

(b) PERIOD OF TEMPORARY SERVICE.—(1) The service of a judge on the Court under this section may continue until the earlier of—

(A) the date that is 30 days after the date on which the chief judge of the Court submits to the President and Congress a written certification based on the projected caseload of the Court that the work of the Court can be performed in a timely and efficient manner by judges of the Court under this section who are senior on the Court to the judge electing to continue to provide temporary service under this section or without judges under this section; or

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

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

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

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

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

(A) In the case of a person eligible to receive retired pay under subchapter V of chapter 72 of title 38, United States Code, or a retirement annuity under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, United States Code, as applicable, an amount equal to one-half of the amount of the current salary payable to a judge of the Court under chapter 72 of title 38, United States Code, having a status on the Court equivalent to the highest status on the Court attained by the person.

(B) In the case of a person not eligible to receive such retired pay or such retirement annuity, an amount equal to the amount of current salary payable to a judge of the Court under such chapter 72 having a status on the Court equivalent to the highest status on the Court attained by the person.

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

(A) shall not be treated as—  
 (i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(3) Amounts paid under this subsection to a person described in paragraph (1)(B) shall be treated as pay for purposes of deductions or contributions for or on behalf of the per-

son to retired pay or a retirement or other annuity under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(4) Amounts paid under this subsection shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(e) CREDITABLE SERVICE.—(1) The service as a judge of the Court under this section of a person who makes an election provided for under subsection (d)(2)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title.

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

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

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

**SEC. 502. MODIFIED TERMS FOR CERTAIN JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

(a) MODIFIED TERMS.—Notwithstanding section 7253(c) of title 38, United States Code, the term of any judge of the Court who is appointed to a position on the Court that becomes vacant in 2004 shall be 13 years.

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

(A) the age and service requirements in the table in paragraph (2) shall apply to the judge instead of the age and service requirements in the table in subsection (b)(1) of that section that would otherwise apply to the judge; and

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

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	And the years of service as a judge are at least
65 .....	13
66 .....	13
67 .....	13
68 .....	12
69 .....	11
70 .....	10

**SEC. 503. TEMPORARY AUTHORITY FOR VOLUNTARY SEPARATION INCENTIVES FOR CERTAIN JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**

(a) TEMPORARY AUTHORITY.—A voluntary separation incentive payment may be paid in accordance with this section to any judge of the Court described in subsection (c).

(b) AMOUNT OF INCENTIVE PAYMENT.—The amount of a voluntary separation incentive

payment paid to a judge under this section shall be \$25,000.

(c) COVERED JUDGES.—A voluntary separation incentive payment may be paid under this section to any judge of the Court who—

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

(2) submits a notice of an intent to retire in accordance with subsection (d); and

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

(d) NOTICE OF INTENT TO RETIRE.—(1) A judge of the Court seeking payment of a voluntary separation incentive payment under this section shall submit to the President and Congress a timely notice of an intent to retire from the Court, together with a request for payment of the voluntary separation incentive payment.

(2) A notice shall be timely submitted under paragraph (1) only if submitted—

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

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

(e) DATE OF PAYMENT.—A voluntary separation incentive payment may be paid to a judge of the Court under this section only upon the retirement of the judge from the Court.

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

(g) ELIGIBILITY FOR TEMPORARY SERVICE ON COURT.—A judge seeking payment of a voluntary separation incentive payment under this section may serve on the Court under section 401 if eligible for such service under that section.

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

(i) EXPIRATION OF AUTHORITY.—A voluntary separation incentive payment may not be paid under this section to a judge who retires from the Court after December 31, 2002.

**SEC. 504. DEFINITION.**

In this title, the term "Court" means the United States Court of Appeals for Veterans Claims.

Amend the title so as to read: "An Act To amend title 38, United States Code, to enhance programs providing health care, education, memorial, and other benefits for veterans, to authorize major medical facility projects for the Department of Veterans Affairs, and for other purposes."

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999**

**FRIST AMENDMENT NO. 2542**

Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes

[The amendment was not available for printing. It will appear in a future edition of the RECORD.]

WOMEN'S BUSINESS CENTERS  
SUSTAINABILITY ACT OF 1999

KERRY (AND BOND) AMENDMENT  
NO. 2543

Mr. DOMENICI (for Mr. KERRY (for himself and Mr. DOMENICI)) proposed an amendment to the bill (S. 791) to amend the Small Business Act with respect to the women's business center program; as follows:

Strike section 4 and insert the following:

**SEC. 4. WOMEN'S BUSINESS CENTERS SUSTAINABILITY PILOT PROGRAM.**

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(I) SUSTAINABILITY PILOT PROGRAM.—

“(1) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award grants (referred to in this section as ‘sustainability grants’) on a competitive basis for an additional 5-year project under this section to any private nonprofit organization (or a division thereof)—

“(A) that has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement; and

“(B) that—

“(i) is in the final year of a 5-year project; or

“(ii) has completed a project financed under this section (or any predecessor to this section) and continues to provide assistance to women entrepreneurs.

