

The leadership of the gentleman from California [Mr. COX] and the gentleman from California [Mr. ROYCE] and the gentleman from New York [Mr. GILMAN] and others enabled us to call to the attention of our colleagues and to our country the concerns that we have about the United States-China relationship. Most certainly we believe in engagement, but it must be effective engagement, that instead of contributing to an increased trade deficit and proliferation of weapons of mass destruction with impunity and ignoring of the repression in China, instead, that effective engagement would make the world safer, the trade fairer, and people freer. And Radio Free Asia, the Radio Free Asia part of this package is further to the point of making people freer.

So many people have told us, and I know that my colleagues have addressed this, that in the course of the cold war their consolation was Radio Free Europe, that people in the outside world had not forgotten them, that we did respect their aspirations to live in a freer society. It was true then in Europe, it is true now for Asia, and we reject the notion that democratic freedoms and individual human rights are Western values. Indeed, they are universal values written on the hearts of men. The people in China who aspire for a freer China have quoted Thomas Jefferson, really quoted Thomas Jefferson. They have lived his words, not mocked them, as President Jiang did when he came here.

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They have fought, risked their personal lives, the security of their families, and, indeed, their lives for principles that we as a country have advocated.

We say that promoting democratic values is a cornerstone of our foreign policy. If indeed it is in the world, it must be also in China. Radio Free Asia is the mechanism for us to give some encouragement to those who take such risks for freedom. Those people are the legitimate heirs of our Founding Fathers. For that reason, I commend my colleague for his leadership.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, for the sake of freedom in China and throughout Asia, I urge my colleagues to support H.R. 2232, as amended, the Radio Free Asia Act of 1997.

Mr. KIM. Madam Speaker, I rise in strong support of H.R. 2232, a bill to authorize additional funds for Voice of America broadcasts in Chinese and Korean.

As a young boy growing up in Seoul during the Communist invasion, I can remember huddling around the radio with my family listening to these Voice of America broadcasts. In occupied Seoul, VOA was a prime source of news and inspiration in desperate times by providing timely and accurate news, unfiltered by our North Korean oppressors.

Today, North Korea is the most isolated, closed society in the world. The Communist

regime maintains tight control of the dissemination of information within North Korea. Our VOA broadcasts are the people's lifeline to outside news and information, and otherwise available.

Several weeks ago, I had the opportunity to meet with two North Korean defectors who were visiting Washington. They told of how North Koreans—desperate for real news from the outside world—risk their lives to listen to VOA broadcasts. If found by North Korean authorities, they face certain execution on the spot. Yet thousands surround secret, miniature radios listening to our VOA broadcasts.

Madam Speaker, VOA broadcasts to China and North Korea provide those people with their primary source of accurate news and information about events in their country and around the world.

I urge my colleagues to support this bill.

Mrs. LINDA SMITH of Washington. Madam Speaker, I rise today in support of H.R. 2232, the Radio Free Asia Act authored by Congressman Ed ROYCE. I believe this legislation is one of the most important pieces of the China package that the House of Representatives has been considering this week because it gives people hope. It is the most tangible way for the Chinese people to learn about the democratic rule of law, human rights, and current events around the world. It will also audibly demonstrate the aspirations of the American people to have a positive relationship with China as we enter the 21st century.

The Radio Free Asia Act is a direct counterpoint to the oppressive policies of the Chinese Government. The lack of a free flow of information within China makes it all the more important that the broadcasts of Voice of America and Radio Free Asia are heard loud and clear. While the government of China can stifle their own press and attempt to jam our broadcasts, by increasing the number of hours on the air as well as the variety of dialects, a message of hope and freedom will be heard by countless millions.

My colleague, Congressman FRANK WOLF, recently came back from a trip to Tibet and he reported that the broadcasts of Radio Free Asia were a great source of encouragement to the Tibetan population. The least that we can do is to ensure that these broadcasts continue by providing the necessary funds to sustain and increase these broadcasts.

I urge my colleagues to join me in passing the Radio Free Asia Act.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 302, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROYCE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule I, further proceedings on this matter are postponed.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 105TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

November 9, 1997.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the first session of the One Hundred Fifth Congress.

NEWT GINGRICH,

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to. There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed.

Washington, DC, November 4, 1997.

Hon. NEWT GINGRICH,

Speaker, United States House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER GINGRICH: On Wednesday, October 29, 1997, the Committee on Transportation and Infrastructure, pursuant to 40 U.S.C. § 606, approved fifteen resolutions authorizing appropriations for federal buildings and leased space. Please find enclosed copies of these resolutions.

With warm regards, I remain,

Sincerely,

BUD SHUSTER,

Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

VETERANS' BENEFITS ACT OF 1997

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 714) to extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes, as amended.

The Clerk read as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the ‘‘Veterans’ Benefits Act of 1997’’.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Equal employment responsibilities.
Sec. 102. Discrimination complaint adjudication authority.
Sec. 103. Assessment and review of Department of Veterans Affairs employment discrimination complaint resolution system.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

Sec. 201. Native American Veteran Housing Loan Program.
Sec. 202. Treatment and rehabilitation for seriously mentally ill and homeless veterans.
Sec. 203. Extension of certain authorities relating to homeless veterans.
Sec. 204. Annual report on assistance to homeless veterans.
Sec. 205. Expansion of authority for enhanced-use leases of Department of Veterans Affairs real property.
Sec. 206. Permanent authority to furnish noninstitutional alternatives to nursing home care.
Sec. 207. Extension of Health Professional Scholarship Program.
Sec. 208. Policy on breast cancer mammography.
Sec. 209. Persian Gulf War veterans.
Sec. 210. Presidential report on preparations for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

Sec. 301. Authorization of major medical facility projects.
Sec. 302. Authorization of major medical facility leases.
Sec. 303. Authorization of appropriations.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

Sec. 401. Technical amendments.
Sec. 402. Clarification of certain health care authorities.
Sec. 403. Correction of name of medical center.
Sec. 404. Improvement to spina bifida benefits for children of Vietnam veterans.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. EQUAL EMPLOYMENT RESPONSIBILITIES.

(a) **IN GENERAL.**—(1) Chapter 5 is amended by inserting at the end of subchapter I the following new section:

‘‘§ 516. Equal employment responsibilities

‘‘(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

‘‘(b) The Secretary shall provide—

‘‘(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

‘‘(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

‘‘(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

‘‘(d) The Secretary shall, when appropriate, impose disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

‘‘(e)(1)(A) Not later than 30 days after the end of each calendar quarter, the Assistant Secretary for Human Resources and Administration shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report summarizing the employment discrimination complaints filed against the individuals referred to in paragraph (2) during such quarter.

‘‘(B) Subparagraph (A) shall apply in the case of complaints filed against individuals on the basis of such individuals’ personal conduct and shall not apply in the case of complaints filed solely on the basis of such individuals’ positions as officials of the Department.

‘‘(2) Paragraph (1) applies to the following officers and employees of the Department:

‘‘(A) The Secretary.

‘‘(B) The Deputy Secretary of Veterans Affairs.

‘‘(C) The Under Secretary for Health and the Under Secretary for Benefits.

‘‘(D) Each Assistant Secretary of Veterans Affairs and each Deputy Assistant Secretary of Veterans Affairs.

‘‘(E) The Director of the National Cemetery System.

‘‘(F) The General Counsel of the Department.

‘‘(G) The Chairman of the Board of Veterans’ Appeals.

‘‘(H) The Chairman of the Board of Contract Appeals of the Department.

‘‘(I) The director and the chief of staff of each medical center of the Department.

‘‘(J) The director of each Veterans Integrated Services Network.

‘‘(K) The director of each regional office of the Department.

‘‘(L) Each program director of the Central Office of the Department.

‘‘(3) Each report under this subsection—

‘‘(A) may not disclose information which identifies the individuals filing, or the individuals who are the subject of, the complaints concerned or the facilities at which

the discrimination identified in such complaints is alleged to have occurred;

‘‘(B) shall summarize such complaints by type and by equal employment opportunity field office area in which filed; and

‘‘(C) shall include copies of such complaints, with the information described in subparagraph (A) redacted.

‘‘(4) Not later than April 1 each year, the Assistant Secretary shall submit to the committees referred to in paragraph (1)(A) a report on the complaints covered by paragraph (1) during the preceding year, including the number of such complaints filed during that year and the status and resolution of the investigation of such complaints.

‘‘(f) The Secretary shall ensure that an employee of the Department who seeks counseling relating to employment discrimination may elect to receive such counseling from an employee of the Department who carries out equal employment opportunity counseling functions on a full-time basis rather than from an employee of the Department who carries out such functions on a part-time basis.

‘‘(g) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

‘‘(h) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.’’

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 515 the following new item:

‘‘516. Equal employment responsibilities.’’.

(b) **REPORTS.**—(1) The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(2) The first report under paragraph (1) shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

(3) The subsequent reports under paragraph (1) shall set forth, for each equal employment opportunity field office of the Department and for the Department as a whole, the following:

(A) Any information to supplement the information submitted in the report under paragraph (2) that the Secretary considers appropriate.

(B) The number of requests for counseling relating to employment discrimination received during the one-year period ending on the date of the report concerned.

(C) The number of employment discrimination complaints received during such period.

(D) The status of each complaint described in subparagraph (C), including whether or not the complaint was resolved and, if resolved, whether the employee concerned sought review of the resolution by the Equal Employment Opportunity Commission or by Federal court.

(E) The number of employment discrimination complaints that were settled during such period, including—

(i) the type of such complaints; and

(ii) the terms of settlement (including any settlement amount) of each such complaint.

(c) EFFECTIVE DATE.—Section 516 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act. Subsection (e) of that section shall take effect with respect to the first quarter of calendar year 1998.

SEC. 102. DISCRIMINATION COMPLAINT ADJUDICATION AUTHORITY.

(a) IN GENERAL.—(1) Chapter 3 is amended by adding at the end the following new section:

“§319. Office of Employment Discrimination Complaint Adjudication

“(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

“(2) The Director shall be a career appointee in the Senior Executive Service.

“(3) The Director reports directly to the Secretary or the Deputy Secretary concerning tribal matters within the responsibility of the Office.

“(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

“(2) No person may make any ex parte communication to the Director or to any employee of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

“(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

“(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of the General Counsel.

“(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

“(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“319. Office of Employment Discrimination Complaint Adjudication.”.

(b) REPORTS ON IMPLEMENTATION.—The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary of Veterans Affairs and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(c) EFFECTIVE DATE.—Section 319 of title 38, United States Code, as added by sub-

section (a), shall take effect 90 days after the date of enactment of this Act.

SEC. 103. ASSESSMENT AND REVIEW OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION COMPLAINT RESOLUTION SYSTEM.

(a) AGREEMENT FOR ASSESSMENT AND REVIEW.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with a qualified private entity under which agreement the entity shall carry out the assessment described in subsection (b) and the review described in subsection (c).

(2) The Secretary shall include in the agreement provisions necessary to ensure that the entity carries out its responsibilities under the agreement (including the exercise of its judgments concerning the assessment and review) in a manner free of influence from any source, including the officials and employees of the Department of Veterans Affairs.

(3) The Secretary may not enter into the agreement until 15 days after the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the entity with which the Secretary proposes to enter into the agreement.

(b) INITIAL ASSESSMENT OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall conduct an assessment of the employment discrimination complaint resolution system administered within the Department of Veterans Affairs, including the extent to which the system meets the objectives set forth in section 516(a) of title 38, United States Code, as added by section 101. The assessment shall include a comprehensive description of the system as of the time of the assessment.

(2) Under the agreement, the entity shall submit the assessment to the committees referred to in subsection (a)(3) and to the Secretary not later than June 1, 1998.

(c) REVIEW OF ADMINISTRATION OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall monitor and review the administration by the Secretary of the employment discrimination complaint resolution system administered within the Department.

(2) Under the agreement, the entity shall submit to the committees referred to in subsection (a)(3) and to the Secretary a report on the results of the review under paragraph (1) not later than June 1, 1999. The report shall include an assessment of the administration of the system, including the extent to which the system meets the objectives referred to in subsection (b)(1), and the effectiveness of the following:

(A) Programs to train and maintain a cadre of individuals who are competent to investigate claims relating to employment discrimination.

(B) Programs to train and maintain a cadre of individuals who are competent to provide counseling to individuals who submit such claims.

(C) Programs to provide education and training to Department employees regarding their rights and obligations under the equal employment opportunity laws.

(D) Programs to oversee the administration of the system.

(E) Programs to evaluate the effectiveness of the system in meeting its objectives.

(F) Other programs, procedures, or activities of the Department relating to the equal employment opportunity laws, including any alternative dispute resolution procedures and informal dispute resolution and settlement procedures.

(G) Any disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment opportunity laws in preventing or deterring viola-

tions of such laws by other employees of the Department.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

SEC. 201. NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking out “September 30, 1997” and inserting in lieu thereof “December 31, 2001”.

(b) OUTREACH.—Section 3762(i) is amended—

(1) by inserting “(1)” after “(i)”;

(2) by inserting “, in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council),” after “The Secretary shall”;

(3) by striking out “tribal organizations and”;

(4) by adding at the end the following:

“(2) Activities under the outreach program shall include the following:

“(A) Attending conferences and conventions conducted by the National Congress of American Indians in order to work with the National Congress in providing information and training to tribal organizations and Native American veterans regarding the availability of housing benefits under the pilot program and in assisting such organizations and veterans in participating in the pilot program.

“(B) Attending conferences and conventions conducted by the National American Indian Housing Council in order to work with the Housing Council in providing information and training to tribal organizations and tribal housing entities regarding the availability of such benefits.

“(C) Attending conferences and conventions conducted by the Department of Hawaiian Homelands in order to work with the Department of Hawaiian Homelands in providing information and training to tribal housing entities in Hawaii regarding the availability of such benefits.

