

105TH CONGRESS
2D SESSION

H. R. 4110

To provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1998

Mr. STUMP (for himself, Mr. EVANS, Mr. QUINN, and Mr. FILNER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, 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 Improvement Act of 1998”.

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

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

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

- Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.

TITLE II—EDUCATION BENEFITS

- Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.
 Sec. 202. Election of advance payment of work-study allowance.
 Sec. 203. Alternative to twelve semester hour equivalency requirement.
 Sec. 204. Medical evidence for flight training requirements.
 Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.
 Sec. 206. Expansion of education outreach services.
 Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

TITLE III—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

- Sec. 301. Continuation in office of judges pending confirmation for second term.
 Sec. 302. Authority to prescribe rules and regulations.

Subtitle B—Retirement-Related Provisions

- Sec. 311. Recall of retired judges.
 Sec. 312. Calculation of years of service as a judge.
 Sec. 313. Judges' retired pay.
 Sec. 314. Exemption of retirement fund from sequestration orders.
 Sec. 315. Limitation on activities of retired judges.
 Sec. 316. Early retirement authority for current judges in order to provide for staggered terms of judges.
 Sec. 317. Adjustments for survivor annuities.
 Sec. 318. Reports on retirement program modifications.

Subtitle C—Renaming of Court

- Sec. 321. Renaming of the Court of Veterans Appeals.
 Sec. 322. Conforming amendments.
 Sec. 323. Effective Date.

TITLE IV—OTHER MATTERS

- Sec. 401. Applicability of procurement law to certain contracts of Department of Veterans Affairs.
 Sec. 402. Permanent eligibility of members of Selected Reserve for veterans housing loans.
 Sec. 403. Furnishing of burial flags for deceased members and former members of the Selected Reserve.
 Sec. 404. State cemetery grants program.
 Sec. 405. Disabled Veterans Outreach Program specialists.

Sec. 406. Permanent authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.

Sec. 407. Members of the Board of Veterans' Appeals.

Sec. 408. National Service Life Insurance program.

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.

7 **TITLE I—COMPENSATION COST-**
8 **OF-LIVING ADJUSTMENT**

9 **SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSA-**
10 **TION AND DEPENDENCY AND INDEMNITY**
11 **COMPENSATION.**

12 (a) **RATE ADJUSTMENT.**—The Secretary of Veterans
13 Affairs shall, effective on December 1, 1998, increase the
14 dollar amounts in effect for the payment of disability com-
15 pensation and dependency and indemnity compensation by
16 the Secretary, as specified in subsection (b).

17 (b) **AMOUNTS TO BE INCREASED.**—The dollar
18 amounts to be increased pursuant to subsection (a) are
19 the following:

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

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

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

6 (4) NEW DIC RATES.—The dollar amounts in
7 effect under paragraphs (1) and (2) of section
8 1311(a) of such title.

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

12 (6) ADDITIONAL DIC FOR DISABILITY.—The
13 dollar amounts in effect under sections 1311(c) and
14 1311(d) of such title.

15 (7) DIC FOR DEPENDENT CHILDREN.—The
16 dollar amounts in effect under sections 1313(a) and
17 1314 of such title.

18 (c) DETERMINATION OF INCREASE.—(1) The in-
19 crease under subsection (a) shall be made in the dollar
20 amounts specified in subsection (b) as in effect on Novem-
21 ber 30, 1998.

22 (2) Except as provided in paragraph (3), each such
23 amount shall be increased by the same percentage as the
24 percentage by which benefit amounts payable under title
25 II of the Social Security Act (42 U.S.C. 401 et seq.) are

1 increased effective December 1, 1998, as a result of a de-
2 termination under section 215(i) of such Act (42 U.S.C.
3 415(i)).

4 (3) Each dollar amount increased pursuant to para-
5 graph (2) shall, if not a whole dollar amount, be rounded
6 down to the next lower whole dollar amount.

7 (d) SPECIAL RULE.—The Secretary may adjust ad-
8 ministratively, consistent with the increases made under
9 subsection (a), the rates of disability compensation pay-
10 able to persons within the purview of section 10 of Public
11 Law 85–857 (72 Stat. 1263) who are not in receipt of
12 compensation payable pursuant to chapter 11 of title 38,
13 United States Code.

