

106TH CONGRESS  
2D SESSION

# H. R. 5109

To amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2000

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

---

## A BILL

To amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, 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 “Department of Veterans Affairs Health Care Personnel  
6 Act of 2000”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

## TITLE I—PERSONNEL MATTERS

- Sec. 101. Revised authority for pay adjustments for nurses employed by the Department of Veterans Affairs.
- Sec. 102. Special pay for dentists.
- Sec. 103. Exemption for pharmacists from ceiling on special salary rates.
- Sec. 104. Physician assistant advisers to Under Secretary for Health.
- Sec. 105. Temporary full-time appointments of certain medical personnel.
- Sec. 106. Qualifications of social workers.
- Sec. 107. Extension of temporary early retirement authority.

## TITLE II—CONSTRUCTION AUTHORIZATION

- Sec. 201. Authorization of major medical facility projects.
- Sec. 202. Authorization of appropriations.

## TITLE III—MILITARY SERVICE ISSUES

- Sec. 301. Military service history.
- Sec. 302. Study of post-traumatic stress disorder in Vietnam veterans.

## TITLE IV—MEDICAL ADMINISTRATION

- Sec. 401. Pilot program for coordination of hospital benefits.
- Sec. 402. Benefits for persons disabled by participation in compensated work therapy program.
- Sec. 403. Extension of authority to establish research and education corporations.
- Sec. 404. Department of Veterans Affairs Fisher Houses.
- Sec. 405. Extension of annual report of Committee on Mentally Ill Veterans.
- Sec. 406. Exception of recapture rule.
- Sec. 407. Change to enhanced use lease congressional notification period.
- Sec. 408. Technical and conforming changes.
- Sec. 409. Appointment of Veterans Benefits Administration claims examiners (also titled Veterans Service Representatives) on a fee basis.
- Sec. 410. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.

**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.

1 **TITLE I—PERSONNEL MATTERS**

2 **SEC. 101. ANNUAL NATIONAL PAY COMPARABILITY AD-**  
3 **JUSTMENT FOR NURSES EMPLOYED BY DE-**  
4 **PARTMENT OF VETERANS AFFAIRS.**

5 (a) REVISED PAY ADJUSTMENT PROCEDURES.—Sec-  
6 tion 7451 is amended—

7 (1) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by striking “The rates” and insert-  
10 ing “Subject to subsection (e), the rates”;  
11 and

12 (ii) in subparagraph (A), by inserting  
13 “and to be by the same percentage” after  
14 “to have the same effective date”;

15 (B) in paragraph (2), by striking “Such”  
16 in the second sentence and inserting “Except as  
17 provided in paragraph (1)(A), such”;

18 (C) in paragraph (3)(B)—

19 (i) by inserting after the first sentence  
20 the following new sentence: “To the extent  
21 practicable, the director shall use third-  
22 party industry wage surveys to meet the  
23 requirements of the preceding sentence.”;

24 (ii) by inserting before the penul-  
25 timate sentence the following new sentence:

1            “To the extent practicable, all surveys con-  
2            ducted pursuant to this subparagraph or  
3            subparagraph (A) shall include the collec-  
4            tion of salary midpoints, actual salaries,  
5            lowest and highest salaries, average sala-  
6            ries, bonuses, incentive pays, differential  
7            pays, actual beginning rates of pay and  
8            such other information needed to meet the  
9            purpose of this section.”; and

10            (iii) in the penultimate sentence, by  
11            inserting “or published” after “com-  
12            pleted”;

13            (D) by striking clause (iii) of paragraph  
14            (3)(C);

15            (2) by striking subsection (e) and inserting the  
16            following:

17            “(e)(1) An adjustment in a rate of basic pay under  
18            subsection (d) may not reduce the rate of basic pay appli-  
19            cable to any grade of a covered position.

20            “(2) The director of a Department health-care facil-  
21            ity, in determining whether to carry out a wage survey  
22            under subsection (d)(3) with respect to rates of basic pay  
23            for a grade of a covered position, may not consider as a  
24            factor in such determination the absence of a current re-  
25            cruitment or retention problem for personnel in that grade

1 of that position. The director shall make such a deter-  
2 mination based upon whether, in accordance with criteria  
3 established by the Secretary, there is a significant pay-  
4 related staffing problem at that facility in any grade for  
5 a position. If the director determines that there is such  
6 a problem, or that such a problem is likely to exist in the  
7 near future, the Director shall provide for a wage survey  
8 in accordance with paragraph (3) of subsection (d).

