

115TH CONGRESS
1ST SESSION

S. 2097

To amend title 38, United States Code, to improve the administration of State homes furnishing care to veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2017

Mr. TESTER (for himself, Mr. HELLER, and Ms. BALDWIN) 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 the administration of State homes furnishing care to veterans under the laws administered by the Secretary 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 “State Veterans Home
5 Program Improvement Act of 2017”.

1 **SEC. 2. MODIFICATION OF REQUIREMENTS ON USE BY**
 2 **STATES OF STATE HOME FUNDS RECEIVED**
 3 **FROM THE DEPARTMENT OF VETERANS AF-**
 4 **FAIRS.**

5 (a) IN GENERAL.—Subchapter V of chapter 17 of
 6 title 38, United States Code, is amended by adding at the
 7 end the following new section:

8 **“§ 1746. Requirements on use of amounts**

9 “(a) USE OF AMOUNTS.—Amounts paid to a State
 10 for the treatment of veterans at a State home under this
 11 subchapter may not be used for a purpose other than the
 12 operation of a State home in that State.

13 “(b) PROHIBITION ON TRANSFER TO STATE TREAS-
 14 URY.—A State may not transfer amounts paid to the
 15 State under this subchapter to the general treasury of the
 16 State.

17 “(c) AUTHORIZATION OF TRANSFER OF AMOUNTS.—
 18 A State may transfer amounts paid to the State under
 19 this subchapter to other State homes located in that State.

20 “(d) WAIVER.—The Secretary may waive the require-
 21 ments of subsections (a) and (b) with respect to a State
 22 if the State submits to the Secretary a certification that—

23 “(1) the State homes located in that State do
 24 not require additional maintenance, capital improve-
 25 ments, or staffing; and

1 “(2) the amounts paid to the State under this
2 subchapter will be used to benefit veterans.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 17 of such title is amended
5 by inserting after the item relating to section 1745 the
6 following new item:

“1746. Requirements on use of amounts.”.

7 **SEC. 3. MODIFICATION OF PRIORITY OF STATE HOME**
8 **PROJECTS OF THE DEPARTMENT OF VET-**
9 **ERANS AFFAIRS.**

10 (a) PROJECTS FROM PREVIOUS YEARS.—

11 (1) IN GENERAL.—Paragraph (4) of section
12 8135(c) of title 38, United States Code, is amend-
13 ed—

14 (A) by striking “The Secretary” and in-
15 serting “(A) The Secretary”; and

16 (B) by adding at the end the following new
17 subparagraph:

18 “(B) With respect to a project that is approved in
19 a fiscal year but for which a grant has not been awarded
20 under this subchapter in that fiscal year, the Secretary
21 may not accord a lower priority on the list described in
22 subparagraph (A) to that project in any subsequent fiscal
23 year (as compared to the priority accorded that project
24 in any previous fiscal year) unless the reason for such

1 lower priority is the inclusion in such list of a project de-
 2 scribed in subparagraph (A) or (B) of paragraph (2).”.

3 (2) CONFORMING AMENDMENT.—Paragraph (2)
 4 of such section is amended, in the matter preceding
 5 subparagraph (A), by striking “paragraphs (3) and
 6 (5)(C)” and inserting “paragraphs (3), (4)(B), and
 7 (5)(C)”.

8 (b) CONSIDERATION OF ACCESS TO PRIVATE FACILI-
 9 TIES.—Such section is further amended by adding at the
 10 end the following new paragraph:

11 “(8) In determining under subparagraphs (D), (F),
 12 and (H) of paragraph (2) whether a State has a great,
 13 significant, or limited need for beds in connection with an
 14 application under subsection (a), the Secretary shall—

15 “(A) consider the availability and accessibility
 16 to individuals in that State of private facilities pro-
 17 viding similar care to the care for which the applica-
 18 tion is submitted under such subsection; and

19 “(B) accord a lower priority in the list estab-
 20 lished under paragraph (4) to applications by States
 21 with a significant number of such private facilities,
 22 as determined by the Secretary.”.

1 **SEC. 4. PILOT PROGRAM TO COMPENSATE STATES FOR**
2 **STATE HOME SERVICES PROVIDED IN FACILI-**
3 **TIES THAT ARE NOT INTENDED EXCLUSIVELY**
4 **FOR VETERANS.**

5 (a) PILOT PROGRAM.—

6 (1) IN GENERAL.—The Secretary of Veterans
7 Affairs shall carry out a pilot program to com-
8 pensate States for furnishing care described in para-
9 graph (2) to veterans at State-operated facilities
10 that are not intended to be used exclusively by vet-
11 erans.

12 (2) CARE DESCRIBED.—Care described in this
13 paragraph is care that is the same as care furnished
14 in State homes under subchapter V of chapter 17 of
15 title 38, United States Code.

16 (b) DURATION.—The Secretary may not carry out
17 the pilot program under this section after the date that
18 is four years after the date of the enactment of this Act.

19 (c) REPORTS.—

20 (1) ANNUAL REPORT.—Not later than one year
21 after the date of the enactment of this Act, and not
22 less frequently than annually thereafter until the
23 termination of the pilot program under this section,
24 the Secretary shall submit to the Committee on Vet-
25 erans' Affairs of the Senate and the Committee on
26 Veterans' Affairs of the House of Representatives a

1 report on the outcomes of the pilot program with re-
2 spect to quality of care, satisfaction of veterans with
3 care, and cost effectiveness of care furnished under
4 the pilot program.

5 (2) COMPTROLLER GENERAL REPORT.—Not
6 later than 270 days after the termination of the
7 pilot program under this section, the Comptroller
8 General of the United States shall submit to the
9 Committee on Veterans' Affairs of the Senate and
10 the Committee on Veterans' Affairs of the House of
11 Representatives a report on the outcomes of the
12 pilot program with respect to quality of care, satis-
13 faction of veterans with care, and cost effectiveness
14 of care furnished under the pilot program.

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