“(D) Producing and disseminating information to tribal governments, tribal veterans service organizations, and tribal organizations regarding the availability of such benefits.

“(E) Assisting tribal organizations and Native American veterans in participating in the pilot program.

“(F) Outstationing loan guarantee specialists in tribal facilities on a part-time basis if requested by the tribal government.”.

(c) ANNUAL REPORTS.—Section 3762 is further amended by adding at the end the following new subsection:

“(j) Not later than February 1 of each year through 2002, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report relating to the implementation of the pilot program under this subchapter during the fiscal year preceding the date of the report. Each such report shall include the following:

“(1) The Secretary's exercise during such fiscal year of the authority provided under subsection (c)(1)(B) to make loans exceeding the maximum loan amount.

“(2) The appraisals performed for the Secretary during such fiscal year under the authority of subsection (d)(2), including a description of—

“(A) the manner in which such appraisals were performed;

“(B) the qualifications of the appraisers who performed such appraisals; and

“(C) the actions taken by the Secretary with respect to such appraisals to protect the interests of veterans and the United States.

“(3) The outreach activities undertaken under subsection (i) during such fiscal year, including—

“(A) a description of such activities on a region-by-region basis; and

“(B) an assessment of the effectiveness of such activities in encouraging the participation of Native American veterans in the pilot program.

“(4) The pool of Native American veterans who are eligible for participation in the pilot program, including—

“(A) a description and analysis of the pool, including income demographics;

“(B) a description and assessment of the impediments, if any, to full participation in the pilot program of the Native American veterans in the pool; and

“(C) the impact of low-cost housing programs operated by the Department of Housing and Urban Development and other Federal or State agencies on the demand for direct loans under this section.

“(5) The Secretary's recommendations, if any, for additional legislation regarding the pilot program.”.

SEC. 202. TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) CODIFICATION AND REVISION OF PROGRAMS.—Chapter 17 is amended by adding at the end the following new subchapter:

“SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

“§ 1771. General treatment

“(a) In providing care and services under section 1710 of this title to veterans suffering from serious mental illness, including veterans who are homeless, the Secretary may provide (directly or in conjunction with a governmental or other entity)—

“(1) outreach services;

“(2) care, treatment, and rehabilitative services (directly or by contract in community-based treatment facilities, including halfway houses); and

“(3) therapeutic transitional housing assistance under section 1772 of this title, in conjunction with work therapy under subsection (a) or (b) of section 1718 of this title and outpatient care.

“(b) The authority of the Secretary under subsection (a) expires on December 31, 2001.

“§ 1772. Therapeutic housing

“(a) The Secretary, in connection with the conduct of compensated work therapy programs, may operate residences and facilities as therapeutic housing.

“(b) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

“(c) A residence or other facility may be operated as transitional housing for veterans described in paragraphs (1) and (2) of section 1710(a) of this title under the following conditions:

“(1) Only veterans described in those paragraphs and a house manager may reside in the residence or facility.

“(2) Each resident, other than the house manager, shall be required to make payments that contribute to covering the expenses of board and the operational costs of the residence or facility for the period of residence in such housing.

“(3) In order to foster the therapeutic and rehabilitative objectives of such housing (A) residents shall be prohibited from using alcohol or any controlled substance or item, (B)

any resident violating that prohibition may be expelled from the residence or facility, and (C) each resident shall agree to undergo drug testing or such other measures as the Secretary shall prescribe to ensure compliance with that prohibition.

“(4) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

“(5) The residence or facility shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

“(d) The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for a house manager in addition to, or instead of payment of, a fee for the services provided by the manager.

“(e)(i) The Secretary may operate as transitional housing under this section—

“(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of this title;

“(B) any suitable space in a facility under the jurisdiction of the Secretary that is no longer being used (i) to provide acute hospital care, or (ii) as housing for medical center employees; and

“(C) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

“(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

“(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Administration; and

“(B) transfer from the General Post Fund to the Loan Guaranty Revolving Fund under chapter 37 of this title an amount (not to exceed the amount the Secretary paid for the property) representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

“(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

“(f) The Secretary shall prescribe—

“(1) a procedure for establishing reasonable payment rates for persons residing in transitional housing; and

“(2) appropriate limits on the period for which such persons may reside in transitional housing.

“(g) The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund.

“(h) Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real prop-

erty for the purpose of carrying out such program. The Secretary shall manage the operation of this section so as to ensure that expenditures under this subsection for any fiscal year shall not exceed by more than \$500,000 proceeds credited to the General Post Fund under this section. The operation of the program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

“§ 1773. Additional services at certain locations

“(a) Subject to the availability of appropriations, the Secretary shall operate a program under this section to expand and improve the provision of benefits and services by the Department to homeless veterans.

“(b) The program shall include the establishment of not fewer than eight programs (in addition to any existing programs providing similar services) at sites under the jurisdiction of the Secretary to be centers for the provision of comprehensive services to homeless veterans. The services to be provided at each site shall include a comprehensive and coordinated array of those specialized services which may be provided under existing law.

“(c) The program shall include the services of such employees of the Veterans Benefits Administration as the Secretary determines appropriate at sites under the jurisdiction of the Secretary at which services are provided to homeless veterans.

“(d) The program under this section shall terminate on December 31, 2001.

“§ 1774. Coordination with other agencies and organizations

“(a) In assisting homeless veterans, the Secretary shall coordinate with, and may provide services authorized under this title in conjunction with, State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations.

“(b)(1) The Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the medical center or regional office, as the case may be.

“(2) Each such assessment shall be made in coordination with representatives of State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations that have experience working with homeless persons in that area.

“(3) Each such assessment shall identify the needs of homeless veterans with respect to the following:

“(A) Health care.

“(B) Education and training.

“(C) Employment.

“(D) Shelter.

“(E) Counseling.

“(F) Outreach services.

“(4) Each assessment shall also indicate the extent to which the needs referred to in paragraph (3) are being met adequately by the programs of the Department, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

“(5) Each assessment shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

“(c) In furtherance of subsection (a), the Secretary shall require the director of each medical center and the director of each regional benefits office, in coordination with representatives of State and local governments, other Federal officials, and nongovernmental organizations that have experience working with homeless persons in the areas served by such facility or office, to—

“(1) develop a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area concerned, together with a description of the services offered by those programs;

“(2) seek to encourage the development by the representatives of such entities, in coordination with the director, of a plan to coordinate among such public and private programs the provision of services to homeless veterans;

“(3) take appropriate action to meet, to the maximum extent practicable through existing programs and available resources, the needs of homeless veterans that are identified in the assessment conducted under subsection (b); and

“(4) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (3) of the services available to such veterans within the area served by such center or office.”

(b) CONFORMING AMENDMENTS.—(1) Section 1720A is amended—

(A) by striking out subsections (a), (e), (f), and (g); and

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(2) The heading of such section is amended to read as follows:

“§ 1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency”.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 7 of Public Law 102-54 (38 U.S.C. 1718 note).

(2) Section 107 of the Veterans' Medical Programs Amendments of 1992 (38 U.S.C. 527 note).

(3) Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note).

(4) Section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note).

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 17 is amended—

(1) by striking out the item relating to section 1720A and inserting in lieu thereof the following:

“1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency.”; and

(2) by adding at the end the following:

“SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

“1771. General treatment.

“1772. Therapeutic housing.

“1773. Additional services at certain locations.

“1774. Coordination with other agencies and organizations.”.

SEC. 203. EXTENSION OF CERTAIN AUTHORITIES RELATING TO HOMELESS VETERANS.

(a) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 1999”.

(b) EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM.—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out “September 30, 1997” and inserting in lieu thereof “September 30, 1999”.

(c) HOMELESS VETERANS' REINTEGRATION PROJECTS.—The Stewart B. McKinney Homeless Assistance Act is amended as follows:

(1) Section 738(e)(1) (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following new subparagraph:

“(G) \$10,000,000 for fiscal year 1999.”.

(2) Section 741 (42 U.S.C. 11450) is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 1999”.

SEC. 204. ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 1001 of the Veterans' Benefits Improvements Act of 1994 (38 U.S.C. 7721 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out “and” at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “; and”; and

(C) by adding at the end the following new subparagraphs:

“(D) evaluate the effectiveness of the programs of the Department (including residential work-therapy programs, programs combining outreach, community-based residential treatment, and case-management, and contract care programs for alcohol and drug-dependence or abuse disabilities) in providing assistance to homeless veterans; and

“(E) evaluate the effectiveness of programs established by recipients of grants under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note), and describe the experience of such recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans.”; and

(2) by striking out subsection (b).

SEC. 205. EXPANSION OF AUTHORITY FOR ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) FOUR-YEAR EXTENSION OF AUTHORITY.—Section 8169 is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 2001”.

(b) REPEAL OF LIMITATION ON NUMBER OF AGREEMENTS.—(1) Section 8168 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to section 8168.

SEC. 206. PERMANENT AUTHORITY TO FURNISH NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) PERMANENT AUTHORITY.—Subsection (a) of section 1720C is amended by striking out “During” and all that follows through “furnishing of” and inserting in lieu thereof “The Secretary may furnish”.

(b) CONFORMING AMENDMENTS.—(1) Subsections (b)(1) and (d) of such section are amended by striking out “pilot”.

(2) The heading for such section is amended to read as follows:

“§ 1720C. Noninstitutional alternatives to nursing home care”.

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

“1720C. Noninstitutional alternatives to nursing home care.”.

SEC. 207. EXTENSION OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) EXTENSION.—Section 7618 is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 1998”.

(b) SUBMISSION OF OVERDUE REPORT.—The Secretary of Veterans Affairs shall submit to Congress not later than 180 days after the date of the enactment of this Act the report evaluating the operation of the health professional scholarship program required to be submitted not later than March 31, 1997, under section 202(b) of Public Law 104-110 (110 Stat. 770).

SEC. 208. POLICY ON BREAST CANCER MAMMOGRAPHY.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

“§ 7322. Breast cancer mammography policy

“(a) The Under Secretary for Health shall develop a national policy for the Veterans Health Administration on mammography screening for veterans.

“(b) The policy developed under subsection (a) shall—

“(1) specify standards of mammography screening;

“(2) provide recommendations with respect to screening, and the frequency of screening, for—

“(A) women veterans who are over the age of 39; and

“(B) veterans, without regard to age, who have clinical symptoms, risk factors, or family history of breast cancer; and

“(3) provide for clinician discretion.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7321 the following new item:

“7322. Breast cancer mammography policy.”.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall develop the national policy on mammography screening required by section 7322 of title 38, United States Code, as added by subsection (a), and shall furnish such policy in a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 60 days after the date of the enactment of this Act. Such policy shall not take effect before the expiration of 30 days after the date of its submission to those committees.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the policy developed under section 7322 of title 38, United States Code, as added by subsection (a), shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

SEC. 209. PERSIAN GULF WAR VETERANS.

(a) CRITERIA FOR PRIORITY HEALTH CARE.—(1) Subsection (a)(2)(F) of section 1710 is amended by striking out “environmental hazard” and inserting in lieu thereof “other conditions”.

(2) Subsection (e)(1)(C) of such section is amended—

(A) by striking out “the Secretary finds may have been exposed while serving” and inserting in lieu thereof “served”;

(B) by striking out “to a toxic substance or environmental hazard”; and

(C) by striking out “exposure” and inserting in lieu thereof “service”.

(3) Subsection (e)(2)(B) of such section is amended by striking out “an exposure” and inserting in lieu thereof “the service”.

(b) DEMONSTRATION PROJECTS FOR TREATMENT OF PERSIAN GULF ILLNESS.—(1) The Secretary of Veterans Affairs shall carry out a program of demonstration projects to test new approaches to treating, and improving the satisfaction with such treatment of, Persian Gulf veterans who suffer from undiagnosed and ill-defined disabilities. The program shall be established not later than July 1, 1998, and shall be carried out at up to 10 geographically dispersed medical centers of the Department of Veterans Affairs.

(2) At least one of each of the following models shall be used at no less than two of the demonstration projects:

(A) A specialized clinic which serves Persian Gulf veterans.

(B) Multidisciplinary treatment aimed at managing symptoms.

(C) Use of case managers.

(3) A demonstration project under this subsection may be undertaken in conjunction with another funding entity, including agreements under section 8111 of title 38, United States Code.

(4) The Secretary shall make available from appropriated funds (which have been retained for contingent funding) \$5,000,000 to carry out the demonstration projects.

(5) The Secretary may not approve a medical center as a location for a demonstration project under this subsection unless a peer review panel has determined that the proposal submitted by that medical center is among those proposals that have met the highest competitive standards of clinical merit and the Secretary has determined that the facility has the ability to—

(A) attract the participation of clinicians of outstanding caliber and innovation to the project; and

(B) effectively evaluate the activities of the project.

(6) In determining which medical centers to select as locations for demonstration projects under this subsection, the Secretary shall give special priority to medical centers that have demonstrated a capability to compete successfully for extramural funding support for research into the effectiveness and cost-effectiveness of the care provided under the demonstration project.

SEC. 210. PRESIDENTIAL REPORT ON PREPARATIONS FOR A NATIONAL RESPONSE TO MEDICAL EMERGENCIES ARISING FROM THE TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—(1) Not later than March 1, 1998, the President shall submit to Congress a report on the plans, preparations, and capability of the Federal Government and State and local governments for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction. The report shall be submitted in unclassified form, but may include a classified annex.

(2) The report should be prepared in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Director of the Federal Emergency Management Agency, and the head of any other department or agency of the Federal Government that may be involved in responding to such emergencies. The President shall designate a lead agency for purposes of the preparation of the report.

