

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**H. R. 2034**

**AN ACT**

To amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes.

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## AN ACT

To amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**  
4                       **UNITED STATES CODE; TABLE OF CONTENTS.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Veterans’ Health Programs Amendments of 1993”.

1 (b) REFERENCES TO TITLE 38, UNITED STATES  
2 CODE.—Except as otherwise expressly provided, whenever  
3 in this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-  
5 sion, the reference shall be considered to be made to a  
6 section or other provision of title 38, United States Code.

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

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

TITLE I—HEALTH CARE PLANNING AND PROGRAMS

Sec. 101. Health care facilities missions.

Sec. 102. Pilot program for noninstitutional alternatives to nursing home care.

TITLE II—MEDICAL FACILITIES ACQUISITION

Sec. 201. Major construction projects authorization.

Sec. 202. Revision to prospectus requirements.

Sec. 203. Prioritization methodology.

Sec. 204. Assessment of need for nursing home beds in Chesapeake network  
area.

TITLE III—ADMINISTRATION

Sec. 301. Authority for expedited reorganization of medical facilities in event of  
a life-threatening emergency.

Sec. 302. Clarification of contracting limitation.

TITLE IV—STATE HOME PROGRAM

Sec. 401. Per diem for adult day health care.

Sec. 402. Construction assistance program.

Sec. 403. Sharing of resources with State homes.

TITLE V—MISCELLANEOUS

Sec. 501. Department of Veterans Affairs research advisory committees.

Sec. 502. Limitation on claims for copayments.

Sec. 503. Child care services.

1           **TITLE I—HEALTH CARE**  
2           **PLANNING AND PROGRAMS**

3   **SEC. 101. HEALTH CARE FACILITIES MISSIONS.**

4           (a) IN GENERAL.—The Secretary of Veterans Affairs  
5 shall prescribe a specific, detailed statement of the mission  
6 of, and the clinical programs to be operated at, each health  
7 care facility of the Department, determined based upon  
8 a requirement that each such facility operate within a net-  
9 work of Department facilities in the same geographic area  
10 which, taken together, provide a full range of services for  
11 veterans.

12          (b) PURPOSES OF MISSION STATEMENTS.—The mis-  
13 sion statements shall be designed so as to permit—

14               (1) effective planning;

15               (2) reduction in duplication of services and pro-  
16 grams in the same geographic area;

17               (3) realignment of services among facilities  
18 within each network;

19               (4) improved means of resource distribution;

20           and

21               (5) more efficient delivery of needed services.

22          (c) REVIEW OF CURRENT MISSIONS.—In preparing  
23 the mission statements under subsection (a), the Secretary  
24 shall review the existing missions and clinical programs  
25 at each health care facility of the Department.

1 (d) DEADLINE AND REPORT.—The Secretary, not  
2 later than nine months after the date of the enactment  
3 of this Act, shall—

4 (1) prescribe the mission statements required  
5 by subsection (a); and

6 (2) submit to the Committees on Veterans' Af-  
7 fairs of the Senate and House of Representatives a  
8 report on the implementation of this section and on  
9 the timetable and projected milestones for imple-  
10 menting actions to enable each such facility to carry  
11 out fully its prescribed missions.

12 **SEC. 102. PILOT PROGRAM FOR NONINSTITUTIONAL AL-**  
13 **TERNATIVES TO NURSING HOME CARE.**

14 (a) EXTENSION OF PROGRAM.—Subsection (a) of  
15 section 1720C is amended by striking out “During the  
16 four-year period beginning on October 1, 1990,” and in-  
17 serting in lieu thereof “During the period through Sep-  
18 tember 30, 1997,”.

19 (b) VETERANS ELIGIBLE TO PARTICIPATE IN PRO-  
20 GRAM.—Such subsection is further amended by striking  
21 out “care and who—” and inserting in lieu thereof “care.  
22 The Secretary shall give priority for participation in such  
23 program to veterans who—”.

