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106TH CONGRESS
2^D SESSION

H. R. 5109

[Report No. 106-863]

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

SEPTEMBER 18, 2000

Additional sponsors: Mr. LATOURETTE, Mr. SNYDER, Mr. JENKINS, Mrs. CAPPS, Mr. WELDON of Florida, Mr. RUSH, Ms. CARSON, Mrs. EMERSON, Mr. SIMPSON, Mr. HANSEN, Mr. PETERSON of Minnesota, Mr. GIBBONS, Ms. BERKLEY, Mrs. JONES of Ohio, Ms. HOOLEY of Oregon, Mr. WHITFIELD, Mr. BILIRAKIS, Mr. COOKSEY, Mr. BUYER, Mr. HINOJOSA, Mr. TIAHRT, Mr. SMITH of New Jersey, Ms. BALDWIN, Mr. REYES, Mr. OBERSTAR, Mr. HILL of Montana, Ms. BROWN of Florida, Mr. WAMP, Mr. JONES of North Carolina, Mr. GREEN of Texas, Mr. HAYWORTH, Mr. LAHOOD, Mr. SAWYER, Mr. GEKAS, Mr. LEWIS of Kentucky, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. ISAKSON, Mr. GALLEGLY, Mr. RODRIGUEZ, Mr. UDALL of New Mexico, and Mr. BAKER

SEPTEMBER 18, 2000

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

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 6, 2000]

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 “De-*
 5 *partment of Veterans Affairs Health Care Personnel Act of*
 6 *2000”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *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. Annual national pay comparability adjustment for nurses employed by 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 adviser 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 voluntary separation incentive payments.

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 to recapture rule.

Sec. 407. Change to enhanced use lease congressional notification period.

Sec. 408. Technical and conforming changes.

Sec. 409. 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 of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

7 TITLE I—PERSONNEL MATTERS

8 SEC. 101. ANNUAL NATIONAL PAY COMPARABILITY ADJUST-
 9 **MENT FOR NURSES EMPLOYED BY DEPART-**
 10 **MENT OF VETERANS AFFAIRS.**

11 *(a) REVISED PAY ADJUSTMENT PROCEDURES.—Sec-*
 12 *tion 7451 is amended—*

13 *(1) in subsection (d)—*

14 *(A) in paragraph (1)—*

15 *(i) by striking “The rates” and insert-*
 16 *ing “Subject to subsection (e), the rates”;*

17 *and*

1 (ii) in subparagraph (A), by inserting
2 “and to be by the same percentage” after
3 “to have the same effective date”;

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

7 (C) in paragraph (3)(B)—

8 (i) by inserting after the first sentence
9 the following new sentence: “To the extent
10 practicable, the director shall use third-
11 party industry wage surveys to meet the re-
12 quirements of the preceding sentence.”;

13 (ii) by inserting before the penultimate
14 sentence the following new sentence: “To the
15 extent practicable, all surveys conducted
16 pursuant to this subparagraph or subpara-
17 graph (A) shall include the collection of sal-
18 ary midpoints, actual salaries, lowest and
19 highest salaries, average salaries, bonuses,
20 incentive pays, differential pays, actual be-
21 ginning rates of pay and such other infor-
22 mation needed to meet the purpose of this
23 section.”; and

24 (iii) in the penultimate sentence, by
25 inserting “or published” after “completed”;

1 (D) by striking clause (iii) of paragraph
2 (3)(C);

3 (2) by striking subsection (e) and inserting the
4 following:

5 “(e)(1) An adjustment in a rate of basic pay under
6 subsection (d) may not reduce the rate of basic pay applica-
7 ble to any grade of a covered position.

8 “(2) The director of a Department health-care facility,
9 in determining whether to carry out a wage survey under
10 subsection (d)(3) with respect to rates of basic pay for a
11 grade of a covered position, may not consider as a factor
12 in such determination the absence of a current recruitment
13 or retention problem for personnel in that grade of that po-
14 sition. The director shall make such a determination based
15 upon whether, in accordance with criteria established by
16 the Secretary, there is a significant pay-related staffing
17 problem at that facility in any grade for a position. If the
18 director determines that there is such a problem, or that
19 such a problem is likely to exist in the near future, the Di-
20 rector shall provide for a wage survey in accordance with
21 paragraph (3) of subsection (d).

