

Union Calendar No. 116

106TH CONGRESS
1ST Session

H. R. 2280

[Report No. 106-202]

A BILL

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

JUNE 25, 1999

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 116

106TH CONGRESS
1ST SESSION

H. R. 2280

[Report No. 106-202]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1999

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

JUNE 25, 1999

Additional sponsors: Mr. RODRIGUEZ, Mr. SMITH of New Jersey, Mr. BILLIRAKIS, Mr. SANDLIN, Mr. REYES, Ms. BROWN of Florida, Mr. DOYLE, Ms. CARSON, Mr. SNYDER, Mr. SHOWS, Mr. ABERCROMBIE, Mr. PASCARELL, Mr. CRAMER, Mr. OLVER, Mr. GUTIERREZ, Mr. HILL of Indiana, Mr. EVERETT, Ms. DEGETTE, and Mr. UDALL of New Mexico

JUNE 25, 1999

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for

service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

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 1999”.

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

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

TITLE II—MEMORIAL AFFAIRS

Subtitle A—American Battle Monuments Commission

- Sec. 201. Codification and expansion of authority for World War II Memorial.
- Sec. 202. General authority to solicit and receive contributions.
- Sec. 203. Intellectual property and related items.
- Sec. 204. Technical amendments.

Subtitle B—National Cemeteries

- Sec. 211. Establishment of additional national cemeteries.
- Sec. 212. Independent study on improvements to veterans’ cemeteries.

TITLE III—HOUSING

- Sec. 301. Permanent eligibility for housing loans for former members of the Selected Reserve.
- Sec. 302. Homeless veterans’ reintegration programs.
- Sec. 303. Transitional housing loan guarantee program technical amendment.

TITLE IV—COURT OF APPEALS FOR VETERANS CLAIMS

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

TITLE V—OTHER MATTERS

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

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**

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

11 (a) RATE ADJUSTMENT.—The Secretary of Veterans
 12 Affairs shall, effective on December 1, 1999, increase the
 13 dollar amounts in effect for the payment of disability com-
 14 pensation and dependency and indemnity compensation by
 15 the Secretary, as specified in subsection (b).

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

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

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

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

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

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

18 (6) ADDITIONAL DIC FOR SURVIVING SPOUSES
19 WITH MINOR CHILDREN.—The dollar amount in ef-
20 fect under section 1311(b) of such title.

21 (7) ADDITIONAL DIC FOR DISABILITY.—The
22 dollar amounts in effect under sections 1311(c) and
23 1311(d) of such title.

1 (8) DIC FOR DEPENDENT CHILDREN.—The
2 dollar amounts in effect under sections 1313(a) and
3 1314 of such title.

4 (c) DETERMINATION OF INCREASE.—(1) The in-
5 crease under subsection (a) shall be made in the dollar
6 amounts specified in subsection (b) as in effect on Novem-
7 ber 30, 1999.

8 (2) Except as provided in paragraph (3), each such
9 amount shall be increased by the same percentage as the
10 percentage by which benefit amounts payable under title
11 II of the Social Security Act (42 U.S.C. 401 et seq.) are
12 increased effective December 1, 1999, as a result of a de-
13 termination under section 215(i) of such Act (42 U.S.C.
14 415(i)).

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

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

1 (e) PUBLICATION OF ADJUSTED RATES.—At the
2 same time as the matters specified in section 215(i)(2)(D)
3 of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are
4 required to be published by reason of a determination
5 made under section 215(i) of such Act during fiscal year
6 1999, the Secretary of Veterans Affairs shall publish in
7 the Federal Register the amounts specified in subsection
8 (b), as increased pursuant to this section.

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

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

13 “(P) Bronchiolo-alveolar carcinoma.”.

14 **SEC. 103. DEPENDENCY AND INDEMNITY COMPENSATION**
15 **FOR SURVIVING SPOUSES OF FORMER PRIS-**
16 **ONERS OF WAR.**

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

18 (1) by striking “that either—” in the matter
19 preceding paragraph (1) and inserting “rated totally
20 disabling if—”; and

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

23 “(3) the veteran was a former prisoner of war
24 who died after September 30, 1999, and who had

1 been diagnosed as having one of the diseases speci-
2 fied in section 1112(b) of this title.”.