14 (e) PUBLICATION OF ADJUSTED RATES.—At the
15 same time as the matters specified in section 215(i)(2)(D)
16 of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are
17 required to be published by reason of a determination
18 made under section 215(i) of such Act during fiscal year
19 1998, the Secretary of Veterans Affairs shall publish in
20 the Federal Register the amounts specified in subsection
21 (b), as increased pursuant to subsection (a).

1 **TITLE II—EDUCATION BENEFITS**

2 **SEC. 201. CALCULATION OF REPORTING FEE BASED ON**
3 **TOTAL VETERAN ENROLLMENT DURING A**
4 **CALENDAR YEAR.**

5 (a) **IN GENERAL.**—The second sentence of section
6 3684(c) is amended by striking out “, on October 31” and
7 all that follows through the period and inserting in lieu
8 thereof “during the calendar year.”.

9 (b) **FUNDING.**—Section 3684(c), as amended by sub-
10 section (a), is further amended by adding at the end the
11 following new sentence: “The reporting fee payable under
12 this subsection shall be paid from amounts appropriated
13 for readjustment benefits.”.

14 (c) **EFFECTIVE DATE.**—The amendments made by
15 this section shall apply with respect to calendar years be-
16 ginning after December 31, 1998.

17 **SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-**
18 **STUDY ALLOWANCE.**

19 (a) **IN GENERAL.**—The third sentence of section
20 3485(a)(1) is amended by striking out “An individual
21 shall be paid in advance” and inserting in lieu thereof “An
22 individual may elect, in a manner prescribed by the Sec-
23 retary, to be paid in advance”.

24 (b) **EFFECTIVE DATE.**—The amendment made by
25 subsection (a) shall apply with respect to agreements en-

1 tered into under section 3485 of title 38, United States
2 Code, on or after January 1, 1999.

3 **SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR**
4 **EQUIVALENCY REQUIREMENT.**

5 (a) IN GENERAL.—The following sections of chapter
6 30 are each amended by striking out “successfully com-
7 pleted” each place it appears and inserting in lieu thereof
8 “successfully completed (or otherwise received academic
9 credit for)”: sections 3011(a)(2), 3012(a)(2),
10 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B),
11 3018B(a)(2)(B), and 3018C(a)(3).

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect on October 1, 1998.

14 **SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING RE-**
15 **QUIREMENTS.**

16 (a) TITLE 38.—Sections 3034(d)(2) and 3241(b)(2)
17 are each amended—

18 (1) by striking out “pilot’s license” each place
19 it appears and inserting in lieu thereof “pilot certifi-
20 cate”; and

21 (2) by inserting “, on the day the individual be-
22 gins a course of flight training,” after “meets”.

23 (b) TITLE 10.—Section 16136(c)(2) of title 10,
24 United States Code, is amended—

1 (1) by striking out “pilot’s license” each place
2 it appears and inserting in lieu thereof “pilot certifi-
3 cate”; and

4 (2) by inserting “, on the day the individual be-
5 gins a course of flight training,” after “meets”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to courses of flight
8 training beginning on or after October 1, 1998.

9 **SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAY-**
10 **MENT RATE REQUIREMENTS FOR GOVERN-**
11 **MENT JOB TRAINING PROGRAM APPROVAL.**

12 (a) IN GENERAL.—Section 3677(b) is amended—

13 (1) by inserting “(1)” after “(b)”;

14 (2) by redesignating paragraphs (1) and (2) as
15 subparagraphs (A) and (B) respectively;

16 (3) in subparagraph (A), as so redesignated, by
17 striking out “(A)” and “(B)” and inserting in lieu
18 thereof “(i)” and “(ii)” respectively; and

19 (4) by adding at the end the following new
20 paragraph:

21 “(2) The requirement under paragraph (1)(A)(ii)
22 shall not apply with respect to a training establishment
23 operated by the United States or by a State or local gov-
24 ernment.”.

1 (b) **EFFECTIVE DATE.**—The amendment made by
2 subsection (a) shall apply with respect to approval of pro-
3 grams of training on the job under section 3677 of title
4 38, United States Code, on or after October 1, 1998.

