

§ 7298. Retirement Fund

(a) There is established in the Treasury a fund known as the Court of Appeals for Veterans Claims Retirement Fund.

(b) Amounts in the fund are available for the payment of judges' retired pay under section 7296 of this title and of annuities, refunds, and allowances under section 7297 of this title.

(c) Amounts deposited by, or deducted and withheld from the salary and retired pay of, a judge under section 7296 or 7297 of this title shall be deposited in the fund and credited to an individual account of the judge.

(d) The chief judge of the Court of Appeals for Veterans Claims shall submit to the President an annual estimate of the expenditures and appropriations necessary for the maintenance and operation of the fund, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law.

(e)(1) The chief judge may cause periodic examinations of the retirement fund to be made by an actuary, who may be an actuary employed by another department of the Government temporarily assigned for the purpose.

(2)(A) Subject to the availability of appropriations, there shall be deposited in the Treasury to the credit of the retirement fund, not later than the close of each fiscal year, such amounts as may be required to reduce to zero the unfunded liability (if any) of the fund. Such deposits shall be taken from sums available for that fiscal year for the payment of the expenses of the Court.

(B) For purposes of subparagraph (A) of this paragraph, the term "unfunded liability", with respect to any fiscal year, means the amount estimated by the chief judge to be equal to the excess (as of the close of that fiscal year) of—

(i) the present value of all benefits payable from the fund (determined on an annual basis in accordance with section 9503 of title 31), over

(ii) the sum of—

(I) the present values of future deductions under sections 7296(i) and 7297(c) of this title and future deposits under sections 7296(j) and 7296(d) of this title, and

(II) the balance in the fund as of the close of the fiscal year.

(C) For purposes of subparagraph (B), the term "present value" includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.

(D) Amounts deposited in the retirement fund under this paragraph shall not be credited to the account of any individual.

(f) The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States, such portions of the retirement fund as in such Secretary's judgment may not be immediately required for payments from the fund. The income derived from such investments shall constitute a part of the fund.

(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Claims Judges' Retirement Fund.

(Added Pub. L. 101-94, title I, §101(a), Aug. 16, 1989, 103 Stat. 625, §4098; renumbered § 7298 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 105-368, title V, §§ 502, 512(a)(1), (2)(C), Nov. 11, 1998, 112 Stat. 3340, 3341; Pub. L. 106-117, title X, §1011(j), Nov. 30, 1999, 113 Stat. 1589.)

AMENDMENTS

1999—Subsec. (e)(2)(C), (D). Pub. L. 106-117 added subpar. (D) and redesignated former subpar. (C) as (D).

1998—Pub. L. 105-368, §512(a)(2)(C), struck out "Court of Veterans Appeals" before "Retirement Fund" in section catchline.

Subsecs. (a), (d). Pub. L. 105-368, §512(a)(1), substituted "Court of Appeals for Veterans Claims" for "Court of Veterans Appeals".

Subsec. (g). Pub. L. 105-368, §502, added subsec. (g).
1991—Pub. L. 102-40, §402(b)(1), renumbered section 4098 of this title as this section.

Subsecs. (b), (c). Pub. L. 102-40, §402(d)(1), substituted "7296" for "4096" and "7297" for "4097".

Subsec. (e)(2)(B)(ii)(I). Pub. L. 102-40, §402(d)(1), substituted "7296(i) and 7297(c)" for "4096(i) and 4097(c)" and "7296(j) and 7296(d)" for "4096(j) and 4096(d)".

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 512(a)(1), (2)(C) of Pub. L. 105-368 effective on first day of first month beginning more than 90 days after Nov. 11, 1998, see section 513 of Pub. L. 105-368, set out as a note under section 7251 of this title.

§ 7299. Limitation on activities of retired judges

(a) A retired judge of the Court who is recall-eligible under section 7257 of this title and who in the practice of law represents (or supervises or directs the representation of) a client in making any claim relating to veterans' benefits against the United States or any agency thereof shall, pursuant to such section, be considered to have declined recall service and be removed from the status of a recall-eligible judge. The pay of such a judge, pursuant to section 7296 of this title, shall be the pay of the judge at the time of the removal from recall status.