9       “(3) The Under Secretary for Health may, to the ex-  
10 tent necessary to carry out the purposes of subsection (d),  
11 modify any determination made by the director of a De-  
12 partment health-care facility with respect to adjusting the  
13 rates of basic pay applicable to covered positions. Upon  
14 such action by the Under Secretary, any adjustment shall  
15 take effect on the first day of the first pay period begin-  
16 ning after such action. The Secretary shall ensure that  
17 the Under Secretary establishes a mechanism for the exer-  
18 cise of the authority in the preceding sentence.

19       “(4) Each director of a Department health-care facil-  
20 ity shall provide to the Secretary, not later than July 31  
21 each year, a report on staffing for covered positions at  
22 that facility. The report shall include the following:

23               “(A) Information on turnover rates and vacancy  
24 rates for each grade in a covered position, including

1 a comparison of those rates with the rates for the  
2 preceding three years.

3 “(B) The director’s findings concerning the re-  
4 view and evaluation of the facility’s staffing situa-  
5 tion, including whether there is, or is likely to be, in  
6 accordance with criteria established by the Sec-  
7 retary, a significant pay-related staffing problem at  
8 that facility for any grade of a covered position and,  
9 if so, whether a wage survey was conducted, or will  
10 be conducted with respect to that grade.

11 “(C) In any case in which the director conducts  
12 such a wage survey during the period covered by the  
13 report, information describing the survey and any  
14 actions taken or not taken based on the survey, and  
15 the reasons for taking (or not taking) such actions.

16 “(D) In any case in which the director, after  
17 finding that there is, or is likely to be, in accordance  
18 with criteria established by the Secretary, a signifi-  
19 cant pay-related staffing problem at that facility for  
20 any grade of a covered position, determines not to  
21 conduct a wage survey with respect to that position,  
22 a statement of the reasons why the director did not  
23 conduct such a survey.

24 “(5) Not later than September 30 of each year, the  
25 Secretary shall submit to the Committees on Veterans’ Af-

1 fairs of the Senate and House of Representatives a report  
 2 on staffing for covered positions at Department healthcare  
 3 facilities. Each such report shall include the following:

4           “(A) A summary and analysis of the informa-  
 5 tion contained in the most recent reports submitted  
 6 by facility directors under paragraph (4).

7           “(B) The information for each such facility  
 8 specified in paragraph (4).”;

9           (3) in subsection (f)—

10           (A) by striking “February 1 of 1991,  
 11 1992, and 1993” and inserting “March 1 of  
 12 each year”; and

13           (B) by striking “subsection (d)(1)(A)” and  
 14 inserting “subsection (d)”; and

15           (4) by striking subsection (g) and redesignating  
 16 subsection (h) as subsection (g).

17           (b) **REQUIRED CONSULTATIONS WITH NURSES.**—(1)

18 Subchapter II of chapter 73 is amended by adding at the  
 19 end the following new section:

20 **“§ 7323. Required consultations with nurses**

21           “The Under Secretary for Health shall ensure that—

22           “(1) the director of a geographic service area,  
 23 in formulating policy relating to the provision of pa-  
 24 tient care, shall consult regularly with a senior nurse  
 25 executive or senior nurse executives; and

1           “(2) the director of a medical center shall, to  
2           the extent feasible, include a registered nurse as a  
3           member of any committee used at that medical cen-  
4           ter to provide recommendations or decisions on med-  
5           ical center operations or policy affecting clinical  
6           services, clinical outcomes, budget, or resources.”.

7           (2) The table of sections at the beginning of such  
8           chapter is amended by inserting after the item relating  
9           to section 7322 the following new item:

          “7323. Required consultations with nurses.”.

10   **SEC. 102. SPECIAL PAY FOR DENTISTS.**

11           (a) **FULL-TIME STATUS PAY.**—Paragraph (1) of sec-  
12           tion 7435(b) is amended by striking “\$3,500” and insert-  
13           ing “\$9,000”.