5 **SEC. 206. EXPANSION OF EDUCATION OUTREACH SERV-**
6 **ICES.**

7 (a) **EXPANSION OF EDUCATION OUTREACH SERV-**
8 **ICES TO MEMBERS OF THE ARMED FORCES.**—Section
9 3034 is amended by adding at the end the following new
10 subsection:

11 “(e)(1) In the case of a member of the Armed Forces
12 who participates in basic educational assistance under this
13 chapter, the Secretary shall furnish the information de-
14 scribed in paragraph (2) to each such member, as soon
15 as practicable after the basic pay of the member has been
16 reduced by \$1,200 in accordance with sections 3011(b)
17 and 3102(c) of this title. The Secretary shall furnish such
18 information to each such member at such additional times
19 as the Secretary determines appropriate.

20 “(2) The information referred to in paragraph (1) is
21 information with respect to the benefits, limitations, pro-
22 cedures, eligibility requirements (including time-in-service
23 requirements), and other important aspects of the basic
24 educational assistance program under this chapter, includ-

1 ing application forms for such basic educational assistance
2 under section 5102 of this title.

3 “(3) The Secretary shall furnish the forms described
4 in paragraph (2) and other educational materials to edu-
5 cational institutions, training establishments, and military
6 education personnel, as the Secretary determines appro-
7 priate.

8 “(4) The Secretary shall use amounts appropriated
9 for readjustment benefits to carry out this subsection and
10 section 5102 of this title with respect to application forms
11 under that section for basic educational assistance under
12 this chapter.”.

13 (b) CONFORMING AMENDMENT.—Section 7722(c) is
14 amended by striking out “The Secretary” and inserting
15 in lieu thereof “Except as provided in section 3034(e) of
16 this title, the Secretary”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect 180 days after the date of
19 the enactment of this Act.

1 **SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR**
2 **EDUCATION BENEFITS FOR MEMBERS OF**
3 **THE ARMED FORCES DISCHARGED EARLY**
4 **FROM DUTY FOR THE CONVENIENCE OF THE**
5 **GOVERNMENT.**

6 (a) **ACTIVE DUTY PROGRAM.**—Section 3011 is
7 amended by adding at the end the following new sub-
8 section:

9 “(i) The Secretary concerned shall inform any mem-
10 ber of the Armed Forces, who has not completed that
11 member’s initial obligated period of active duty (as de-
12 scribed in subsection (a)(1)(A)) and who indicates the in-
13 tent to be discharged or released from such duty for the
14 convenience of the Government, of the minimum active
15 duty requirements for entitlement to educational assist-
16 ance benefits under this chapter. Such information shall
17 be provided to the member in a timely manner.”.

18 (b) **RESERVE PROGRAM.**—Section 3012 is amended
19 by adding at the end the following new subsection:

20 “(g)(1) The Secretary concerned shall inform any
21 member of the Armed Forces, who has not completed that
22 member’s initial service (as described in paragraph (2))
23 and who indicates the intent to be discharged or released
24 from such service for the convenience of the Government,
25 of the minimum service requirements for entitlement to
26 educational assistance benefits under this chapter. Such

1 information shall be provided to the member in a timely
2 manner.

3 “(2) The initial service referred to in paragraph (1)
4 is the initial obligated period of active duty (described in
5 subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the
6 period of service in the Selected Reserve (described in sub-
7 paragraphs (A)(ii) or (B)(ii) of subsection (a)(1)).”.

8 (c) REPORT TO CONGRESS.—Section 3036(b)(1) is
9 amended—

10 (1) by striking out “and (B)” and inserting in
11 lieu thereof “(B)”; and

12 (2) by inserting before the semicolon the follow-
13 ing: “, and (C) describing the efforts under sections
14 3011(i) and 3012(g) of this title to inform members
15 of the Armed Forces of the minimum service re-
16 quirements for entitlement to educational assistance
17 benefits under this chapter and the results from
18 such efforts.”.

19 (d) EFFECTIVE DATES.—(1) The amendments made
20 by subsections (a) and (b) shall take effect 120 days after
21 the date of the enactment of this Act.

22 (2) The amendments made by subsection (c) shall
23 apply with respect to reports to Congress submitted by
24 the Secretary of Defense under section 3036 of title 38,
25 United States Code, on or after January 1, 2000.

