

108TH CONGRESS
1ST SESSION

S. 1156

To amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2003

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, 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 “Department of Vet-
5 erans Affairs Long-Term Care and Personnel Authorities
6 Enhancement Act of 2003”.

1 **TITLE I—EXTENSION AND EN-**
 2 **HANCEMENT OF AUTHORI-**
 3 **TIES**

4 **SEC. 101. EXTENSION AND MODIFICATION OF CERTAIN**
 5 **HEALTH CARE AUTHORITIES.**

6 (a) TREATMENT OF NONINSTITUTIONAL EXTENDED
 7 CARE SERVICES AS MEDICAL SERVICES.—Section
 8 1701(a)(10)(A) of title 38, United States Code, is amend-
 9 ed by striking “December 31, 2003” and inserting “De-
 10 cember 31, 2008”.

11 (b) REQUIRED NURSING HOME CARE.—(1) Sub-
 12 section (a) of section 1710A of such title is amended by
 13 striking “70 percent” and inserting “50 percent”.

14 (2) Subsection (c) of such section is amended by
 15 striking “December 31, 2003” and inserting “December
 16 31, 2008”.

17 **SEC. 102. ENHANCED AGREEMENT AUTHORITY FOR PROVI-**
 18 **SION OF NURSING HOME CARE AND ADULT**
 19 **DAY HEALTH CARE IN NON-DEPARTMENT OF**
 20 **VETERANS AFFAIRS FACILITIES.**

21 Section 1720 of title 38, United States Code, is
 22 amended—

23 (1) in subsection (c)—

24 (A) by designating the existing text as
 25 paragraph (2); and

1 (B) by inserting before paragraph (2), as
 2 so designated, the following new paragraph (1):

3 “(1) In furnishing nursing home care or adult day
 4 health care under this section, the Secretary may enter
 5 into agreements for furnishing such care utilizing such au-
 6 thorities relating to agreements for the provision of serv-
 7 ices under section 1866 of the Social Security Act (42
 8 U.S.C. 1395cc) that the Secretary considers appro-
 9 priate.”; and

10 (2) in subsection (f)(1)(B), by inserting “or
 11 agreement” after “contract” each place it appears.

12 **TITLE II—CONSTRUCTION**
 13 **AUTHORIZATION**

14 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
 15 **PROJECTS.**

16 The Secretary of Veterans Affairs may carry out the
 17 following major medical facility projects, with each project
 18 to be carried out in an amount not to exceed the amount
 19 specified for that project:

20 (1) Construction of a long-term care facility in
 21 Lebanon, Pennsylvania, \$14,500,000.

22 (2) Construction of a long-term care facility in
 23 Beckley, West Virginia, \$20,000,000.

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

2 (a) IN GENERAL.—There are authorized to be appro-
 3 priated for the Secretary of Veterans Affairs for fiscal
 4 year 2004 for the Construction, Major Projects, account,
 5 a total of \$34,500,000 for the projects authorized in para-
 6 graphs (1) and (2) of section 201.

7 (b) LIMITATION.—The projects authorized in section
 8 201 may only be carried out using—

9 (1) funds appropriated for fiscal year 2004 pur-
 10 suant to the authorization of appropriations in sub-
 11 section (a);

12 (2) funds appropriated for Construction, Major
 13 Projects, for a fiscal year before fiscal year 2004
 14 that remain available for obligation; and

15 (3) funds appropriated for Construction, Major
 16 Projects, for fiscal year 2004 for a category of activ-
 17 ity not specific to a project.

18 **TITLE III—PERSONNEL**

19 **SEC. 301. MODIFICATION OF AUTHORITIES ON APPOINT-**
 20 **MENTS OF PERSONNEL IN THE VETERANS**
 21 **HEALTH ADMINISTRATION.**

22 (a) POSITIONS TREATABLE AS HYBRID STATUS PO-
 23 SITIONS.—Section 7401 of title 38, United States Code,
 24 is amended—

1 (1) in paragraph (2), by striking “Psycholo-
2 gists” and all that follows through “other scientific”
3 and inserting “Other scientific”; and

4 (2) by striking paragraph (3) and inserting the
5 following new paragraph (3):

6 “(3) Audiologists, speech pathologists, and au-
7 diologist-speech pathologists, biomedical engineers,
8 certified or registered respiratory therapists, dieti-
9 tians, licensed physical therapists, licensed practical
10 or vocational nurses, medical instrument technicians,
11 medical records administrators or specialists, med-
12 ical records technicians, medical technologists, nu-
13 clear medicine technologists, occupational therapists,
14 occupational therapy assistants, orthotist-
15 prosthetists, pharmacists, pharmacy technicians,
16 physical therapy assistants, prosthetic representa-
17 tives, psychologists, diagnostic radiologic technicians,
18 therapeutic radiologic technicians, social workers,
19 and personnel in such other positions as the Sec-
20 retary designates (subject to section 7403(f)(4) of
21 this title) for purposes of this paragraph as nec-
22 essary for the medical care of veterans.”.