14           (b) **SPECIAL PAY FOR POST-GRADUATE TRAINING.**—  
15           Such section is amended by adding at the end the fol-  
16           lowing new paragraph:

17           “(8) For a dentist who has successfully com-  
18           pleted a post-graduate year of hospital-based train-  
19           ing in a program accredited by the American Dental  
20           Association, an annual rate of \$2,000 for each of the  
21           first two years of service after successful completion  
22           of that training.”.

23           (c) **TENURE PAY.**—The table in paragraph (2)(A) of  
24           that section is amended to read as follows:



“Length of Service	Rate	
	Minimum	Maximum
1 year but less than 2 years .....	\$1,000	\$2,000
2 years but less than 3 years .....	4,000	5,000
4 years but less than 7 years .....	5,000	8,000
8 years but less than 11 years .....	8,000	12,000
12 years but less than 19 years .....	12,000	15,000
20 years or more .....	15,000	18,000.”.

1 (d) SCARCE SPECIALTY PAY.—Paragraph (3)(A) of  
 2 that section is amended by striking “\$20,000” and insert-  
 3 ing “\$30,000”.

4 (e) GEOGRAPHIC PAY.—Paragraph (6) of that sec-  
 5 tion is amended by striking “\$5,000” and inserting  
 6 “\$12,000”.

7 (f) RESPONSIBILITY PAY.—(1) The table in para-  
 8 graph (4)(A) is amended to read as follows:

“Position	Rate	
	Minimum	Maximum
Chief of Staff or in an Executive Grade .....	\$14,500	\$25,000
Director Grade .....	0	25,000
Service Chief (or in a comparable position as de- termined by the Secretary) .....	4,500	15,000.”.

9 (2) The table in paragraph (4)(B) is amended to read  
 10 as follows:

“Position	Rate
Deputy Service Director .....	\$20,000
Service Director .....	25,000
Deputy Assistant Under Secretary for Health .....	27,500
Assistant Under Secretary for Health (or in a comparable posi- tion as determined by the Secretary) .....	30,000.”.

1 (g) CREDITING OF INCREASED TENURE PAY FOR  
2 CIVIL SERVICE RETIREMENT.—Section 7438(b) is  
3 amended—

4 (1) by redesignating paragraph (5) as para-  
5 graph (6); and

6 (2) by inserting after paragraph (4) the fol-  
7 lowing new paragraph:

8 “(5) Notwithstanding paragraphs (1) and (2), a den-  
9 tist employed as a dentist in the Veterans Health Adminis-  
10 tration on the effective date of section 102 of the Depart-  
11 ment of Veterans Affairs Health Care Personnel Act of  
12 2000 shall be entitled to have special pay paid to the den-  
13 tist under section 7435(b)(2)(A) of this title (referred to  
14 as ‘tenure pay’) considered basic pay for the purposes of  
15 chapter 83 or 84, as appropriate, of title 5 only as follows:

16 “(A) In an amount equal to the amount that  
17 would have been so considered under such section on  
18 the day before such effective date based on the rates  
19 of special pay the dentist was entitled to receive  
20 under that section on the day before such effective  
21 date.

22 “(B) With respect to any amount of special pay  
23 received under that section in excess of the amount  
24 such dentist was entitled to receive under such sec-  
25 tion on the day before such effective date, in an

1 amount equal to 25 percent of such excess amount  
2 for each two years that the physician or dentist has  
3 completed as a physician or dentist in the Veterans  
4 Health Administration after such effective date.”.

5 (h) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply with respect to agreements entered  
7 into by dentists under subchapter III of chapter 74 of title  
8 38, United States Code, on or after the later of—

- 9 (1) the date of the enactment of this Act; and  
10 (2) October 1, 2000.

11 (i) TRANSITION.—(1) In the case of an agreement en-  
12 tered into by a dentist under subchapter III of chapter  
13 74 of title 38, United States Code, before the date of the  
14 enactment of this Act that expires after the effective date  
15 specified in subsection (h), the Secretary of Veterans Af-  
16 fairs and the dentist concerned may agree to terminate  
17 that agreement as of that effective date in order to permit  
18 a new agreement in accordance with section 7435 of such  
19 title, as amended by this section, to take effect as of that  
20 effective date.

21 (2) In the case of an agreement entered into under  
22 such subchapter before the date of the enactment of this  
23 Act that expires during the period beginning on the date  
24 of the enactment of this Act and ending on the effective  
25 date specified in subsection (h)(2), an extension or renewal

1 of that agreement may not extend beyond that effective  
2 date.