(b) CONTENTS.—The report shall include the following:

(1) A description of the steps taken by the Federal Government to plan and prepare for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

(2) A description of the laws and agreements governing the responsibilities of the various departments and agencies of the Federal Government, and of State and local governments, for the response to such emergencies, and an assessment of the interrelationship of such responsibilities under such laws and agreements.

(3) Recommendations, if any, for the simplification or improvement of such responsibilities.

(4) An assessment of the current level of preparedness for such response of all departments and agencies of the Federal Government and State and local governments that are responsible for such response.

(5) A current inventory of the existing medical assets from all sources which can be made available for such response.

(6) Recommendations, if any, for the improved or enhanced use of the resources of the Federal Government and State and local governments for such response.

(7) The name of the official or office of the Federal Government designated to coordinate the response of the Federal Government to such emergencies.

(8) A description of the lines of authority between the departments and agencies of the

Federal Government to be involved in the response of the Federal Government to such emergencies.

(9) A description of the roles of each department and agency of the Federal Government to be involved in the preparations for, and implementation of, the response of the Federal Government to such emergencies.

(10) The estimated costs of each department and agency of the Federal Government to prepare for and carry out its role as described under paragraph (9).

(11) A description of the steps, if any, being taken to create a funding mechanism for the response of the Federal Government to such emergencies.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs medical center in Memphis, Tennessee, in an amount not to exceed \$34,600,000.

(2) Seismic corrections and clinical and other improvements to the McClellan Hospital at Mather Field, Sacramento, California, in an amount not to exceed \$48,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

(3) Outpatient improvements at Mare Island, Vallejo, California, and Martinez, California, in a total amount not to exceed \$7,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

SEC. 302. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an information management field office, Birmingham, Alabama, in an amount not to exceed \$595,000.

(2) Lease of a satellite outpatient clinic, Jacksonville, Florida, in an amount not to exceed \$3,095,000.

(3) Lease of a satellite outpatient clinic, Boston, Massachusetts, in an amount not to exceed \$5,215,000.

(4) Lease of a satellite outpatient clinic, Canton, Ohio, in an amount not to exceed \$2,115,000.

(5) Lease of a satellite outpatient clinic, Portland, Oregon, in an amount not to exceed \$1,919,000.

(6) Lease of a satellite outpatient clinic, Tulsa, Oklahoma, in an amount not to exceed \$2,112,000.

(7) Lease of an information resources management field office, Salt Lake City, in an amount not to exceed \$652,000.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1998—

(1) for the Construction, Major Projects, account, \$34,600,000 for the project authorized in section 301(1); and

(2) for the Medical Care account, \$15,703,000 for the leases authorized in section 302.

(b) LIMITATION.—The projects authorized in section 301 may only be carried out using—

(1) funds appropriated for fiscal year 1998 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1998 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1998 for a category of activity not specific to a project.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS.

(a) PLOT ALLOWANCE FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(2)(A) is amended by striking out “a Department facility (as defined in section 1701(4) of this title)” and inserting in lieu thereof “a facility of the Department (as defined in section 1701(3) of this title)”.

(b) EDUCATIONAL ASSISTANCE ALLOWANCE FOR CERTAIN INDIVIDUALS PURSUING COOPERATIVE PROGRAMS.—Section 3015(e)(1) is amended—

(1) by striking out “(1) Subject to paragraph (2)” and inserting in lieu thereof “(1)(A) Except as provided in subparagraph (B) of this paragraph and subject to paragraph (2)”;

(2) by adding at the end the following: “(B) Notwithstanding subparagraph (A) of this paragraph, in the case of an individual described in that subparagraph who is pursuing a cooperative program on or after October 9, 1996, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual for pursuit of full-time institutional training under chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.”

(c) ELIGIBILITY OF CERTAIN VEAP PARTICIPANTS TO ENROLL IN MONTGOMERY GI BILL.—Section 3018C(a) is amended—

(1) in paragraph (1), by striking out “the date of the enactment of the Veterans' Benefits Improvements Act of 1996” and inserting in lieu thereof “October 9, 1996”;

(2) in paragraph (4), by striking out “during the one-year period specified” and inserting in lieu thereof “after the date on which the individual makes the election described”;

(3) in paragraph (5), by striking out “the date of the enactment of the Veterans' Benefits Improvements Act of 1996” and inserting in lieu thereof “October 9, 1996”.

(d) ENROLLMENT IN OPEN CIRCUIT TELEVISION COURSES.—Section 3680A(a)(4) is amended by inserting “(including open circuit television)” after “independent study program” the second place it appears.

(e) ENROLLMENT IN CERTAIN COURSES.—Section 3680A(g) is amended by striking out “subsections (e) and (f)” and inserting in lieu thereof “subsections (e) and (f)(1)”.

(f) CERTAIN BENEFITS FOR SURVIVING SPOUSES.—Section 5310(b)(2) is amended by striking out “under this paragraph” in the first sentence and inserting in lieu thereof “under paragraph (1)”.

SEC. 402. CLARIFICATION OF CERTAIN HEALTH CARE AUTHORITIES.

(a) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.—Section 1710(a)(2)(B) is amended by striking out “compensable”.

(b) HOME HEALTH SERVICES.—Section 1717(a) is amended—

(1) in paragraph (1), by striking out “veteran's disability” and inserting in lieu thereof “veteran”;

(2) in paragraph (2)(B), by striking out “section 1710(a)(2)” and inserting in lieu thereof “section 1710(a)”.

(c) AUTHORITY TO TRANSFER VETERANS RECEIVING OUTPATIENT CARE TO NON-DEPARTMENT NURSING HOMES.—Section 1720(a)(1)(A)(i) is amended by striking out “hospital care, nursing home care, or domiciliary care” and inserting in lieu thereof “care”.

(d) ACQUISITION OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(A) is amended by inserting “(including any Executive order, circular, or other administrative policy)” after “law or regulation”.

(e) COMPETITION IN PROCUREMENT OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(B)(ii) is amended in the second sentence by inserting “, as appropriate,” after “all responsible sources”.

SEC. 403. CORRECTION OF NAME OF MEDICAL CENTER.

The facility of the Department of Veterans Affairs in Columbia, South Carolina, known as the Wm. Jennings Bryan Dorn Veterans' Hospital shall hereafter be known and designated as the “Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center”. Any reference to that facility in any law, regulation, document, map, record, or other paper of the United States shall be deemed to be a reference to the Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center.

SEC. 404. IMPROVEMENT TO SPINA BIFIDA BENEFITS FOR CHILDREN OF VIETNAM VETERANS.

(a) DEFINITIONS.—The text of section 1801 is amended to read as follows:

“For the purposes of this chapter—

“(1) The term ‘child’, with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

“(2) The term ‘Vietnam veteran’ means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the characterization of the individual’s service.”.

(b) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—(1) Section 1806 is amended to read as follows:

“§1806. Applicability of certain administrative provisions

“The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans’ disability compensation.”.

(2) The item relating to section 1806 in the table of sections at the beginning of chapter 18 is amended to read as follows:

“1806. Applicability of certain administrative provisions.”.

(c) AMENDMENTS TO VOCATIONAL REHABILITATION PROVISIONS.—Section 1804 is amended—

(1) in subsection (b), by striking out “shall be designed” and all that follows and inserting in lieu thereof the following: “shall—

“(1) be designed in consultation with the child in order to meet the child’s individual needs;

“(2) be set forth in an individualized written plan of vocational rehabilitation; and

“(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.”;

(2) in subsection (c)(1)(B), by striking out “institution of higher education” and inserting in lieu thereof “institution of higher learning”; and

(3) by adding at the end of subsection (d) the following new paragraph:

“(3) A vocational training program under this section may begin on the child’s 18th birthday, or on the successful completion of the child’s secondary schooling, whichever first occurs, except that, if the child is above

the age of compulsory school attendance under applicable State law and the Secretary determines that the child’s best interests will be served thereby, the vocational training program may begin before the child’s 18th birthday.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 714, the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the House amendments to S. 714 represent a compromise between the House and Senate veterans’ affairs committees on several measures considered by both sides this year. It requires the VA to develop new treatment programs for Persian Gulf war veterans, and clarifies that any Persian war veteran with an illness that could be due to service in the gulf is eligible for VA care.

The bill extends and streamlines laws under which the VA provides cares to homeless veterans and veterans who suffer from chronic mental illness. The bill authorizes funds for major medical facility projects, including funds to carry out seismic corrections projects at two VA medical centers.

The bill also creates a new process for resolving complaints of sexual harassment and employment discrimination at the VA. This process will be independent and free from undue influence from VA managers.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 714, as amended. Madam Speaker, this agreement includes provisions to clarify, extend, and enhance measures to address homelessness among this Nation’s veterans. The provisions before us today will allow the VA to continue to offer a range of programs to homeless veterans. Together these programs comprise a comprehensive increase that meets veterans’ needs for health care, substance abuse treatment, vocational rehab work, and shelter. In addition, this measure extends the homeless veterans reintegration project administered by the Department of Labor and authorizes \$10 million for this important program for fiscal year 1999.

This measure also permanently authorizes the VA to provide noninstitu-

tional long-term care programs. Many veterans want to live at home as long as possible. Good noninstitutional programs can make this a reality. Under this authority the VA can provide cost-effective programs like home care, home aides, and adult day care to more veterans.

An important change in the eligibility of VA health care for the Persian Gulf veterans is included in this measure. Eligibility will now be based on a veteran’s service, rather than actual exposure to a specific agent or environmental hazard.

Authority is also provided for the VA to create 10 model Persian Gulf veterans’ treatment programs. Seven years has been too long to wait to meet the health care needs of our Persian Gulf veterans. I encourage the VA to develop centers of excellence and innovation for treatment of Persian Gulf symptoms related to their exposure.

The measure also requires the VA to establish a strong and comprehensive policy for mammography screening. The policy will specifically address women veterans over the age of 39 and any other veterans with clinical symptoms or risk factors that will allow physicians and patients to decide how long screening is necessary.

Two clarifying amendments are also included that should be mentioned. The first would clarify that children of Vietnam veterans who are born with spina bifida are eligible for the programs provided by the VA for such children, regardless of the character of the discharge of the child’s Vietnam veteran parent. Additionally, the VA is to develop a child’s vocational training program prior to the child’s eligibility to begin participation in that program.

This measure also extends for 4 years the authority provided in the Native American Veterans Housing Loan Pilot Program. This important program provides direct loans to Native American veterans who reside on trust lands to build or purchase homes on those lands.

I am pleased that the Department of Veterans Affairs Employment Discrimination Prevention Act of 1997 is included in this bill. This is timely, and important legislation to reform the equal employment opportunity process at the VA is long overdue. By removing the EEO process from the facility where the discrimination allegedly occurred, this bill limits the ability of heavy-handed facility directors to unfairly influence the process in a discrimination complaint by requiring that such complaints be handled mostly by full-time, well-trained investigators at the regional EEO field office level. This bill brings greater independence and professionalism to the process.

By removing the final decision-making process from the VA’s Office of General Counsel, this bill eliminates the obvious conflict of interest that exists today, when the General Counsel’s Office is expected to be an advocate for

the Department on one hand, and to decide the merits of a complaint against the Department on another hand.

Madam Speaker, I do want to thank the gentleman from Arizona, the chairman of the committee, for his continuing efforts on behalf of our Nation's veterans. This is the end of our first year of working together with the gentleman from Arizona [Chairman STUMP], and we have had a great experience dealing with him, and but also with his subcommittee chairs, CLIFF STEARNS, JACK QUINN and TERRY EVERETT. I thank them for work on behalf of our Nation's veterans.

I want to thank my equivalent subcommittee ranking members, the gentleman from Illinois, [LUIS GUTIERREZ], the gentleman from California, [BOB FILNER], and the gentleman from South Carolina, [JAMES CLYBURN], for their excellent commitment to our veterans.

Madam Speaker, I rise in support of S. 714, as amended. As amended, S. 714 contains provisions of major importance to our Nation's veterans. It deserves the support of every Member of the House.

A number of the provisions in the measure now before us have already been approved by the House in legislation reported earlier this year by the Committee on Veterans' Affairs. I will not review every provision in this legislation, but will highlight several of the provisions of particular importance.

The Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act of 1997 is long overdue. The VA's efforts to eradicate harassment in the workplace have met with little, if any, success since I chaired the first oversight hearings on this issue back in 1992. In the 103d Congress, I cosponsored a bill much like the legislation we are considering today which overwhelmingly passed the House, but received no action in the Senate. At that time, the VA believed a proposed Governmentwide reform of the Federal EEO process was in the works, and there was no need to pass legislation to address what most would agree was a very serious problem at the Department.

Nearly 5 years later, the long-promised Governmentwide reform has never come, and the VA's "zero tolerance" policy on sexual harassment has proven ineffective if not abysmal. That's why passage by both bodies of Congress of this timely and important legislation to reform the equal employment opportunity process at the VA is critically important.

By removing the EEO complaint process from the facility where the discrimination allegedly occurred, this bill limits the ability of heavy-handed facility directors to unfairly influence the processing of discrimination complaints; by requiring that such complaints be handled by mostly full-time, well-trained investigators at regional EEO field offices, this bill brings greater independence and professionalism to the process. And by removing the final agency decision-making authority from the VA's Office of General Counsel, this bill eliminates the obvious conflict-of-interest that exists today when the general counsel's office is expected to be an advocate for the Department on the one hand, and to decide the merits of a complaint against the Department on the other.

I want to applaud Chairman EVERETT for his willingness to work with JIM CLYBURN and me to put together a bill that will greatly improve the processing of discrimination complaints at the VA. I also want to thank Senators ARLEN SPECTER, BOB GRAHAM, JAY ROCKEFELLER, LAUCH FAIRCLOTH, and TIM HUTCHINSON for working with us in the House to put together a bill we can all be proud of. I also want to commend the Department of Veterans Affairs for their willingness to work with the committees on language to a bill that I know the VA doesn't love, but that most people—even within the VA—would agree they need.