22 “(3) The Under Secretary for Health may, to the ex-
23 tent necessary to carry out the purposes of subsection (d),
24 modify any determination made by the director of a De-
25 partment health-care facility with respect to adjusting the

1 *rates of basic pay applicable to covered positions. Upon*
2 *such action by the Under Secretary, any adjustment shall*
3 *take effect on the first day of the first pay period beginning*
4 *after such action. The Secretary shall ensure that the Under*
5 *Secretary establishes a mechanism for the exercise of the au-*
6 *thority in the preceding sentence.*

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

11 “(A) *Information on turnover rates and vacancy*
12 *rates for each grade in a covered position, including*
13 *a comparison of those rates with the rates for the pre-*
14 *ceding three years.*

15 “(B) *The director’s findings concerning the re-*
16 *view and evaluation of the facility’s staffing situa-*
17 *tion, including whether there is, or is likely to be, in*
18 *accordance with criteria established by the Secretary,*
19 *a significant pay-related staffing problem at that fa-*
20 *ility for any grade of a covered position and, if so,*
21 *whether a wage survey was conducted, or will be con-*
22 *ducted with respect to that grade.*

23 “(C) *In any case in which the director conducts*
24 *such a wage survey during the period covered by the*
25 *report, information describing the survey and any ac-*

1 *tions taken or not taken based on the survey, and the*
2 *reasons for taking (or not taking) such actions.*

3 *“(D) In any case in which the director, after*
4 *finding that there is, or is likely to be, in accordance*
5 *with criteria established by the Secretary, a signifi-*
6 *cant pay-related staffing problem at that facility for*
7 *any grade of a covered position, determines not to*
8 *conduct a wage survey with respect to that position,*
9 *a statement of the reasons why the director did not*
10 *conduct such a survey.*

11 *“(5) Not later than September 30 of each year, the Sec-*
12 *retary shall submit to the Committees on Veterans’ Affairs*
13 *of the Senate and House of Representatives a report on*
14 *staffing for covered positions at Department healthcare fa-*
15 *cilities. Each such report shall include the following:*

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

19 *“(B) The information for each such facility spec-*
20 *ified in paragraph (4).”;*

21 *(3) in subsection (f)—*

22 *(A) by striking “February 1 of 1991, 1992,*
23 *and 1993” and inserting “March 1 of each*
24 *year”; and*

1 (B) by striking “subsection (d)(1)(A)” and
2 inserting “subsection (d)”; and
3 (4) by striking subsection (g) and redesignating
4 subsection (h) as subsection (g).

5 (b) *REQUIRED CONSULTATIONS WITH NURSES.*—(1)
6 *Subchapter II of chapter 73 is amended by adding at the*
7 *end the following new section:*

8 **“§ 7323. Required consultations with nurses**

9 *“The Under Secretary for Health shall ensure that—*
10 *“(1) the director of a geographic service area, in*
11 *formulating policy relating to the provision of patient*
12 *care, shall consult regularly with a senior nurse execu-*
13 *utive or senior nurse executives; and*

14 *“(2) the director of a medical center shall, to the*
15 *extent feasible, include a registered nurse as a member*
16 *of any committee used at that medical center to pro-*
17 *vide recommendations or decisions on medical center*
18 *operations or policy affecting clinical services, clinical*
19 *outcomes, budget, or resources.”.*

20 (2) *The table of sections at the beginning of such chap-*
21 *ter is amended by inserting after the item relating to section*
22 *7322 the following new item:*

“7323. Required consultations with nurses.”.

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

2 (a) *FULL-TIME STATUS PAY.*—Paragraph (1) of sec-
3 tion 7435(b) is amended by striking “\$3,500” and inserting
4 “\$9,000”.

5 (b) *SPECIAL PAY FOR POST-GRADUATE TRAINING.*—
6 Such section is amended by adding at the end the following
7 new paragraph:

8 “(8) For a dentist who has successfully completed
9 a post-graduate year of hospital-based training in a
10 program accredited by the American Dental Associa-
11 tion, an annual rate of \$2,000 for each of the first
12 two years of service after successful completion of that
13 training.”.