3 (3) In the case of a dentist who begins employment  
4 with the Department of Veterans Affairs during the period  
5 beginning on the date of the enactment of this Act and  
6 ending on the effective date specified in subsection (h)(2)  
7 who is eligible for an agreement under subchapter III of  
8 chapter 74 of title 38, United States Code, any such  
9 agreement may not extend beyond that effective date.

10 **SEC. 103. EXEMPTION FOR PHARMACISTS FROM CEILING**  
11 **ON SPECIAL SALARY RATES.**

12 Section 7455(c)(1) is amended by inserting “, phar-  
13 macists,” after “anesthetists”.

14 **SEC. 104. PHYSICIAN ASSISTANT ADVISER TO UNDER SEC-**  
15 **RETARY FOR HEALTH.**

16 Section 7306(f) is amended—

17 (1) by striking “and” at the end of paragraph  
18 (1);

19 (2) by striking the period at the end of para-  
20 graph (2) and inserting “; and”; and

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

23 “(3) a physician assistant with appropriate ex-  
24 perience (who may have a permanent duty station at  
25 a Department medical care facility in reasonable

1 proximity to Washington, DC) advises the Under  
2 Secretary on all matters relating to the utilization  
3 and employment of physician assistants in the Ad-  
4 ministration.”.

5 **SEC. 105. TEMPORARY FULL-TIME APPOINTMENTS OF CER-**  
6 **TAIN MEDICAL PERSONNEL.**

7 (a) PHYSICIAN ASSISTANTS AWAITING CERTIFI-  
8 CATION OR LICENSURE.—Paragraph (2) of section  
9 7405(c) is amended to read as follows:

10 “(2) A temporary full-time appointment may not be  
11 made for a period in excess of two years in the case of  
12 a person who—

13 “(A) has successfully completed—

14 “(i) a full course of nursing in a recog-  
15 nized school of nursing, approved by the Sec-  
16 retary; or

17 “(ii) a full course of training for any cat-  
18 egory of personnel described in paragraph (3)  
19 of section 7401 of this title, or as a physician  
20 assistant, in a recognized education or training  
21 institution approved by the Secretary; and

22 “(B) is pending registration or licensure in a  
23 State or certification by a national board recognized  
24 by the Secretary.”.

1 (b) MEDICAL SUPPORT PERSONNEL.—That section  
2 is further amended—

3 (1) by redesignating paragraph (3) as para-  
4 graph (4); and

5 (2) by inserting after paragraph (2) the fol-  
6 lowing new paragraph (3):

7 “(3)(A) Temporary full-time appointments of persons  
8 in positions referred to in subsection (a)(1)(D) shall not  
9 exceed three years.

10 “(B) Temporary full-time appointments under this  
11 paragraph may be renewed for one or more additional pe-  
12 riods not in excess of three years each.”.

13 **SEC. 106. QUALIFICATIONS OF SOCIAL WORKERS.**

14 Section 7402(9) is amended by striking “a person  
15 must” and all that follows and inserting “a person must—

16 “(1) hold a master’s degree in social work from  
17 a college or university approved by the Secretary;  
18 and

19 “(2) be licensed or certified to independently  
20 practice social work in a State, except that the Sec-  
21 retary may waive the requirement of licensure or  
22 certification for an individual social worker for a  
23 reasonable period of time recommended by the  
24 Under Secretary for Health.”.

1 **SEC. 107. EXTENSION OF TEMPORARY EARLY RETIREMENT**

2 **AUTHORITY.**

3 The Department of Veterans Affairs Employment  
4 Reduction Assistance Act of 1999 (title XI of Public Law  
5 106–117; 5 U.S.C. 5597 note) is amended as follows:

6 (1) Section 1102(c) is amended to read as fol-  
7 lows:

8 “(c) LIMITATION.—The plan under subsection (a)  
9 shall be limited to 8,110 positions within the Depart-  
10 ment.”.

11 (2) Section 1105(a) is amended by striking “26  
12 percent” and inserting “15 percent”.

13 (3) Section 1109(a) is amended by striking  
14 “December 31, 2000” and inserting “December 31,  
15 2002”.