3 (b) CONFORMING AMENDMENTS.—Such section is
4 further amended—

5 (1) in paragraph (1)—

6 (A) by inserting “the disability” after
7 “(1)”; and

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

9 (2) in paragraph (2)—

10 (A) by striking “if so rated for a lesser pe-
11 riod, was so rated continuously” and inserting
12 “the disability was continuously rated totally
13 disabling”; and

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

16 **SEC. 104. REINSTATEMENT OF CERTAIN BENEFITS FOR RE-**
17 **MARRIED SURVIVING SPOUSES OF VETERANS**
18 **UPON TERMINATION OF THEIR REMARRIAGE.**

19 (a) RESTORATION OF PRIOR ELIGIBILITY.—Section
20 103(d) is amended—

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

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

23 “(2) The remarriage of the surviving spouse of a vet-
24 eran shall not bar the furnishing of benefits specified in
25 paragraph (5) to such person as the surviving spouse of

1 the veteran if the remarriage has been terminated by
2 death or divorce unless the Secretary determines that the
3 divorce was secured through fraud or collusion.

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

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

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

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

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

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

23 “(B) Section 1713, relating to medical care for
24 survivors and dependents of certain veterans.

1 “(C) Chapter 35, relating to educational assist-
2 ance.

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

4 (b) CONFORMING AMENDMENT.—Section 1311 is
5 amended by striking subsection (e).

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

10 (d) LIMITATION.—No payment may be made to a
11 person by reason of paragraphs (2) and (3) of section
12 103(d) of title 38, United States Code, as added by sub-
13 section (a), for any period before the effective date speci-
14 fied in subsection (c).

15 **TITLE II—MEMORIAL AFFAIRS**

16 **Subtitle A—American Battle**

17 **Monuments Commission**

18 **SEC. 201. CODIFICATION AND EXPANSION OF AUTHORITY**

19 **FOR WORLD WAR II MEMORIAL.**

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

1 **“§ 2113. World War II memorial in the District of Co-**
2 **lumbia**

3 “(a) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
4 TIONS.—Consistent with its authority under section
5 2103(e) of this title, the American Battle Monuments
6 Commission shall solicit and accept contributions for the
7 memorial authorized by Public Law 103–32 (40 U.S.C.
8 1003 note) to be established by the Commission on Fed-
9 eral land in the District of Columbia or its environs to
10 honor members of the Armed Forces who served in World
11 War II and to commemorate the participation of the
12 United States in that war (hereinafter in this section re-
13 ferred to as the ‘World War II memorial’).

14 “(b) CREATION OF MEMORIAL FUND.—(1) There is
15 hereby created in the Treasury a fund for the World War
16 II memorial. The fund shall consist of the following:

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

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

20 “(C) The amount of surcharges paid to the
21 Commission for the World War II memorial under
22 the World War II 50th Anniversary Commemorative
23 Coins Act (31 U.S.C. 5112 note).

24 “(D) Amounts borrowed using the authority
25 provided under subsection (d).

1 “(E) Any funds received by the Commission
2 under section 2114 of this title in exchange for use
3 of, or the right to use, any mark, copyright or pat-
4 ent.

5 “(2) The Chairman of the Commission shall deposit
6 in the fund the amounts accepted as contributions under
7 subsection (a). The Secretary of the Treasury shall credit
8 to the fund the interest on, and the proceeds from sale
9 or redemption of, obligations held in the fund.

10 “(3) The Secretary shall invest any portion of the
11 fund that, as determined by the Chairman, is not required
12 to meet current expenses. Each investment shall be made
13 in an interest-bearing obligation of the United States or
14 an obligation guaranteed as to principal and interest by
15 the United States that the Chairman determines has a
16 maturity suitable for the fund.

17 “(c) USE OF FUND.—The fund shall be available to
18 the Commission—

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

23 “(2) for such other expenses, other than routine
24 maintenance, with respect to the World War II me-
25 morial as the Commission considers warranted; and

1 “(3) to secure, obtain, register, enforce, protect,
2 and license any mark, copyright or patent that is
3 owned by, assigned to, or licensed to the Commission
4 under section 2114 of this title to aid or facilitate
5 the construction of the World War II memorial.

