

103^D CONGRESS
2^D SESSION

H. R. 4425

To authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1995, to revise and improve veterans' health programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1994

Mr. ROWLAND (for himself and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1995, 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,*

1 **TITLE I—CONSTRUCTION**
2 **AUTHORIZATION**

3 **SEC. 101. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
4 **PROJECTS AND MAJOR MEDICAL FACILITY**
5 **LEASES.**

6 (a) PROJECTS IN PRESIDENT'S BUDGET.—(1) Ex-
7 cept as provided in paragraph (2), the Secretary of Veter-
8 ans Affairs may carry out the major medical facility
9 projects for the Department of Veterans Affairs, and may
10 carry out the major medical facility leases for that Depart-
11 ment, for which funds are requested in the budget of the
12 President for fiscal year 1995.

13 (2) The Secretary is not authorized to carry out—

14 (A) the project described in the budget of the
15 President for fiscal year 1995 for the construction of
16 a research addition at Huntington, West Virginia; or

17 (B) the project described in the budget of the
18 President for fiscal year 1995 for the construction of
19 a research addition at Portland, Oregon.

20 (b) ADDITIONAL PROJECTS.—In addition to the
21 projects authorized in subsection (a), the Secretary may
22 carry out the following major medical facility projects, in
23 the amounts specified:

24 (1) The projects for ambulatory care facilities
25 that are proposed in the budget for fiscal year 1995

1 to be financed with funds from the Health Care
2 Investment Fund.

3 (2) Construction of a nursing home facility at
4 the Department of Veterans Affairs Medical Center
5 in Charleston, South Carolina, \$7,300,000.

6 (3) A lease/purchase of a nursing home facility
7 near Ft. Myers, Florida, \$18,630,000.

8 (4) Construction of an outpatient care addition
9 at the Department of Veterans Affairs medical cen-
10 ter in Phoenix, Arizona, in the amount of
11 \$50,000,000.

12 (c) PROJECTS FOR WHICH FUNDS APPROPRIATED.—
13 In addition to the projects authorized in subsections (a)
14 and (b), the Secretary may carry out the following major
15 medical facility projects for which funds were appropriated
16 in the Emergency Supplemental Appropriations Act of
17 1994 (Public Law 103–211) in the amounts specified:

18 (1) Construction of an ambulatory care/support
19 services facility at the Department of Veterans Af-
20 fairs Medical Center in Sepulveda, California,
21 \$53,700,000.

22 (2) Other major medical facility projects re-
23 quired to repair, restore, or replace earthquake-dam-
24 aged facilities at the Department of Veterans Affairs

1 Medical Center in Sepulveda, California,
2 \$50,000,000.

3 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is hereby authorized to be
5 appropriated to the Secretary of Veterans Affairs for fiscal
6 year 1995—

7 (1) \$343,800,000 for the major medical facility
8 projects authorized in subsections (a) and (b) of sec-
9 tion 101; and

10 (2) \$15,800,000 for the major medical facility
11 leases authorized in section 101(a).

12 (b) LIMITATION.—The projects authorized in sub-
13 sections (a) and (b) of section 101 may only be carried
14 out using—

15 (1) funds appropriated for fiscal year 1995 pur-
16 suant to the authorization of appropriations in sub-
17 section (a);

18 (2) funds appropriated for Construction, Major
19 Projects for a fiscal year before fiscal year 1995 that
20 remain available for obligation; and

21 (3) funds appropriated for Construction, Major
22 Projects for fiscal year 1995 for a category of activ-
23 ity not specific to a project.

1 (c) LIMITATION ON CERTAIN PROJECTS.—The
2 projects authorized in subsection (c) of section 101 may
3 only be carried out using—

4 (1) funds appropriated, as well as funds trans-
5 ferred by the President, to the Construction, Major
6 Projects account pursuant to the Emergency Supple-
7 mental Appropriations Act of 1994 (Public Law
8 103–211);

9 (2) funds appropriated to the Medical Care ac-
10 count by the Emergency Supplemental Appropria-
11 tions Act of 1994 (Public Law 103–211) that are
12 transferred by law to the Construction, Major
13 Projects account;

14 (3) funds appropriated to the Construction,
15 Major Projects account for a fiscal year before fiscal
16 year 1994 that remain available for obligation; and

17 (4) funds appropriated to the Construction,
18 Major Projects account for fiscal year 1994 for a
19 category of activity not specific to a project.

20 **TITLE II—HEALTH CARE**
21 **PLANNING AND PROGRAMS**

22 **SEC. 201. HEALTH CARE FACILITIES MISSIONS.**

23 (a) IN GENERAL.—The Secretary of Veterans Affairs
24 shall prescribe a specific, detailed statement of the mission
25 of, and the clinical programs to be operated at, each health

1 care facility of the Department, determined based upon
2 a requirement that each such facility operate within a net-
3 work of Department facilities in the same geographic area
4 which, taken together, provide a full range of services for
5 veterans.

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

8 (1) effective planning;

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

11 (3) realignment of services among facilities
12 within each network;

13 (4) improved means of resource distribution;
14 and

15 (5) more efficient delivery of needed services.

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

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

23 (1) prescribe the mission statements required
24 by subsection (a); and

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

7 **SEC. 202. PILOT PROGRAM FOR NONINSTITUTIONAL AL-**
8 **TERNATIVES TO NURSING HOME CARE.**

9 (a) EXTENSION OF PROGRAM.—Subsection (a) of
10 section 1720C of title 38, United States Code, is amended
11 by striking out “During the four-year period beginning on
12 October 1, 1990,” and inserting in lieu thereof “During
13 the period through September 30, 1997,”.