16 **TITLE II—CONSTRUCTION**  
17 **AUTHORIZATION**

18 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
19 **PROJECTS.**

20 (a) FISCAL YEAR 2001 PROJECTS.—The Secretary  
21 of Veterans Affairs may carry out the following major  
22 medical facility projects, with each project to be carried  
23 out in the amount specified for that project:

24 (1) Construction of a psychogeriatric care build-  
25 ing at the Department of Veterans Affairs Medical

1 Center, Palo Alto, California, in an amount not to  
2 exceed \$26,600,000.

3 (2) Construction of a utility plant and electrical  
4 vault at the Department of Veterans Affairs Medical  
5 Center, Miami, Florida, in an amount not to exceed  
6 \$23,600,000.

7 (3) Seismic corrections, clinical consolidation,  
8 and other improvements at the Department of Vet-  
9 erans Affairs Medical Center, Long Beach, Cali-  
10 fornia, in an amount not to exceed \$51,700,000.

11 (b) ADDITIONAL FISCAL YEAR 2000 PROJECT.—The  
12 Secretary is authorized to carry out a project for the ren-  
13 ovation of psychiatric nursing units at the Department of  
14 Veterans Affairs Medical Center, Murfreesboro, Ten-  
15 nessee, in an amount not to exceed \$14,000,000.

16 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There are authorized to be appro-  
18 priated to the Secretary of Veterans Affairs for fiscal  
19 years 2001 and 2002 for the Construction, Major  
20 Projects, account, \$101,900,000 for the projects author-  
21 ized in section 101(a).

22 (b) LIMITATION.—The projects authorized in section  
23 101(a) may only be carried out using—



1           (1) funds appropriated for fiscal year 2001 or  
2           2002 pursuant to the authorization of appropria-  
3           tions in subsection (a);

4           (2) funds appropriated for Construction, Major  
5           Projects for a fiscal year before fiscal year 2001 that  
6           remain available for obligation; and

7           (3) funds appropriated for Construction, Major  
8           Projects for fiscal year 2001 or 2002 for a category  
9           of activity not specific to a project.

## 10       **TITLE III—MILITARY SERVICE** 11                                   **ISSUES**

### 12       **SEC. 301. MILITARY SERVICE HISTORY.**

13           (a) **MILITARY HISTORIES.**—The Secretary of Vet-  
14           erans Affairs, in carrying out the responsibilities of the  
15           Secretary under chapter 17 of title 38, United States  
16           Code, shall ensure that—

17           (1) during at least one clinical evaluation of a  
18           patient in a facility of the Department, a protocol is  
19           used to identify pertinent military experiences and  
20           exposures of the patient that may contribute to the  
21           health status of the patient; and

22           (2) pertinent information relating to the mili-  
23           tary history of the patient is included in the Depart-  
24           ment’s medical records of the patient.

1 (b) REPORT.—Not later than nine months after the  
2 date of the enactment of this Act, the Secretary shall sub-  
3 mit to the Committees on Veterans' Affairs of the Senate  
4 and House of Representatives a report on the feasibility  
5 and desirability of using a computer-based system in con-  
6 ducting clinical evaluations referred to in subsection  
7 (a)(1).

8 **SEC. 302. STUDY OF POST-TRAUMATIC STRESS DISORDER**  
9 **IN VIETNAM VETERANS.**

10 (a) STUDY ON POST-TRAUMATIC STRESS DIS-  
11 ORDER.—Not later than 10 months after the date of the  
12 enactment of this Act, the Secretary of Veterans Affairs  
13 shall enter into a contract with an appropriate entity to  
14 carry out a study on post-traumatic stress disorder.

15 (b) FOLLOW-UP STUDY.—The contract under sub-  
16 section (a) shall provide for a follow-up study to the study  
17 conducted in accordance with section 102 of the Veterans  
18 Health Care Amendments of 1983 (Public Law 98–160).  
19 Such follow-up study shall use the data base and sample  
20 of the previous study.

21 (c) INFORMATION TO BE INCLUDED.—The study  
22 conducted pursuant to this section shall be designed to  
23 yield information on—

24 (1) the long-term course of post-traumatic  
25 stress disorder;

1           (2) any long-term medical consequences of post-  
2           traumatic stress disorder;

3           (3) whether particular subgroups of veterans  
4           are at greater risk of chronic or more severe prob-  
5           lems with such disorder; and

6           (4) the services used by veterans who have post-  
7           traumatic stress disorder and the effect of those  
8           services on the course of the disorder.