6 “(d) SPECIAL BORROWING AUTHORITY.—(1) To as-
7 sure that groundbreaking, construction, and dedication of
8 the World War II memorial are carried out on a timely
9 basis, the Commission may borrow money from the Treas-
10 ury of the United States in such amounts as the Commis-
11 sion considers necessary, but not to exceed a total of
12 \$65,000,000. Borrowed amounts shall bear interest at a
13 rate determined by the Secretary of the Treasury, taking
14 into consideration the average market yield on outstanding
15 marketable obligations of the United States of comparable
16 maturities during the month preceding the month in which
17 the obligations of the Commission are issued. The interest
18 payments on such obligations may be deferred with the
19 approval of the Secretary, but any interest payment so de-
20 ferred shall also bear interest.

21 “(2) The borrowing of money by the Commission
22 under paragraph (1) shall be subject to such maturities,
23 terms, and conditions as may be agreed upon by the Com-
24 mission and the Secretary, except that the maturities may

1 not exceed 20 years and such borrowings may be redeem-
2 able at the option of the Commission before maturity.

3 “(3) The obligations of the Commission shall be
4 issued in amounts and at prices approved by the Sec-
5 retary. The authority of the Commission to issue obliga-
6 tions under this subsection shall remain available without
7 fiscal year limitation. The Secretary of the Treasury shall
8 purchase any obligations of the Commission to be issued
9 under this subsection, and for such purpose the Secretary
10 of the Treasury may use as a public debt transaction of
11 the United States the proceeds from the sale of any securi-
12 ties issued under chapter 31 of title 31. The purposes for
13 which securities may be issued under such chapter are ex-
14 tended to include any purchase of the Commission’s obli-
15 gations under this subsection.

16 “(4) Repayment of the interest and principal on any
17 funds borrowed by the Commission under paragraph (1)
18 shall be made from amounts in the fund. The Commission
19 may not use for such purpose any funds appropriated for
20 any other activities of the Commission.

21 “(e) TREATMENT OF BORROWING AUTHORITY.—In
22 determining whether the Commission has sufficient funds
23 to complete construction of the World War II memorial,
24 as required by section 8 of the Commemorative Works Act
25 (40 U.S.C. 1008), the Secretary of the Interior shall con-

1 sider the funds that the Commission may borrow from the
2 Treasury under subsection (d) as funds available to com-
3 plete construction of the memorial, whether or not the
4 Commission has actually exercised the authority to borrow
5 such funds.

6 “(f) VOLUNTARY SERVICES.—(1) Notwithstanding
7 section 1342 of title 31, the Commission may accept from
8 any person voluntary services to be provided in further-
9 ance of the fund-raising activities of the Commission relat-
10 ing to the World War II memorial.

11 “(2) A person providing voluntary services under this
12 subsection shall be considered to be a Federal employee
13 for purposes of chapter 81 of title 5, relating to compensa-
14 tion for work-related injuries, and chapter 171 of title 28,
15 relating to tort claims. A volunteer who is not otherwise
16 employed by the United States shall not be considered to
17 be a Federal employee for any other purpose by reason
18 of the provision of such voluntary service, except that any
19 volunteers given responsibility for the handling of funds
20 or the carrying out of a Federal function are subject to
21 the conflict of interest laws contained in chapter 11 of title
22 18 and the administrative standards of conduct contained
23 in part 2635 of title 5 of the Code of Federal Regulations.

24 “(3) The Commission may provide for reimbursement
25 of incidental expenses that are incurred by a person pro-

1 viding voluntary services under this subsection. The Com-
2 mission shall determine those expenses that are eligible for
3 reimbursement under this paragraph.

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

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

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

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

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

22 (b) CONFORMING AMENDMENTS.—Public Law 103–
23 32 (40 U.S.C. 1003 note) is amended by striking sections
24 3, 4, and 5.

1 (c) EFFECT OF REPEAL OF CURRENT MEMORIAL
2 FUND.—Upon the enactment of this Act, the Secretary
3 of the Treasury shall transfer amounts in the fund created
4 by section 4(a) of Public Law 103–32 (40 U.S.C. 1003
5 note) to the fund created by section 2113(b) of title 36,
6 United States Code, as added by subsection (a).

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

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

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

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

23 “(A) reflect unfavorably on the ability of the
24 Commission, or any member or employee of the
25 Commission, to carry out the responsibilities or offi-

1 cial duties of the Commission in a fair and objective
2 manner; or

3 “(B) compromise the integrity or the appear-
4 ance of the integrity of the programs of the Commis-
5 sion or any official involved in those programs.”.

