

105TH CONGRESS
1ST SESSION

H. R. 1558

To authorize the relocation of the Gillis W. Long Hansen's Disease Center, to provide for the transfer to the State of Louisiana of the current site of such Center, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1997

Mr. BAKER (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. McCRERY, Mr. COOKSEY, and Mr. JOHN) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To authorize the relocation of the Gillis W. Long Hansen's Disease Center, to provide for the transfer to the State of Louisiana of the current site of such Center, 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.**

4 This Act may be cited as the "Hansen's Disease Pro-
5 gram Amendments of 1997".

1 **SEC. 2. AUTHORIZATION FOR RELOCATION OF GILLIS W.**
2 **LONG HANSEN'S DISEASE CENTER; TRANS-**
3 **FER TO STATE OF LOUISIANA OF CURRENT**
4 **SITE OF CENTER.**

5 (a) The Secretary of Health and Human Services
6 may in accordance with this section provide for the reloca-
7 tion of the Federal facility known as the Gillis W. Long
8 Hansen's Disease Center (located in the vicinity of
9 Carville, in the State of Louisiana), including the reloca-
10 tion of the patients of the Center.

11 (b)(1) Subject to paragraph (2), in relocating the
12 Center the Secretary may on behalf of the United States
13 transfer to the State of Louisiana, without charge, title
14 to the real property and improvements that as of the date
15 of the enactment of this Act constitute the Center. Such
16 real property is a parcel consisting of approximately 330
17 acres. The exact acreage and legal description used for
18 purposes of the transfer shall be in accordance with a sur-
19 vey satisfactory to the Secretary.

20 (2) Any conveyance under paragraph (1) is not effec-
21 tive unless the deed or other instrument of conveyance
22 contains the conditions specified in subsection (d); the in-
23 strument specifies that the United States and the State
24 of Louisiana agree to such conditions; and the instrument
25 specifies that, if the State engages in a material breach
26 of the conditions, title to the real property and improve-

1 ments involved reverts to the United States at the election
2 of the Secretary.

3 (c)(1) With respect to Federal equipment and other
4 items of Federal personal property that are in use at the
5 Center as of the date of the enactment of this Act, the
6 Secretary may, subject to paragraph (2), transfer to the
7 State such items as the Secretary determines to be appro-
8 priate, if the Secretary makes the transfer under sub-
9 section (b).

10 (2) A transfer of equipment or other items may be
11 made under paragraph (1) only if the State agrees that,
12 during the 30-year period beginning on the date on which
13 the transfer under subsection (b) is made, the items will
14 be used exclusively for purposes that promote the health
15 or education of the public, except that the Secretary may
16 authorize such exceptions as the Secretary determines to
17 be appropriate.

18 (d) For purposes of subsection (b)(2), the conditions
19 specified in this subsection with respect to a transfer of
20 title are the following:

21 (1) During the 30-year period beginning on the
22 date on which the transfer is made, the real property
23 and improvements referred to in subsection (b)(1)
24 (referred to in this subsection as the “transferred
25 property”) will be used exclusively for purposes that

1 promote the health or education of the public, with
2 such incidental exceptions as the Secretary may ap-
3 prove.

4 (2) For purposes of monitoring the extent to
5 which the transferred property is being used in ac-
6 cordance with paragraph (1), the Secretary will have
7 access to such documents as the Secretary deter-
8 mines to be necessary, and the Secretary may re-
9 quire the advance approval of the Secretary for such
10 contracts, conveyances of real or personal property,
11 or other transactions as the Secretary determines to
12 be necessary.

13 (3) The relocation of patients from the trans-
14 ferred property will be completed not later than 3
15 years after the date on which the transfer is made,
16 except to the extent the Secretary determines that
17 relocating particular patients is not feasible. During
18 the period of relocation, the Secretary will have un-
19 restricted access to the transferred property, and
20 after such period will have such access as may be
21 necessary with respect to the patients who pursuant
22 to the preceding sentence are not relocated.

23 (4)(A) With respect to projects to make repairs
24 and energy-related improvements at the transferred
25 property, the Secretary will provide for the comple-

1 tion of all such projects for which contracts have
2 been awarded and appropriations have been made as
3 of the date on which the transfer is made.

4 (B) If upon completion of the projects referred
5 to in subparagraph (A) there are any unobligated
6 balances of amounts appropriated for the projects,
7 and the sum of such balances is in excess of
8 \$100,000—

9 (i) the Secretary will transfer the amount
10 of such excess to the State; and

11 (ii) the State will expend such amount for
12 the purposes referred to in paragraph (1),
13 which may include the renovation of facilities at
14 the transferred property.