By enacting this legislation, Congress will help put VA back on the path toward restoring employee trust in the EEO process and eradicating discrimination in the workplace. Our veterans and VA employees deserve no less.

A number of the provisions in the House amendment to S. 714 are derived from H.R. 2206, a bill the House already approved. These provisions include measures to clarify, extend, and enhance measures to address homelessness. On any given night in America one-third of those living on the streets are veterans—many of them are my peers from the Vietnam era. I find this hard to live with—both as a veteran and as an American citizen—and I believe the provisions included in the House amendment provide a greater opportunity to respond to this problem. These provisions will allow VA to continue to offer a range of programs to homeless veterans. Together these programs comprise a comprehensive network that meets veterans' needs for health care, substance abuse treatment, vocational rehabilitation, work, and shelter.

Additionally, the House amendment permanently authorizes VA to provide noninstitutional long-term care programs. Many veterans want to live at home as long as possible—good noninstitutional programs can make this a reality. I encourage VA to take full advantage of this permanent authority to provide cost-effective programs like home care, home aides, and adult day health care to more veterans.

The measure before the House also includes an important change in the eligibility for VA health care for Persian Gulf war veterans. The language makes eligibility for such services contingent upon veterans' service rather than their actual exposure to a specific agent or environmental hazard. The change is significant as it offers veterans, whose illnesses remain undiagnosed, the benefit of the doubt. Until science enables VA to link specific agents with their health consequences, suffering veterans will have the ability to access VA services to treat their special health care needs.

It also offers a provision to create 10 model Persian Gulf veterans' treatment programs in VA. Seven years has been too long to wait to meet the health care needs of these men and women. I am hopeful using this grant approach for funding will allow VA to develop some real centers of excellence and innovation for treatment of veterans' symptoms related to their gulf war deployment.

This measure will also extend authority for VA's Health Professional Scholarship Program for another year, but it will require VA to submit a report on the program's effectiveness in the first 6 months after enactment.

The measure requires VA to establish a strong and comprehensive policy for mammo-

gram screening. The policy will specifically address women veterans over the age of 39 and other veterans with clinical symptoms or risk factors, but will allow physicians and patients to decide how often screening is necessary.

Madam Speaker, I am very pleased that the compromise measure we are now considering includes provision which extends the homeless veterans reintegration project [HVRP] administered by the Department of Labor and authorizes \$10 million for the program. There is virtually no disagreement that one-third of the homeless men in this country are veterans—and that approximately 60 percent of those individuals are veterans of the Vietnam era. This means, Mr. Chairman, that every night, in this great country of ours, more than 280,000 veterans are sleeping on America's streets or in homeless shelters.

Since 1987, HVRP, a modest, cost-effective program designed to help homeless veterans reenter and succeed in the job market, has proven its worth. More than 41,000 homeless veterans have received help and support from the community-based organizations funded under HVRP, and many were placed in jobs at a cost of less than \$1,500 per veteran. Few Government programs can claim to have achieved so much with so little.

Earlier this year, the Veterans' Affairs Committee voted unanimously to fund HVRP. Republicans and Democrats alike came together to show their support for the men and women who have served honorably in our Nation's Armed Forces. Additionally, I was very pleased when the House unanimously approved an amendment I offered for myself and my distinguished colleague from California, Mr. FILNER, to the Labor, Health and Human Services Appropriation to increase HVRP funding, and I look forward to working with my colleagues on the Labor Appropriations Committee next year to ensure that HVRP is fully funded in fiscal year 1999.

Included in the House amendment to S. 714 are two clarifying amendments which deserve mention. First, the compromise would clarify that children of Vietnam veterans who are born with spina bifida are eligible for the programs provided by the VA for such children regardless of the character of discharge of the child's Vietnam veteran parent. Additionally, the agreement would clarify that VA assessment, evaluation, counseling, and the development of a child's vocational training program must begin at a time which will enable the child to begin participation in that program upon successful completion of secondary schooling or on the child's 18th birthday. These provisions are important to fair and effective implementation of the new spina bifida legislation, and I am pleased they are a part of this compromise measure.

Established under section 8 of Public Law 102-547, the Native American Veteran Housing Loan Pilot Program, administered by the Department of Veterans Affairs [VA], provides direct home loans to native American veterans who reside on trust lands to build or purchase homes on those lands. Previously, native American veterans who resided on trust lands were unable to qualify for VA home loan benefits. The authority for this program expired on September 30, 1997, and I strongly support the 4-year extension of the program included in the compromise agreement.

Under the pilot program, VA can make a loan to a native American veteran for a home

on trust lands only if VA had entered into a memorandum of understanding [MOU] with the Tribal entity that had jurisdiction over the trust land. Since the establishment of the program in 1992, VA has entered into 47 such MOU's and 164 loans have been made to native American veterans for the purchase, construction, or improvement of dwellings on trust land. Negotiations continue with hundreds of other tribes to establish memorandums of understanding and more than 90 individual loan applications are pending.

Although the numbers of native Americans who have taken advantage of the loan opportunities available under this program are smaller than expected, new outreach and reporting requirements included in the compromise agreement should result in an increased understanding of the program among Native Americans and thus increased participation.

The legislation we bring to the floor today also includes provisions from H.R. 2571, VA medical care major construction and lease authorizations for fiscal year 1998, another bill the House passed in October. This bill accommodates the administration's construction spending priorities as well as those projects for which appropriations have already been made.

The major construction projects require modest funding, but are critical to providing access to veterans in areas where their needs cannot be met or in maintaining patient safety in existing facilities which are deficient in conforming to seismic code. I am also pleased with the emphasis this bill places on outpatient projects and development of information resources management centers.

Leasing, rather than building, to meet VA's needs is also a move in the right direction. VA has sometimes been criticized for using "bricks and mortar" to meet its space requirements while facilities in the community stand vacant. The leases this bill authorizes are a more flexible means by which VA can provide the capacity it needs today, but may not need tomorrow.

Enhanced-use leases are a relatively new venture for VA, but they have proven to be a cost-effective means of providing programs to VA beneficiaries VA could not otherwise afford. The measure we offer today repeals limitations on the number of projects VA can enter in any given year or under current authority.

Enhanced-use leases allow VA to offer leases land or space to operate programs that ensure discounted benefits for VA, its beneficiaries or its employees over the terms of the lease. Space has been offered for a diverse range of services including child-care that benefits VA employees, co-generation projects, research facilities, and patient services.

I urge my colleagues from both sides of the aisle to join me in support of the provisions to improve health care and benefits for America's veterans that we bring to the floor today. As we approach Veterans Day 1997, this legislation will serve as a part of the appropriate recognition we pay to the men and women who have served our Nation in uniform. This legislation will honor their service and sacrifice and be a tangible expression of our continuing commitment to care for those who have borne the battle, and their survivors and dependents.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT], the chairman of the subcommittee.

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Madam Speaker, I rise in strong support of S. 714, as amended, the Veterans Benefits Act of 1997.

Madam Speaker, I particularly want to address title I of the bill, which is derived from H.R. 1703, the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act.

I introduced H.R. 1703 on May 22, 1997, and the House passed it on October 6, 1997. Title I represents a compromise agreement with the Senate on H.R. 1703 and S. 801, the Senate companion bill. I certainly recommend the results to my colleagues. The Senate drew much of the bill from the text of H.R. 1703, and the compromise is entirely consistent with the intent of the House bill.

Legislation to address the VA sexual harassment discrimination problems has been a very long time coming, since 1993, as a matter of fact. I am pleased with title I. I particularly want to thank Chairman STUMP for making it a priority for the Committee on Veterans' Affairs. I also want to thank the gentleman from Illinois [Mr. EVANS] from the committee, the gentleman from South Carolina [Mr. CLYBURN], ranking Democrat on the Subcommittee on Oversight and Investigations, for their original cosponsorship of H.R. 1703 and the leading roles they have played in the development of this important legislation. Also, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Indiana [Mr. BUYER] were original cosponsors of H.R. 1703 and have been active in these provisions every step of the way.

Of course, without our Senate colleagues we would have no bill today. I want to commend Chairman SPECTER of the Senate Committee on Veterans' Affairs and Senator ROCKEFELLER, the ranking Democrat, for their hard work and cooperation on making this legislation possible today.

Madam Speaker, title I is for the loyal, dedicated employees of the VA who care for and serve our veterans. Some of them do not have the workplace environment of fairness and respect they deserve. I am optimistic these provisions, along with changes already occurring at the VA, will result in greatly improved employment confidence in the VA's ability to address sexual harassment and other discrimination problems.

This is good and much-needed legislation. I urge my colleagues to act favorably on S. 714, as amended.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. FILNER], a member of the committee.

Mr. FILNER. Madam Speaker, I rise in strong support of the Veterans Bene-

fits Act of 1997, S. 714, as amended. Veterans' programs and benefits will be enhanced as a result of enactment of this legislation.

I am particularly pleased that this legislation includes provisions which clarify eligibility for and implementation of the new program that provides benefits for the children of Vietnam veterans who are born with spina bifida. This very important program is in the early days of implementation, and we must ensure that the Veterans Administration is administering the benefits provided in this program in accordance with the intent of Congress.

Madam Speaker, I also want to point out the extension of the Native American Veteran Housing Loan Pilot Program included in section 201 of this bill. Under this program, native Americans who live on trust lands can receive direct loans to build, purchase, or renovate a home.

Prior to the enactment of this program as a pilot 5 years ago, these native American veterans were not eligible for VA home loan assistance. Although this direct loan program has been generally successful, we have been somewhat disappointed in the number of native Americans who have taken advantage of the loans available under this program.

I believe that the outreach and reporting requirements included in S. 714 will significantly increase participation and enable the VA to more effectively administer this program.

Also included in this bill is a requirement that the VA develop a national policy on mammography screening for women veterans. All of us know that the incidence of breast cancer among American women has reached near epidemic levels. Our women veterans are no less at risk than our female civilians.

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We also know that critical to the management of this disease is early detection, and mammography is an important weapon in the fight against breast cancer. I want women veterans who have served in the Armed Forces on our behalf to have the same high level of access to mammography screening that I would want for members of my own family. Section 208 of this bill will ensure that access.

Madam Speaker, S. 714 is an excellent bill, and it is fitting that this legislation be approved just before Veterans Day. I urge my colleagues to demonstrate their support for America's veterans by voting for S. 714.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. QUINN], the chairman of the Subcommittee on Veterans Benefits.

Mr. QUINN. Mr. Speaker, I join my good friend, the gentleman from California [Mr. FILNER], in making note that Veterans Day, of course, is only a few days away, and it is appropriate that we come here together today to make improvements to several veterans' benefits programs.

I would like to take my time this afternoon, Mr. Speaker, to address the sections of S. 714 that fall within the jurisdiction of our Subcommittee on Veterans Benefits. I first would like to acknowledge the subcommittee ranking member, the gentleman from California [Mr. FILNER], and the bipartisan spirit in which he helped craft this bill. Without the strong cooperation of both sides of the aisle, I do not think we would be able to present these improvements to our veterans' benefits.

Section 201 of S. 714 continues VA's authority to provide direct loans to Native Americans through the year 2001. This program offers the opportunity to Native American veterans living on tribal trust land to purchase a home that they might not otherwise be able to acquire. The program requires the VA to conclude a memorandum of understanding with tribal governments that, among other things, gives the VA access to the property in case of foreclosure, thus protecting the interests of the taxpayer.

The bill would add specific outreach requirements such as participation in Native American conferences and outstationing loan guaranty specialists in tribal facilities only on a part-time basis. The bill also adds new reporting requirements so that Congress may gain a better understanding of the outcomes of the program.

Section 203 makes changes to several homeless programs, including an extension of the VA's authority through December 31, 1999, to sell, lease, or donate foreclosed VA property to nonprofit organizations or State and local governments for the purpose of providing housing for our homeless veterans.

It also extends the Department of Labor's authority to operate the Homeless Veterans Reintegration Project through 1999 and continues to authorize \$10 million per year for the same program. This program is a grant program administered by the Veterans Employment and Training Service and is designed to work with community-based organizations who focus on providing employment services to unemployed, homeless veterans.

Since its inception in 1988, through and up till 1995, the program has served almost 42,000 homeless veterans, placing nearly 19,000 in jobs. This is an accomplishment for a program that has traditionally been funded only at about \$2 or \$3 million per year.

Also, section 401 makes several technical and clarifying amendments to burial and educational benefits.

Finally, Mr. Speaker, section 404 of the bill also makes clarifying changes to the spina bifida legislation that was passed during the late hours of our 104th Congress. This new section further defines eligibility by establishing January 9, 1962, as the earliest date on which a veteran's service in Vietnam would qualify a child for these benefits. That date conforms to the date on which United States forces began using defoliants in Vietnam.

The bill also further specifies the age at which the Secretary may provide vo-

catational training as graduation from high school or the child's 18th birthday, whichever occurs first. It also requires that a vocational plan must be developed in time for the child to begin training when authorized.

Mr. Speaker, these provisions add to what is already the most complete program for veterans' benefits in the world. It is the right thing to do. I urge all our colleagues to support S. 714, as amended.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. CLYBURN], a member of the committee.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Illinois [Mr. EVANS], the ranking subcommittee member, for yielding me the time.

Mr. Speaker, I rise today in strong support of the Department of Veterans Affairs Employment Discrimination Prevention Act. This legislation is contained in S. 714, the compromise agreement which is before us today.

This year's Subcommittee on Veterans Oversight hearings have demonstrated the extremely sensitive and serious problem of sexual harassment within the Department of Veterans Affairs. The legislation we are considering today meets these glaring problems head-on.