1 **TITLE III—COURT OF VETERANS**
2 **APPEALS**

3 **Subtitle A—Administrative**
4 **Provisions Relating to the Court**

5 **SEC. 301. CONTINUATION IN OFFICE OF JUDGES PENDING**
6 **CONFIRMATION FOR SECOND TERM.**

7 Section 7253(c) is amended by adding at the end the
8 following new sentence: “A judge who is nominated by the
9 President for appointment to an additional term on the
10 Court without a break in service and whose term of office
11 expires while that nomination is pending before the Senate
12 may continue in office for up to one year while that nomi-
13 nation is pending.”.

14 **SEC. 302. AUTHORITY TO PRESCRIBE RULES AND REGULA-**
15 **TIONS.**

16 Section 7254 is amended by adding at the end the
17 following new subsection:

18 “(f) The Court may prescribe rules and regulations
19 to carry out this chapter.”.

20 **Subtitle B—Retirement-Related**
21 **Provisions**

22 **SEC. 311. RECALL OF RETIRED JUDGES.**

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

1 **“§ 7257. Recall of retired judges**

2 “(a)(1) A retired judge of the Court may be recalled
3 for further service on the Court in accordance with this
4 section. To be eligible to be recalled for such service, a
5 retired judge must at the time of the judge’s retirement
6 provide to the chief judge of the Court (or, in the case
7 of the chief judge, to the clerk of the Court) notice in writ-
8 ing that the retired judge is available for further service
9 on the Court in accordance with this section and is willing
10 to be recalled under this section. Such a notice provided
11 by a retired judge is irrevocable.

12 “(2) For the purposes of this section—

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

17 “(B) a recall-eligible retired judge is a retired
18 judge who has provided a notice under paragraph
19 (1).

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

1 mined by the chief judge to be necessary to meet the needs
2 of the Court.

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

8 “(3) If a recall-eligible retired judge is recalled by the
9 chief judge in accordance with this section and (other than
10 in the case of a judge who has previously during that cal-
11 endar year served at least 90 days (or the equivalent) of
12 recalled service on the court) declines (other than by rea-
13 son of disability) to perform the service to which recalled,
14 the chief judge shall remove that retired judge from the
15 status of a recall-eligible judge.

16 “(4) A recall-eligible retired judge who becomes per-
17 manently disabled and as a result of that disability is un-
18 able to perform further service on the court shall be re-
19 moved from the status of a recall-eligible judge. Deter-
20 mination of such a disability shall be made in the same
21 manner as is applicable to judges of the United States
22 under section 371 of title 28.

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

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

4 “(2) A judge who is recalled under this section who
5 retired under chapter 83 or 84 of title 5 shall be paid,
6 during the period for which the judge serves in recall sta-
7 tus, pay at the rate of pay in effect under section 7253(e)
8 of this title for a judge performing active service, less the
9 amount of the judge’s annuity under the applicable provi-
10 sions of chapter 83 or 84 of title 5.

11 “(e)(1) Except as provided in subsection (d), a judge
12 who is recalled under this section who retired under chap-
13 ter 83 or 84 of title 5 shall be considered to be a reem-
14 ployed annuitant under that chapter.

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

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 72 is amended by inserting
21 after the item relating to section 7256 the following new
22 item:

“7257. Recall of retired judges.”.

1 **SEC. 312. CALCULATION OF YEARS OF SERVICE AS A**
2 **JUDGE.**

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

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

13 **SEC. 313. JUDGES’ RETIRED PAY.**

14 (a) IN GENERAL.—Subsection (c)(1) of section 7296
15 is amended by striking out “at the rate of pay in effect
16 at the time of retirement” and inserting in lieu thereof
17 “as follows:

18 “(A) In the case of a judge who is a recall-eli-
19 ble retired judge under section 7257 of this title or
20 who was a recall-eligible retired judge under that
21 section and was removed from recall status under
22 subsection (b)(4) of that section by reason of disabil-
23 ity, the retired pay of the judge shall be the pay of
24 a judge of the court (or of the chief judge, if the in-
25 dividual retired from service as chief judge).

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

7 “(C) In the case of a judge who was a recall-
8 eligible retired judge under section 7257 of this title
9 and was removed from recall status under subsection
10 (b)(3) of that section, the retired pay of the judge
11 shall be the pay of the judge at the time of the re-
12 moval from recall status.”.