6 **SEC. 203. INTELLECTUAL PROPERTY AND RELATED ITEMS.**

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

10 **“§ 2114. Intellectual property and related items**

11 “(a) AUTHORITY TO USE AND REGISTER INTELLEC-
12 TUAL PROPERTY.—The American Battle Monuments
13 Commission may—

14 “(1) adopt, use, register, and license trade-
15 marks, service marks, and other marks;

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

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

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

21 “(b) AUTHORITY TO GRANT LICENSES.—The Com-
22 mission may grant exclusive and nonexclusive licenses in
23 connection with any mark, copyright, patent, or license for
24 the use of such mark, copyright or patent, except to the
25 extent the grant of such license by the Commission would

1 be contrary to any contract or license by which the use
2 of the mark, copyright, or patent was obtained.

3 “(c) ENFORCEMENT AUTHORITY.—The Commission
4 may enforce any mark, copyright, or patent by an action
5 in the district courts under any law providing for the pro-
6 tection of such marks, copyrights, or patents.

7 “(d) LEGAL REPRESENTATION.—The Attorney Gen-
8 eral shall furnish the Commission with legal representa-
9 tion as the Commission may require under subsection (c).
10 The Secretary of Defense shall provide representation for
11 the Commission in administrative proceedings before the
12 Patent and Trademark Office and Copyright Office.

13 “(e) IRREVOCABILITY OF TRANSFERS OF COPY-
14 RIGHTS TO COMMISSION.—Section 203 of title 17 shall
15 not apply to any copyright transferred in any manner to
16 the Commission.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter, as amended by section
19 201(a)(2), is further amended by adding at the end the
20 following new item:

“2114. Intellectual property and related items.”.

21 **SEC. 204. TECHNICAL AMENDMENTS.**

22 Chapter 21 of title 36, United States Code, is amend-
23 ed as follows:

24 (1) In section 2101(b)—

1 (A) by striking “title 37, United States
2 Code,” in paragraph (2) and inserting “title
3 37”; and

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

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

8 (3) In section 2103—

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

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

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

17 **Subtitle B—National Cemeteries**

18 **SEC. 211. ESTABLISHMENT OF ADDITIONAL NATIONAL** 19 **CEMETERIES.**

20 (a) ESTABLISHMENT.—The Secretary of Veterans
21 Affairs shall establish, in accordance with chapter 24 of
22 title 38, United States Code, a national cemetery in each
23 of the four areas in the United States that the Secretary
24 determines to be most in need of such a cemetery to serve
25 the needs of veterans and their families.

1 (b) OBLIGATION OF FUNDS IN FISCAL YEAR 2000.—

2 The Secretary shall obligate from the advance planning
3 fund in the Construction, Major Projects account appro-
4 priated to the Department of Veterans Affairs for fiscal
5 year 2000 such amounts for costs that the Secretary esti-
6 mates are required for the planning and commencement
7 of the establishment of national cemeteries under this sec-
8 tion.

9 (c) REPORTS.—(1) Not later than 120 days after the
10 date of the enactment of this Act, the Secretary shall sub-
11 mit to Congress a report on the establishment of the na-
12 tional cemeteries under subsection (a). The report shall
13 set forth the four areas identified by the Secretary for
14 such establishment, a schedule for such establishment, an
15 estimate of the costs associated with such establishment,
16 and the amount obligated from the advance planning fund
17 under subsection (b).

18 (2) Not later than one year after the date on which
19 the report described in paragraph (1) is submitted to Con-
20 gress, and annually thereafter until the establishment of
21 the national cemeteries under subsection (a) is complete,
22 the Secretary shall submit to Congress a report that up-
23 dates the information included in the report described in
24 paragraph (1).

1 **SEC. 212. INDEPENDENT STUDY ON IMPROVEMENTS TO**
2 **VETERANS' CEMETERIES.**

3 (a) STUDY.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of Veterans
5 Affairs shall enter into a contract with one or more quali-
6 fied organizations to conduct a study of national ceme-
7 teries described in subsection (b). For purposes of this sec-
8 tion, an entity of Federal, State, or local government is
9 not a qualified organization.