The gentleman from Illinois [Mr. EVANS] and I were original cosponsors of similar legislation back in 1993. At that time, we were told that changes were in the works regarding the EEO process at VA and throughout the Federal Government and that there was no need for this legislation. This expected Government-wide solution never happened. The Senate never acted on the bill we passed in 1993. And here we are today, almost 5 years later, dealing with the sexual harassment problems that continue to fester at the VA.

It is a tribute to the leadership of the Subcommittee on Oversight chairman, the gentleman from Alabama [Mr. EVERETT], and I thank him for recognizing the continuing need for legislation to improve the EEO process at the VA. Without his commitment to this issue, it is likely that we would not be on the floor today considering final passage of this significant EEO reform legislation.

It is also a tribute to the VA that it has finally recognized its EEO process is seriously flawed and that it has independently proposed administrative changes that draw in large part from the bill we introduced earlier this year.

The VA's proposal did not go far enough, however, and that is why we need to approve this legislation today. By voting in favor of this bill, we in Congress will be doing our part to bring professionalism and independence to the EEO process at the VA and to help restore the faith and trust in the process that has been so lacking over the past few years.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. COOKSEY], a former flight surgeon and member of the committee.

Mr. COOKSEY. Mr. Speaker, I rise in support of the House amendments to S.

714 and to comment specifically on one provision of this legislation.

Our colleagues in the other body pressed for the inclusion of language which would have established in law specific medical practice criteria for VA clinicians. As a physician and as a legislator, I strongly believe that, as a matter of public policy, we should not attempt to legislate how medicine is practiced. While this bill expresses a sense of the Congress regarding a VA policy, that expression does not bind the VA.

I commend the chairman for following that wise course in this measure, and I urge my colleagues to support it.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of the bill to extend the Native American Veterans Housing Loan Program and for other purposes.

In July I introduced H.R. 2317, the House companion bill to S. 714. I am pleased that we are able to take up the Senate's version today. I would like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] and the staff of the Committee on Veterans' Affairs for working hard to strike the compromise which made it possible to take up this bill on the floor today. I would especially like to thank Debra Wada of Senator AKAKA's staff and Jill Cochran of the Committee on Veterans' Affairs for their hard work on improving benefits for native American veterans.

In 1992, the Native American Veterans' Home Loan Equity Act was enacted to establish and implement a pilot program to make direct housing loans to aid native American, Indian, Alaska or Hawaii Native or Pacific islander, veterans in purchasing, constructing, or improving dwellings on trust lands.

The Department of Veterans Affairs has successfully entered into agreements to provide direct loans to members of 46 Indian tribes and Pacific island groups. The VA is in negotiation with hundreds of other tribes to establish memorandums of understanding which would make this program available to those tribes. It is important that we extend this program to allow those native American tribes who are still in negotiations with the VA to have a chance to apply for these loans.

Through June of 1997, 164 loans were made to both Pacific islanders and native American veterans, with 90 applications pending. To date none of those loans issued has been foreclosed. This is an extremely successful program and is the only program available for this group of veterans who live on trust lands to finance homes for their families. The Department of Veterans Affairs supports the extension of this program.

Therefore, Mr. Speaker, the main issue here is equity. Native American

veterans have a right to the same benefits available to other veterans. I urge my colleagues to support this important legislation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS], chairman of the Subcommittee on Health.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs.

Mr. Speaker, as we take up this bill just 2 days before Veterans Day, we are in a very concrete way underscoring our commitment to veterans. Among its key provisions, these amendments to S. 714 provide important direction to the Department of Veterans Affairs to address what we believe is a glaring problem, the need to improve the care VA provides to Persian Gulf veterans.

Our committee has held what the American Legion 2 months ago described as "the most comprehensive and important hearings on Gulf War veterans since the end of the Gulf War." This legislation stems from those hearings and would require VA to take a new approach, beginning with creating and funding demonstration programs. This should lead VA to develop new, improved models for treating veterans with undiagnosed or ill-defined conditions.

The bill would also clarify that Persian Gulf veterans are eligible for care of any condition which may be due to their service in the gulf, whether or not it can be linked to toxic substances or environmental hazards.

These amendments would also extend many expiring programs, including VA's authority to provide noninstitutional services to the elderly and needed assistance for homeless veterans.

Mr. Speaker, the legislation also provides needed authorization for VA medical facility construction and leasing initiatives for fiscal year 1998. For these and many other reasons, I support this bill. This is an excellent bill, and I urge all the Members to support it.

Mr. Speaker, I include the following statement for the RECORD:

Mr. Speaker, as we take up this bill just 2 days before Veterans Day, we are in a very concrete way underscoring our commitment to veterans.

Among its key provisions, these amendments to S. 714 provide important direction to the Department of Veterans Affairs to address what is both one of the most glaring problems in the area of veterans affairs, and the most pressing problem facing many Persian Gulf war veterans—the need for effective health care. In wrestling with this problem, our committee has held what the American Legion 2 months ago described as "the most comprehensive and important hearings on Gulf War veterans since the end of the Gulf War." Our findings and resultant legislation have frankly not commanded the attention associated with still speculative questions regarding

toxic chemical exposures. We have found that VA treatment, particularly of veterans with hard to diagnose problems, has been uneven from facility to facility. Too often, veterans have fallen through the cracks, and complex cases have not received coordinated care. VA's primary care system appears ill-suited to help the many veterans who suffer from ill-defined, multiple-system health problems. Lack of understanding of the illnesses affecting Persian Gulf war veterans has fueled a perception in many veterans that VA clinicians lack empathy for their conditions. This legislation would begin to remedy the kinds of problems Persian Gulf veterans and independent observers have highlighted about the treatment these veterans have, and in some cases have not, received.

This legislation would require VA to take a new approach in caring for these veterans, beginning with creating and funding demonstration programs to test new approaches to treating Persian Gulf veterans with undiagnosed or ill-defined conditions. Among the approaches VA is to develop under the bill are the use of case managers to oversee all facets of the veteran's care, establishment of specialized clinics serving only Persian Gulf veterans, and the use of multidisciplinary treatment aimed at symptom management. The bill would also expand VA law regarding Persian Gulf veterans' eligibility for care to clarify that such veterans are eligible for care of any condition which may be due to their service in the gulf, whether or not such condition may be attributable to toxic substances or environmental hazards.

Our amendments to S. 714 would also extend a number of expiring health care programs on which our veterans depend. I am very pleased that the bill includes provisions I authored which give VA ongoing authority to provide noninstitutional care and services to the elderly, and which extend, streamline, and improve VA programs serving veterans who are chronically mentally ill and the homeless. This legislation gives VA the tools it needs to serve this population, as well as to work in partnership with communities to help eradicate veteran homelessness. I am pleased that, increasingly, VA is expanding its partnership activities in this and other areas. In that regard, this bill would also enable VA to develop more beneficial public/private partnerships. In adopting provisions passed by the House in April, this measure would allow VA to expand an effective program of leasing unused property for development of facilities such as assistive living facilities, day care centers, and other uses that can benefit veterans or the medical centers that serve them.

The legislation also provides needed authorization for a limited number of VA medical facility construction and leasing initiatives for fiscal year 1998.

I am pleased at what we have accomplished for our veterans in this legislation. I would acknowledge that a number of House-passed provisions on which the Senate had held no hearing are not included in this measure. These provisions include sections 7 and 8 of H.R. 2206. Section 7 would have provided a needed exemption of VA research personnel from an existing policy aimed at reducing the number of VA personnel in certain employment grades. While our committee has not objected to efforts to reduce the numbers of middle management positions in the VA, the failure to exempt researchers is particularly short-

sighted and damaging to a program so integral to VA's health care mission. We strongly urge that the Department adopt an exemption, and not wait for us to enact this provision next session. The enactment of section 8 of H.R. 2206 would have ruled out future legislative efforts to open the Federal supply schedule on pharmaceuticals. The committee recognizes, however, that in repealing section 1555 of the Federal Acquisition Streamlining Act of 1994 this year, Congress has, as a matter of law, effectively rejected as ill-advised the concept of opening the Federal supply schedule to cooperative purchasing.

Overall, this is an excellent bill. I urge Members to support it.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

I want to thank everybody who has worked on making this legislation happen, particularly the committee's staff. On our side, I would like to recognize the contribution of Mike Durishin, Jill Cochran, Mary Ellen McCarthy, Susan Edgerton, Sandra McClellan, Adam Sachs, Debbie Smith, Beth Kilken, and Tom O'Donnell. They have been of great assistance to us, particularly me in my first year in this position as ranking Democratic member, and we appreciate their time and energy.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP] for yielding me the time.

Mr. Speaker, I rise in strong support of S. 714, the Homeless Veterans Act. I commend the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs, and the gentleman from New York [Mr. QUINN], the chairman of the Subcommittee on Veterans' Benefits, for bringing this measure to the floor before this session adjourns.

This bill reauthorizes a pilot program which permits the VA to make direct housing loans to native American veterans through December 2003, which extends the authority of the VA to enter into enhanced-use leases through December 31, 1999. Such leases permit the VA to have the ability to use underutilized property through leases with private and public entities.

Moreover, this legislation also extends for 2 years the VA's authority to operate a health professional scholarship program as well as to provide noninstitutional alternatives to veterans' nursing home care and also provides funding for spina bifida cases, which need a great deal of attention.

Accordingly, I urge our colleagues to join in supporting this important legislation which will significantly aid our veterans.

Mr. EVANS. Mr. Speaker, I yield whatever time I have remaining for

purposes of control to the gentleman from Arizona [Mr. STUMP], the chairman of the full committee.

Mr. STUMP. Mr. Speaker, I thank the gentleman from Illinois [Mr. EVANS] for yielding me the time.

I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

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Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of this legislation and to say that, sadly, when it comes to the diagnosis and treatment and research for gulf war veterans, we find the Federal Government has too often had a tin ear and a cold heart and frankly a very closed mind. I do not view this as a political problem or a challenge that rests with one party, Republican or Democrat. Sadly, the Veterans Administration, the Department of Defense, the Central Intelligence Agency, and even the Food and Drug Administration have not been responsive to our veterans.

As the Chair of a panel that did 11 hearings and made recommendations on this issue, one of the key components is that we ultimately need, in my judgment, to bring research out of the control of the DOD and VA and give it to an agency that will begin to focus more on the chemical components of the myriad of illnesses that affect our veterans.

I urge both the Committee on Veterans' Affairs and the Committee on National Security to put even more focus on this. I know that the President's commission has come out with some recommendations. The Subcommittee on Human Resources of the Committee on Government Reform and Oversight has come out with some recommendations. I think we are at a point where we clearly need to recognize that our troops are not being properly diagnosed, they are not being effectively treated, and they are not being fairly compensated. But I think we are at a point where we are starting to see that change. I know that with the help of the gentleman from Arizona [Mr. STUMP] and the help of the gentleman from Illinois [Mr. EVANS], we are going to see renewed energy in this area. I think this bill is a start in that process and for that, I am grateful. I thank both gentlemen.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a member of the committee, and also the chairman of the Subcommittee on Military Personnel of the Committee on National Security.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time. Let me congratulate the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] for their work on this bill. I would like to discuss section 103 of this bill. I am disappointed that coming out of the conference with the House and the Senate, the language that the House adopted has in fact been

changed. We were seeking to have an independent commission to review what I find to be the very poor culture that is in the Nation's second largest agency, that of the VA. There is not any Member of this House that has taken on the issue of race and gender that I have over the past year with what occurred at Aberdeen in sexual misconduct in the military. The gentlewoman from California [Ms. HARMAN], the gentlewoman from Florida [Mrs. FOWLER] and I have traveled the world to our military bases and looked at those issues on gender and race relations. We have taken on the systems and subsystems in the military, and we have been very aggressive.

When we turned our eyes upon the VA itself, we began to see a culture problem within the VA, a system whereby the victims were being revictimized through the Office of General Counsel. We saw individuals in their leadership kind of give a wink and a nod to a hostile workplace. Let me congratulate the gentleman from Alabama [Mr. EVERETT] and the gentleman from Arizona [Mr. STUMP] for taking these issues right on and the gentleman from South Carolina [Mr. CLYBURN] on the oversight.

Why I was seeking to have an independent commission is I wanted it stripped completely out of the hands of the VA because of my lack of trust in those who are doing the oversight in the VA itself. I recognize in the language in here, they have been very careful to make sure that there is some insurance here. We are asking the Secretary to have an agreement to make sure that the entity carries out its responsibilities and exercises judgments concerning the assessments in a manner free of any influence. That means I do not want to hear anything over the next year that the VA somehow is scrubbing the contractor or getting some kind of review or pressures. If that is going to happen, I am going to be pretty upset. Because I know what happens when we do independent contracting with the Pentagon. The Pentagon today will ask us an issue and it is politically sensitive and they begin to control and manipulate the contractor. I want to make sure that we have a work environment in the VA that is free of these hostilities. I want to make sure that we have a system there that stops the revictimizing of the victim because it is very difficult for us to actually measure how does that impact upon the care to the veteran itself.

Let me congratulate the gentleman from Arizona [Mr. STUMP], because the gentleman from Arizona [Mr. STUMP], the gentleman from Illinois [Mr. EVANS] and others, want to make sure that we have a good system. I hope and I pray that what has been worked out here is, in fact, going to meet the ends for which the gentleman from Arizona and I both want. My message for coming here to the well today is that I will be watching and I know the gentleman from Arizona will, too, over the con-

tract. I will be watching the VA just like the gentleman from Alabama [Mr. EVERETT] has done on the oversight to make sure that there are no manipulations whatsoever with the contractor and that the assessment that is done is completely independent, because if they do not, we are coming down on them hard.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for his kind remarks.