15 (5)(A) The State will maintain the cemetery lo-
16 cated on the transferred property, will permit indi-
17 viduals who were long-term-care patients of the Cen-
18 ter to be buried at the cemetery, and will permit
19 members of the public to visit the cemetery.

20 (B) The State will permit the Center to main-
21 tain a museum on the transferred property, and will
22 permit members of the public to visit the museum.

23 (C) In the case of any waste products stored at
24 the transferred property as of the date of the trans-
25 fer, the Federal Government will after the transfer

1 retain title to and responsibility for the products,
2 and the State will not require that the Federal Gov-
3 ernment remove the products from the transferred
4 property.

5 (6) In the case of each individual who as of the
6 date of the enactment of this Act is a Federal em-
7 ployee at the transferred property with facilities
8 management or dietary duties:

9 (A) The State will offer the individual an
10 employment position with the State, the posi-
11 tion with the State will have duties similar to
12 the duties the individual performed in his or her
13 most recent position at the transferred prop-
14 erty, and the position with the State will pro-
15 vide the same compensation and benefits as are
16 provided to similarly situated employees of the
17 State.

18 (B) If the individual becomes an employee
19 of the State pursuant to subparagraph (A), the
20 State will make payments in accordance with
21 subsection (e)(2)(B) (relating to disability), as
22 applicable with respect to the individual.

23 (7) Such additional conditions as the Secretary
24 determines to be necessary to protect the interests of
25 the United States.

1 (e)(1) This subsection applies if the transfer under
2 subsection (b) is made.

3 (2) In the case of each individual who as of the date
4 of the enactment of this Act is a Federal employee at the
5 Center with facilities management or dietary duties, and
6 who becomes an employee of the State pursuant to sub-
7 section (d)(6)(A):

8 (A) The provisions of subchapter III of chapter
9 83 of title 5, United States Code, or of chapter 84
10 of such title, whichever are applicable, that relate to
11 disability shall be considered to remain in effect with
12 respect to the individual (subject to subparagraph
13 (C)) until the earlier of—

14 (i) the expiration of the 2-year period be-
15 ginning on the date on which the transfer under
16 subsection (b) is made; or

17 (ii) the date on which the individual first
18 meets all conditions for coverage under a State
19 program for payments during retirement by
20 reason of disability.

21 (B) The payments to be made by the State pur-
22 suant to subsection (d)(6)(B) with respect to the in-
23 dividual are payments to the Civil Service Retire-
24 ment and Disability Fund, if the individual is receiv-
25 ing Federal disability coverage pursuant to subpara-

1 graph (A). Such payments are to be made in a total
2 amount equal to that portion of the normal-cost per-
3 centage (determined through the use of dynamic as-
4 sumptions) of the basic pay of the individual that is
5 allocable to such coverage and is paid for service
6 performed during the period for which such coverage
7 is in effect. Such amount is to be determined in ac-
8 cordance with chapter 84 of such title 5, is to be
9 paid at such time and in such manner as mutually
10 agreed by the State and the Office of Personnel
11 Management, and is in lieu of individual or agency
12 contributions otherwise required.

13 (C) In the determination pursuant to subpara-
14 graph (A) of whether the individual is eligible for
15 Federal disability coverage (during the applicable pe-
16 riod of time under such subparagraph), service as an
17 employee of the State after the date of the transfer
18 under subsection (b) shall be counted toward the
19 service requirement specified in the first sentence of
20 section 8337(a) or 8451(a)(1)(A) of such title 5
21 (whichever is applicable).

22 (3) In the case of each individual who as of the date
23 of the enactment of this Act is a Federal employee with
24 a position at the Center and is, for duty at the Center,

1 receiving the pay differential under section 5545(d) of title
2 5, United States Code:

3 (A) If as of the date of the transfer under sub-
4 section (b) the individual is eligible for an annuity
5 under section 8336 or 8412 of title 5, United States
6 Code, the following applies:

7 (i) Once the individual separates from the
8 service and thereby becomes entitled to receive
9 the annuity, the pay differential shall be in-
10 cluded in the computation of the annuity if the
11 individual separated from the service not later
12 than the expiration of the 30-day period begin-
13 ning on the date of the transfer.

14 (ii) If the individual continues to be em-
15 ployed at the Center after such 30-day period,
16 the individual may not receive the pay differen-
17 tial for duty at the Center performed after such
18 period.