9           (d) REPORT.—The Secretary shall submit to the  
10          Committees of Veterans Affairs of the Senate and House  
11          of Representatives a report on the results of the study  
12          under this section. The report shall be submitted no later  
13          than October 1, 2004.

14                                   **TITLE IV—MEDICAL**  
15                                   **ADMINISTRATION**

16          **SEC. 401. PILOT PROGRAM FOR COORDINATION OF HOS-**  
17                                   **PITAL BENEFITS.**

18           (a) IN GENERAL.—Chapter 17 is amended by insert-  
19          ing after section 1725 the following new section:

20          **§ 1725A. Coordination of hospital benefits: pilot pro-**  
21                                   **gram**

22           “(a) The Secretary may carry out a pilot program  
23          in not more than four geographic areas of the United  
24          States to improve access to, and coordination of, inpatient  
25          care of eligible veterans. Under the pilot program, the Sec-

1 retary, subject to subsection (b), may pay certain costs  
2 described in subsection (b) for which an eligible veteran  
3 would otherwise be personally liable. The authority to  
4 carry out the pilot program shall expire on September 30,  
5 2005.

6       “(b) In carrying out the program described in sub-  
7 section (a), the Secretary may pay the costs authorized  
8 under this section for hospital care and medical services  
9 furnished on an inpatient basis in a non-Department hos-  
10 pital to an eligible veteran participating in the program.  
11 Such payment may cover the costs for applicable plan  
12 deductibles and coinsurance and the reasonable costs of  
13 such inpatient care and medical services not covered by  
14 any applicable health-care plan of the veteran, but only  
15 to the extent such care and services are of the kind author-  
16 ized under this chapter. The Secretary shall limit the care  
17 and services for which payment may be made under the  
18 program to general medical and surgical services and shall  
19 require that such services may be provided only upon  
20 preauthorization by the Secretary.

21       “(c)(1) A veteran described in paragraph (1) or (2)  
22 of section 1710(a) of this title is eligible to participate in  
23 the pilot program if the veteran—

24               “(A) is enrolled to receive medical services from  
25               an outpatient clinic operated by the Secretary which

1 is (i) within reasonable proximity to the principal  
2 residence of the veteran, and (ii) located within the  
3 geographic area in which the Secretary is carrying  
4 out the program described in subsection (a);

5 “(B) has received care under this chapter with-  
6 in the 24-month period preceding the veteran’s ap-  
7 plication for enrollment in the pilot program;

8 “(C) as determined by the Secretary before the  
9 hospitalization of the veteran (i) requires such hos-  
10 pital care and services for a non-service-connected  
11 condition, and (ii) could not receive such services  
12 from a clinic operated by the Secretary; and

13 “(D) elects to receive such care under a health-  
14 care plan (other than under this title) under which  
15 the veteran is entitled to receive such care.

16 “(2) Nothing in this section shall be construed to re-  
17 duce the authority of the Secretary to contract with non-  
18 Department facilities for care of a service-connected dis-  
19 ability of a veteran.

20 “(3) Notwithstanding subparagraph (C) of paragraph  
21 (1), the Secretary shall ensure that not less than 15 per-  
22 cent of the veterans participating in the program are vet-  
23 erans who do not have a health-care plan.

24 “(d) As part of the program under this section, the  
25 Secretary shall, through provision of case-management,

1 coordinate the care being furnished directly by the Sec-  
2 retary and care furnished under the program in non-De-  
3 partment hospitals to veterans participating in the pro-  
4 gram.

5 “(e)(1) In designating geographic areas in which to  
6 establish the program under subsection (a), the Secretary  
7 shall ensure that—

8 “(A) the areas designated are geographically  
9 dispersed;

10 “(B) at least 70 percent of the veterans who re-  
11 side in a designated area reside at least two hours  
12 driving distance from the closest medical center op-  
13 erated by the Secretary which provides medical and  
14 surgical hospital care; and

15 “(C) the establishment of the program in any  
16 such area would not result in jeopardizing the crit-  
17 ical mass of patients needed to maintain a Depart-  
18 ment medical center that serves that area.

19 “(2) Notwithstanding paragraph (1)(B), the Sec-  
20 retary may designate for participation in the program at  
21 least one area which is in proximity to a Department med-  
22 ical center which, as a result of a change in mission of  
23 that center, does not provide hospital care.