14 (c) *TENURE PAY.*—The table in paragraph (2)(A) of
15 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 4 years	4,000	5,000
4 years but less than 8 years	5,000	8,000
8 years but less than 12 years	8,000	12,000
12 years but less than 20 years	12,000	15,000
20 years or more	15,000	18,000.”.

16 (d) *SCARCE SPECIALTY PAY.*—Paragraph (3)(A) of
17 that section is amended by striking “\$20,000” and inserting
18 “\$30,000”.

19 (e) *GEOGRAPHIC PAY.*—Paragraph (6) of that section
20 is amended by striking “\$5,000” and inserting “\$12,000”.

1 (f) *RESPONSIBILITY PAY.*—(1) *The table in paragraph*
 2 *(4)(A) of that section is amended to read as follows:*

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

3 (2) *The table in paragraph (4)(B) of that section is*
 4 *amended to read as follows:*

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

5 (g) *CREDITING OF INCREASED TENURE PAY FOR CIVIL*
 6 *SERVICE RETIREMENT.*—*Section 7438(b) is amended—*

7 (1) *by redesignating paragraph (5) as para-*
 8 *graph (6); and*

9 (2) *by inserting after paragraph (4) the fol-*
 10 *lowing new paragraph:*

11 “*(5) Notwithstanding paragraphs (1) and (2), a den-*
 12 *tist employed as a dentist in the Veterans Health Adminis-*
 13 *tration on the effective date of section 102 of the Department*
 14 *of Veterans Affairs Health Care Personnel Act of 2000 shall*
 15 *be entitled to have special pay paid to the dentist under*
 16 *section 7435(b)(2)(A) of this title (referred to as ‘tenure*

1 pay') considered basic pay for the purposes of chapter 83
2 or 84, as appropriate, of title 5 only as follows:

3 “(A) In an amount equal to the amount that
4 would have been so considered under such section on
5 the day before such effective date based on the rates
6 of special pay the dentist was entitled to receive
7 under that section on the day before such effective
8 date.

9 “(B) With respect to any amount of special pay
10 received under that section in excess of the amount
11 such dentist was entitled to receive under such section
12 on the day before such effective date, in an amount
13 equal to 25 percent of such excess amount for each
14 two years that the physician or dentist has completed
15 as a physician or dentist in the Veterans Health Ad-
16 ministration after such effective date.”.

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

21 (1) the date of the enactment of this Act; and

22 (2) October 1, 2000.

23 (i) *TRANSITION.*—(1) In the case of an agreement en-
24 tered into by a dentist under subchapter III of chapter 74
25 of title 38, United States Code, before the date of the enact-

1 *ment of this Act that expires after the effective date specified*
2 *in subsection (h), the Secretary of Veterans Affairs and the*
3 *dentist concerned may agree to terminate that agreement*
4 *as of that effective date in order to permit a new agreement*
5 *in accordance with section 7435 of such title, as amended*
6 *by this section, to take effect as of that effective date.*

7 (2) *In the case of an agreement entered into under such*
8 *subchapter before the date of the enactment of this Act that*
9 *expires during the period beginning on the date of the enact-*
10 *ment of this Act and ending on the effective date specified*
11 *in subsection (h)(2), an extension or renewal of that agree-*
12 *ment may not extend beyond that effective date.*

13 (3) *In the case of a dentist who begins employment*
14 *with the Department of Veterans Affairs during the period*
15 *beginning on the date of the enactment of this Act and end-*
16 *ing on the effective date specified in subsection (h)(2) who*
17 *is eligible for an agreement under subchapter III of chapter*
18 *74 of title 38, United States Code, any such agreement may*
19 *not extend beyond that effective date.*

20 **SEC. 103. EXEMPTION FOR PHARMACISTS FROM CEILING**
21 **ON SPECIAL SALARY RATES.**

22 Section 7455(c)(1) is amended by inserting “, phar-

23 *macists,” after “anesthetists”.*

1 **SEC. 104. PHYSICIAN ASSISTANT ADVISER TO UNDER SEC-**
2 **RETARY FOR HEALTH.**

3 *Section 7306(f) is amended—*

4 *(1) by striking “and” at the end of paragraph*
5 *(1);*

6 *(2) by striking the period at the end of para-*
7 *graph (2) and inserting “; and”; and*