Mr. Speaker, I would like to thank Senator SPECTER, Senator ROCKEFELLER and the staff of the Senate Veterans' Affairs Committee for their hard work in reaching an agreement on this bill.

I also want to thank the members of the House Committee on Veterans' Affairs who participated in the development of this legislation with the Senate. The gentleman from Illinois [Mr. EVANS], the ranking member, has been very cooperative through this entire process. The gentleman from Alabama [Mr. EVERETT], the gentleman from Florida [Mr. STEARNS], and the gentleman from New York [Mr. QUINN], the subcommittee chairmen; the gentleman from South Carolina [Mr. CLYBURN], the gentleman from Illinois [Mr. GUTIERREZ], and the gentleman from California [Mr. FILNER], the ranking members, also put in a great deal of time to move this committee's agenda.

I especially want to thank the gentleman from Louisiana [Mr. COOKSEY] and the gentleman from Arkansas [Mr. SNYDER]. Both are physicians and both are members of this committee. We have indeed been very fortunate to have them. They were especially helpful in negotiations with the Senate.

I would like to thank the staff of the House Committee on Veterans' Affairs for their diligent work on behalf of America's veterans. Three staff members will be leaving us this year: Ira Greenspan, Allison Clarke, and Sloan Rappoport.

On behalf of all committee members, I want to express our deepest appreciation for all their hard work and efforts and wish them the very best in their future endeavors.

Mr. Speaker, I include for the RECORD a detailed joint explanatory statement of the provisions considered during our deliberations on this measure.

JOINT EXPLANATORY STATEMENT FOR S. 714, THE PROPOSED "VETERANS BENEFITS ACT OF 1997"

S. 714, the proposed "Veterans Benefits Act of 1997" reflects a compromise agreement the Senate and House of Representatives Committees on Veterans' Affairs have reached on a number of bills considered in the Senate and House during the 105th Congress, including H.R. 1092, passed by the House on April 16, 1997, H.R. 1703, passed by the House on October 6, 1997, H.R. 2206, passed by the House on October 6, 1997, H.R. 2571, passed by the House on October 6, 1997, S. 714, passed by the Senate on November 5, 1997, S. 986, ordered reported by the Senate Committee on

October 7, 1997, S. 801, ordered reported by the Senate Committee on October 7, 1997, and S. 999, ordered reported by the Senate Committee on October 7, 1997.

The Committees on Veterans' Affairs have prepared the following explanation of S. 714 (hereinafter referred to as the compromise agreement). Differences between the provisions contained in the compromise agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

VA EMPLOYMENT DISCRIMINATION RESOLUTION AND ADJUDICATION

Current law

Within the statutory framework of title VII, United States Code, the Equal Employment Opportunity (EEO) complaint process for the Department of Veterans Affairs (VA) is governed by federal regulations and Equal Employment Opportunity Commission (EEOC) directives applicable to all federal agencies. The EEO program at VA is under the direction of the Deputy Assistant Secretary for Equal Opportunity, who reports to the Assistant Secretary for Human Resources and Administration.

The complaint process begins when a VA employee contacts a facility EEO counselor. That counselor is appointed by the facility director who is the EEO Officer for the facility and the custodian of the complaint process. Counseling allows an opportunity for informal resolution of a complaint at the local level. Most EEO counselors perform EEO duties in addition to unrelated VA responsibilities, and all EEO counselors report to the facility director. On receipt of a formal complaint, VA must advise the complainant that it is required to conduct a complete and fair investigation within 180 days. The notice also advises the complainant of the right to appeal the final decision to the EEOC. The facility director (EEO Officer) accepts formal complaints and refers those believed to be procedurally defective (about 25 percent a year) to the Office of General Counsel (OGC) for legal review. If any part of the complaint is accepted, the OGC advises the facility and requests the appointment of an EEO investigator to the case. The investigator provides a Report of Investigation to both the complainant and the EEO Officer.

The agency and complainant may settle the complaint at any point in the EEO process. If a settlement is not reached after the Report of Investigation has been received, the complainant may request either a final agency decision from VA without a hearing, or a hearing by an EEOC Administrative Judge and then a final agency decision. If the complainant is dissatisfied with the agency's final decision, he or she may appeal it to the EEOC Office of Federal Operations. The final step in the complaint process is a title VII civil action in Federal district court. The complainant has the right to file a civil action against the agency any time after 180 days have passed since the filing of a formal complaint with the EEOC Office of Federal Operations. Once in Federal Court, the complainant leaves the EEO administrative complaint system.

House bill

Section 2 of H.R. 1703 would direct the Secretary to establish a new VA employment discrimination complaint resolution system whose employees would be supervised by and report to an Assistant Secretary or Deputy Assistant Secretary for complaint resolution management. A new Office of Resolution Management (ORM) would be supported by district managers, field offices, full time

EEO counselors and investigators, and 40 FTEE collateral duty counselors. In addition, the ORM would be authorized to make certain final agency decisions on procedural issues.

Section 3 of H.R. 1703 would establish a VA Office of Employment Discrimination Complaint Adjudication (OEDCA). The bill would transfer final agency decision authority on substantive issues from the Office of the General Counsel to OEDCA. The OEDCA, located in VA Central Office, would be a quasi-independent complaint adjudication unit. The Director of the OEDCA would report directly to the Secretary or Deputy Secretary. In addition to its complaint adjudication responsibilities, the OEDCA would be responsible for creating an efficient and effective complaint tracking system.

Section 4 of H.R. 1703 would provide an effective date of 90 days after enactment of this Act.

Section 5 of H.R. 1703 would establish an independent panel to review EEO and sexual harassment procedures within VA. The panel would be composed of six members—three appointed jointly by the chairman and ranking member of the House Committee on Veterans' Affairs, and three appointed jointly by the chairman and ranking member of the Senate Committee on Veterans' Affairs.

Senate bill

Section 2 of S. 801 would establish a structural component for the Office of Resource Management (ORM) which is identical to section 2 of H.R. 1703. Additionally, section 2 of S. 801 would require the VA Office of Inspector General to investigate allegations of discrimination against all GS-15s and above, and report to Congress and the Secretary. Section 2 would also require the Secretary to ensure that complainants may elect to consult with full-time EEO employees or part-time EEO employees. Section 2 would contain more specific reporting requirements including information on counseling relating to employment discrimination, the number and type of employment discrimination complaints, the status of such complaints, and the terms of any settlement.

Section 3 of S. 801 is identical to section 3 of H.R. 1703.

Section 4 of S. 801 would require the Secretary to contract with a private entity to assess VA's discrimination complaint resolution system. The assessment would include a study of the effectiveness of the training and maintenance of groups of VA employees assigned to investigate claims and provide counseling; the education and training of VA employees regarding their rights and obligations under EEO laws; the use of alternative dispute resolution procedures and settlements in resolving EEO complaints; and other programs, procedures or activities of VA relating to the EEO laws.

Section 5 of S. 801 is identical to section 4 of H.R. 1703.

Compromise agreement

Section 101 follows section 2 of the House bill except that it requires VA to transmit a quarterly notice to the Committees on Veterans' Affairs of the House and Senate which summarizes each employment discrimination complaint filed in the preceding quarter against certain high ranking VA employees. The notice will not include the name of the individual who filed the complaint or name of the individual against whom the complaint is filed. The notice will summarize the nature of the allegations and identify the VA EEO regional field office at which the complaint was filed. The notice will also include a redacted copy of the complaint of employment discrimination and any attachments. Section 101 also requires the Secretary to ensure that complainants may elect to consult

with fulltime EEO employees or part-time EEO employees. Section 101 contains the expanded reporting requirements included in the Senate bill.

Section 102 follows section 3 of the House bill.

Section 103 follows section 4 of the Senate bill, with an additional requirement that the Secretary ensure the independence of the private entity conducting the assessment of VA's employment discrimination complaint resolution system.

NATIVE AMERICAN HOME LOAN PROGRAM

Current law

Subchapter V of chapter 37, title 38, United States Code, authorizes the Secretary of the Department of Veterans Affairs (VA) to conduct a pilot program making direct loans to Native Americans to purchase, construct, renovate, or refinance homes on trust land. The Secretary is required to enter into a memorandum of understanding (MOU) with the various tribal governments prior to making any such loans. The MOU must give the Secretary access to the property for any purpose such as appraisal or monitoring of construction in connection with the loan. Tribal governments must agree to assist with the implementation in a responsible and prudent manner.

The maximum loan amount is \$80,000 unless the Secretary determines that local housing costs justify a higher amount. The Secretary is required to establish appropriate credit underwriting standards which give consideration to the purpose of the program. The Secretary is also required to conduct an outreach program to educate tribal organizations and Native American veterans about the program. The program expired September 30, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 1 of S. 714 would extend the authority to carry out this program through December 31, 2003, and add provisions regarding specific outreach requirements. These include consulting about the housing needs of Native Americans with the National Congress of American Indians, the National American Indian Housing Council and the Department of Hawaiian Homelands, as well as distributing information to tribal organizations. The bill also requires an annual report by February 1 of each year detailing the operations of the program, outreach activities and an analysis of the pool of Native American veterans who are eligible for participation in the program.

Compromise agreement

Section 201 includes the Senate provisions with added outreach and reporting requirements and extends VA's program authority to December 31, 2001.

TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

Current law

Current law includes several provisions which authorize specific VA programs to assist homeless veterans and to contract for residential care for homeless veterans, mentally ill veterans, and veterans suffering from substance abuse or dependence.

Section 1720A of title 38, United States Code, permits the Secretary to contract for care, treatment, and rehabilitative services in various treatment facilities—subject to a review of the quality and effectiveness of its programs—for eligible veterans suffering from alcohol or drug dependence or abuse disabilities.

The Secretary is also given the authority to work in consultation with the Secretary

of Labor and the Director of the Office of Personnel Management to urge federal agencies and appropriate private companies to provide employment opportunities to those veterans who have completed such programs.

Under this section of law, the Secretary is directed to provide referral services to non-eligible veterans who seek alcohol or drug dependence assistance.

The authority to furnish such care expires after December 31, 1997.

The Secretary was also tasked with conducting ongoing clinical evaluations of drug and alcohol abuse treatment to veterans, and to report to Congress on the findings.

Section 115 of Public Law 100-322 (as extended through subsequent laws) authorizes the VA to conduct a pilot program to provide care, treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to eligible homeless veterans suffering from chronic mental illness disabilities. This program is set to expire on December 31, 1998.

Section 7 of Public Law 102-54 authorizes the Secretary to carry out a compensated work therapy and transitional housing demonstration program, which expires on December 31, 1997.

Section 107 of the Veterans' Medical Programs Amendments of 1992 requires the Secretary to (1) assess all programs developed by VA facilities which have been designed and established to assist homeless veterans; and (2) to the maximum extent practicable, seek to replicate at other VA facilities those programs which have as a goal the rehabilitation of homeless veterans. It also requires directors of VA medical centers and regional benefits offices, in coordination with non-VA organizations with experience working with local homeless persons, to develop lists of all programs assisting homeless persons and encourages the cooperative development of a local plan for coordinating services for homeless veterans. The law also requires VA medical center directors and regional office directors to meet, to the maximum extent feasible through existing programs and available resources, the identified needs of homeless veterans and attempt to inform homeless veterans whose needs cannot be met of services available in the area.

Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 requires the Secretary to establish and operate, through September 30, 1997, a pilot program to expand and improve the provision of benefits and services by the Department of Veterans Affairs to homeless veterans. VA is authorized to operate up to eight demonstration programs, and each site shall include a comprehensive and coordinated array of specialized services.

House bill

Section 2(a) of H.R. 2206 would consolidate, extend and revise, in part, Department of Veterans Affairs programs which serve veterans who are homeless or suffer from chronic mental illness or substance abuse or dependence. It would amend chapter 17 to title 38, United States Code, by adding a new subchapter entitled "Treatment and Rehabilitation for Seriously Mentally Ill and Homeless Veterans."

New section 1771 would authorize the Secretary to provide outreach services; care, treatment, and rehabilitative services; and therapeutic transitional housing assistance to veterans suffering from serious mental illness, including veterans who are homeless.

New section 1772 would authorize the Secretary, in conjunction with operating compensated work therapy programs, to operate residences and facilities as therapeutic hous-

ing. The provision would give the Secretary latitude to purchase, lease, or otherwise acquire residential housing in such a way as to best expedite the opening and operation of transitional housing. Such housing would be subject to requirements specified in the bill, to include a requirement that only eligible veterans and a house manager may live at a residence; veterans residents would be required to make payments that contribute to covering their board and the operating costs of the facility. Furthermore, residents would be prohibited from drinking or taking drugs and would be subject to drug testing. Any resident in violation of this policy could be expelled. All zoning, building permit, and other similar community requirements—as well as State and community fire and safety requirements—would be applicable. The measure would authorize the Secretary to set reasonable payment rates for residents, limit the duration of each veteran's residence, and establish qualifications for the house manager. The Secretary would have broad authority in selecting property to be established as transitional housing. The Secretary could consider any suitable defaulted residential property, any suitable space within a facility already under the Department's jurisdiction but no longer in use, and any other property acquired by the Department. The measure makes specific provision for the transfer of defaulted property from the Veterans Benefits Administration as well as obtaining property from the Department of Housing and Urban Development. The Secretary may dispose of any property acquired for this purpose and funds obtained by such a sale would go to the General Post Fund. Section 1772 would also provide that payments received by the VA under this section be deposited in the General Post Fund. The measure would require the Secretary to manage the program so that expenditures for any fiscal year do not exceed by more than \$500,000 proceeds credited to the General Post Fund under this section. Operating funds and receipts would be accounted for separately and would each be stated in the President's budget for each fiscal year.

New section 1773 would direct the Department, subject to the availability of appropriations, to operate no fewer than eight comprehensive-services centers to assist homeless veterans.