23 (b) REPORT ON PROPOSAL TO DESIGNATE ADDI-
24 TIONAL POSITIONS AS HYBRID STATUS POSITIONS.—Sec-

1 tion 7403(f) of such title is amended by adding at the
2 end the following new paragraph:

3 “(4) Not later than 45 days before the date on which
4 the Secretary proposes to designate a position as a posi-
5 tion necessary for the medical care of veterans for which
6 appointment may be made under section 7401(3) of this
7 title, the Secretary shall submit to the Committees on Vet-
8 erans’ Affairs of the Senate and the House of Representa-
9 tives a report on the proposed designation.”.

10 (c) TEMPORARY, PART-TIME, AND WITHOUT COM-
11 PENSATION APPOINTMENTS.—Section 7405 of such title
12 is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking subpara-
15 graphs (B) and (C) and inserting the following
16 new subparagraphs:

17 “(B) Positions listed in section 7401(3) of
18 this title.

19 “(C) Librarians.”; and

20 (B) in paragraph (2), by striking subpara-
21 graph (B) and inserting the following new sub-
22 paragraph (B):

23 “(B) Positions listed in section 7401(3) of
24 this title.”; and

1 (2) in subsection (c)(1), by striking “section
2 7401(1)” and inserting “paragraphs (1) and (3) of
3 section 7401”.

4 (d) **AUTHORITY FOR ADDITIONAL PAY FOR CERTAIN**
5 **HEALTH CARE PROFESSIONALS.**—Section 7454(b)(1) of
6 such title is amended by striking “certified or registered”
7 and all that follows through “occupational therapists,”
8 and inserting “individuals in positions listed in section
9 7401(3) of this title,”.

10 **SEC. 302. COVERAGE OF EMPLOYEES OF VETERANS’ CAN-**
11 **TEEN SERVICE UNDER ADDITIONAL EMPLOY-**
12 **MENT LAWS.**

13 Section 7802(5) is amended by inserting before the
14 semicolon the following: “. Employees and personnel under
15 this clause may be considered for appointment in Depart-
16 ment positions in the competitive service in the same man-
17 ner that Department employees in the competitive service
18 are considered for transfer to such positions. An employee
19 or individual appointed as personnel under this clause who
20 is appointed to a Department position under the authority
21 of the preceding sentence shall be treated as having a ca-
22 reer appointment in such position once such employee or
23 individual meets the three-year requirement for career ten-
24 ure (with any previous period of employment or appoint-

1 ment in the Service being counted toward satisfaction of
2 such requirement)''.

3 **SEC. 303. EFFECTIVE DATE OF MODIFICATION OF TREAT-**
4 **MENT FOR RETIREMENT ANNUITY PURPOSES**
5 **OF CERTAIN PART-TIME SERVICE OF CER-**
6 **TAIN DEPARTMENT OF VETERANS AFFAIRS**
7 **HEALTH-CARE PROFESSIONALS.**

8 (a) **EFFECTIVE DATE.**—The effective date of the
9 amendment made by section 132 of the Department of
10 Veterans Affairs Health Care Programs Enhancement Act
11 of 2001 (Public Law 107–135; 115 Stat. 2454) shall be
12 as follows:

13 (1) January 23, 2002, in the case of health
14 care professionals referred to in subsection (c) of
15 section 7426 of title 38, United States Code (as so
16 amended), who retire on or after that date.

17 (2) The date of the enactment of this Act, in
18 the case of health care professionals referred to in
19 such subsection (c) who retired before January 23,
20 2002, but after April 7, 1986.

21 (b) **RECOMPUTATION OF ANNUITY.**—The Office of
22 Personnel Management shall recompute the annuity of
23 each health-care professional described in the first sen-
24 tence of subsection (c) of section 7426 of title 38, United
25 States Code (as so amended), who retired before January

1 23, 2002, but after April 7, 1986, in order to take into
2 account the amendment made by section 132 of the De-
3 partment of Veterans Affairs Health Care Programs En-
4 hancement Act of 2001. Such recomputation shall be ef-
5 fective only with respect to annuities paid after the date
6 of the enactment of this Act, and shall apply beginning
7 the first day of the first month beginning after the date
8 of the enactment of this Act.

9 **SEC. 304. PERMANENT AUTHORITY FOR USE OF CONTRACT**
10 **PHYSICIANS FOR DISABILITY EXAMINATIONS.**

11 (a) **PERMANENT AUTHORITY.**—Section 504 of the
12 Veterans’ Benefits Improvements Act of 1996 (Public
13 Law 104–275; 110 Stat. 3341; 38 U.S.C. 5101 note) is
14 amended—

15 (1) in subsection (a), by striking “may conduct
16 a pilot program” and all that follows through “may
17 be made by” and inserting “may carry out examina-
18 tions with respect to the medical disability of appli-
19 cants for benefits under the laws administered by
20 the Secretary through”; and

21 (2) in subsection (c), by striking “the pilot pro-
22 gram under”.

23 (b) **REPEAL OF LIMITATION AND OBSOLETE AU-**
24 **THORITY.**—That section is further amended—

25 (1) by striking subsections (b) and (d); and

1 (2) by redesignating subsection (c), as amended
2 by subsection (a) of this section, as subsection (b).

3 (c) CONFORMING AMENDMENT.—The heading for
4 that section is amended to read as follows:

5 **“SEC. 504. AUTHORITY FOR USE OF CONTRACT PHYSICIANS**
6 **FOR DISABILITY EXAMINATIONS.”.**

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