10 (b) MATTERS STUDIED.—(1) The study conducted
11 pursuant to the contract entered into under subsection (a)
12 shall include an assessment of each of the following:

13 (A) The one-time repairs required at each na-
14 tional cemetery under the jurisdiction of the Na-
15 tional Cemetery Administration of the Department
16 of Veterans Affairs to ensure a dignified and re-
17 spectful setting appropriate to such cemetery, taking
18 into account the variety of age, climate, and burial
19 options at individual national cemeteries.

20 (B) The feasibility of making standards of ap-
21 pearance of such national cemeteries commensurate
22 with standards of appearance of the finest ceme-
23 teries in the world.

24 (C) The number of additional national ceme-
25 teries that will be required for the interment and
26 memorialization in such cemeteries of individuals

1 qualified under chapter 24 of title 38, United States
2 Code, who die after 2005.

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

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

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

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

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

24 (2) Not later than 120 days after the date on which
25 a report is submitted under paragraph (1), the Secretary

1 shall transmit to the Committees on Veterans' Affairs of
2 the House of Representatives and the Senate a copy of
3 such report, together with any comments on the report
4 that the Secretary considers appropriate.

5 **TITLE III—HOUSING**

6 **SEC. 301. PERMANENT ELIGIBILITY FOR HOUSING LOANS** 7 **FOR FORMER MEMBERS OF THE SELECTED** 8 **RESERVE.**

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

13 **SEC. 302. HOMELESS VETERANS' REINTEGRATION PRO-** 14 **GRAMS.**

15 (a) IN GENERAL.—Chapter 41 is amended by adding
16 at the end the following new section:

17 **“§ 4111. Homeless veterans' reintegration programs**

18 “(a) IN GENERAL.—The Secretary, acting through
19 the Assistant Secretary of Labor for Veterans' Employ-
20 ment and Training, shall conduct, directly or through
21 grant or contract, such programs as the Secretary deter-
22 mines appropriate to expedite the reintegration of home-
23 less veterans into the labor force.

24 “(b) AUTHORITY TO MONITOR EXPENDITURE OF
25 FUNDS.—The Secretary may collect such information as

1 the Secretary considers appropriate to monitor and evalu-
 2 ate the distribution and expenditure of funds appropriated
 3 to carry out this section, and such information shall be
 4 furnished to the Secretary in such form as the Secretary
 5 determines appropriate.

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

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

12 “(A) \$10,000,000 for fiscal year 2000.

13 “(B) \$15,000,000 for fiscal year 2001.

14 “(C) \$20,000,000 for fiscal year 2002.

15 “(D) \$25,000,000 for fiscal year 2003.

16 “(E) \$30,000,000 for fiscal year 2004.

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

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

“4111. Homeless veterans’ reintegration ~~projects~~ *programs*.”.

23 **SEC. 303. TRANSITIONAL HOUSING LOAN GUARANTEE PRO-**
 24 **GRAM TECHNICAL AMENDMENT.**

25 Section 3775 is amended—

1 (1) by inserting “(a)” before “During each”;
2 and

3 (2) by adding at the end the following new sub-
4 section:

5 “(b) After the first 3 years of operation of such a
6 multifamily transitional housing project, the Secretary
7 may provide for periodic audits of the project.”.

8 **TITLE IV—COURT OF APPEALS**
9 **FOR VETERANS CLAIMS**

10 **SEC. 401. AUTHORITY TO PRESCRIBE RULES AND REGULA-**
11 **TIONS.**

12 Section 7254 is amended by adding at the end the
13 following new subsection:

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

16 **SEC. 402. RECALL OF RETIRED JUDGES.**

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

20 **“§ 7257. Recall of retired judges**

21 “(a)(1) A retired judge of the Court may be recalled
22 for further service on the Court in accordance with this
23 section. To be eligible to be recalled for such service, a
24 retired judge must at the time of the judge’s retirement
25 provide to the chief judge of the Court (or, in the case

1 of the chief judge, to the clerk of the Court) notice in writ-
2 ing that the retired judge is available for further service
3 on the Court in accordance with this section and is willing
4 to be recalled under this section. Such a notice provided
5 by a retired judge is irrevocable.

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

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

11 “(B) a recall-eligible retired judge is a retired
12 judge who has provided a notice under paragraph
13 (1).

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

22 “(2) A recall-eligible retired judge may not be re-
23 called for more than 90 days (or the equivalent) during
24 any calendar year without the judge’s consent or for more

1 than a total of 180 days (or the equivalent) during any
2 calendar year.