1 (c) PROGRAM FUNDING.—Such section is further  
2 amended by adding at the end the following new sub-  
3 section:

4 “(f) The Secretary shall carry out the pilot program  
5 under this section using funds available for the community  
6 nursing home program under section 1720 of this title.”.

7 (d) REPORT DEADLINES.—Section 201(b) of the De-  
8 partment of Veterans Affairs Nurse Pay Act of 1990  
9 (Public Law 101–366; 104 Stat. 438) is amended—

10 (1) by striking out “February 1, 1994,” and in-  
11 serting in lieu thereof “February 1, 1997,”; and

12 (2) by striking out “September 30, 1993,” and  
13 inserting in lieu thereof “September 30, 1996,”.

14 **TITLE II—MEDICAL FACILITIES**  
15 **ACQUISITION**

16 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
17 **PROJECTS AND MAJOR MEDICAL FACILITY**  
18 **LEASES.**

19 (a) AUTHORIZATION OF PROJECTS AND LEASES IN  
20 BUDGET.—Except as provided in subsection (b), the Sec-  
21 retary of Veterans Affairs may carry out the major medi-  
22 cal facility projects for the Department of Veterans Af-  
23 fairs, and may carry out the major medical facility leases  
24 for that Department, for which funds are requested in the  
25 budget of the President for fiscal year 1994.

1 (b) NONAUTHORIZED PROJECTS.—The Secretary is  
2 not authorized to carry out the project for which funds  
3 are requested in the budget of the President for fiscal year  
4 1994 for the construction of a nursing home facility in  
5 Baltimore, Maryland.

6 (c) AUTHORIZATION OF DESIGN FOR CERTAIN FU-  
7 TURE PROJECTS.—In addition to the projects authorized  
8 in subsection (a), the Secretary may carry out design of  
9 the following major medical facility projects, in the  
10 amounts specified:

11 (1) Construction of an outpatient care addition  
12 at the Department of Veterans Affairs Medical Cen-  
13 ter in San Juan, Puerto Rico, \$3,970,000.

14 (2) Construction of a spinal cord injury unit  
15 and energy center at the Department of Veterans  
16 Affairs Medical Center in Tampa, Florida,  
17 \$4,490,000.

18 (3) Construction of an outpatient care addition  
19 at the Department of Veterans Affairs Medical  
20 Center in West Haven, Connecticut, \$4,860,000.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 hereby authorized to be appropriated to the Secretary of  
23 Veterans Affairs for fiscal year 1994—

24 (1) \$110,420,000 for the major medical facility  
25 projects authorized in subsections (a) and (c); and

1           (2) \$50,123,105 for the major medical facility  
2 leases authorized in subsection (a).

3           (e) LIMITATION.—The projects authorized in sub-  
4 sections (a) and (c) may only be carried out using—

5           (1) funds appropriated for fiscal year 1994 pur-  
6 suant to the authorization of appropriations in sub-  
7 section (d);

8           (2) funds appropriated for Construction, Major  
9 Projects for a fiscal year before fiscal year 1994 that  
10 remain available for obligation; and

11           (3) funds appropriated for Construction, Major  
12 Projects for fiscal year 1994 for a category of activ-  
13 ity not specific to a project.

14 **SEC. 202. REVISION TO PROSPECTUS REQUIREMENTS.**

15           (a) ADDITIONAL INFORMATION.—Section 8104(b) is  
16 amended—

17           (1) by striking out “shall include—” and insert-  
18 ing in lieu thereof “shall include:”;

19           (2) in paragraph (1)—

20           (A) by striking out “a detailed” and insert-  
21 ing in lieu thereof “A detailed”; and

22           (B) by striking out the semicolon at the  
23 end and inserting in lieu thereof a period;

24           (3) in paragraph (2)—

1 (A) by striking out “an estimate” and in-  
2 serting in lieu thereof “An estimate”; and

3 (B) by striking out “; and” and inserting  
4 in lieu thereof a period;

5 (4) in paragraph (3), by striking out “an esti-  
6 mate” and inserting in lieu thereof “An estimate”;  
7 and

8 (5) by adding at the end the following new  
9 paragraphs:

10 “(4) Demographic data applicable to the  
11 project.