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

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

21 “(B)(i) If such a cost-of-living adjustment would (but
22 for this subparagraph) result in the retired pay of a re-
23 tired chief judge being in excess of the annual rate of pay
24 in effect for the chief judge of the court as provided in
25 section 7253(e)(1) of this title, such adjustment may be

1 made in the retired pay of that retired chief judge only
2 in such amount as results in the retired pay of the retired
3 chief judge being equal to that annual rate of pay (as in
4 effect on the effective date of such adjustment).

5 “(ii) If such a cost-of-living adjustment would (but
6 for this subparagraph) result in the retired pay of a re-
7 tired judge (other than a retired chief judge) being in ex-
8 cess of the annual rate of pay in effect for judges of the
9 court as provided in section 7253(e)(2) of this title, such
10 adjustment may be made only in such amount as results
11 in the retired pay of the retired judge being equal to that
12 annual rate of pay (as in effect on the effective date of
13 such adjustment).”.

14 **SEC. 314. EXEMPTION OF RETIREMENT FUND FROM SE-**
15 **QUESTRATION ORDERS.**

16 Section 7298 is amended by adding at the end the
17 following new subsection:

18 “(g) For purpose of section 255(g)(1)(B) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985
20 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be
21 treated in the same manner as the Claims Judges’ Retire-
22 ment Fund.”.

23 **SEC. 315. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.**

24 (a) IN GENERAL.—Chapter 72 is amended by adding
25 at the end the following new section:

1 **“§ 7299. Limitation on activities of retired judges**

2 “If a retired judge of the Court in the practice of
3 law represents (or supervises or directs the representation
4 of) a client in making any claim relating to veterans’ bene-
5 fits against the United States or any agency thereof, the
6 retired judge shall forfeit all rights to retired pay under
7 section 7296 of this title or under chapter 83 or 84 of
8 title 5 for the period beginning on the date on which the
9 representation begins and ending one year after the date
10 on which the representation ends.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 72 is amended by adding at
13 the end the following new item:

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

14 **SEC. 316. EARLY RETIREMENT AUTHORITY FOR CURRENT**
15 **JUDGES IN ORDER TO PROVIDE FOR STAG-**
16 **GERED TERMS OF JUDGES.**

17 (a) RETIREMENT AUTHORIZED.—One eligible judge
18 may retire in accordance with this section each year begin-
19 ning in 1999 and ending in 2003.

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

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

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

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

5 (4) is at least 55 years of age.

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

13 (d) NOTICE.—An eligible judge who desires to retire
14 in accordance with this section in any year specified in
15 subsection (a) shall provide to the President and the chief
16 judge of the United States Court of Appeals for Veterans
17 Claims written notice to that effect not later than April
18 1 of that year. Such a notice shall specify the retirement
19 date in accordance with subsection (f). Notice provided
20 under this subsection shall be irrevocable.

21 (e) RETIREMENT.—A judge who is eligible to retire
22 in accordance with this section shall be retired during the
23 fiscal year in which notice is provided pursuant to sub-
24 section (d), but not earlier than 90 days after the date
25 on which such notice is provided. Except as provided in

1 subsection (f), such judge shall be considered for all pur-
2 poses to be retired under section 7296(b)(1) of title 38,
3 United States Code.

4 (f) RATE OF RETIRED PAY.—The rate of retired pay
5 for a judge retiring under this section is—

6 (1) the rate applicable to that judge under sec-
7 tion 7296(c)(1) of title 38, United States Code, mul-
8 tiplied by

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

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

15 (B) the denominator is 80.

16 (g) ADJUSTMENTS IN RETIRED PAY FOR JUDGES
17 AVAILABLE FOR RECALL.—Subject to section
18 7296(f)(3)(B) of title 38, United States Code, an adjust-
19 ment provided by law in annuities payable under civil serv-
20 ice retirement laws shall apply to retired pay under this
21 section in the case of a judge who is a recall-eligible retired
22 judge under section 7257 of title 38, United States Code,
23 or who was a recall-eligible retired judge under that sec-
24 tion and was removed from recall status under subsection
25 (b)(4) of that section by reason of disability.