8 *(3) by adding at the end the following new para-*
9 *graph:*

10 *“(3) a physician assistant with appropriate ex-*
11 *perience (who may have a permanent duty station at*
12 *a Department medical care facility in reasonable*
13 *proximity to Washington, DC) advises the Under Sec-*
14 *retary on all matters relating to the utilization and*
15 *employment of physician assistants in the Adminis-*
16 *tration.”.*

17 **SEC. 105. TEMPORARY FULL-TIME APPOINTMENTS OF CER-**
18 **TAIN MEDICAL PERSONNEL.**

19 *(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION*
20 *OR LICENSURE.—Paragraph (2) of section 7405(c) is*
21 *amended to read as follows:*

22 *“(2) A temporary full-time appointment may not be*
23 *made for a period in excess of two years in the case of a*
24 *person who—*

25 *“(A) has successfully completed—*

1 “(i) a full course of nursing in a recognized
2 school of nursing, approved by the Secretary; or

3 “(ii) a full course of training for any cat-
4 egory of personnel described in paragraph (3) of
5 section 7401 of this title, or as a physician as-
6 sistant, in a recognized education or training in-
7 stitution approved by the Secretary; and

8 “(B) is pending registration or licensure in a
9 State or certification by a national board recognized
10 by the Secretary.”.

11 (b) *MEDICAL SUPPORT PERSONNEL.*—That section is
12 further amended—

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

15 (2) by inserting after paragraph (2) the fol-
16 lowing new paragraph (3):

17 “(3)(A) Temporary full-time appointments of persons
18 in positions referred to in subsection (a)(1)(D) shall not ex-
19 ceed three years.

20 “(B) Temporary full-time appointments under this
21 paragraph may be renewed for one or more additional peri-
22 ods not in excess of three years each.”.

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

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

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

3 “(B) be licensed or certified to independently
4 practice social work in a State, except that the Sec-
5 retary may waive the requirement of licensure or cer-
6 tification for an individual social worker for a rea-
7 sonable period of time recommended by the Under
8 Secretary for Health.”.

9 **SEC. 107. EXTENSION OF VOLUNTARY SEPARATION INCEN-**
10 **TIVE PAYMENTS.**

11 *The Department of Veterans Affairs Employment Re-*
12 *duction Assistance Act of 1999 (title XI of Public Law 106-*
13 *117; 5 U.S.C. 5597 note) is amended as follows:*

14 (1) Section 1102(c) is amended to read as fol-
15 lows:

16 “(c) *LIMITATION.*—*The plan under subsection (a) shall*
17 *be limited to 8,110 positions within the Department.*”.

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

20 (3) Section 1109(a) is amended by striking “De-
21 cember 31, 2000” and inserting “December 31, 2002”.

1 **TITLE II—CONSTRUCTION**
2 **AUTHORIZATION**

3 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
4 **PROJECTS.**

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

9 (1) *Construction of a psychogeriatric care build-*
10 *ing at the Department of Veterans Affairs Medical*
11 *Center, Palo Alto, California, in an amount not to*
12 *exceed \$26,600,000.*

13 (2) *Construction of a utility plant and electrical*
14 *vault at the Department of Veterans Affairs Medical*
15 *Center, Miami, Florida, in an amount not to exceed*
16 *\$23,600,000.*

17 (3) *Seismic corrections, clinical consolidation,*
18 *and other improvements at the Department of Vet-*
19 *erans Affairs Medical Center, Long Beach, California,*
20 *in an amount not to exceed \$51,700,000.*

21 (b) *ADDITIONAL FISCAL YEAR 2000 PROJECT.*—*The*
22 *Secretary is authorized to carry out a project for the ren-*
23 *ovation of psychiatric nursing units at the Department of*
24 *Veterans Affairs Medical Center, Murfreesboro, Tennessee,*
25 *in an amount not to exceed \$14,000,000.*