12 “(5) Current and projected workload and utili-  
13 zation data.

14 “(6) The relationship between the mission of  
15 the facility and the missions and capabilities of other  
16 nearby Department facilities and, as applicable, the  
17 availability or lack of availability of alternative  
18 sources of service in the community and the cost-  
19 effectiveness of using such alternative sources.

20 “(7) Current and projected operating costs of  
21 the facility.

22 “(8) The raw score assigned to the proposal  
23 under the Department’s prioritization methodology  
24 and, if the project is being proposed for funding  
25 ahead of a project with a higher score, a comprehen-

1 sive explanation of the specific factors on the basis  
2 of which the project is being proposed for funding  
3 ahead of each such higher-scored project.

4 “(9) A listing of each alternative to construc-  
5 tion of the facility that has been considered.”.

6 (b) APPLICABILITY.—The amendments made by sub-  
7 section (a) shall apply with respect to any prospectus sub-  
8 mitted by the Secretary of Veterans Affairs after the date  
9 of the enactment of this Act.

10 **SEC. 203. PRIORITIZATION METHODOLOGY.**

11 (a) REVIEW OF METHODOLOGY.—The Secretary of  
12 Veterans Affairs shall conduct a review of the methodology  
13 used by the Department for establishing the relative prior-  
14 ity for major construction projects under consideration in  
15 the Department.

16 (b) REVISION.—Based upon the review under sub-  
17 section (a), the Secretary shall revise the prioritization  
18 methodology so as to give additional weight, as determined  
19 appropriate by the Secretary taking into consideration  
20 particularly the needs of the aging veteran population, to  
21 projects intended to expand long-term care and ambula-  
22 tory care programs.

23 (c) REPORT.—Not later than 120 days after the date  
24 of the enactment of this Act, the Secretary shall submit  
25 to the Committees on Veterans’ Affairs of the Senate and

1 House of Representatives a report on the actions of the  
2 Secretary in carrying out this section.

3 **SEC. 204. ASSESSMENT OF NEED FOR NURSING HOME BEDS**  
4 **IN CHESAPEAKE NETWORK AREA.**

5 (a) ASSESSMENT.—The Secretary of Veterans Affairs  
6 shall conduct an assessment of the need for nursing home  
7 beds operated by the Secretary in the area (referred to  
8 as the “Chesapeake network”) served by the Department  
9 of Veterans Affairs medical centers in Baltimore, Mary-  
10 land; Fort Howard, Maryland; Martinsburg, West Vir-  
11 ginia; Perry Point, Maryland; and Washington, D.C.

12 (b) MATTERS TO BE DETERMINED BY SEC-  
13 RETARY.—In conducting the assessment, the Secretary  
14 shall determine—

15 (1) what the specific mission of each medical  
16 center operated by the Secretary in the Chesapeake  
17 network should be to achieve the purposes identified  
18 in section 101;

19 (2) whether there is a need for expansion and  
20 modernization of the nursing home care unit at the  
21 medical center at Fort Howard, Maryland; and

22 (3) what effect the construction of nursing  
23 home beds in Baltimore, Maryland, as proposed in  
24 the President’s budget for the Department of Veter-  
25 ans Affairs for fiscal year 1994, would have for the

1 missions of each of the other medical centers oper-  
2 ated by the Secretary in the Chesapeake network.

3 (c) REPORT ON ASSESSMENT.—Not later than 90  
4 days after the date of the enactment of this Act, the Sec-  
5 retary shall submit to the Committees on Veterans' Affairs  
6 of the Senate and House of Representatives a report on  
7 the assessment under subsection (a). The Secretary shall  
8 include in the report a statement of each determination  
9 made by the Secretary under subsection (b).