(b) A recall-eligible judge shall be considered to be an officer or employee of the United States, but only during periods when the judge is serving in recall status. Any prohibition, limitation, or restriction that would otherwise apply to the activities of a recall-eligible judge shall apply only during periods when the judge is serving in recall status.

(Added Pub. L. 106-117, title X, §1024(a), Nov. 30, 1999, 113 Stat. 1593.)

CHAPTER 73—VETERANS HEALTH ADMINISTRATION—ORGANIZATION AND FUNCTIONS

SUBCHAPTER I—ORGANIZATION

Sec.	
7301.	Functions of Veterans Health Administration: in general.
7302.	Functions of Veterans Health Administration: health-care personnel education and training programs.
7303.	Functions of Veterans Health Administration: research programs.
7304.	Regulations.
7305.	Divisions of Veterans Health Administration.
7306.	Office of the Under Secretary for Health.
7307.	Office of Research Oversight.

- Sec.
7308. Office of Rural Health.
7309. Readjustment Counseling Service.

SUBCHAPTER II—GENERAL AUTHORITY AND
ADMINISTRATION

7311. Quality assurance.
7311A. Quality management officers.
7312. Special medical advisory group.
7313. Advisory committees: affiliated institutions.
7314. Geriatric research, education, and clinical centers.
7315. Geriatrics and Gerontology Advisory Committee.
7316. Malpractice and negligence suits: defense by United States.
7317. Hazardous research projects: indemnification of contractors.
7318. National Center for Preventive Health.
7319. Mammography quality standards.
7320. Centers for mental illness research, education, and clinical activities.
7321. Committee on Care of Severely Chronically Mentally Ill Veterans.
7321A. Committee on Care of Veterans with Traumatic Brain Injury.
7322. Breast cancer mammography policy.
7323. Required consultations with nurses.
7324. Annual report on use of authorities to enhance retention of experienced nurses.
7325. Medical emergency preparedness centers.
7326. Education and training programs on medical response to consequences of terrorist activities.
7327. Centers for research, education, and clinical activities on complex multi-trauma associated with combat injuries.
7328. Medical preparedness centers.
7329. Parkinson's Disease research, education, and clinical centers.
7330. Multiple sclerosis centers of excellence.
7330A. Epilepsy centers of excellence.

SUBCHAPTER III—PROTECTION OF PATIENT
RIGHTS

7331. Informed consent.
7332. Confidentiality of certain medical records.
7333. Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus.
7334. Regulations.

SUBCHAPTER IV—RESEARCH CORPORATIONS

7361. Authority to establish; status.
7362. Purpose of corporations.
7363. Board of directors; executive director.
7364. General powers.
[7364A. Renumbered.]
7365. Coverage of employees under certain Federal tort claims laws.
7366. Accountability and oversight.
[7367, 7368. Repealed.]

AMENDMENTS

2013—Pub. L. 112-239, div. A, title VII, § 728(b), Jan. 2, 2013, 126 Stat. 1813, added item 7309.

2010—Pub. L. 111-275, title X, § 1001(n)(1), Oct. 13, 2010, 124 Stat. 2897, substituted "the human immunodeficiency virus" for "human immunodeficiency virus" in item 7333.

Pub. L. 111-163, title V, §§ 505(a)(2), 515(b), title VIII, § 805(b), May 5, 2010, 124 Stat. 1159, 1166, 1179, added items 7311A, 7321A, and 7365 and struck out former items 7364A "Coverage of employees under certain Federal tort claims laws" and 7365 "Applicable State law".

2008—Pub. L. 110-387, title IV, § 404(b), title VIII, § 806(b), Oct. 10, 2008, 122 Stat. 4129, 4141, added item 7330A and struck out item 7368 "Expiration of authority".

2006—Pub. L. 109-461, title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3468, provided that as of the enactment of Pub.

L. 109-461, the amendments made by Pub. L. 109-444 were deemed not for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, title II, §§ 209(a)(2), 212(a)(2), Dec. 22, 2006, 120 Stat. 3418, 3422, added items 7308, 7329, and 7330.