19 (B) If the individual is not eligible for such an
20 annuity as of the date of the transfer under sub-
21 section (b) but subsequently does become eligible,
22 the following applies:

23 (i) Once the individual separates from the
24 service and thereby becomes entitled to receive
25 the annuity, the pay differential shall be in-

1 cluded in the computation of the annuity if the
2 individual separated from the service not later
3 than the expiration of the 30-day period begin-
4 ning on the date on which the individual first
5 became eligible for the annuity.

6 (ii) If the individual continues to be em-
7 ployed at the Center after such 30-day period,
8 the individual may not receive the pay differen-
9 tial for duty at the Center performed after such
10 period.

11 (C) For purposes of this paragraph, the individ-
12 ual is eligible for the annuity if the individual meets
13 all conditions under such section 8336 or 8412 to be
14 entitled to the annuity, except the condition that the
15 individual be separated from the service.

16 (4) With respect to individuals who as of the date
17 of the enactment of this Act are Federal employees with
18 positions at the Center and are not, for duty at the center,
19 receiving the pay differential under section 5545(d) of title
20 5, United States Code:

21 (A) During the fiscal years 1997 and 1998, the
22 Secretary may in accordance with this paragraph
23 provide to any such individual a voluntary separa-
24 tion incentive payment. The purpose of such pay-
25 ments is to avoid or minimize the need for involun-

1 tary separations under a reduction in force with re-
2 spect to the Center.

3 (B) During fiscal year 1997, any payment
4 under subparagraph (A) shall be made under section
5 663 of the Treasury, Postal Service, and General
6 Government Appropriations Act, 1997 (as contained
7 in section 101(f) of division A of Public Law 104-
8 208), except that, for purposes of this subparagraph,
9 subsection (b) of such section 663 does not apply.

10 (C) During fiscal year 1998, such section 663
11 applies with respect to payments under subpara-
12 graph (A) to the same extent and in the same man-
13 ner as such section applied with respect to the pay-
14 ments during fiscal year 1997, and for purposes of
15 this subparagraph, the reference in subsection
16 (c)(2)(D) of such section 663 to December 31, 1997,
17 is deemed to be a reference to December 31, 1998.

18 (f) The following provisions apply if under subsection
19 (a) the Secretary makes the decision to relocate the Cen-
20 ter:

21 (1) The site to which the Center is relocated
22 shall be in the vicinity of Baton Rouge, in the State
23 of Louisiana.

1 (2) The facility involved shall continue to be
2 designated as the Gillis W. Long Hansen's Disease
3 Center.

4 (3) The Secretary shall make reasonable efforts
5 to inform the patients of the Center with respect to
6 the planning and carrying out of the relocation.

7 (4) In the case of each individual who as of Oc-
8 tober 1, 1996, was a patient of the Center and is
9 considered by the Director of the Center to be a
10 long-term-care patient (referred to in this subsection
11 as an "eligible patient"), the Secretary shall con-
12 tinue to provide for the long-term care of the eligible
13 patient, without charge, for the remainder of the life
14 of the patient.

15 (5)(A) For purposes of paragraph (4), an eligi-
16 ble patient who is legally competent has the follow-
17 ing options with respect to support and maintenance
18 and other nonmedical expenses:

19 (i) For the remainder of his or her life, the
20 patient may reside at the Center.

21 (ii) For the remainder of his or her life,
22 the patient may receive payments each year at
23 an annual rate of \$33,000 (adjusted in accord-
24 ance with subparagraphs (C) and (D)), and
25 may not reside at the Center. Payments under

1 this clause are in complete discharge of the ob-
2 ligation of the Federal Government under para-
3 graph (4) for support and maintenance and
4 other nonmedical expenses of the patient.

5 (B) The choice by an eligible patient of the op-
6 tion under clause (i) of subparagraph (A) may at
7 any time be revoked by the patient, and the patient
8 may instead choose the option under clause (ii) of
9 such subparagraph. The choice by an eligible patient
10 of the option under such clause (ii) is irrevocable.

11 (C) Payments under subparagraph (A)(ii) shall
12 be made on a monthly basis, and shall be pro rated
13 as applicable. In 1999 and each subsequent year, the
14 monthly amount of such payments shall be increased
15 by a percentage equal to any percentage increase
16 taking effect under section 215(i) of the Social Secu-
17 rity Act (relating to a cost-of-living increase) for
18 benefits under title II of such Act (relating to Fed-
19 eral old-age, survivors, and disability insurance bene-
20 fits). Any such percentage increase in monthly pay-
21 ments under subparagraph (A)(ii) shall take effect
22 in the same month as the percentage increase under
23 such section 215(i) takes effect.

1 (D) With respect to the provision of outpatient
2 and inpatient medical care for Hansen's disease and
3 related complications to an eligible patient:

4 (i) The choice the patient makes under
5 subparagraph (A) does not affect the respon-
6 sibility of the Secretary for providing to the pa-
7 tient such care at or through the Center.

8 (ii) If the patient chooses the option under
9 subparagraph (A)(ii) and receives inpatient care
10 at or through the Center, the Secretary may re-
11 duce the amount of payments under such sub-
12 paragraph, except to the extent that reimburse-
13 ment for the expenses of such care is available
14 to the provider of the care through the program
15 under title XVIII of the Social Security Act or
16 the program under title XIX of such Act. Any
17 such reduction shall be made on the basis of the
18 number of days for which the patient received
19 the inpatient care.

20 (6) The Secretary shall provide to each eligible
21 patient such information and time as may be nec-
22 essary for the patient to make an informed decision
23 regarding the options under paragraph (5)(A).

24 (7) After the date of the enactment of this Act,
25 the Center may not provide long-term care for any

1 individual who as of such date was not receiving
2 such care as a patient of the Center.

3 (8) If upon completion of the projects referred
4 to in subsection (d)(4)(A) there are unobligated bal-
5 ances of amounts appropriated for the projects, such
6 balances are available to the Secretary for expenses
7 relating to the relocation of the Center, except that,
8 if the sum of such balances is in excess of \$100,000,
9 such excess is available to the State in accordance
10 with subsection (d)(4)(B). The amounts available to
11 the Secretary pursuant to the preceding sentence are
12 available until expended.

13 (g) For purposes of this section:

14 (1) The term “Center” means the Gillis W.
15 Long Hansen’s Disease Center.

16 (2) The term “Secretary” means the Secretary
17 of Health and Human Services.

18 (3) The term “State” means the State of Lou-
19 isiana.

20 (h) Section 320 of the Public Health Service Act (42
21 U.S.C. 247e) is amended by striking the section designa-
22 tion and all that follows and inserting the following:

23 “SEC. 320. (a)(1) At or through the Gillis W. Long
24 Hansen’s Disease Center (located in the State of Louisi-
25 ana), the Secretary shall without charge provide short-

1 term care and treatment, including outpatient care, for
2 Hansen’s disease and related complications to any person
3 determined by the Secretary to be in need of such care
4 and treatment. The Secretary may not at or through such
5 Center provide long-term care for any such disease or
6 complication.

7 “(2) The Center referred to in paragraph (1) shall
8 conduct training in the diagnosis and management of
9 Hansen’s disease and related complications, and shall con-
10 duct and promote the coordination of research (including
11 clinical research), investigations, demonstrations, and
12 studies relating to the causes, diagnosis, treatment, con-
13 trol, and prevention of Hansen’s disease and other
14 mycobacterial diseases and complications related to such
15 diseases. With respect to findings made pursuant to the
16 preceding sentence, the Center shall conduct training and
17 research in the application of the findings to diabetes and
18 other conditions that can result in the loss of sensory func-
19 tions.

20 “(3) Paragraph (1) is subject to section 2 of the Han-
21 sen’s Disease Program Amendments of 1997.

22 “(b) In addition to the Center referred to in sub-
23 section (a), the Secretary may establish sites regarding
24 persons with Hansen’s disease. Each such site shall pro-
25 vide for the outpatient care and treatment for Hansen’s

1 disease and related complications to any person deter-
2 mined by the Secretary to be in need of such care and
3 treatment.

4 “(c) The Secretary shall carry out subsections (a)
5 and (b) acting through an agency of the Service. For pur-
6 poses of the preceding sentence, the agency designated by
7 the Secretary shall carry out both activities relating to the
8 provision of health services and activities relating to the
9 conduct of research.

10 “(d) The Secretary shall make payments to the
11 Board of Health of the State of Hawaii for the care and
12 treatment (including outpatient care) in its facilities of
13 persons suffering from Hansen’s disease at a rate deter-
14 mined by the Secretary. The rate shall be approximately
15 equal to the operating cost per patient of such facilities,
16 except that the rate may not exceed the comparable costs
17 per patient with Hansen’s disease for care and treatment
18 provided by the Center referred to in subsection (a). Pay-
19 ments under this subsection are subject to the availability
20 of appropriations for such purpose.”

○