

106TH CONGRESS
2D SESSION

H. R. 5109

AN ACT

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

106TH CONGRESS
2D SESSION

H. R. 5109

AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Department of Veterans Affairs Health Care Personnel
4 Act of 2000”.

5 (b) TABLE OF CONTENTS.—The table of contents of
6 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. 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.

7 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

8 Except as otherwise expressly provided, whenever in
9 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
 2 sion, the reference shall be considered to be made to a
 3 section or other provision of title 38, United States Code.

4 **TITLE I—PERSONNEL MATTERS**

5 **SEC. 101. ANNUAL NATIONAL PAY COMPARABILITY AD-** 6 **JUSTMENT FOR NURSES EMPLOYED BY DE-** 7 **PARTMENT OF VETERANS AFFAIRS.**

8 (a) REVISED PAY ADJUSTMENT PROCEDURES.—Sec-
 9 tion 7451 is amended—

10 (1) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) by striking “The rates” and insert-
 13 ing “Subject to subsection (e), the rates”;
 14 and

15 (ii) in subparagraph (A), by inserting
 16 “and to be by the same percentage” after
 17 “to have the same effective date”;

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

21 (C) in paragraph (3)(B)—

22 (i) by inserting after the first sentence
 23 the following new sentence: “To the extent
 24 practicable, the director shall use third-

1 party industry wage surveys to meet the
2 requirements of the preceding sentence.”;

3 (ii) by inserting before the penul-
4 timate sentence the following new sentence:
5 “To the extent practicable, all surveys con-
6 ducted pursuant to this subparagraph or
7 subparagraph (A) shall include the collec-
8 tion of salary midpoints, actual salaries,
9 lowest and highest salaries, average sala-
10 ries, bonuses, incentive pays, differential
11 pays, actual beginning rates of pay and
12 such other information needed to meet the
13 purpose of this section.”; and

14 (iii) in the penultimate sentence, by
15 inserting “or published” after “com-
16 pleted”;

17 (D) by striking clause (iii) of paragraph
18 (3)(C);

19 (2) by striking subsection (e) and inserting the
20 following:

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

24 “(2) The director of a Department health-care facil-
25 ity, in determining whether to carry out a wage survey

1 under subsection (d)(3) with respect to rates of basic pay
2 for a grade of a covered position, may not consider as a
3 factor in such determination the absence of a current re-
4 cruitment or retention problem for personnel in that grade
5 of that position. The director shall make such a deter-
6 mination based upon whether, in accordance with criteria
7 established by the Secretary, there is a significant pay-
8 related staffing problem at that facility in any grade for
9 a position. If the director determines that there is such
10 a problem, or that such a problem is likely to exist in the
11 near future, the Director shall provide for a wage survey
12 in accordance with paragraph (3) of subsection (d).

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

23 “(4) Each director of a Department health-care facil-
24 ity shall provide to the Secretary, not later than July 31

1 each year, a report on staffing for covered positions at
2 that facility. The report shall include the following:

3 “(A) Information on turnover rates and vacancy
4 rates for each grade in a covered position, including
5 a comparison of those rates with the rates for the
6 preceding three years.

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

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

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

1 a statement of the reasons why the director did not
2 conduct such a survey.

3 “(5) Not later than September 30 of each year, the
4 Secretary shall submit to the Committees on Veterans’ Af-
5 fairs of the Senate and House of Representatives a report
6 on staffing for covered positions at Department healthcare
7 facilities. Each such report shall include the following:

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

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

13 (3) in subsection (f)—

14 (A) by striking “February 1 of 1991,
15 1992, and 1993” and inserting “March 1 of
16 each year”; and

17 (B) by striking “subsection (d)(1)(A)” and
18 inserting “subsection (d)”; and

19 (4) by striking subsection (g) and redesignating
20 subsection (h) as subsection (g).

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

24 **“§ 7323. Required consultations with nurses**

25 “The Under Secretary for Health shall ensure that—

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

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

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

“7323. Required consultations with nurses.”.

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

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

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

21 “(8) For a dentist who has successfully com-
 22 pleted a post-graduate year of hospital-based train-
 23 ing in a program accredited by the American Dental
 24 Association, an annual rate of \$2,000 for each of the

1 first two years of service after successful completion
 2 of that training.”.

3 (c) TENURE PAY.—The table in paragraph (2)(A) of
 4 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.”.

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

8 (e) GEOGRAPHIC PAY.—Paragraph (6) of that sec-
 9 tion is amended by striking “\$5,000” and inserting
 10 “\$12,000”.

11 (f) RESPONSIBILITY PAY.—(1) The table in para-
 12 graph (4)(A) of that section 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.”.

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

“Position	Rate
Deputy Service Director	\$20,000

“Position	Rate
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position 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.

1 “(B) With respect to any amount of special pay
2 received under that section in excess of the amount
3 such dentist was entitled to receive under such sec-
4 tion on the day before such effective date, in an
5 amount equal to 25 percent of such excess amount
6 for each two years that the physician or dentist has
7 completed as a physician or dentist in the Veterans
8 Health Administration after such effective date.”.

9 (h) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to agreements entered
11 into by dentists under subchapter III of chapter 74 of title
12 38, United States Code, on or after the later of—

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

14 (2) October 1, 2000.

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

1 (2) In the case of an agreement entered into under
2 such subchapter before the date of the enactment of this
3 Act that expires during the period beginning on the date
4 of the enactment of this Act and ending on the effective
5 date specified in subsection (h)(2), an extension or renewal
6 of that agreement may not extend beyond that effective
7 date.

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

15 **SEC. 103. EXEMPTION FOR PHARMACISTS FROM CEILING**
16 **ON SPECIAL SALARY RATES.**

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

19 **SEC. 104. PHYSICIAN ASSISTANT ADVISER TO UNDER SEC-**
20 **RETARY FOR HEALTH.**

21 Section 7306(f) is amended—

22 (1) by striking “and” at the end of paragraph
23 (1);

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

1 (3) by adding at the end the following new
2 paragraph:

3 “(3) a physician assistant with appropriate ex-
4 perience (who may have a permanent duty station at
5 a Department medical care facility in reasonable
6 proximity to Washington, DC) advises the Under
7 Secretary on all matters relating to the utilization
8 and employment of physician assistants in the Ad-
9 ministration.”.

10 **SEC. 105. TEMPORARY FULL-TIME APPOINTMENTS OF CER-**
11 **TAIN MEDICAL PERSONNEL.**

12 (a) PHYSICIAN ASSISTANTS AWAITING CERTIFI-
13 CATION OR LICENSURE.—Paragraph (2) of section
14 7405(c) is amended to read as follows:

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

18 “(A) has successfully completed—

19 “(i) a full course of nursing in a recog-
20 nized school of nursing, approved by the Sec-
21 retary; or

22 “(ii) a full course of training for any cat-
23 egory of personnel described in paragraph (3)
24 of section 7401 of this title, or as a physician

1 assistant, in a recognized education or training
2 institution approved by the Secretary; and

3 “(B) is pending registration or licensure in a
4 State or certification by a national board recognized
5 by the Secretary.”.

6 (b) MEDICAL SUPPORT PERSONNEL.—That section
7 is further amended—

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

10 (2) by inserting after paragraph (2) the fol-
11 lowing new paragraph (3):

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

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

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

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

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

24 “(B) be licensed or certified to independently
25 practice social work in a State, except that the Sec-

1 retary may waive the requirement of licensure or
 2 certification for an individual social worker for a
 3 reasonable period of time recommended by the
 4 Under Secretary for Health.”.

5 **SEC. 107. EXTENSION OF VOLUNTARY SEPARATION INCEN-**
 6 **TIVE PAYMENTS.**

7 The Department of Veterans Affairs Employment
 8 Reduction Assistance Act of 1999 (title XI of Public Law
 9 106–117; 5 U.S.C. 5597 note) is amended as follows:

10 (1) Section 1102(c) is amended to read as fol-
 11 lows:

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

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

17 (3) Section 1109(a) is amended by striking
 18 “December 31, 2000” and inserting “December 31,
 19 2002”.

20 **TITLE II—CONSTRUCTION**
 21 **AUTHORIZATION**

22 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
 23 **PROJECTS.**

24 (a) FISCAL YEAR 2001 PROJECTS.—The Secretary
 25 of Veterans Affairs may carry out the following major

1 medical facility projects, with each project to be carried
2 out in the amount specified for that project:

3 (1) Construction of a psychogeriatric care build-
4 ing at the Department of Veterans Affairs Medical
5 Center, Palo Alto, California, in an amount not to
6 exceed \$26,600,000.

7 (2) Construction of a utility plant and electrical
8 vault at the Department of Veterans Affairs Medical
9 Center, Miami, Florida, in an amount not to exceed
10 \$23,600,000.

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

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

20 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

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

1 (b) LIMITATION.—The projects authorized in section
 2 101(a) may only be carried out using—

3 (1) funds appropriated for fiscal year 2001 or
 4 2002 pursuant to the authorization of appropria-
 5 tions in subsection (a);

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

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

12 **TITLE III—MILITARY SERVICE** 13 **ISSUES**

14 **SEC. 301. MILITARY SERVICE HISTORY.**

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

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

1 (2) pertinent information relating to the mili-
2 tary history of the patient is included in the Depart-
3 ment's medical records of the patient.

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

11 **SEC. 302. STUDY OF POST-TRAUMATIC STRESS DISORDER**
12 **IN VIETNAM VETERANS.**

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

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

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

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

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

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

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

14 (d) REPORT.—The Secretary shall submit to the
 15 Committees of Veterans' Affairs of the Senate and House
 16 of Representatives a report on the results of the study
 17 under this section. The report shall be submitted no later
 18 than October 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
4 in not more than four geographic areas of the United
5 States to improve access to, and coordination of, inpatient
6 care of eligible veterans. Under the pilot program, the Sec-
7 retary, subject to subsection (b), may pay certain costs
8 described in subsection (b) for which an eligible veteran
9 would otherwise be personally liable. The authority to
10 carry out the pilot program shall expire on September 30,
11 2005.

12 “(b) In carrying out the program described in sub-
13 section (a), the Secretary may pay the costs authorized
14 under this section for hospital care and medical services
15 furnished on an inpatient basis in a non-Department hos-
16 pital to an eligible veteran participating in the program.
17 Such payment may cover the costs for applicable plan
18 deductibles and coinsurance and the reasonable costs of
19 such inpatient care and medical services not covered by
20 any applicable health-care plan of the veteran, but only
21 to the extent such care and services are of the kind author-
22 ized under this chapter. The Secretary shall limit the care
23 and services for which payment may be made under the
24 program to general medical and surgical services and shall
25 require that such services may be provided only upon
26 preauthorization 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 with-
11 in the 24-month period preceding the veteran’s ap-
12 plication 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 para-
2 graph (1), the Secretary shall ensure that not less than
3 15 percent of the veterans participating in the program
4 are veterans 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,
7 coordinate the care being furnished directly by the Sec-
8 retary and care furnished under the program in non-De-
9 partment hospitals to veterans participating in the pro-
10 gram.

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

14 “(A) the areas designated are geographically
15 dispersed;

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

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

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

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

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

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

21 “(B) an assessment of the satisfaction of the
22 participants in the program; and

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

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

4 “(h) For purposes of this section, the term ‘health-
 5 care plan’ has the meaning given that term in section
 6 1725(f)(3) of this title.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of such chapter is amended by inserting
 9 after the item relating to section 1725 the following new
 10 item:

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

11 **SEC. 402. BENEFITS FOR PERSONS DISABLED BY PARTICI-**
 12 **PATION IN COMPENSATED WORK THERAPY**
 13 **PROGRAM.**

14 Section 1151(a)(2) is amended—

15 (1) by inserting “(A)” after “proximately
 16 caused”; and

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

21 **SEC. 403. EXTENSION OF AUTHORITY TO ESTABLISH RE-**
 22 **SEARCH AND EDUCATION CORPORATIONS.**

23 Section 7368 is amended by striking “December 31,
 24 2000” and inserting “December 31, 2005”.

1 **SEC. 404. DEPARTMENT OF VETERANS AFFAIRS FISHER**
2 **HOUSES.**

3 (a) AUTHORITY.—Subchapter I of chapter 17 of title
4 38, United States Code, is amended by adding at the end
5 the following new section:

6 **“§ 1708. Temporary lodging**

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

13 “(b) Persons to whom the Secretary may provide
14 lodging under subsection (a) are the following:

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

17 “(2) A member of the family of a veteran and
18 others who accompany a veteran and provide the
19 equivalent of familial support for such veteran.

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

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

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

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

4 “(d) The Secretary may establish charges for pro-
5 viding lodging under this section. The proceeds from such
6 charges shall be credited to the medical care account and
7 shall be available until expended for the purposes of pro-
8 viding such lodging.

9 “(e) The Secretary shall prescribe regulations to
10 carry out this section. Such regulations shall include
11 provisions—

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

13 “(2) establishing standards and criteria under
14 which medical facilities may set charges for such
15 lodging;

16 “(3) establishing criteria for persons considered
17 to be accompanying a veteran;

18 “(4) establishing criteria for the use of such
19 premises; and

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

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by inserting

1 after the item relating to section 1707 the following new
2 item:

“1708. Temporary lodging.”.

3 **SEC. 405. EXTENSION OF ANNUAL REPORT OF COMMITTEE**
4 **ON MENTALLY ILL VETERANS.**

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

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

8 Section 8136 is amended—

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

11 (2) by adding at the end the following new sub-
12 section:

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

17 **SEC. 407. CHANGE TO ENHANCED USE LEASE CONGRES-**
18 **SIONAL NOTIFICATION PERIOD.**

19 Paragraph (2) of section 8163(c) is amended to read
20 as follows:

21 “(2) The Secretary may not enter into an enhanced
22 use lease until the end of the 90-day period beginning on
23 the date of the submission of notice under paragraph
24 (1).”.

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

2 (a) REQUIREMENT TO PROVIDE CARE.—Section
3 1710A(a) is amended by inserting “(subject to section
4 1710(a)(4) of this title)” after “Secretary” the first place
5 it appears.

6 (b) CONFORMING AMENDMENT.—Section 1710(a)(4)
7 is amended by striking “requirement in” and inserting
8 “requirements in section 1710A(a) and”.

9 **SEC. 409. RELEASE OF REVERSIONARY INTEREST OF THE**
10 **UNITED STATES IN CERTAIN REAL PROPERTY**
11 **PREVIOUSLY CONVEYED TO THE STATE OF**
12 **TENNESSEE.**

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

22 (b) SPECIFIED REVERSIONARY INTEREST.—Sub-
23 section (a) applies to the reversionary interest of the
24 United States required under section 2 of the Act referred
25 to in subsection (a), requiring use of the property con-

1 veyed pursuant to that Act to be primarily for training
2 of the National Guard and for other military purposes.

3 (c) CONFORMING AMENDMENT.—Section 2 of such
4 Act is repealed.

Passed the House of Representatives September 21,
2000.

Attest:

Clerk.