1 (h) DUTY OF ACTUARY.—Section 7298(e)(2) is
2 amended—

3 (1) by redesignating subparagraph (C) as sub-
4 paragraph (D); and

5 (2) by inserting after subparagraph (B) the fol-
6 lowing new subparagraph:

7 “(C) For purposes of subparagraph (B), the term
8 ‘present value’ includes a value determined by an actuary
9 with respect to a payment that may be made under sub-
10 section (b) from the retirement fund within the contempla-
11 tion of law.”.

12 **SEC. 317. ADJUSTMENTS FOR SURVIVOR ANNUITIES.**

13 Subsection (o) of section 7297 is amended to read
14 as follows:

15 “(o) Each survivor annuity payable from the retire-
16 ment fund shall be increased at the same time as, and
17 by the same percentage by which, annuities payable from
18 the Judicial Survivors’ Annuities Fund are increased pur-
19 suant to section 376(m) of title 28.”.

20 **SEC. 318. REPORTS ON RETIREMENT PROGRAM MODIFICA-**
21 **TIONS.**

22 (a) REPORT ON JUDGES’ RETIREMENT SYSTEM.—
23 Not later than one year after the date of the enactment
24 of this Act, the chief judge of the United States Court
25 of Appeals for Veterans Claims shall submit to the Com-

1 mittees on Veterans' Affairs of the Senate and House of
2 Representatives a report on the feasibility and desirability
3 of merging the retirement plan of the judges of that court
4 with retirement plans of other Federal judges.

5 (b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not
6 later than six months after the date of the enactment of
7 this Act, the chief judge of the United States Court of
8 Appeals for Veterans Claims shall submit to the Commit-
9 tees on Veterans' Affairs of the Senate and House of Rep-
10 resentatives a report on the feasibility and desirability of
11 allowing judges of that court to participate in the survivor
12 annuity programs available to other Federal judges.

13 **Subtitle C—Renaming of Court**

14 **SEC. 321. RENAMING OF THE COURT OF VETERANS AP-** 15 **PEALS.**

16 (a) IN GENERAL.—The United States Court of Vet-
17 erans Appeals is hereby renamed as, and shall hereafter
18 be known and designated as, the United States Court of
19 Appeals for Veterans Claims.

20 (b) SECTION 7251.—Section 7251 is amended by
21 striking out “United States Court of Veterans Appeals”
22 and inserting in lieu thereof “United States Court of Ap-
23 peals for Veterans Claims”.

24 **SEC. 322. CONFORMING AMENDMENTS.**

25 (a) CONFORMING AMENDMENTS TO TITLE 38.—

1 (1) The following sections are amended by
2 striking out “Court of Veterans Appeals” each place
3 it appears and inserting in lieu thereof “Court of
4 Appeals for Veterans Claims”: sections 5904,
5 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261,
6 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a),
7 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286,
8 7291, 7292, 7296, 7297, and 7298.

9 (2)(A) The heading of section 7286 is amended
10 to read as follows:

11 **“§ 7286. Judicial Conference of the Court”.**

12 (B) The heading of section 7291 is amended to
13 read as follows:

14 **“§ 7291. Date when Court decision becomes final”.**

15 (C) The heading of section 7298 is amended to
16 read as follows:

17 **“§ 7298. Retirement Fund”.**

18 (3) The table of sections at the beginning of
19 chapter 72 is amended as follows:

20 (A) The item relating to section 7286 is
21 amended to read as follows:

“7286. Judicial Conference of the Court.”.

22 (B) The item relating to section 7291 is
23 amended to read as follows:

“7291. Date when Court decision becomes final.”.

1 (C) The item relating to section 7298 is
2 amended to read as follows:

“7298. Retirement Fund.”.

3 (4)(A) The heading of chapter 72 is amended
4 to read as follows:

5 **“CHAPTER 72—UNITED STATES COURT OF**
6 **APPEALS FOR VETERANS CLAIMS”.**

7 (B) The item relating to chapter 72 in the table
8 of chapters at the beginning of title 38 and the item
9 relating to such chapter in the table of chapters at
10 the beginning of part V are amended to read as fol-
11 lows:

“72. United States Court of Appeals for Veterans Claims 7251”.

12 (b) CONFORMING AMENDMENTS TO OTHER LAWS.—

13 (1) The following provisions of law are amended
14 by striking out “Court of Veterans Appeals” each
15 place it appears and inserting in lieu thereof “Court
16 of Appeals for Veterans Claims”:

17 (A) Section 8440d of title 5, United States
18 Code.