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

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

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

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

24 “(2) A judge who is recalled under this section who
25 retired under chapter 83 or 84 of title 5 shall be paid,

1 during the period for which the judge serves in recall sta-
2 tus, pay at the rate of pay in effect under section 7253(e)
3 of this title for a judge performing active service, less the
4 amount of the judge's annuity under the applicable provi-
5 sions of chapter 83 or 84 of title 5.

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

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

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

“7257. Recall of retired judges.”.

18 **SEC. 403. CALCULATION OF YEARS OF SERVICE AS A**
19 **JUDGE.**

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

22 “(4) For purposes of calculating the years of service
23 of an individual under this subsection and subsection (c),
24 only those years of service as a judge of the Court shall
25 be credited. In determining the number of years of such

1 service, that portion of the aggregate number of years of
2 such service that is a fractional part of one year shall be
3 disregarded if less than 183 days and shall be credited
4 as a full year if 183 days or more.”.

5 **SEC. 404. JUDGES’ RETIRED PAY.**

6 (a) IN GENERAL.—Subsection (c)(1) of section 7296
7 is amended by striking “at the rate of pay in effect at
8 the time of retirement.” and inserting the following: “as
9 follows:

10 “(A) In the case of a judge who is a recall-eli-
11 ble retired judge under section 7257 of this title or
12 who was a recall-eligible retired judge under that
13 section and was removed from recall status under
14 subsection (b)(4) of that section by reason of dis-
15 ability, the retired pay of the judge shall be the pay
16 of a judge of the court (or of the chief judge, if the
17 individual retired from service as chief judge).

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

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

1 and was removed from recall status under subsection
2 (b)(3) of that section, the retired pay of the judge
3 shall be the pay of the judge at the time of the re-
4 moval from recall status.”.

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

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

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

22 “(ii) If such a cost-of-living adjustment would (but
23 for this subparagraph) result in the retired pay of a re-
24 tired judge (other than a retired chief judge) being in ex-
25 cess of the annual rate of pay in effect for judges of the

1 court as provided in section 7253(e)(2) of this title, such
2 adjustment may be made only in such amount as results
3 in the retired pay of the retired judge being equal to that
4 annual rate of pay (as in effect on the effective date of
5 such adjustment).”.

6 (c) COORDINATION WITH MILITARY RETIRED
7 PAY.—Subsection (f) of such section is further amended
8 by adding after paragraph (3), as added by subsection (b),
9 the following new paragraph:

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

18 **SEC. 405. SURVIVOR ANNUITIES.**

19 (a) SURVIVING SPOUSE.—Subsection (a)(5) of sec-
20 tion 7297 is amended by striking “two years” and insert-
21 ing “one year”.

22 (b) ELECTION TO PARTICIPATE.—Subsection (b) of
23 such section is amended in the first sentence by inserting
24 before the period “or within six months after the date on

1 which the judge marries if the judge has retired under
2 section 7296 of this title”.

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

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

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

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

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

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

19 and

20 “(B) during which the judge was not receiving
21 retired pay based on service as a judge or receiving
22 any retirement salary as described in section
23 376(d)(1) of title 28.”.

24 (e) SERVICE ELIGIBILITY.—(1) Subsection (f) of
25 such section is amended—

1 (A) in paragraph (1), in the matter preceding
2 subparagraph (A)—

3 (i) by striking “at least 5 years” and in-
4 serting “~~last~~ *at least* 18 months”; and

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

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

9 “(5) If a judge dies as a result of an assassination
10 and leaves a survivor or survivors who are otherwise enti-
11 tled to receive annuity payments under this section, the
12 18-month requirement in the matter in paragraph (1) pre-
13 ceding subparagraph (A) shall not apply.”.

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

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

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

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

23 “(8) The term ‘assassination’ as applied to a
24 judge shall have the meaning provided that term in

1 section 376(a)(7) of title 28 as applied to a judicial
2 official.”.

3 (f) AGE REQUIREMENT OF SURVIVING SPOUSE.—

4 Subsection (f) of such section is further amended by strik-
5 ing “or following the surviving spouse’s attainment of the
6 age of 50 years, whichever is *the* later” in paragraph
7 (1)(A).

8 **SEC. 406. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.**

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

11 **“§ 7299. Limitation on activities of retired judges**

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

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

1 apply to the activities of a recall-eligible judge shall apply
 2 only during periods when the judge is serving in recall sta-
 3 tus.”.