1 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*There are authorized to be appro-*
3 *priated to the Secretary of Veterans Affairs for fiscal years*
4 *2001 and 2002 for the Construction, Major Projects, ac-*
5 *count, \$101,900,000 for the projects authorized in section*
6 *101(a).*

7 (b) *LIMITATION.*—*The projects authorized in section*
8 *101(a) may only be carried out using—*

9 (1) *funds appropriated for fiscal year 2001 or*
10 *2002 pursuant to the authorization of appropriations*
11 *in subsection (a);*

12 (2) *funds appropriated for Construction, Major*
13 *Projects for a fiscal year before fiscal year 2001 that*
14 *remain available for obligation; and*

15 (3) *funds appropriated for Construction, Major*
16 *Projects for fiscal year 2001 or 2002 for a category*
17 *of activity not specific to a project.*

18 **TITLE III—MILITARY SERVICE**
19 **ISSUES**

20 **SEC. 301. MILITARY SERVICE HISTORY.**

21 (a) *MILITARY HISTORIES.*—*The Secretary of Veterans*
22 *Affairs, in carrying out the responsibilities of the Secretary*
23 *under chapter 17 of title 38, United States Code, shall en-*
24 *sure that—*

25 (1) *during at least one clinical evaluation of a*
26 *patient in a facility of the Department, a protocol is*

1 (c) *INFORMATION TO BE INCLUDED.*—*The study con-*
 2 *ducted pursuant to this section shall be designed to yield*
 3 *information on—*

4 (1) *the long-term course of post-traumatic stress*
 5 *disorder;*

6 (2) *any long-term medical consequences of post-*
 7 *traumatic stress disorder;*

8 (3) *whether particular subgroups of veterans are*
 9 *at greater risk of chronic or more severe problems*
 10 *with such disorder; and*

11 (4) *the services used by veterans who have post-*
 12 *traumatic stress disorder and the effect of those serv-*
 13 *ices on the course of the disorder.*

14 (d) *REPORT.*—*The Secretary shall submit to the Com-*
 15 *mittees of Veterans' Affairs of the Senate and House of Rep-*
 16 *resentatives a report on the results of the study under this*
 17 *section. The report shall be submitted no later than October*
 18 *1, 2004.*

19 **TITLE IV—MEDICAL**
 20 **ADMINISTRATION**

21 **SEC. 401. PILOT PROGRAM FOR COORDINATION OF HOS-**
 22 **PITAL BENEFITS.**

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

1 **“§ 1725A. Coordination of hospital benefits: pilot pro-**
2 **gram**

3 “(a) *The Secretary may carry out a pilot program in*
4 *not more than four geographic areas of the United States*
5 *to improve access to, and coordination of, inpatient care*
6 *of eligible veterans. Under the pilot program, the Secretary,*
7 *subject to subsection (b), may pay certain costs described*
8 *in subsection (b) for which an eligible veteran would other-*
9 *wise be personally liable. The authority to carry out the*
10 *pilot program shall expire on September 30, 2005.*

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

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

4 “(A) is enrolled to receive medical services from
5 an outpatient clinic operated by the Secretary which
6 is (i) within reasonable proximity to the principal
7 residence of the veteran, and (ii) located within the
8 geographic area in which the Secretary is carrying
9 out the program described in subsection (a);

10 “(B) has received care under this chapter within
11 the 24-month period preceding the veteran’s applica-
12 tion for enrollment in the pilot program;

13 “(C) as determined by the Secretary before the
14 hospitalization of the veteran (i) requires such hos-
15 pital care and services for a non-service-connected
16 condition, and (ii) could not receive such services
17 from a clinic operated by the Secretary; and

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

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

1 “(3) Notwithstanding subparagraph (D) of paragraph
2 (1), the Secretary shall ensure that not less than 15 percent
3 of the veterans participating in the program are veterans
4 who do not have a health-care plan.

5 “(d) As part of the program under this section, the
6 Secretary shall, through provision of case-management, co-
7 ordinate the care being furnished directly by the Secretary
8 and care furnished under the program in non-Department
9 hospitals to veterans participating in the program.

