by subsection (c).

23 “(b) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
 24 TIONS.—Consistent with the authority of the Commission
 25 under section 2103(e) of this title, the Commission shall

1 solicit and accept contributions for the World War II me-
2 morial.

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

6 “(A) Amounts deposited, and interest and pro-
7 ceeds credited, under paragraph (2).

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

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

13 “(D) Amounts borrowed using the authority
14 provided under subsection (e).

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

19 “(2) The Chairman of the Commission shall deposit
20 in the memorial fund the amounts accepted as contribu-
21 tions under subsection (b). The Secretary of the Treasury
22 shall credit to the memorial fund the interest on, and the
23 proceeds from sale or redemption of, obligations held in
24 the memorial fund.

1 “(3) The Secretary of the Treasury shall invest any
2 portion of the memorial fund that, as determined by the
3 Chairman of the Commission, is not required to meet cur-
4 rent expenses. Each investment shall be made in an inter-
5 est bearing obligation of the United States or an obligation
6 guaranteed as to principal and interest by the United
7 States that, as determined by the Chairman of the Com-
8 mission, has a maturity suitable for the memorial fund.

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

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

15 “(2) such other expenses, other than routine
16 maintenance, with respect to the World War II me-
17 morial as the Commission considers warranted; and

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

23 “(e) SPECIAL BORROWING AUTHORITY.—(1) To as-
24 sure that groundbreaking, construction, and dedication of
25 the World War II memorial are completed on a timely

1 basis, the Commission may borrow money from the Treas-
2 ury of the United States in such amounts as the Commis-
3 sion considers necessary, but not to exceed a total of
4 \$65,000,000. Borrowed amounts shall bear interest at a
5 rate determined by the Secretary of the Treasury, taking
6 into consideration the average market yield on outstanding
7 marketable obligations of the United States of comparable
8 maturities during the month preceding the month in which
9 the obligations of the Commission are issued. The interest
10 payments on such obligations may be deferred with the
11 approval of the Secretary of the Treasury, but any interest
12 payment so deferred shall also bear interest.

13 “(2) The borrowing of money by the Commission
14 under paragraph (1) shall be subject to such maturities,
15 terms, and conditions as may be agreed upon by the Com-
16 mission and the Secretary of the Treasury, except that
17 the maturities may not exceed 20 years and such bor-
18 rowings may be redeemable at the option of the Commis-
19 sion before maturity.

20 “(3) The obligations of the Commission shall be
21 issued in amounts and at prices approved by the Secretary
22 of the Treasury. The authority of the Commission to issue
23 obligations under this subsection shall remain available
24 without fiscal year limitation. The Secretary of the Treas-
25 ury shall purchase any obligations of the Commission to

1 be issued under this subsection, and for such purpose the
2 Secretary of the Treasury may use as a public debt trans-
3 action of the United States the proceeds from the sale of
4 any securities issued under chapter 31 of title 31. The
5 purposes for which securities may be issued under such
6 chapter are extended to include any purchase of the Com-
7 mission's obligations under this subsection.

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

13 “(f) TREATMENT OF BORROWING AUTHORITY.—In
14 determining whether the Commission has sufficient funds
15 to complete construction of the World War II memorial,
16 as required by section 8 of the Commemorative Works Act
17 (40 U.S.C. 1008), the Secretary of the Interior shall con-
18 sider the funds that the Commission may borrow from the
19 Treasury under subsection (e) as funds available to com-
20 plete construction of the memorial, whether or not the
21 Commission has actually exercised the authority to borrow
22 such funds.

23 “(g) VOLUNTARY SERVICES.—(1) Notwithstanding
24 section 1342 of title 31, the Commission may accept from
25 any person voluntary services to be provided in further-

1 ance of the fund-raising activities of the Commission relat-
2 ing to the World War II memorial.

3 “(2) A person providing voluntary services under this
4 subsection shall be considered to be a Federal employee
5 for purposes of chapter 81 of title 5, relating to compensa-
6 tion for work-related injuries, and chapter 171 of title 28,
7 relating to tort claims. A volunteer who is not otherwise
8 employed by the Federal Government shall not be consid-
9 ered to be a Federal employee for any other purpose by
10 reason of the provision of such voluntary service, except
11 that any volunteers given responsibility for the handling
12 of funds or the carrying out of a Federal function are sub-
13 ject to the conflict of interest laws contained in chapter
14 11 of title 18, and the administrative standards of conduct
15 contained in part 2635 of title 5, Code of Federal Regula-
16 tions.

17 “(3) The Commission may provide for reimbursement
18 of incidental expenses which are incurred by a person pro-
19 viding voluntary services under this subsection. The Com-
20 mission shall determine which expenses are eligible for re-
21 imbursement under this paragraph.

22 “(4) Nothing in this subsection shall be construed to
23 require Federal employees to work without compensation
24 or to allow the use of volunteer services to displace or re-
25 place Federal employees.

