

Union Calendar No. 351

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4110**

[Report No. 105-627]

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**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.

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JULY 15, 1998

Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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## 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

JULY 15, 1998

Additional sponsors: Mr. SMITH of New Jersey, Ms. BROWN of Florida, Mr. BILIRAKIS, Mr. REYES, Mr. EVERETT, Mr. SNYDER, Mr. HAYWORTH, Mr. RODRIGUEZ, Mrs. CHENOWETH, Mr. ROMERO-BARCELÓ, Mr. BISHOP, Mr. COOKSEY, Mr. PASCARELL, Mr. OLVER, and Mr. SANDLIN

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## 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-

1 pension and dependency and indemnity compensation by  
2 the Secretary, as specified in subsection (b).

3 (b) AMOUNTS TO BE INCREASED.—The dollar  
4 amounts to be increased pursuant to subsection (a) are  
5 the following:

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

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

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

14 (4) NEW DIC RATES.—The dollar amounts in  
15 effect under paragraphs (1) and (2) of section  
16 1311(a) of such title.

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

20 (6) ADDITIONAL DIC FOR DISABILITY.—The  
21 dollar amounts in effect under sections 1311(c) and  
22 1311(d) of such title.

23 (7) DIC FOR DEPENDENT CHILDREN.—The  
24 dollar amounts in effect under sections 1313(a) and  
25 1314 of such title.

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

5           (2) Except as provided in paragraph (3), each such  
6 amount shall be increased by the same percentage as the  
7 percentage by which benefit amounts payable under title  
8 II of the Social Security Act (42 U.S.C. 401 et seq.) are  
9 increased effective December 1, 1998, as a result of a de-  
10 termination under section 215(i) of such Act (42 U.S.C.  
11 415(i)).

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

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

22           (e) PUBLICATION OF ADJUSTED RATES.—At the  
23 same time as the matters specified in section 215(i)(2)(D)  
24 of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are  
25 required to be published by reason of a determination

1 made under section 215(i) of such Act during fiscal year  
2 1998, the Secretary of Veterans Affairs shall publish in  
3 the Federal Register the amounts specified in subsection  
4 (b), as increased pursuant to subsection (a).

## 5 **TITLE II—EDUCATION BENEFITS**

### 6 **SEC. 201. CALCULATION OF REPORTING FEE BASED ON** 7 **TOTAL VETERAN ENROLLMENT DURING A** 8 **CALENDAR YEAR.**

9 (a) IN GENERAL.—The second sentence of section  
10 3684(c) is amended by striking out “, on October 31” and  
11 all that follows through the period and inserting in lieu  
12 thereof “during the calendar year.”

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

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

### 21 **SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-** 22 **STUDY ALLOWANCE.**

23 (a) IN GENERAL.—The third sentence of section  
24 3485(a)(1) is amended by striking out “An individual  
25 shall be paid in advance” and inserting in lieu thereof “An

1 individual may elect, in a manner prescribed by the Sec-  
2 retary, to be paid in advance”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 subsection (a) shall apply with respect to agreements en-  
5 tered into under section 3485 of title 38, United States  
6 Code, on or after January 1, 1999.

7 **SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR**  
8 **EQUIVALENCY REQUIREMENT.**

9 (a) **IN GENERAL.**—The following sections of chapter  
10 30 are each amended by striking out “successfully com-  
11 pleted” each place it appears and inserting in lieu thereof  
12 “successfully completed (or otherwise received academic  
13 credit for)”: sections 3011(a)(2), 3012(a)(2),  
14 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B),  
15 3018B(a)(2)(B), and 3018C(a)(3).

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

18 **SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING RE-**  
19 **QUIREMENTS.**

20 (a) **TITLE 38.**—Sections 3034(d)(2) and 3241(b)(2)  
21 are each amended—

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



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

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

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

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

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

13 **SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAY-**  
14 **MENT RATE REQUIREMENTS FOR GOVERN-**  
15 **MENT JOB TRAINING PROGRAM APPROVAL.**

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

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

18           (2) by redesignating paragraphs (1) and (2) as  
19 subparagraphs (A) and (B) respectively;

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

23           (4) by adding at the end the following new  
24 paragraph:

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

5       (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall apply with respect to approval of pro-  
7 grams of training on the job under section 3677 of title  
8 38, United States Code, on or after October 1, 1998.

9       **SEC. 206. EXPANSION OF EDUCATION OUTREACH SERV-**  
10                           **ICES.**

11       (a) EXPANSION OF EDUCATION OUTREACH SERV-  
12 ICES TO MEMBERS OF THE ARMED FORCES.—Section  
13 3034 is amended by adding at the end the following new  
14 subsection:

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

24       “(2) The information referred to in paragraph (1) is  
25 information with respect to the benefits, limitations, pro-

1 cedures, eligibility requirements (including time-in-service  
2 requirements), and other important aspects of the basic  
3 educational assistance program under this chapter, includ-  
4 ing application forms for such basic educational assistance  
5 under section 5102 of this title.

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

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

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

20       (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect 180 days after the date of  
22 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 (2)(A) The heading of section 8440d of title 5,  
2 United States Code, is amended to read as follows:

3 **“§ 8440d. Judges of the United States Court of Ap-**  
4 **peals for Veterans Claims”.**

5 (B) The item relating to such section in the  
6 table of sections at the beginning of chapter 84 of  
7 such title is amended to read as follows:

“8440d. Judges of the United States Court of Appeals for Veterans Claims.”.

8 (c) OTHER LEGAL REFERENCES.—Any reference in  
9 a law, regulation, document, paper, or other record of the  
10 United States to the United States Court of Veterans Ap-  
11 peals shall be deemed to be a reference to the United  
12 States Court of Appeals for Veterans Claims.

13 **SEC. 323. EFFECTIVE DATE.**

14 This subtitle, and the amendments made by this sub-  
15 title, shall take effect on the first day of the first month  
16 beginning more than 90 days after the date of the enact-  
17 ment of this Act.

18 **TITLE IV—OTHER MATTERS**

19 **SEC. 401. APPLICABILITY OF PROCUREMENT LAW TO CER-**  
20 **TAIN CONTRACTS OF DEPARTMENT OF VET-**  
21 **ERANS AFFAIRS.**

22 (a) IN GENERAL.—Section 3720(b) is amended by  
23 striking out “; however” and all that follows and inserting  
24 in lieu thereof the following: “, except that title III of the  
25 Federal Property and Administrative Services Act of 1949

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 subpara-  
14          graphs (A) or (B) of paragraph (1) in the case of a person  
15          whose last discharge from service in the Armed Forces was  
16          under 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.