New section 1774 would, subject to available funding, require VA, in assisting homeless veterans, to coordinate, and permit the Department to provide authorize services in conjunction with other agencies of State, local, and Federal government, and non-governmental organizations. It would also require VA facility directors to assess and identify local homeless veterans, needs and the adequacy of existing programs to meet those needs, and take appropriate action, to the extent practicable to meet those needs. Such assessments are to identify homeless veterans' needs in the areas of health care, education and training, employment, shelter, counseling, and outreach services. Each assessment is also to comment on the adequacy of current VA programs with regards to these needs. This section would also require local VA officials to work with other governmental entities and homeless advocacy groups to develop a list of programs designed to assist homeless persons and homeless veterans in the area; provide outreach to the developers of local homeless programs to coordinate the provision of services to homeless veterans; attempt to identify and meet the needs of homeless veterans; and inform the homeless veteran population in the area whose needs cannot be met by the VA director of services available to such veterans in the community.

Senate bill

Section 2(a) of S. 714 would extend the VA's authority under section 1720A of title 38, United States Code, to treat and rehabilitate veterans with alcohol or drug dependence or abuse disabilities through December 31, 1999.

Section 2(c) of S. 714 would extend the VA's authority to provide community-based care to homeless veterans under the Veterans' Benefits and Services Act of 1988 through December 31, 1999.

Section 2(d) of S. 714 would extend the VA's Compensated Work Therapy and Therapeutic Transitional Housing demonstration program under Public Law 102-54 through December 31, 1999.

Section 2(e) of S. 714 would amend the Homeless Veterans Comprehensive Service Programs Act of 1992 to extend through September 30, 1999 (1) VA's authority to operate comprehensive service centers to assist homeless veterans, (2) VA's authority to make grants and to assist homeless veterans, and (3) the authorization of appropriations for that Act.

Compromise agreement

Section 202 generally follows the House bill, except that the program authorities would include a sunset date of December 31, 2001.

SALE OR LEASE OF VA PROPERTIES TO HOMELESS PROVIDERS

Current law

Section 3735 of title 38, United States Code, authorizes the Secretary of the VA to sell, lease or donate foreclosed VA properties to nonprofit organizations or a State or political subdivision of a State for the purpose of assisting homeless veterans and their families in acquiring shelter. Properties eligible for transfer under this program are those not likely to be sold at a price that would reduce the VA's liability on the property. Providers must comply with all zoning codes and agree to use the property to shelter primarily homeless veterans and their families. The Secretary may make loans on such properties at below-market rates and may waive all fees required under section 3729 of title 38, United States Code. The program expires December 31, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 2 of S. 714 would extend the authority to carry out this program through December 31, 1999.

Compromise agreement

Section 203(a) includes the Senate provision.

EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM

Current law

Section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 USC section 7721 note) authorizes the Secretary to establish and operate a grant program to assist eligible entities in establishing new programs to furnish outreach, rehabilitative services, vocational counseling and training, and transitional housing assistance to homeless veterans. This program expired on September 30, 1997 and limited the Department to providing grants for no more than 25 service centers and no more than 20 programs which incorporate the procurement of vans for use in outreach to, and transportation for, homeless veterans to carry out the intention of the law.

House bill

Section 3 of H.R. 2206 would extend VA's authority to make such grants to September

30, 1999 and would strike the limitation on the number of grants which may be awarded for specified purposes.

Senate bill

Section 2(e)(2) of S. 714 would extend the grant program until September 30, 1999.

Compromise agreement

Section 203(b) follows the Senate bill.

HOMELESS VETERANS REINTEGRATION PROJECT
Current law

The Stewart B. McKinney Homeless Assistance Act (title 42, section 11448(e)(1)) authorizes the Department of Labor to provide grants to community based organizations focusing on returning homeless veterans to the work force. The program is administered by the Veterans Employment and Training Service. From 1988 through 1996, the program served over 41,000 homeless veterans, placing over 18,000 in jobs. The program expires December 31, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 4(e) of S. 714 would amend the Stewart B. McKinney Homeless Assistance Act (title 42, section 11448(e)(1)) to extend the expiration date of the Homeless Veterans Reintegration Project to December 31, 1999, and authorize expenditures up to \$10,000,000 per year.

Compromise agreement

Section 203(c) includes the Senate provision.

ANNUAL REPORT ON ASSISTANCE TO HOMELESS
VETERANS

Current law

Section 1001 of the Veterans Benefits Improvements Act of 1994 (38 USC section 7721 notes) requires that the Secretary, by April 15 of each year, submit to the Committees a report on the activities of the VA's homeless programs. The annual report is to include the number of homeless veterans provided assistance under VA programs, the cost of providing these programs, and any other information the Secretary deems appropriate.

House bill

Section 4 of H.R. 2206 would expand the scope of this reporting requirement. It would require the VA to report on its evaluation of the effectiveness of its programs relating to residential work therapy, outreach, community-based residential treatment, and case management, as well as contract care programs for alcohol and drug dependence or abuse disabilities. Further, it would require the Secretary to evaluate and report on the effectiveness of programs established through grants awarded under the Homeless Veterans Comprehensive Service Grant Program.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 204 follows the House bill.

ENHANCED-USE LEASES OF DEPARTMENT OF
VETERANS AFFAIRS REAL PROPERTY

Current law

Under section 8169 of title 38, United States Code, the Secretary's authority to enter into enhanced-use leases of Department of Veterans Affairs real property expires after December 31, 1997.

Section 8168 of title 38, United States Code, limits the number of enhanced-use leases (other than leases for child care centers) which the Secretary may execute to 20, and sets a 10-project cap on such leases during any one fiscal year.

House bill

Section 101 of H.R. 1052 would extend the Secretary's authority to enter into such leases to December 31, 2002 and would repeal the limits on the number of enhanced-use leases which the Secretary may execute.

Senate bill

Section 3 of S. 714 would change the limit from 20 to 40 and extend the program until December 31, 1999.

Compromise agreement

Section 205 generally follows the House bill except that the program would expire on December 31, 2001.

NONINSTITUTIONAL ALTERNATIVES TO NURSING
HOME CARE

Current law

Section 1720C of title 38, United States Code, authorizes the Secretary to conduct a pilot program for the furnishing of medical, rehabilitative and health-related services in noninstitutional settings for eligible veterans for nursing home care. This provision authorizes VA services through December 31, 1997.

House bill

Section 5 of H.R. 2206 would provide ongoing authority for this program.

Senate bill

Section 4 of S. 714 would extend the program through December 31, 1999.

Compromise agreement

Section 206 follows the House bill.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM
Current law

Section 7611 of title 38, United States Code, authorizes the Department to institute the Department of Veterans Affairs Health Professional Scholarship Program, which gives students the opportunity to receive VA health care scholarships in exchange for a specified period of employment in VA after graduation. In authorizing an extension of that program through December 31, 1997, Congress in section 202 of Public Law 104-110 required the Department to evaluate the efficacy of the program and compare its costs and benefits with alternative approaches to ensure adequate recruitment and retention of health professionals. The Department failed to carry out that report requirement.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 4(b) of H.R. 714 would extend the program through December 31, 1999.

Compromise agreement

Section 207 would extend the program to December 31, 1998 and would also require that the Department report to Congress within six months in accordance with the requirement in Public Law 104-110.

MAMMOGRAPHY STANDARDS

Current law

Section 106(a)(2) of the Veterans Health Care Act of 1992 (38 USC 1710 note) provides that the Department may provide breast examinations and mammography to women veterans.

House bill

The House bill contains no comparable provision.

Senate bill

S. 999 would specify that the Department follow the recommendations of the American Cancer Society regarding the frequency of screening mammograms for women in specific age groups.

Compromise agreement

Section 208 would require the VA's Under Secretary for Health to develop a national

policy for the VHA with respect to mammography standards for veterans. Such a policy would specify standards of mammography screening and include recommendations on screening for women over the age of 39 and veterans with clinical symptoms, risk factors or family history of breast cancer. The section would also provide for clinician discretion on this matter. Additionally, the section includes a section (c) Sense of the Congress, that the policy adopted by VHA in sections (a) and (b) shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

PERSIAN GULF WAR VETERANS

Current law

Section 703 of Public Law 102-585, as amended, directs the VA to provide a health examination (including any appropriate diagnostic tests), consultation, and counseling with respect to the results of such an examination to any Persian Gulf War veteran who requests such an examination. Such examination findings are also to be included in a Persian Gulf War Veterans health registry, to be maintained by the VA.

Section 1710(e)(1)(c) of title 38, United States Code, provides eligibility for care, through December 31, 1998, to any veteran of the Persian Gulf War who may have been exposed to a toxic substance or environmental hazard during such service for any condition which may be associated with such exposure.

House bill

Section 6(a) of H.R. 2206 would specify that Persian Gulf veterans shall be verbally counseled on the results of health examinations carried out under section 703 of Public Law 102-582, as amended.

Section 6(b) of H.R. 2206 would clarify that a Persian Gulf veteran is eligible for VA health care for any condition—not just for exposure of a toxic substance or environmental hazard—which may be associated with service in the Gulf.

Section 6(c) of H.R. 2206 would direct the Secretary to carry out a program of demonstration projects designed to test innovative approaches to treating Persian Gulf veterans at up to 10 VA medical centers across the country. Three treatment models—a specialized Persian Gulf clinic, a multidisciplinary treatment program aimed at managing symptoms, and the use of case managers—would be used at at least two demonstration sites. The Secretary is required to provide \$5 million in appropriated funds for use in carrying out these projects. Before a location has been designated as a demonstration site, a peer review panel must determine the efficacy of the selection, using as its criteria the facility's ability to attract outstanding and innovative physicians to the project and to effectively evaluate the activities of the project.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 209 follows the House bill except that it does not include Section 6(a), which contains a provision relating to VA counseling of Persian Gulf veterans.

REPORT ON MEDICAL EMERGENCIES ARISING
FROM TERRORISM

House bill

The House bill contains no provision changing current law.

Senate bill

Section 432 of S. 986 requires the President by March 1, 1998, to submit to Congress a report on plans, preparations and the capability of all levels of government to respond nationally to medical emergencies arising from

the terrorist use of weapons of mass destruction. The report is to be prepared in consultation with specified departments and agencies of the Federal government, and the President is to designate a lead agency for purposes of preparing the report. The section specifies matters to be included in such report, including a description of steps taken to prepare to respond to such emergencies; a description of existing obligations, roles, and lines of authority within government for such a situation; an assessment of current level of preparedness and listing of existing medical assets available to respond; and estimated costs of government agencies and departments to prepare for and carry out their respective roles.

Compromise agreement

Section 210 follows the Senate bill.

CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project unless funds for that project have been specifically authorized by law.

House bill

Section 1(1) of H.R. 2571 would authorize the Secretary to carry out a seismic corrections project at the Memphis VA Medical Center in an amount not to exceed \$34.6 million.

Section 1(2) of H.R. 2571 would authorize the Secretary to make seismic corrections and other improvements at the McClellan Hospital in Sacramento, California using up to \$48 million in previously appropriated funds.

Section 1(3) of H.R. 2571 would authorize the Secretary to carry out outpatient improvement projects with already-appropriated funds at facilities in Mare Island, Vallejo, California and Martinez, California in an amount not to exceed \$7 million.

Senate bill

Section 201 of S. 986 contains provisions substantively similar to section 1(1) of H.R. 2571.

S. 986 contains no comparable provision to sections 1(2) and 1(3) of H.R. 2571.

Compromise agreement

Section 301 follows the House bill.

AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that lease have been specifically authorized by law.

House bill

Section 2 of H.R. 2571 would authorize the Secretary to carry out the following leases of satellite outpatient clinics: Jacksonville, FL, \$3.095 million; Boston, MA, \$5.215 million; Canton, OH, \$2.115 million; Portland, OR, \$1.919 million; and Tulsa, OK, \$2.112 million.

Section 2 of H.R. 2571 would authorize the Secretary to carry out the following leases of information resources management field offices: Birmingham, AL, \$595,000; and Salt Lake City, UT, \$652,000.

Senate bill

Section 202 of S. 986 contains provisions identical to section 2 of H.R. 2571, except

that the lease for the satellite outpatient clinic in Canton, OH is authorized for \$735,000.

Compromise agreement

Section 302 follows the House bill.

AUTHORIZATION OF APPROPRIATIONS

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that project or lease have been specifically authorized by law.

House bill

Section 3(a)(1) of H.R. 2571 would authorize to be appropriated to the Department of Veterans Affairs for fiscal year 1998 \$34.6 million for the Construction, Major Projects account to be used for major medical facility projects.

Section 3(a)(2) of H.R. 2571 would authorize to be appropriated to the Department of Veterans Affairs for fiscal year 1998 \$15.703 million for the Medical Care account to be used for major medical facility leases.

Section 3(b) of H.R. 2571 would limit the authorized projects to be carried out using only (1) specifically authorized major construction funds appropriated for fiscal year 1998; (2) funds appropriated for Construction, Major Projects before fiscal year 1998 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1998 for a category of activity not specific to the project.

Senate bill

Section 203(a) of S. 986 would authorize appropriations for Fiscal Years 1998 and 1999. It would authorize a \$34.6 million appropriation for the Construction, Major Projects account and a \$14.323 million appropriation for the Medical Care account.

Section 203(b) differs from section 3(b) of H.R. 2571 only in that both fiscal years 1998 and 1999 are included.

Compromise agreement

Section 303 follows the House bill.

CLARIFICATION ON ELIGIBILITY FOR HEALTH CARE

Current law

In amendments to section 1710 in Public Law 104-262, Congress provided, in pertinent part, that VA "shall" (subject to available appropriations) furnish hospital care and medical services to a veteran "who has a compensable service-connected disability" (38 U.S.C. section 1710(a)(2)(A)). Section 1710(a)(2)(B) of title 38, United States Code, reflects similar terminology in providing for care of any veteran discharged or released for active service "for a compensable disability".