## 10 **TITLE III—ADMINISTRATION**

### 11 **SEC. 301. AUTHORITY FOR EXPEDITED REORGANIZATION** 12 **OF MEDICAL FACILITIES IN EVENT OF A LIFE-** 13 **THREATENING EMERGENCY.**

14 Section 510 is amended—

15 (1) by redesignating subsections (e) and (f) as  
16 subsections (f) and (g), respectively; and

17 (2) by inserting after subsection (d) the follow-  
18 ing new subsection (e):

19 “(e)(1) The limitation in subsection (b) does not  
20 apply with respect to an administrative reorganization at  
21 a medical facility if the Secretary determines that the reor-  
22 ganization is necessary to respond to an emergency situa-  
23 tion at that facility.

24 “(2) The Secretary may determine that there is an  
25 emergency situation at a medical facility for purposes of

1 paragraph (1) only if the Secretary determines (A) that  
2 circumstances at the facility are such that patients and  
3 employees at the facility face imminent danger because of  
4 conditions at the facility that are permanent in nature,  
5 and (B) that those conditions are not susceptible to repair  
6 or that it is not feasible to repair those conditions.

7 “(3) For purposes of this subsection, an emergency  
8 situation may not be considered to exist in anticipation  
9 of, but before the occurrence of an event giving rise to  
10 any consideration of an administrative reorganization.

11 “(4) Whenever the Secretary determines under para-  
12 graph (1) that it is necessary to carry out an administra-  
13 tive reorganization at a medical facility without regard to  
14 the limitation in subsection (b), the Secretary shall  
15 promptly submit to the Committees on Veterans’ Affairs  
16 of the Senate and House of Representatives a report de-  
17 scribing the administrative reorganization. The report  
18 shall provide the same information as is provided in a de-  
19 tailed plan and justification under subsection (g)(2). The  
20 Secretary shall include in the report an explanation of  
21 each alternative to the proposed administrative reorga-  
22 nization that was considered and each factor that was con-  
23 sidered in the decision to reject each such alternative.”.

24 **SEC. 302. CLARIFICATION OF CONTRACTING LIMITATION.**

25 Section 8110(c)(3) is amended—

1 (1) by striking out “or” at the end of subpara-  
2 graph (A);

3 (2) by redesignating subparagraph (B) as sub-  
4 subparagraph (C) and in that subparagraph striking  
5 out “section 213 or 4117” and inserting in lieu  
6 thereof “section 7409”; and

7 (3) by inserting after subparagraph (A) the fol-  
8 lowing new subparagraph (B):

9 “(B) to a contract under section 513 of this  
10 title if the Under Secretary for Health certifies to  
11 the Secretary in writing, before the contract is en-  
12 tered into, that the contract is necessary in order to  
13 provide services to eligible veterans at a Department  
14 health-care facility that could not otherwise be pro-  
15 vided at such facility; or”.

16 **TITLE IV—STATE HOME**  
17 **PROGRAM**

18 **SEC. 401. PER DIEM FOR ADULT DAY HEALTH CARE.**

19 (a) IN GENERAL.—Subsection (a) of section 1741 is  
20 amended to read as follows:

21 “(a)(1) The Secretary shall pay to each State a per  
22 diem amount for each veteran receiving domiciliary care,  
23 nursing home care, hospital care, or adult day health care  
24 in a State home if the veteran is eligible to receive that  
25 care in a Department facility.

1       “(2) The per diem rate to be paid under this sub-  
2 section is as follows:

3           “(A) For domiciliary care, \$11.79 for each day.

4           “(B) For nursing home care and hospital care,  
5 \$27.61 for each day.

6           “(C) For adult day health care, \$16.50 for each  
7 day.”.

8       (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall apply with respect to adult day health  
10 care provided in a State home after September 30, 1993.

11 **SEC. 402. CONSTRUCTION ASSISTANCE PROGRAM.**

12       (a) IN GENERAL.—Subchapter III of chapter 81 is  
13 amended as follows:

14           (1) Section 8131(3) is amended by inserting  
15 “or adult day health care” after “hospital care”.

16           (2) Section 8132 is amended by inserting “or  
17 adult day health care” after “hospital care”.

18           (3) Section 8135(a)(4) is amended by inserting  
19 “and, in the case of adult day health care, not more  
20 than 25 percent of the number of patients partici-  
21 pating in that program,” after “occupancy”.