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

13 “(A) the areas designated are geographically dis-
14 persed;

15 “(B) at least 70 percent of the veterans who re-
16 side in a designated area reside at least two hours
17 driving distance from the closest medical center oper-
18 ated by the Secretary which provides medical and
19 surgical hospital care; and

20 “(C) the establishment of the program in any
21 such area would not result in jeopardizing the critical
22 mass of patients needed to maintain a Department
23 medical center that serves that area.

24 “(2) Notwithstanding paragraph (1)(B), the Secretary
25 may designate for participation in the program at least one

1 *area which is in proximity to a Department medical center*
2 *which, as a result of a change in mission of that center,*
3 *does not provide hospital care.*

4 “(f)(1) *Not later than September 30, 2002, the Sec-*
5 *retary shall submit to the Committees on Veterans’ Affairs*
6 *of the Senate and House of Representatives a report on the*
7 *experience in implementing the pilot program under sub-*
8 *section (a).*

9 “(2) *Not later than September 30, 2004, the Secretary*
10 *shall submit to those committees a report on the experience*
11 *in operating the pilot program during the first two full fis-*
12 *cal years during which the pilot program is conducted.*
13 *That report shall include—*

14 “(A) *a comparison of the costs incurred by the*
15 *Secretary under the program and the cost experience*
16 *for the calendar year preceding establishment of the*
17 *program at each site at which the program is oper-*
18 *ated;*

19 “(B) *an assessment of the satisfaction of the par-*
20 *ticipants in the program; and*

21 “(C) *an analysis of the effect of the program on*
22 *access and quality of care for veterans.*

23 “(g) *The total amount expended for the pilot program*
24 *in any fiscal year (including amounts for administrative*
25 *costs) may not exceed \$50,000,000.*

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) *Persons to whom the Secretary may provide lodg-*
9 *ing under subsection (a) are the following:*

10 “(1) *A veteran who must travel a significant dis-*
11 *tance 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 a*
16 *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 providing*
26 *lodging under this section. The proceeds from such charges*

1 *shall be credited to the medical care account and shall be*
 2 *available until expended for the purposes of providing such*
 3 *lodging.*

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

6 “(1) *limiting the duration of such lodging;*

7 “(2) *establishing standards and criteria under*
 8 *which medical facilities may set charges for such lodg-*
 9 *ing;*

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

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

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

17 (b) *CLERICAL AMENDMENT.—The table of sections at*
 18 *the beginning of such chapter is amended by inserting after*
 19 *the item relating to section 1707 the following new item:*
 “1708. Temporary lodging.”.

20 **SEC. 405. EXTENSION OF ANNUAL REPORT OF COMMITTEE**
 21 **ON MENTALLY ILL VETERANS.**

22 Section 7321(d)(2) *is amended by striking “three” and*
 23 *inserting “six”.*

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

25 Section 8136 *is amended—*

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

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

5 “(b) The establishment and operation by the Secretary
6 of an outpatient clinic in facilities described in subsection
7 (a) shall not constitute grounds entitling the United States
8 to any recovery under that subsection.”.

9 **SEC. 407. CHANGE TO ENHANCED USE LEASE CONGRES-**
10 **SIONAL NOTIFICATION PERIOD.**

11 Paragraph (2) of section 8163(c) is amended to read
12 as follows:

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

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

17 (a) **REQUIREMENT TO PROVIDE CARE.**—Section
18 1710A(a) is amended by inserting “(subject to section
19 1710(a)(4) of this title)” after “Secretary” the first place
20 it appears.

21 (b) **CONFORMING AMENDMENT.**—Section 1710(a)(4) is
22 amended by striking “requirement in” and inserting “re-
23 quirements in section 1710A(a) and”.

1 **SEC. 409. 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 real
9 property conveyed to the State of Tennessee pursuant to the
10 Act entitled “An Act authorizing the transfer of certain
11 property of the Veterans’ Administration (in Johnson City,
12 Tennessee) to the State of Tennessee”, approved June 6,
13 1953 (67 Stat. 54).

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

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

Union Calendar No. 519

106TH CONGRESS
2D SESSION

H. R. 5109

[Report No. 106-863]

A BILL

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

SEPTEMBER 18, 2000

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