24 “(f)(1) Not later than September 30, 2002, the Sec-  
25 retary shall submit to the Committees on Veterans’ Affairs

1 of the Senate and House of Representatives a report on  
2 the experience in implementing the pilot program under  
3 subsection (a).

4 “(2) Not later than September 30, 2004, the Sec-  
5 retary shall submit to those committees a report on the  
6 experience in operating the pilot program during the first  
7 two full fiscal years during which the pilot program is con-  
8 ducted. That report shall include—

9 “(A) a comparison of the costs incurred by the  
10 Secretary under the program and the cost experience  
11 for the calendar year preceding establishment of the  
12 program at each site at which the program is oper-  
13 ated;

14 “(B) an assessment of the satisfaction of the  
15 participants in the program; and

16 “(C) an analysis of the effect of the program on  
17 access and quality of care for veterans.

18 “(g) The total amount expended for the pilot pro-  
19 gram in any fiscal year (including amounts for administra-  
20 tive costs) may not exceed \$50,000,000.

21 “(h) For purposes of this section:

22 “(1) The term ‘health-care plan’ has the mean-  
23 ing given that term in section 1725(f)(3) of this  
24 title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such chapter is amended by inserting  
3 after the item relating to section 1725 the following new  
4 item:

“1725A. Coordination of hospital benefits: pilot program.”.

5 **SEC. 402. BENEFITS FOR PERSONS DISABLED BY PARTICI-**  
6 **PATION IN COMPENSATED WORK THERAPY**  
7 **PROGRAM.**

8 Section 1151(a)(2) is amended—

9 (1) by inserting “(A)” after “proximately  
10 caused”; and

11 (2) by inserting before the period at the end the  
12 following: “, or (B) by participation in a program  
13 (known as a ‘compensated work therapy program’)  
14 under section 1718 of this title”.

15 **SEC. 403. EXTENSION OF AUTHORITY TO ESTABLISH RE-**  
16 **SEARCH AND EDUCATION CORPORATIONS.**

17 Section 7368 is amended by striking “December 31,  
18 2000” and inserting “December 31, 2005”.

19 **SEC. 404. DEPARTMENT OF VETERANS AFFAIRS FISHER**  
20 **HOUSES.**

21 (a) AUTHORITY.—Subchapter I of chapter 17 of title  
22 38, United States Code, is amended by adding at the end  
23 the following new section:



1 **“§ 1708. Temporary lodging**

2 “(a) The Secretary may furnish persons described in  
3 subsection (b) with temporary lodging in a Fisher house  
4 or other appropriate facility in connection with the exam-  
5 ination, treatment, or care of a veteran under this chapter  
6 or, as provided for under subsection (e)(5), in connection  
7 with benefits administered under this title.

8 “(b) Person to whom the Secretary may provide lodg-  
9 ing under subsection (a) are the following:

10 “(1) A veteran who must travel a significant  
11 distance to receive care or services under this title.

12 “(2) A member of the family of a veteran and  
13 others who accompany a veteran and provide the  
14 equivalent of familial support for such veteran.

15 “(c) In this section, the term ‘Fisher house’ means  
16 a housing facility that—

17 “(1) is located at, or in proximity to, a Depart-  
18 ment medical facility;

19 “(2) is available for residential use on a tem-  
20 porary basis by patients of that facility and others  
21 described in subsection (b)(2); and

22 “(3) is constructed by, and donated to the Sec-  
23 retary by, the Zachary and Elizabeth M. Fisher  
24 Armed Services Foundation.

25 “(d) The Secretary may establish charges for pro-  
26 viding lodging under this section. The proceeds from such

1 charges shall be credited to the medical care account and  
2 shall be available until expended for the purposes of pro-  
3 viding such lodging.

4 “(e) The Secretary shall prescribe regulations to  
5 carry out this section. Such regulations shall include  
6 provisions—

7 “(1) limiting the duration of such lodging;

8 “(2) establishing standards and criteria under  
9 which medical facilities may set charges for such  
10 lodging;

11 “(3) establishing criteria for persons considered  
12 to be accompanying a veteran;

13 “(4) establishing criteria for the use of such  
14 premises; and

15 “(5) any other limitations, conditions, and pri-  
16 orities that the Secretary considers appropriate with  
17 respect to temporary lodging under this section.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 1707 the following new  
21 item:

“1708. Temporary lodging.”.