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

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

7 **SEC. 407. EARLY RETIREMENT AUTHORITY FOR CURRENT**
 8 **JUDGES IN ORDER TO PROVIDE FOR STAG-**
 9 **GERED TERMS OF JUDGES.**

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

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

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

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

20 (3) has at least 20 years of service described in
 21 section 7297(1) of such title; and

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

23 (c) MULTIPLE ELIGIBLE JUDGES.—If for any year
 24 specified in subsection (a) more than one eligible judge
 25 provides notice in accordance with subsection (d), the

1 judge who has the greatest seniority as a judge of the
2 United States Court of Appeals for Veterans Claims shall
3 be the judge who is eligible to retire in accordance with
4 this section in that year.

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

17 (e) DATE OF RETIREMENT.—A judge who is eligible
18 to retire in accordance with this section shall be retired
19 during the fiscal year in which notice is provided pursuant
20 to subsection (d), but not earlier than 90 days after the
21 date on which that notice is provided, except that a judge
22 retired in accordance with this section with respect to
23 1999 shall be retired not earlier than 90 days, and not
24 later than 150 days, after the date on which notice is pro-
25 vided pursuant to subsection (d).

1 (f) APPLICABLE PROVISIONS.—Except as provided in
2 subsection (g), a judge retired in accordance with this sec-
3 tion shall be considered for all purposes to be retired under
4 section 7296(b)(1) of title 38, United States Code.

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

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

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

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

16 (B) the denominator is 80.

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

1 from recall status under subsection (b)(4) of that section
2 by reason of disability.

3 (i) DUTY OF ACTUARY.—Section 7298(e)(2) is
4 amended—

5 (1) by redesignating subparagraph (C) as sub-
6 paragraph (D); and

7 (2) by inserting after subparagraph (B) the fol-
8 lowing new subparagraph:

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

14 **TITLE V—OTHER MATTERS**

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

16 (a) ENHANCED LOAN ASSET SALE AUTHORITY.—
17 Section 3720(h) is amended—

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

19 (2) by striking paragraph (2).

20 (b) PROCEDURES APPLICABLE TO LIQUIDATION
21 SALES ON DEFAULTED HOME LOANS.—Section 3732(c)
22 is amended by striking paragraph (11).

23 (c) INCOME VERIFICATION AUTHORITY.—Section
24 5317(g) is repealed.

1 organizational elements of the Veterans Benefits Adminis-
2 tration.

3 **“§ 7733. Personnel**

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

9 **“§ 7734. Annual report to Congress**

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

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

17 “(A) the number of decisions reviewed;

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

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

23 “(D) specific documentation of compliance
24 with the standards for independence and inter-

1 (1) the organization now known as the Veterans
2 of Foreign Wars of the United States (the VFW)
3 was founded in Columbus, Ohio, on September 29,
4 1899;

5 (2) the VFW represents approximately
6 2,000,000 veterans of the Armed Forces who served
7 overseas in World War I, World War II, Korea,
8 Vietnam, the Persian Gulf War, and Bosnia; and

9 (3) the VFW has, for the past 100 years, pro-
10 vided voluntary and unselfish service to the Armed
11 Forces and to veterans, communities, States, and
12 the Nation and has worked toward the betterment of
13 veterans in general and society as a whole.

14 (b) RECOGNITION.—The Congress—

15 (1) recognizes the historic significance of the
16 100th anniversary of the founding of the Veterans
17 of Foreign Wars of the United States;

18 (2) congratulates the VFW on achieving that
19 milestone;

20 (3) commends the approximately 2,000,000 vet-
21 erans who belong to the VFW and thanks them for
22 their service to their fellow veterans and the Nation;
23 and

24 (4) calls upon the President to issue a procla-
25 mation recognizing the anniversary of the VFW and

1 the contributions made by the VFW to veterans and
2 the Nation and calling upon the people of the United
3 States to observe such anniversary with appropriate
4 ceremonies and activities.

5 **SEC. 505. 504. CODIFICATION OF RECURRING PROVISIONS**
6 **IN ANNUAL DEPARTMENT OF VETERANS AF-**
7 **FAIRS APPROPRIATIONS ACTS.**

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

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

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

17 “(2) Pension benefits to or on behalf of vet-
18 erans as authorized by chapters 15, 51, 53, 55, and
19 61 of this title and section 306 of the Veterans’ and
20 Survivors’ Pension Improvement Act of 1978.