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

6 “(i) EXTENSION OF AUTHORITY TO ESTABLISH ME-
 7 MORIAL.—Notwithstanding section 10 of the Commemora-
 8 tive Works Act (40 U.S.C. 1010), the legislative author-
 9 ization for the construction of the World War II memorial
 10 contained in Public Law 103–32 (107 Stat. 90) shall not
 11 expire until December 31, 2005.”.

12 (2) The table of sections at the beginning of chapter
 13 21 of title 36, United States Code, is amended by adding
 14 at the end the following new item:

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

15 (b) CONFORMING AMENDMENTS.—Public Law 103–
 16 32 (107 Stat. 90) is amended by striking sections 3, 4,
 17 and 5.

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

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

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

6 “(e) SOLICITATION AND RECEIPT OF CONTRIBU-
7 TIONS.—(1) The Commission may solicit and receive
8 funds and in-kind donations and gifts from any State, mu-
9 nicipal, or private source to carry out the purposes of this
10 chapter. The Commission shall deposit such funds in a
11 separate account in the Treasury. Funds from this ac-
12 count shall be disbursed upon vouchers approved by the
13 Chairman of the Commission as well as by a Federal offi-
14 cial authorized to sign payment vouchers.

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

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

23 “(B) compromise the integrity or the appear-
24 ance of the integrity of the programs of the Commis-
25 sion or any official involved in those programs.”.

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

2 Section 2103 of title 36, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

5 “(1) INTELLECTUAL PROPERTY AND RELATED
6 ITEMS.—(1) The Commission may—

7 “(A) adopt, use, register, and license trade-
8 marks, service marks, and other marks;

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

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

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

14 “(2) The Commission may grant exclusive and non-
15 exclusive licenses in connection with any mark, copyright,
16 patent, or license for the use of such mark, copyright or
17 patent, except to extent the grant of such license by the
18 Commission would be contrary to any contract or license
19 by which the use of such mark, copyright or patent was
20 obtained.

21 “(3) The Commission may enforce any mark, copy-
22 right, or patent by an action in the district courts under
23 any law providing for the protection of such marks, copy-
24 rights, or patents.

25 “(4) The Attorney General shall furnish the Commis-
26 sion with such legal representation as the Commission

1 may require under paragraph (3). The Secretary of De-
 2 fense shall provide representation for the Commission in
 3 administrative proceedings before the Patent and Trade-
 4 mark Office and Copyright Office.

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

7 **TITLE IV—UNITED STATES**
 8 **COURT OF APPEALS FOR VET-**
 9 **ERANS CLAIMS**

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

14 (a) **AUTHORITY FOR TEMPORARY SERVICE.—**(1)
 15 Notwithstanding subsection (c) of section 7253 of title 38,
 16 United States Code, and subject to the provisions of this
 17 section, a judge of the Court whose term on the Court
 18 expires in 2004 or 2005 and completes such term, or who
 19 retires from the Court under section 7296(b)(1) of such
 20 title, may continue to serve on the Court after the expira-
 21 tion of the judge’s term or retirement, as the case may
 22 be, without reappointment for service on the Court under
 23 such section 7253.

24 (2) A judge may continue to serve on the Court under
 25 paragraph (1) only if the judge submits to the chief judge

1 of the Court written notice of an election to so serve 30
2 days before the earlier of—

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

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

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

11 (b) PERIOD OF TEMPORARY SERVICE.—(1) The serv-
12 ice of a judge on the Court under this section may con-
13 tinue until the earlier of—

14 (A) the date that is 30 days after the date on
15 which the chief judge of the Court submits to the
16 President and Congress a written certification based
17 on the projected caseload of the Court that the work
18 of the Court can be performed in a timely and effi-
19 cient manner by judges of the Court under this sec-
20 tion who are senior on the Court to the judge elect-
21 ing to continue to provide temporary service under
22 this section or without judges under this section; or

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

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

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

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

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

17 (A) In the case of a person eligible to receive
18 retired pay under subchapter V of chapter 72 of title
19 38, United States Code, or a retirement annuity
20 under subchapter III of chapter 83 or subchapter II
21 of chapter 84 of title 5, United States Code, as ap-
22 plicable, an amount equal to one-half of the amount
23 of the current salary payable to a judge of the Court
24 under chapter 72 of title 38, United States Code,

1 having a status on the Court equivalent to the high-
2 est status on the Court attained by the person.

3 (B) In the case of a person not eligible to re-
4 ceive such retired pay or such retirement annuity, an
5 amount equal to the amount of current salary pay-
6 able to a judge of the Court under such chapter 72
7 having a status on the Court equivalent to the high-
8 est status on the Court attained by the person.