22 **SEC. 405. EXTENSION OF ANNUAL REPORT OF COMMITTEE**  
23 **ON MENTALLY ILL VETERANS.**

24 Section 7321(d)(2) is amended by striking “three”  
25 and inserting “six”.

1 **SEC. 406. EXCEPTION TO RECAPTURE RULE.**

2 Section 8136 is amended—

3 (1) by inserting “(a)” at the beginning of the  
4 text of the section; and

5 (2) by adding at the end the following new sub-  
6 section:

7 “(b) The establishment and operation by the Sec-  
8 retary of an outpatient clinic in facilities described in sub-  
9 section (a) shall not constitute grounds entitling the  
10 United States to any recovery under that subsection.”.

11 **SEC. 407. CHANGE TO ENHANCED USE LEASE CONGRES-**  
12 **SIONAL NOTIFICATION PERIOD.**

13 Paragraph (2) of section 8163(c) is amended to read  
14 as follows:

15 “(2) The Secretary may not enter into an enhanced  
16 use lease until the end of the 90-day period beginning on  
17 the date of the submission of notice under paragraph  
18 (1).”.

19 **SEC. 408. TECHNICAL AND CONFORMING CHANGES.**

20 (a) **REQUIREMENT TO PROVIDE CARE.**—Section  
21 1710A(a) is amended by inserting “(subject to section  
22 1710(a)(4) of this title)” after “Secretary”.

23 (b) **CONFORMING AMENDMENT.**—Section 1710(a)(4)  
24 is amended by striking “requirement in” and inserting  
25 “requirements in section 1710A(a) and”.

1 **SEC. 409. APPOINTMENT OF VETERANS BENEFITS ADMINIS-**  
2 **TRATION CLAIMS EXAMINERS (ALSO TITLED**  
3 **VETERANS SERVICE REPRESENTATIVES) ON**  
4 **A FEE BASIS.**

5 (a) **AUTHORITY.**—(1) Chapter 77 is amended by in-  
6 serting after section 7703 the following new section:

7 **“§ 7705. Fee basis appointments of claims examiners**

8 “(a) The Secretary, upon recommendation of the  
9 Under Secretary for Benefits, may employ, without regard  
10 to civil service or classification laws, rules, or regulations,  
11 Veterans Claims Examiners (also titled Veterans Service  
12 Representatives) on a fee basis.

13 “(b) Personnel employed under this section shall be  
14 paid such rates of pay as the Secretary may prescribe.”.

15 (2) The table of sections at the beginning of such  
16 chapter is amended by inserting after the item relating  
17 to section 7703 the following new item:

“7705. Fee basis appointments of claims examiners.”.

18 (b) **REPORTS.**—The Secretary of Veterans Affairs  
19 shall submit to the Committees on Veterans’ Affairs of  
20 the Senate and House of Representatives two reports on  
21 the implementation of section 7705 of title 38, United  
22 States Code, as added by subsection (a). The first report  
23 shall be submitted not later than December 31, 2001, and  
24 the second report shall be submitted not later than De-  
25 cember 31, 2002.

1 **SEC. 410. RELEASE OF REVERSIONARY INTEREST OF THE**  
2 **UNITED STATES IN CERTAIN REAL PROPERTY**  
3 **PREVIOUSLY CONVEYED TO THE STATE OF**  
4 **TENNESSEE.**

5 (a) **RELEASE OF INTEREST.**—The Secretary of Vet-  
6 erans Affairs shall execute such legal instruments as nec-  
7 essary to release the reversionary interest of the United  
8 States described in subsection (b) in a certain parcel of  
9 real property conveyed to the State of Tennessee pursuant  
10 to the Act entitled “An Act authorizing the transfer of  
11 certain property of the Veterans’ Administration (in John-  
12 son City, Tennessee) to the State of Tennessee”, approved  
13 June 6, 1953 (67 Stat. 54).

14 (b) **SPECIFIED REVERSIONARY INTEREST.**—Sub-  
15 section (a) applies to the reversionary interest of the  
16 United States required under section 2 of the Act referred  
17 to in subsection (a), requiring use of the property con-  
18 veyed pursuant to that Act to be primarily for training  
19 of the National Guard and for other military purposes.

20 (c) **CONFORMING AMENDMENT.**—Section 2 of such  
21 Act is repealed.

○