19 (B) Section 2412 of title 28, United States
20 Code.

21 (C) Section 906 of title 44, United States
22 Code.

23 (D) Section 109 of the Ethics in Govern-
24 ment Act of 1978 (5 U.S.C. App.).

1 (41 U.S.C. 251 et seq.) shall apply to any contract for
2 services or supplies on account of any property acquired
3 pursuant to this section.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall apply with respect to contracts entered
6 into under section 3720 of title 38, United States Code,
7 on or after the date of the enactment of this Act.

8 **SEC. 402. PERMANENT ELIGIBILITY OF MEMBERS OF SE-**
9 **LECTED RESERVE FOR VETERANS HOUSING**
10 **LOANS.**

11 Section 3702(a)(2)(E) is amended by striking out
12 “For the period beginning on October 28, 1992, and end-
13 ing on October 27, 1999, each veteran” and inserting in
14 lieu thereof “Each veteran”.

15 **SEC. 403. FURNISHING OF BURIAL FLAGS FOR DECEASED**
16 **MEMBERS AND FORMER MEMBERS OF THE**
17 **SELECTED RESERVE.**

18 Section 2301 is amended by adding at the end the
19 following new subsection:

20 “(f)(1) The Secretary shall furnish a flag to drape
21 the casket of each deceased member or former member
22 of the Selected Reserve (as described in section 10143 of
23 title 10) who is not otherwise eligible for a flag under this
24 section or section 1482(a) of title 10—

1 “(A) who completed at least one enlistment as
2 a member of the Selected Reserve or, in the case of
3 an officer, completed the period of initial obligated
4 service as a member of the Selected Reserve;

5 “(B) who was discharged before completion of
6 the person’s initial enlistment as a member of the
7 Selected Reserve or, in the case of an officer, period
8 of initial obligated service as a member of the Se-
9 lected Reserve, for a disability incurred or aggra-
10 vated in line of duty; or

11 “(C) who died while a member of the Selected
12 Reserve.

13 “(2) A flag may not be furnished under subparagraph
14 (A) or (B) of paragraph (1) in the case of a person whose
15 last discharge from service in the Armed Forces was under
16 conditions less favorable than honorable.

17 “(3) After the burial, a flag furnished under para-
18 graph (1) shall be given to the next of kin or to such other
19 person as the Secretary considers appropriate.”.

20 **SEC. 404. STATE CEMETERY GRANTS PROGRAM.**

21 (a) AMOUNT OF GRANT RELATIVE TO PROJECT
22 COST.—(1) Paragraphs (1) and (2) of section 2408(b) are
23 amended to read as follows:

24 “(1) The amount of a grant under this section
25 may not exceed—

1 “(A) in the case of the establishment of a
2 new cemetery, the sum of (i) the cost of im-
3 provements to be made on the land to be con-
4 verted into a cemetery, and (ii) the cost of ini-
5 tial equipment necessary to operate the ceme-
6 tery; and

7 “(B) in the case of the expansion or im-
8 provement of an existing cemetery, the sum of
9 (i) the cost of improvements to be made on any
10 land to be added to the cemetery, and (ii) the
11 cost of any improvements to be made to the ex-
12 isting cemetery.

13 “(2) If the amount of a grant under this sec-
14 tion is less than the amount of costs referred to in
15 subparagraph (A) or (B) of paragraph (1), the State
16 receiving the grant shall contribute the excess of
17 such costs over the grant. Costs of land acquired or
18 dedicated by the State for such cemetery shall not
19 be taken into account for purposes of the preceding
20 sentence.”.

21 (2) The amendment made by paragraph (1) shall
22 apply with respect to grants under section 2408 of title
23 38, United States Code, made after the end of the 60-
24 day period beginning on the date of the enactment of this
25 Act.

1 (b) AUTHORIZATION OF APPROPRIATIONS WITHOUT
 2 FISCAL YEAR LIMITATION.—The first sentence of section
 3 2408(e) is amended by striking out “shall remain available
 4 until the end of the second fiscal year following the fiscal
 5 year for which they are appropriated” and inserting in lieu
 6 thereof “shall remain available until expended”.