22           (4) Section 8135(b) is amended—

23               (A) in paragraph (2)(C), by inserting “or  
24 adult day health care facilities” after “domi-  
25 ciliary beds”; and

1 (B) in paragraph (3)(A), by inserting “, or  
2 would involve expansion, remodeling, or alter-  
3 ation of existing buildings for the furnishing of  
4 adult day health care” after “buildings”.

5 (5) Section 8136 is amended by inserting “or  
6 adult day health care” after “hospital care”.

7 (6) The heading of such subchapter is amended  
8 to read as follows:

9 “SUBCHAPTER III—STATE HOME FACILITIES  
10 FOR FURNISHING DOMICILIARY CARE,  
11 NURSING HOME CARE, ADULT DAY HEALTH  
12 CARE, AND HOSPITAL CARE”.

13 (b) CLERICAL AMENDMENT.—The item relating to  
14 subchapter III in the table of sections at the beginning  
15 of chapter 81 is amended to read as follows:

“SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING  
DOMICILIARY CARE, NURSING HOME CARE, ADULT DAY  
HEALTH CARE, AND HOSPITAL CARE”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) shall apply with respect to grants made to  
18 States using funds appropriated after the date of the  
19 enactment of this Act.

20 **SEC. 403. SHARING OF RESOURCES WITH STATE HOMES.**

21 (a) PURPOSE.—Section 8151 is amended by adding  
22 at the end the following: “It is further the purpose of this  
23 subchapter to improve the provision of care to veterans  
24 under this title by authorizing the Secretary to enter into

1 agreements with State veterans facilities for the sharing  
2 of health-care resources.”.

3 (b) DEFINITION.—Section 8152 is amended—

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

6 (2) by inserting after paragraph (2) the follow-  
7 ing new paragraph (3):

8 “(3) The term ‘health-care resource’ includes  
9 hospital care, medical services, and rehabilitative  
10 services, as those terms are defined in paragraphs  
11 (5), (6), and (8), respectively, of section 1701 of this  
12 title, any other health-care service, and any health-  
13 care support or administrative resource.”.

14 (c) SHARING OF HEALTH-CARE RESOURCES.—Sec-  
15 tion 8153(a) is amended—

16 (1) by inserting “(1)” after “(a)”; and

17 (2) by striking out “other form of agreement,”  
18 and all that follows and inserting in lieu thereof  
19 “other form of agreement for the mutual use, or ex-  
20 change of use, of—

21 “(A) specialized medical resources between De-  
22 partment health-care facilities and other health-care  
23 facilities (including organ banks, blood banks, or  
24 similar institutions), research centers, or medical  
25 schools; and



1 poses, operate as though such committee had been estab-  
2 lished by, and chartered pursuant to, law. The objectives  
3 and scope of the activities of each such committee and the  
4 duties for which the committee is responsible, as specified  
5 by the Secretary as of March 1, 1993, shall be those in  
6 effect as of that date.

7       “(b) The Secretary may not terminate a veterans re-  
8 search advisory committee specified in subsection (c) un-  
9 less the Secretary finds that the committee is no longer  
10 needed. Not less than 120 days before terminating such  
11 a committee, the Secretary shall submit to the congres-  
12 sional veterans’ affairs committees a report on the pro-  
13 posed termination. The report shall include an explanation  
14 of (1) the basis for the Secretary’s determination that  
15 such committee is no longer needed, and (2) the manner  
16 in which the Secretary will carry out the Secretary’s re-  
17 sponsibilities under section 7303 of this title in the ab-  
18 sence of the committee.

19       “(c) For purposes of this section, each of the follow-  
20 ing committees and boards, as established by the Sec-  
21 retary as of March 1, 1993, shall be considered to be a  
22 veterans research advisory committee:

23               “(1) The Career Development Committee.

24               “(2) The Department of Veterans Affairs Coop-  
25               erative Studies Evaluation Committee.