Pub. L. 109-444, § 6(a)(2), Dec. 21, 2006, 120 Stat. 3312, which added items 7329 and 7330, was terminated by Pub. L. 109-461, § 1006(b). See Amendment notes above. 2004—Pub. L. 108-422, title III, §§ 302(a)(2), 303(c)(2), Nov. 30, 2004, 118 Stat. 2385, 2387, added items 7327 and 7328.

2003—Pub. L. 108-170, title IV, §§ 401(a)(2), 402(a)(2), Dec. 6, 2003, 117 Stat. 2061, 2062, added items 7307 and 7364A.

2002—Pub. L. 107-287, §§ 2(a)(2), 3(a)(2), Nov. 7, 2002, 116 Stat. 2027, 2028, added items 7325 and 7326.

Pub. L. 107-135, title I, § 125(a)(2), Jan. 23, 2002, 115 Stat. 2453, added item 7324.

2001—Pub. L. 107-14, § 8(a)(14)(B), June 5, 2001, 115 Stat. 35, struck out item 7367 "Report to Congress".

2000—Pub. L. 106-419, title II, § 201(b)(2), Nov. 1, 2000, 114 Stat. 1840, added item 7323.

1997—Pub. L. 105-114, title II, § 208(a)(2), Nov. 21, 1997, 111 Stat. 2289, added item 7322.

1996—Pub. L. 104-262, title III, §§ 321(a)(2), 334(a)(2), 335(b), Oct. 9, 1996, 110 Stat. 3195, 3203, 3205, added items 7319 to 7321.

1994—Pub. L. 103-446, title XII, § 1201(h)(3), Nov. 2, 1994, 108 Stat. 4688, inserted "PROTECTION OF" before "PATIENT" in heading for subchapter III.

1992—Pub. L. 102-585, title V, § 511(a)(2), Nov. 4, 1992, 106 Stat. 4956, added item 7318.

Pub. L. 102-405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984, substituted "Under Secretary for Health" for "Chief Medical Director" in item 7306.

1991—Pub. L. 102-40, title IV, § 401(a)(1), (3), May 7, 1991, 105 Stat. 210, substituted "VETERANS HEALTH ADMINISTRATION—ORGANIZATION AND FUNCTIONS" for "DEPARTMENT OF MEDICINE AND SURGERY" as chapter heading, added analysis for subchapters I to IV, and struck out former analysis consisting of subchapter I containing items 4101 to 4119 and 4210, subchapter II containing items 4121 to 4124, subchapter III containing items 4131 to 4134, subchapter IV containing items 4141 and 4142, subchapter V containing items 4151 and 4152, and subchapter VI containing items 4161 to 4168.

1990—Pub. L. 101-366, title I, § 102(d), Aug. 15, 1990, 104 Stat. 436, added heading for subchapter IV and items 4141 and 4142.

1988—Pub. L. 100-322, title I, § 122(b), title II, §§ 204(b), 212(a)(2), 216(e)(1), May 20, 1988, 102 Stat. 504, 512, 516, 530, added item 4210 [4120] after item 4119, substituted "Nondiscrimination against alcohol and drug abusers and persons infected with human immunodeficiency virus" for "Nondiscrimination in the admission of alcohol and drug abusers to Veterans' Administration health care facilities" in item 4133, substituted "Regulations" for "Coordination; reports" in item 4134, struck out heading for Subchapter IV, "VETERANS' ADMINISTRATION HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM" and items 4141 "Establishment of program; purpose; duration", 4142 "Eligibility; application; written contract", 4143 "Obligated service", 4144 "Breach of contract; liability; waiver", 4145 "Exemption of scholarship payments from taxation", and 4146 "Program subject to availability of appropriations", and added heading for subchapter VI and items 4161 to 4168.

1986—Pub. L. 99-576, title VII, § 702(12), Oct. 28, 1986, 100 Stat. 3302, substituted "appointments" for "appointment" in item 4106.

1985—Pub. L. 99-166, title II, § 204(a)(2), Dec. 3, 1985, 99 Stat. 952, added heading for subchapter V and items 4151 and 4152.

1980—Pub. L. 96-330, title I, § 116(a)(2), title II, § 201(a)(2), Aug. 26, 1980, 94 Stat. 1039, 1047, added item 4119, heading for subchapter IV and items 4141 to 4146.