7 (c) EXTENSION OF AUTHORIZATION OF APPROPRIA-
 8 TIONS FOR GRANT PROGRAM.—Paragraph (2) of section
 9 2408(a) is amended to read as follows:

10 “(2) There is authorized to be appropriated
 11 \$10,000,000 for fiscal year 1999 and for each succeeding
 12 fiscal year through fiscal year 2004 for the purpose of
 13 making grants under paragraph (1).”.

14 **SEC. 405. DISABLED VETERANS OUTREACH PROGRAM SPE-**
 15 **CIALISTS.**

16 (a) IN GENERAL.—section 4103A(a)(1) is amend-
 17 ed—

18 (1) in the first sentence by striking out “for
 19 each 6,900 veterans residing in such State” through
 20 the period and inserting in lieu thereof “for each
 21 7,400 veterans who are between the ages of 20 and
 22 64 residing in such State.”;

23 (2) in the third sentence, by striking out “of
 24 the Vietnam era”; and

25 (3) by striking out the fourth sentence.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to appointments of
3 disabled veterans’ outreach program specialists under sec-
4 tion 4103A of title 38, United States Code, on or after
5 the date of the enactment of this Act.

6 **SEC. 406. PERMANENT AUTHORITY TO USE FOR OPERAT-**
7 **ING EXPENSES OF DEPARTMENT OF VETER-**
8 **ANS AFFAIRS MEDICAL FACILITIES AMOUNTS**
9 **AVAILABLE BY REASON OF THE LIMITATION**
10 **ON PENSION FOR VETERANS RECEIVING**
11 **NURSING HOME CARE.**

12 (a) IN GENERAL.—Section 5503(a)(1)(B) is amend-
13 ed by striking out “Effective through September 30, 1997,
14 any” in the second sentence and inserting in lieu thereof
15 “Any”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect as of October 1, 1997.

18 **SEC. 407. MEMBERS OF THE BOARD OF VETERANS’ AP-**
19 **PEALS.**

20 (a) TITLE OF BOARD MEMBERS.—Section 7101(a) is
21 amended—

22 (1) by inserting “(1)” after “(a)”;

23 (2) by designating the fourth and fifth sen-
24 tences as paragraph (2); and

1 (3) by adding after the third sentence the fol-
2 lowing: “Members of the Board (other than the
3 Chairman) shall also be known as ‘veterans adminis-
4 trative law judges’.”.

5 (b) REQUIREMENT FOR BOARD MEMBERS TO BE
6 ATTORNEYS.—Section 7101A(a) is amended—

7 (1) by inserting “(1)” after “(a)”; and

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

10 “(2) Each member of the Board shall be a member
11 in good standing of the bar of a State.

12 (c) EMPLOYMENT REVERSION RIGHTS.—Paragraph
13 (2) of section 7101A(d) is amended to read as follows:

14 “(2)(A) Upon removal from the Board under para-
15 graph (1) of a member of the Board who before appoint-
16 ment to the Board served as an attorney in the civil serv-
17 ice, the Secretary shall appoint that member to an attor-
18 ney position at the Board, if the removed member so re-
19 quests. If the removed member served in an attorney posi-
20 tion at the Board immediately before appointment to the
21 Board, appointment to an attorney position under this
22 paragraph shall be in the grade and step held by the re-
23 moved member immediately before such appointment to
24 the Board.

1 “(B) The Secretary is not required to make an ap-
2 pointment to an attorney position under this paragraph
3 if the Secretary determines that the member of the Board
4 removed under paragraph (1) is not qualified for the posi-
5 tion.”.

6 **SEC. 408. NATIONAL SERVICE LIFE INSURANCE PROGRAM.**

7 (a) **ELIGIBILITY OF CERTAIN VETERANS FOR DIVI-**
8 **DENDS UNDER VSLI PROGRAM.**—Section 1919(b) is
9 amended—

10 (1) by striking out “sections 602(c)(2) and”
11 and inserting in lieu thereof “section”; and

12 (2) by striking out “sections” after “under
13 such” and inserting in lieu thereof “section”.

14 (b) **EFFECTIVE DATE.**—The amendments made by
15 this section shall take effect at the end of the 90-day pe-
16 riod beginning on the date of the enactment of this Act.

○