1           “(3) The Merit Review Board for Basic  
2 Sciences Programs.

3           “(4) The Merit Review Board for Cardio-  
4 vascular Programs.

5           “(5) The Merit Review Board for Clinical Phar-  
6 macology, Alcoholism, and Drug Dependence Pro-  
7 grams.

8           “(6) The Merit Review Board for Endocrinol-  
9 ogy Programs.

10          “(7) The Merit Review Board for Gastro-  
11 enterology Programs.

12          “(8) The Merit Review Board for Hematology  
13 Programs.

14          “(9) The Merit Review Board for Immunology  
15 Programs.

16          “(10) The Merit Review Board for Infectious  
17 Diseases Programs.

18          “(11) The Merit Review Board for Mental  
19 Health and Behavioral Sciences Programs.

20          “(12) The Merit Review Board for Nephrology  
21 Programs.

22          “(13) The Merit Review Board for  
23 Neurobiology Programs.

24          “(14) The Merit Review Board for Oncology  
25 Programs.

1           “(15) The Merit Review Board for Respiration  
2 Programs.

3           “(16) The Merit Review Board for Surgery  
4 Programs.

5           “(17) The Scientific Review Evaluation Board  
6 for Health Services Research and Development.

7           “(18) The Scientific Review Evaluation Board  
8 for Rehabilitation Research and Development.”.

9           (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of chapter 5 is amended by inserting  
11 after the item relating to section 543 the following new  
12 item:

“544. Veterans research advisory committees.”.

13 **SEC. 502. LIMITATION ON CLAIMS FOR COPAYMENTS.**

14           (a) HOSPITAL CARE AND NURSING HOME CARE.—  
15 Section 1710(f) is amended by adding at the end the fol-  
16 lowing new paragraph:

17           “(6) A veteran may not be required to make a pay-  
18 ment under this subsection for any day of care if the Sec-  
19 retary does not notify the veteran in writing of the amount  
20 owed for that care before the end of the two-year period  
21 beginning on the date on which the care is provided, unless  
22 the reason the Secretary did not notify the veteran within  
23 such period was due to reliance by the Secretary on infor-  
24 mation furnished by the veteran to the Secretary which  
25 was subsequently determined to be erroneous.”.

1 (b) OUTPATIENT MEDICAL SERVICES.—Section  
2 1712(f) is amended by adding at the end the following  
3 new paragraph:

4 “(5) A veteran may not be required to make a pay-  
5 ment under this subsection for any medical services if the  
6 Secretary does not notify the veteran in writing of the  
7 amount owed for those services before the end of the two-  
8 year period beginning on the date on which the services  
9 were provided, unless the reason the Secretary did not no-  
10 tify the veteran within such period was due to reliance  
11 by the Secretary on information furnished by the veteran  
12 to the Secretary which was subsequently determined to be  
13 erroneous.”.

14 (c) MEDICATIONS.—Section 1722A(a) is amended by  
15 adding at the end the following new paragraph:

16 “(4) A veteran may not be required to make a pay-  
17 ment under this subsection for any supply of medication  
18 if the Secretary does not notify the veteran in writing of  
19 the amount owed for that medication before the end of  
20 the two-year period beginning on the date on which the  
21 medication is supplied, unless the reason the Secretary did  
22 not notify the veteran within such period was due to reli-  
23 ance by the Secretary on information furnished by the vet-  
24 eran to the Secretary which was subsequently determined  
25 to be erroneous.”.

1 **SEC. 503. CHILD CARE SERVICES.**

2 (a) REVISED CHILD CARE AUTHORITY.—Chapter 81  
3 is amended by inserting after section 8116 the following  
4 new section:

5 **“§8117. Child care centers**

6 “(a) The Secretary may provide for the operation of  
7 child care centers at Department facilities. The operation  
8 of such centers under this section shall be carried out to  
9 the extent that the Secretary determines, based on the de-  
10 mand of employees of the Department for the care in-  
11 volved, that such operation is in the best interest of the  
12 Department and that it is practicable to do so.