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(a) of S. 986 would strike the word compensable from section 1710(a)(2)(B), as amended by P.L. 104-262.

Compromise agreement

Section 402(a) follows the Senate provision.

HOME IMPROVEMENTS

Current Law

A technical amendment in the Veterans' Health Care Eligibility Reform Act of 1996 was construed by the Department as having had the effect of limiting to so-called "category A" veterans' eligibility for VA payments for home improvements and structural alterations. Higher-income ("category

C") veterans, who had been eligible for a one-time \$1200 benefit under prior law, were deemed ineligible under the change

House bill

Section 9(a) of H.R. 2206 would amend section 1717(a)(2)(B) of title 38, United States Code, to clarify that category C veterans under VA treatment are eligible for the one-time \$1200 home improvement/structural alteration benefit.

Senate bill

Section 412(b) of S. 986 contains a similar provision.

Compromise agreement

Section 402(b) follows the Senate bill.

TRANSFERS TO COMMUNITY NURSING HOMES

Current law

Under section 1720 of title 38, United States Code, VA may only transfer to, and provide for care in, a community nursing home, veterans who have received VA inpatient care. Existing law makes no provision for such transfer and placement on the part of a veteran who, in the course of VA provision of ambulatory treatment, is found to need nursing home care.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(c) of S. 986 would strike the limitation in section 1720 of title 38, United States Code, which restricts VA transfers and placements into community nursing homes to veterans receiving inpatient care, and would authorize such needed placements for any veteran under care in a VA facility.

Compromise agreement

Section 402(c) follows the Senate provision.

SHARING OF HEALTH-CARE RESOURCES: PURCHASING

Current law

Under section 8153 of title 38, United States Code, VA may enter into agreements with any entity to buy health care resources. Where VA proposes to obtain such resources from an affiliated institution or organization, it may do so, under section 8153(a)(3)(A), "without regard to any law or regulation" requiring competition. VA may also procure such resources from a source other than an affiliated entity under simplified procedures aimed at promoting competition to the maximum extent practicable; such "simplified procedures . . . shall permit all responsible sources to submit a bid. . . ." (38 USC section 8153(a)(3)(B)).

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(d) of S. 986 would amend section 8153(a)(3)(A) to clarify that purchases of resources from an affiliated entity are exempt from otherwise applicable requirements for competition not only in law or regulation but also in any Executive order, circular, or other administration policy. Section 412(e) of S. 986 would amend section 8153(a)(3)(B) to clarify that VA may reasonably limit the number of sources sought for bids under its authority to employ simplified procedures.

Compromise agreement

Sections 402(d) and 502(e) follow the Senate provision

HOSPITAL REFERENCE

Current law

The VA medical facility in Columbia, South Carolina is named the "Wm. Jennings Bryan Dorn Veterans' Hospital".

House bill

Section 9(b) of H.R. 2206 would redesignate this facility as the "Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center".

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 403 follows the House bill.

Current law

SPINA BIFIDA

Current law

Chapter 18 of title 38, United States Code, authorizes the Secretary to provide medical care, compensation, and vocational training benefits for Vietnam veterans' children who are conceived following service in Vietnam and are born with spina bifida. The veteran must have been discharged under conditions other than dishonorable. Compensation in the amounts of \$200, \$700, and \$1,200 is based on the severity of the disability. Children are eligible for up to 24 months of vocational training generally following completion of high school.

House bill

The House bill contains no provision changing current law.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 404 includes technical and clarifying amendments to chapter 18 title 38, United States Code, including a provision to provide benefits regardless of the veteran's type of discharge.

COMPENSATION AND PENSION MEDICAL EXAMINATIONS

Current law

Physicians employed by the Veterans Health Administration may conduct disability examinations of veterans who have applied for VA monetary benefits. Section 504 of Public Law 104-272 authorizes VA to conduct a pilot program involving use of physicians who provide such examinations under contract arrangements. VA is to report on its experience under such program by October 1999.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 411 of S. 986 would add a new section 7704 to title 38, United States Code, which would authorize the Under Secretary for Benefits to reimburse the Under Secretary for Health for costs incurred in providing disability examinations.

Compromise agreement

The compromise bill contains no provision on this subject.

PERSONNEL POLICY

Current law

Section 711 of title 38, United States Code, requires the Secretary to report to Congress and delay for a specified period any systematic reduction in grade of employees engaged in direct patient care or who are professional employees and computer specialists.

House bill

Section 7 of H.R. 2206 would amend section 7425 of title 38, United States Code, to provide that Veterans Health Administration employees in positions involving the provision (or supervision) of patient care or the conduct of research are not subject to any reduction (required by law or Executive

branch policy) in the number of percentage of employees or personnel positions within specified pay grades.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

The compromise bill contains no provision relating to this subject.

PURCHASES OF PHARMACEUTICAL PRODUCTS

Current law

The Federal Government, primarily through the General Services Administration, negotiates and awards contracts for products and services through federal supply schedules. The Government issues solicitations, receives offers from prospective vendors, negotiates with them on product and service prices, and award contracts. Such contracts give vendors the right to sell goods and services to the government during the period that the contract is in effect; federal agencies order products and services directly from a vendor and pay the vendor directly. Congress, by law, has authorized a variety of other entities, including certain Indian tribal governments, to make purchases from the federal supply schedule. The General Services Administration, which has responsibility for managing the federal supply schedules, has delegated responsibility for managing a number of such schedules, including the schedule for pharmaceuticals, to the Department of Veterans Affairs.

House bill

Section 8 of H.R. 2206 would amend section 8125 of title 38, United States Code, to provide that, notwithstanding any other provision of law, any product listed on the pharmaceutical Federal Supply Schedule may only be procured from that schedule by or for the federal government or any other entity specified in federal law or regulation as of July 1, 1997.

Senate bill

The Senate bill contains no similar provisions.

Compromise agreement

The compromise bill contains no provision relating to this subject.

PARKING FEES

Current law

Section 8109(d)(1) requires the collection of parking fees (other than from veterans and volunteers) at VA health care facilities under specified circumstances.

House bill

The House bill contains no provision changing current law.

Senate bill

S. 309 would prohibit the collection of parking fees at VA parking facilities used in connection with a medical facility which is operated jointly under a health care resources sharing agreement with the Department of Defense.

Compromise agreement

The compromise bill contains no provision relating to this subject.

SHARING OF HEALTH-CARE RESOURCES: SELLING

Current law

Under section 8153 of title 38, United States Code, VA may enter into agreements with any entity to sell health care resources. Section 8153(e) requires, as a precondition to VA's furnishing services to nonveterans under section, that VA make certain findings, including a determination "that veterans will receive priority under such an arrangement".

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(f) of S. 986 would amend section 8153(a)(3)(B) to strike the language regarding veterans receiving a priority under such an arrangement and substitute language to require a determination that "care to veterans will not be diminished as a result of such an arrangement".

Compromise agreement

The compromise bill contains no provision on this subject.

CONSOLIDATION OF HOUSING LOAN REVOLVING FUNDS

Current law

Chapter 37 of title 38, United States Code, establishes the Direct Loan Revolving Fund, the Loan Guaranty Revolving Fund, and the Guaranty and Indemnity Fund at the Department of the Treasury for deposits and disbursements related to veterans' home loan guaranty and direct home loan programs.

House bill

The House bill contains no provision changing current law.

Senate bill

The Senate bill also contains no provision changing current law.

Compromise agreement

The compromise bill contains no provision on this subject.

RECOUPMENT OF SPECIAL SEPARATION INCENTIVES

Current law

Section 1174 of title 10 authorizes the Secretary of Defense to pay a special separation bonus to active duty service members who have served between six and 20 years. Separation pay is based on length of service and base pay at the time of separation. This pay is subject to taxation.

Section 1174(h) of title 10 and section 5304 of title 38 requires the Secretary of Veterans Affairs to offset the amount of compensation paid to a veteran due to service connected disability by an amount equal to special separation incentives. Section 653 of Public Law 104-201 limited VA's recoupment on special separation incentives made on or after September 30, 1996 to the net amount after taxes.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 431 of S. 986 would amend chapter 53 of title 38, to add a new provision limiting recoupment for any compensation paid after December 5, 1991 to 75 percent of the special separation pay.

Compromise agreement

The compromise bill contains no provision on this subject.

ENHANCE STATE CEMETERY GRANT PROGRAM

Current law

Chapter 24 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to provide grants to States to establish new veterans' cemeteries or to expand or improve existing veterans' cemeteries owned by the State. Under this authority, VA may grant up to 50 percent of the cost of the land and improvements to that land. If the State owns the land at the time of the grant, the value of the land may be counted for up to 50 percent of the State's contribution.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 421 of S. 986 contains provisions to increase the VA share of the project costs for

state veterans' cemeteries funded under the grant program. This provision would authorize the Secretary to grant up to 100 percent of the cost of improvements to the land to be purchased and up to 100 percent of the initial

equipment costs. For existing cemeteries, the Secretary would be authorized to grant up to 100 percent of the cost of the improvements made to any additional land purchased for expansion or 100 percent of the

cost of improvements to existing cemetery land.

Compromise agreement

The compromise bill contains no provision relating this subject.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BLILEY submitted the following conference report and statement on the Senate bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-399)

The Committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the "Food and Drug Administration Modernization Act of 1997".

(b) **REFERENCES.**—Except as otherwise specified, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Definitions.

TITLE I—IMPROVING REGULATION OF DRUGS

Subtitle A—Fees Relating to Drugs

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Annual reports.
Sec. 105. Savings.
Sec. 106. Effective date.
Sec. 107. Termination of effectiveness.

Subtitle B—Other Improvements

Sec. 111. Pediatric studies of drugs.
Sec. 112. Expediting study and approval of fast track drugs.
Sec. 113. Information program on clinical trials for serious or life-threatening diseases.
Sec. 114. Health care economic information.
Sec. 115. Clinical investigations.
Sec. 116. Manufacturing changes for drugs.
Sec. 117. Streamlining clinical research on drugs.

Sec. 118. Data requirements for drugs and biologics.
Sec. 119. Content and review of applications.
Sec. 120. Scientific advisory panels.
Sec. 121. Positron emission tomography.
Sec. 122. Requirements for radiopharmaceuticals.
Sec. 123. Modernization of regulation.
Sec. 124. Pilot and small scale manufacture.
Sec. 125. Insulin and antibiotics.
Sec. 126. Elimination of certain labeling requirements.
Sec. 127. Application of Federal law to practice of pharmacy compounding.
Sec. 128. Reauthorization of clinical pharmacology program.
Sec. 129. Regulations for sunscreen products.
Sec. 130. Reports of postmarketing approval studies.
Sec. 131. Notification of discontinuance of a life saving product.

TITLE II—IMPROVING REGULATION OF DEVICES

Sec. 201. Investigational device exemptions.
Sec. 202. Special review for certain devices.
Sec. 203. Expanding humanitarian use of devices.
Sec. 204. Device standards.
Sec. 205. Scope of review; collaborative determinations of device data requirements.
Sec. 206. Premarket notification.
Sec. 207. Evaluation of automatic class III designation.
Sec. 208. Classification panels.
Sec. 209. Certainty of review timeframes; collaborative review process.
Sec. 210. Accreditation of persons for review of premarket notification reports.
Sec. 211. Device tracking.
Sec. 212. Postmarket surveillance.
Sec. 213. Reports.
Sec. 214. Practice of medicine.
Sec. 215. Noninvasive blood glucose meter.
Sec. 216. Use of data relating to premarket approval; product development protocol.
Sec. 217. Clarification of the number of required clinical investigations for approval.

TITLE III—IMPROVING REGULATION OF FOOD

Sec. 301. Flexibility for regulations regarding claims.
Sec. 302. Petitions for claims.
Sec. 303. Health claims for food products.
Sec. 304. Nutrient content claims.
Sec. 305. Referral statements.
Sec. 306. Disclosure of irradiation.
Sec. 307. Irradiation petition.
Sec. 308. Glass and ceramic ware.
Sec. 309. Food contact substances.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Dissemination of information on new uses.
Sec. 402. Expanded access to investigational therapies and diagnostics.
Sec. 403. Approval of supplemental applications for approved products.
Sec. 404. Dispute resolution.

Sec. 405. Informal agency statements.
Sec. 406. Food and Drug Administration mission and annual report.
Sec. 407. Information system.
Sec. 408. Education and training.
Sec. 409. Centers for education and research on therapeutics.
Sec. 410. Mutual recognition agreements and global harmonization.
Sec. 411. Environmental impact review.
Sec. 412. National uniformity for nonprescription drugs and cosmetics.
Sec. 413. Food and Drug Administration study of mercury compounds in drugs and food.
Sec. 414. Interagency collaboration.
Sec. 415. Contracts for expert review.
Sec. 416. Product classification.
Sec. 417. Registration of foreign establishments.
Sec. 418. Clarification of seizure authority.
Sec. 419. Interstate commerce.
Sec. 420. Safety report disclaimers.
Sec. 421. Labeling and advertising regarding compliance with statutory requirements.
Sec. 422. Rule of construction.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. DEFINITIONS.

In this Act, the terms "drug", "device", "food", and "dietary supplement" have the meaning given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

TITLE I—IMPROVING REGULATION OF DRUGS

Subtitle A—Fees Relating to Drugs

SEC. 101. FINDINGS.

Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of human drug applications;

(3) the provisions added by the Prescription Drug User Fee Act of 1992 have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration; and

(4) the fees authorized by amendments made in this subtitle will be dedicated toward expediting the drug development process and the review of human drug applications as set forth in the goals identified, for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the chairman of the Committee on Commerce of the House of Representatives and the chairman of