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

23 “(4) Burial benefits, emergency and other offi-
24 cers’ retirement pay, adjusted-service credits and
25 certificates, payments of premiums due on commer-

1 cial life insurance policies guaranteed under the pro-
2 visions of article IV of the Soldiers' and Sailors'
3 Civil Relief Act of 1940 (50 U.S.C. App. 540 et
4 seq.), and other benefits as authorized by sections
5 107, 1312, 1977, and 2106 and chapters 23, 51, 53,
6 55, and 61 of this title and the World War Adjusted
7 Compensation Act (43 Stat. 122, 123), the Act of
8 May 24, 1928 (Public Law No. 506 of the 70th
9 Congress; 45 Stat. 735), and Public Law 87–875
10 (76 Stat. 1198).

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

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

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

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

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

24 “(5) Administrative expenses in support of
25 planning, design, project management, real property

1 acquisition and disposition, construction, and ren-
2 ovation of any facility under the jurisdiction or for
3 the use of the Department.

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

6 “(7) Repairing, altering, improving, or pro-
7 viding facilities in the medical facilities and homes
8 under the jurisdiction of the Department, not other-
9 wise provided for, either by contract or by the hire
10 of temporary employees and purchase of materials.

11 “(8) Uniforms or uniform allowances, as au-
12 thorized by sections 5901 and 5902 of title 5.

13 “(9) Aid to State homes, as authorized by sec-
14 tion 1741 of this title.

15 “(10) Administrative and legal expenses of the
16 Department for collecting and recovering amounts
17 owed the Department as authorized under chapter
18 17 of this title and Public Law 87–693, popularly
19 known as the Federal Medical Care Recovery Act
20 (42 U.S.C. 2651 et seq.).

21 “(e) MEDICAL ADMINISTRATION AND MISCELLA-
22 NEOUS OPERATING EXPENSES.—Funds appropriated for
23 Medical Administration and Miscellaneous Operating Ex-
24 penses are available for the following purposes:

1 “(1) The administration of medical, hospital,
2 nursing home, domiciliary, construction, supply, and
3 research activities authorized by law.

4 “(2) Administrative expenses in support of
5 planning, design, project management, architectural
6 work, engineering, real property acquisition and dis-
7 position, construction, and renovation of any facility
8 under the jurisdiction or for the use of the Depart-
9 ment, including site acquisition.

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

12 “(4) Research and development in building con-
13 struction technology.

14 “(f) GENERAL OPERATING EXPENSES.—Funds ap-
15 propriated for General Operating Expenses are available
16 for the following purposes:

17 “(1) Uniforms or allowances therefor.

18 “(2) Hire of passenger motor vehicles.

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

21 “(4) Reimbursement of the Department of De-
22 fense for the cost of overseas employee mail.

23 “(5) Administration of the Service Members
24 Occupational Conversion and Training Act of 1992
25 (10 U.S.C. 1143 note).

1 “(g) CONSTRUCTION.—Funds appropriated for Con-
2 struction, Major Projects, and for Construction, Minor
3 Projects, are available, with respect to a project, for the
4 following purposes:

5 “(1) Planning.

6 “(2) Architectural and engineering services.

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

10 “(4) Services of claims analysts.

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

13 “(6) Site acquisition.

14 “(h) CONSTRUCTION, MINOR PROJECTS.—In addi-
15 tion to the purposes specified in subsection (g), funds ap-
16 propriated for Construction, Minor Projects, are available
17 for—

18 “(1) repairs to any of the nonmedical facilities
19 under the jurisdiction or for the use of the Depart-
20 ment which are necessary because of loss or damage
21 caused by a natural disaster or catastrophe; and

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

24 (2)(A) Chapter 1 is amended by adding at the end
25 the following new section:

1 **“§ 116. Definition of cost of direct and guaranteed**
2 **loans**

3 “For the purpose of any provision of law appro-
4 priating funds to the Department for the cost of direct
5 or guaranteed loans, the cost of any such loan, including
6 the cost of modifying any such loan, shall be as defined
7 in section 502 of the Congressional Budget Act of 1974
8 (2 U.S.C. 661a).”.

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

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

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