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

11 (A) shall not be treated as—

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

19 (ii) pay for purposes of deductions or con-
20 tributions for or on behalf of the person to re-
21 tired pay under subchapter V of chapter 72 of
22 title 38, United States Code, or under chapter
23 83 or 84 of title 5, United States Code, as ap-
24 plicable; but

1 (B) may, at the election of the person, be treat-
2 ed as pay for purposes of deductions or contribu-
3 tions for or on behalf of the person to a retirement
4 or other annuity, or both, under subchapter V of
5 chapter 72 of title 38, United States Code, or under
6 chapter 83 or 84 of title 5, United States Code, as
7 applicable.

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

15 (4) Amounts paid under this subsection shall be de-
16 rived from amounts available for payment of salaries and
17 benefits of judges of the Court.

18 (e) CREDITABLE SERVICE.—(1) The service as a
19 judge of the Court under this section of a person who
20 makes an election provided for under subsection (d)(2)(B)
21 shall constitute creditable service toward the judge's years
22 of judicial service for purposes of section 7297 of title 38,
23 United States Code, with such service creditable at a rate
24 equal to the rate at which such service would be creditable

1 for such purposes if served by a judge of the Court under
 2 chapter 72 of that title.

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

10 (f) ELIGIBILITY FOR ADDITIONAL SERVICE.—The
 11 service of a person as a judge of the Court under this
 12 section shall not affect the eligibility of the person for ap-
 13 pointment to an additional term or terms on the Court,
 14 whether in the position occupied by the person under this
 15 section or in another position on the Court.

16 (g) TREATMENT OF PARTY MEMBERSHIP.—For pur-
 17 poses of determining compliance with the last sentence of
 18 section 7253(b) of title 38, United States Code, the party
 19 membership of a judge serving on the Court under this
 20 section shall not be taken into account.

21 **SEC. 402. MODIFIED TERMS FOR CERTAIN JUDGES OF**
 22 **UNITED STATES COURT OF APPEALS FOR**
 23 **VETERANS CLAIMS.**

24 (a) MODIFIED TERMS.—Notwithstanding section
 25 7253(c) of title 38, United States Code, the term of any

1 judge of the Court who is appointed to a position on the
 2 Court that becomes vacant in 2004 shall be 13 years.

3 (b) ELIGIBILITY FOR RETIREMENT.—(1) For pur-
 4 poses of determining the eligibility to retire under section
 5 7296 of title 38, United States Code, of a judge appointed
 6 as described in subsection (a)—

7 (A) the age and service requirements in the
 8 table in paragraph (2) shall apply to the judge in-
 9 stead of the age and service requirements in the
 10 table in subsection (b)(1) of that section that would
 11 otherwise apply to the judge; and

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

16 (2) The age and service requirements in this para-
 17 graph 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

1 **SEC. 403. TEMPORARY AUTHORITY FOR VOLUNTARY SEPA-**
2 **RATION INCENTIVES FOR CERTAIN JUDGES**
3 **ON UNITED STATES COURT OF APPEALS FOR**
4 **VETERANS CLAIMS.**

5 (a) TEMPORARY AUTHORITY.—A voluntary separa-
6 tion incentive payment may be paid in accordance with
7 this section to any judge of the Court described in sub-
8 section (c).

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

12 (c) COVERED JUDGES.—A voluntary separation in-
13 centive payment may be paid under this section to any
14 judge of the Court who—

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

19 (2) submits a notice of an intent to retire in ac-
20 cordance with subsection (d); and

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

24 (d) NOTICE OF INTENT TO RETIRE.—(1) A judge of
25 the Court seeking payment of a voluntary separation in-
26 centive payment under this section shall submit to the

1 President and Congress a timely notice of an intent to re-
2 tire from the Court, together with a request for payment
3 of the voluntary separation incentive payment.

4 (2) A notice shall be timely submitted under para-
5 graph (1) only if submitted—

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

8 (B) in the case of a judge whose retirement
9 from the Court will occur less than one year after
10 the date of the enactment of this Act, not later than
11 30 days after the date of the enactment of this Act.

12 (e) DATE OF PAYMENT.—A voluntary separation in-
13 centive payment may be paid to a judge of the Court
14 under this section only upon the retirement of the judge
15 from the Court.

16 (f) TREATMENT OF PAYMENT.—A voluntary separa-
17 tion incentive payment paid to a judge under this section
18 shall not be treated as pay for purposes of contributions
19 for or on behalf of the judge to retired pay or a retirement
20 or other annuity under subchapter V of chapter 72 of title
21 38, United States Code.

22 (g) ELIGIBILITY FOR TEMPORARY SERVICE ON
23 COURT.—A judge seeking payment of a voluntary separa-
24 tion incentive payment under this section may serve on

1 the Court under section 401 if eligible for such service
2 under that section.

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

7 (i) EXPIRATION OF AUTHORITY.—A voluntary sepa-
8 ration incentive payment may not be paid under this sec-
9 tion to a judge who retires from the Court after December
10 31, 2002.

11 **SEC. 404. DEFINITION.**

12 In this title, the term “Court” means the United
13 States Court of Appeals for Veterans Claims.

Passed the Senate September 8, 1999.

Attest:

GARY SISCO,
Secretary.