13 “(b)(1) In offering child care services under this sec-  
14 tion, the Secretary shall give priority (in the following  
15 order) to employees of—

16 “(A) the Department;

17 “(B) other departments and agencies of the  
18 Federal Government, and

19 “(C) schools affiliated with the Department and  
20 corporations created under section 7361 of this title.

21 “(2) To the extent that space is available, the Sec-  
22 retary may provide child care services to members of the  
23 public at a child care center operated under this section  
24 if the Secretary determines that to do so is necessary to  
25 assure the financial success of that center.

1       “(c)(1) The Secretary shall establish reasonable  
2 charges for child care services provided at each child care  
3 center operated under this section. Such charges may be  
4 established at different rates for different centers.

5       “(2) In establishing charges for child care services  
6 provided at a center, the Secretary—

7               “(A) shall (except as provided in paragraph (3))  
8 establish the charges so as to ensure that the sum  
9 of all charges for child care services at that center  
10 is sufficient to meet the staffing expenses of that  
11 center; and

12               “(B) may also may consider the expenses of  
13 constructing or acquiring space for the center, the  
14 expenses of converting existing space into the center,  
15 and the expenses of equipment and services fur-  
16 nished to the center under subsection (d)(2).

17       “(3) The Secretary may establish charges for child  
18 care services provided at a center at rates less than those  
19 necessary to ensure that the sum of all charges for child  
20 care services at that center is sufficient to meet the staff-  
21 ing expenses of that center if the Secretary determines  
22 (with respect to a particular facility of the Department)  
23 that—

1           “(A) the operation of a child care center at that  
2 facility would help overcome serious recruitment or  
3 retention problems;

4           “(B) adherence to the requirement to establish  
5 charges for child care services at that center at rates  
6 sufficient to meet the staffing expenses of that cen-  
7 ter would make the operation of a child care center  
8 at that facility unfeasible; and

9           “(C) there are no other practical alternatives to  
10 meeting the needs of employees at that facility for  
11 child care services.

12          “(4) Proceeds from charges for child care services  
13 shall be credited to the applicable Department of Veterans  
14 Affairs account and shall be allotted to the facility served  
15 by the child care center and shall remain available until  
16 expended.

17          “(d) In connection with the establishment and oper-  
18 ation of a child care center under this section, the Sec-  
19 retary—

20               “(1) may construct or alter space in any De-  
21 partment facility, and may lease space in a non-  
22 Department facility for a term not to exceed 20  
23 years, for use as a child care center;

24               “(2) may provide, out of operating funds, other  
25 items and services necessary for the operation of the

1 center, including furniture, office machines and  
2 equipment, utility and custodial services, and other  
3 necessary services and amenities;

4 “(3) shall provide for the participation (directly  
5 or through a parent advisory committee) of parents  
6 of children receiving care in the center in the estab-  
7 lishment of policies to govern the operation of the  
8 center and in the oversight of the implementation of  
9 such policies;

10 “(4) shall require the development and use of a  
11 process for determining the fitness and suitability of  
12 prospective employees of or volunteers at the center;  
13 and

14 “(5) shall require in connection with the oper-  
15 ation of the center compliance with all State and  
16 local laws, ordinances, and regulations relating to  
17 health and safety and the operation of child care  
18 centers.

19 “(e) The Secretary shall prescribe guidelines to carry  
20 out this section.

21 “(f) For the purpose of this section, the term ‘parent  
22 advisory committee’ means a committee comprised of, and  
23 selected by, the parents of children receiving care in a  
24 child care center operated under this section.”

1 (b) CONFORMING REPEAL.—Section 7809 is re-  
2 pealed.

3 (c) CLERICAL AMENDMENTS.—(1) The table of sec-  
4 tions at the beginning of chapter 81 is amended by insert-  
5 ing after the item relating to section 8116 the following  
6 new item:

“8117. Child care centers.”.

7 (2) The table of sections at the beginning of chapter  
8 78 is amended by striking out the item relating to section  
9 7809.

Passed the House of Representatives May 18, 1993.

Attest:

*Clerk.*

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