“(2) CONDITIONS FOR PARTICIPATION.—In order to receive a sustainability grant, an organization described in paragraph (1) shall submit to the Administration an application, which shall include—

“(A) a certification that the applicant—

“(i) is a private nonprofit organization; or

“(ii) employs a full-time executive director or program manager to manage the center; and

“(iii) as a condition of receiving a sustainability grant, agrees—

“(I) to a site visit as part of the final selection process and to an annual programmatic and financial examination; and

“(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

“(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center site for which a sustainability grant is sought, including the ability to fundraise;

“(C) information relating to assistance provided by the women's business center site for which a sustainability grant is sought in the area in which the site is located, including—

“(i) the number of individuals assisted;

“(ii) the number of hours of counseling, training, and workshops provided; and

“(iii) the number of startup business concerns formed;

“(D) information demonstrating the effective experience of the applicant in—

“(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

“(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

“(iii) using resource partners of the Administration and other entities, such as universities;

“(iv) complying with the cooperative agreement of the applicant; and

“(v) the prudent management of finances and staffing, including the manner in which the performance of the applicant compared to the business plan of the applicant and the manner in which grant funds awarded under subsection (b) were used by the applicant; and

“(E) a 5-year plan that projects the ability of the women's business center site for which a sustainability grant is sought—

“(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

“(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged.

“(3) REVIEW OF APPLICATIONS.—

“(A) IN GENERAL.—The Administration shall—

“(i) review each application submitted under paragraph (2) based on the information provided under in subparagraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f);

“(ii) as part of the final selection process, conduct a site visit at each women's business center for which a sustainability grant is sought; and

“(iii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).

“(B) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (j), each women's business center site that is awarded a sustainability grant shall, to the maximum extent practicable, collect information relating to—

“(i) the number of individuals assisted;

“(ii) the number of hours of counseling and training provided and workshops conducted;

“(iii) the number of startup business concerns formed;

“(iv) any available gross receipts of assisted concerns; and

“(v) the number of jobs created, maintained, or lost at assisted concerns.

“(C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.

“(4) NON-FEDERAL CONTRIBUTION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section, as a condition of receiving a sustainability grant, an organization described in paragraph (1) shall agree to obtain, after its application has been approved under paragraph (3) and notice of award has been issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.

“(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

“(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall issue requests for proposals for women's business centers applying for the pilot program under this subsection simultaneously with requests for proposals for grants under subsection (b).”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the

expiration of the pilot program under subsection (I)—

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

“(B) \$12,800,000 for fiscal year 2001;

“(C) \$13,700,000 for fiscal year 2002; and

“(D) \$14,500,000 for fiscal year 2003.”;

(2) in paragraph (2)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTIONS.—Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for selection panel costs, post-award conference costs, and costs related to monitoring and oversight:

“(i) For fiscal year 2000, 2 percent.

“(ii) For fiscal year 2001, 1.9 percent.

“(iii) For fiscal year 2002, 1.9 percent.

“(iv) For fiscal year 2003, 1.6 percent.”; and

(3) by adding at the end the following:

“(4) RESERVATION OF FUNDS FOR SUSTAINABILITY PILOT PROGRAM.—

“(A) IN GENERAL.—Subject to subparagraph (B), of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (I):

“(i) For fiscal year 2000, 17 percent.

“(ii) For fiscal year 2001, 18.8 percent.

“(iii) For fiscal year 2002, 30.2 percent.

“(iv) For fiscal year 2003, 30.2 percent.

“(B) USE OF UNAWARDED FUNDS FOR SUSTAINABILITY PILOT PROGRAM GRANTS.—If the amount reserved under subparagraph (A) for any fiscal year is not fully awarded to private nonprofit organizations described in subsection (I)(1)(B), the Administration is authorized to use the unawarded amount to fund additional women's business center sites or to increase funding of existing women's business center sites under subsection (b).”

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to implement the amendments made by this section.

INDEPENDENT OFFICE OF  
ADVOCACY ACT

BOND AMENDMENT NO. 2544

Mr. DOMENICI (for Mr. BOND) proposed an amendment to the bill (S. 1346) to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; as follows:

On page 12, line 12, insert after “Representatives” the following: “, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives”.

THE BANKRUPTCY REFORM ACT  
OF 1999

COVERDELL (AND OTHERS)  
AMENDMENT NO. 2545

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. SARBANES, Mr. BIDEN, Mr. MACK, Mr. EDWARDS, Mr. GRAHAM, and Mr. CLELAND) submitted an amendment intended to be proposed by them to the bill, S. 625, supra; as follows: