

Public Law 102-82
102d Congress

An Act

To amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes.

Aug. 6, 1991
[H.R. 153]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROCEDURES FOR DECISIONS OF THE COURT OF VETERANS APPEALS.

Section 7267 of title 38, United States Code, is amended—

- (1) by striking out subsections (b) and (d);
- (2) by redesignating subsections (c) and (e) as subsections (b) and (c), respectively; and
- (3) by striking out “except as provided in subsection (d) of this section” in subsection (a).

SEC. 2. JUDICIAL CONFERENCE.

(a) **IN GENERAL.**—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7286. Judicial Conference of the Court of Veterans Appeals

“The Chief Judge of the Court of Veterans Appeals may summon the judges of the Court to an annual judicial conference, at a time and place that the Chief Judge designates, for the purpose of considering the business of the Court and recommending means of improving the administration of justice within the Court’s jurisdiction. The Court shall provide by its rules for representation and active participation at such conference by persons admitted to practice before the Court and by other persons active in the legal profession.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7285 the following new item:

“7286. Judicial Conference of the Court of Veterans Appeals.”.

SEC. 3. JUDICIAL DISCIPLINE.

Section 7253 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(g) The Court shall prescribe rules, consistent with the provisions of section 372(c) of title 28, establishing procedures for the filing of complaints with respect to the conduct of any judge of the Court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, the Court shall have the powers granted to a judicial council under such section.”.

Regulations.

SEC. 4. RECUSAL OF JUDGES.

Section 7264 of title 38, United States Code, is amended by adding at the end the following:

“(c) Section 455 of title 28 shall apply to judges and proceedings of the Court.”.

SEC. 5. PARTICIPATION OF JUDGES IN THE THRIFT SAVINGS PLAN.

(a) **IN GENERAL.**—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following new section:

“§ 8440c. Judges of the United States Court of Veterans Appeals

“(a)(1) A judge of the United States Court of Veterans Appeals may elect to contribute to the Thrift Savings Fund.

“(2) An election may be made under paragraph (1) only during a period provided under section 8432(b) of this title for individuals subject to chapter 84 of this title.

“(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to a judge making contributions to the Thrift Savings Fund.

“(2) The amount contributed by a judge may not exceed 5 percent of the amount of the judge’s basic pay. Basic pay does not include any retired pay paid pursuant to section 7296 of title 38.

“(3) No contributions may be made for the benefit of a judge under section 8432(c) of this title.

“(4) Section 8433(b) of this title applies with respect to a judge who elects to make contributions to the Thrift Savings Fund and retires under section 7296(b) of title 38.

“(5) A transfer shall be made as provided in section 8433(d) of this title in the case of a judge who elects to make contributions to the Thrift Savings Fund and thereafter ceases to serve as a judge of the United States Court of Veterans Appeals but does not retire under section 7296(b) of title 38.

“(6) The provisions of section 8351(b)(7) of this title shall apply with respect to a judge who has elected to contribute to the Thrift Savings Fund under this section.”.

(2) The table of sections at the beginning of such chapter is amended by inserting at the end of the items relating to the sections in subchapter III the following:

“8440c. Judges of the United States Court of Veterans Appeals.”.

(b) **FIRST ELECTION.**—A judge of the United States Court of Veterans Appeals on the date of the enactment of this Act may make an election under section 8440c(a) of title 5, United States Code (as added by subsection (a)), within 60 days after the date of the enactment of this Act.

(c) **CONFORMING AMENDMENTS.**—(1) Section 7296(f)(2)(A) of title 38, United States Code, is amended by inserting “except as authorized by section 8440c of title 5” before the semicolon at the end.

(2) Section 7297(n) of title 38, United States Code, is amended by inserting before the period at the end of the first sentence the following: “except section 8440c of title 5”.

SEC. 6. DISTRIBUTION OF THE CONGRESSIONAL RECORD TO THE UNITED STATES COURT OF VETERANS APPEALS.

Section 906 of title 44, United States Code, is amended by inserting "the United States Court of Veterans Appeals," after "the Tax Court of the United States," both places it appears.

SEC. 7. ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE UNITED STATES COURT OF VETERANS APPEALS.

Section 7281 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(i) The Court may accept and utilize voluntary services and uncompensated (*gratuitous*) services, including services as authorized by section 3102(b) of title 5 and may accept, hold, administer, and utilize gifts and bequests of personal property for the purposes of aiding or facilitating the work of the Court. Gifts or bequests of money to the Court shall be covered into the Treasury."

SEC. 8. TECHNICAL AMENDMENTS.

Chapter 72 of title 38, United States Code, is amended—

(1) in subsection (c) of section 7267 (as redesignated by section 1), by striking out "Administrator of the National Archives and Records Administration" and inserting in lieu thereof "Archivist of the United States";

(2) in section 7268(b)(2)—

(A) by striking out "shall" and inserting in lieu thereof "may, upon motion of the appellant or the Secretary,"; and

(B) by striking out "before" and inserting in lieu thereof "or"; and

(3) by redesignating the second subsection (d) of section 7254 (authorizing judges of the Court to administer oaths) as subsection (e).

Approved August 6, 1991.

LEGISLATIVE HISTORY—H.R. 153:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 20, considered and passed House.

July 16, considered and passed Senate, amended.

July 24, House concurred in Senate amendments.