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

19 (c) REPORT DEADLINES.—Section 201(b) of the De-
20 partment of Veterans Affairs Nurse Pay Act of 1990
21 (Public Law 101-366; 104 Stat. 438) is amended—

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

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

1 **TITLE III—MEDICAL FACILITIES**
2 **ACQUISITION**

3 **SEC. 301. REVISION TO PROSPECTUS REQUIREMENTS.**

4 (a) ADDITIONAL INFORMATION.—Section 8104(b) of
5 title 38, United States Code, is amended—

6 (1) by striking out “shall include—” and insert-
7 ing in lieu thereof “shall include.”;

8 (2) in paragraph (1)—

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

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

13 (3) in paragraph (2)—

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

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

18 (4) in paragraph (3), by striking out “an esti-
19 mate” and inserting in lieu thereof “An estimate”;
20 and

21 (5) by adding at the end the following new
22 paragraphs:

23 “(4) Demographic data applicable to the
24 project.

1 “(5) Current and projected workload and utili-
2 zation data.

3 “(6) The relationship between the mission of
4 the facility and the missions and capabilities of other
5 nearby Department facilities and, as applicable, the
6 availability or lack of availability of alternative
7 sources of service in the community and the cost-ef-
8 fectiveness of using such alternative sources.

9 “(7) Current and projected operating costs of
10 the facility.

11 “(8) The raw score assigned to the proposal
12 under the Department’s prioritization methodology
13 and, if the project is being proposed for funding
14 ahead of a project with a higher score, a comprehen-
15 sive explanation of the specific factors on the basis
16 of which the project is being proposed for funding
17 ahead of each such higher-scored project.

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

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

1 **SEC. 302. PRIORITIZATION METHODOLOGY.**

2 (a) REVIEW OF METHODOLOGY.—The Secretary of
3 Veterans Affairs shall conduct a review of the methodology
4 used by the Department for establishing the relative prior-
5 ity for major construction projects under consideration in
6 the Department.

7 (b) REVISION.—Based upon the review under sub-
8 section (a), the Secretary shall revise the prioritization
9 methodology so as to give additional weight, as determined
10 appropriate by the Secretary taking into consideration
11 particularly the needs of the aging veteran population, to
12 projects intended to expand long-term care and ambula-
13 tory care programs.

14 (c) REPORT.—Not later than 120 days after the date
15 of the enactment of this Act, the Secretary shall submit
16 to the Committees on Veterans' Affairs of the Senate and
17 House of Representatives a report on the actions of the
18 Secretary in carrying out this section.

19 **SEC. 303. SEMIANNUAL COMPILATION OF CONSTRUCTION**
20 **PRIORITIES.**

21 Section 8107 of title 38, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(c)(1) The Secretary shall submit to each commit-
25 tee, not later than January 31 and July 31 of each year,
26 a report showing the current priorities of the Department

1 for proposed major medical construction projects. Each
2 such report shall identify the 20 projects, from within all
3 the projects in the Department's inventory of proposed
4 projects, that have the highest priority and, for those 20
5 projects, the relative priority and rank scoring of each
6 such project. The 20 projects shall be compiled, and their
7 relative rankings shall be shown, by category of project
8 (including the categories of ambulatory care projects,
9 nursing home care projects, and such other categories as
10 the Secretary determines).

11 “(2) The Secretary shall include in each report, for
12 each project listed, a description of the specific factors
13 that account for the relative ranking of that project in re-
14 lation to other projects within the same category.

15 “(3) In a case in which the relative ranking of a pro-
16 posed project has changed since the last report under this
17 subsection was submitted, the Secretary shall also include
18 in the report a description of the reasons for the change
19 in the ranking, including an explanation of any change in
20 the scoring of the project under the Department's scoring
21 system for proposed major medical construction projects.

22 **SEC. 304. DEFINITION OF MAJOR MEDICAL FACILITY**
23 **PROJECT.**

24 Subparagraph (A) of section 8104(a)(3) of title 38,
25 United States Code, is amended by inserting before the

1 period at the end the following: “, and, in the case of a
2 project which is principally for the alteration of a medical
3 facility to provide additional space for provision of ambula-
4 tory care, such term means a project involving a total ex-
5 penditure of more than \$5,000,000”.

6 **TITLE IV—STATE HOME**
7 **PROGRAM**

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

9 (a) IN GENERAL.—Subsection (a) of section 1741 of
10 title 38, United States Code, is amended to read as
11 follows:

12 “(a)(1) The Secretary shall pay to each State a per
13 diem amount for each veteran receiving domiciliary care,
14 nursing home care, hospital care, or adult day health care
15 in a State home if the veteran is eligible to receive that
16 care in a Department facility.

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

19 “(A) For domiciliary care, \$15.11 for each day.

20 “(B) For nursing home care and hospital care,
21 \$35.37 for each day.

22 “(C) For adult day health care, \$16.28 for each
23 day.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to adult day health
3 care provided in a State home after September 30, 1994.

4 **SEC. 402. CONSTRUCTION ASSISTANCE PROGRAM.**

5 (a) IN GENERAL.—Subchapter III of chapter 81 of
6 title 38, United States Code, is amended as follows:

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

9 (2) Section 8132 is amended by inserting
10 “adult day health care” after “hospital care”.

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

15 (4) Section 8135(b) is amended—

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

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

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

1 (previously established by the Secretary in carrying out
2 the duties of the Secretary under section 7303 of this title)
3 has a continuing, ongoing function that is integrally relat-
4 ed to the successful completion by the Department of its
5 statutory duties. Each such committee shall, for all pur-
6 poses, operate as though such committee had been estab-
7 lished by, and chartered pursuant to, law. The objectives
8 and scope of the activities of each such committee and the
9 duties for which the committee is responsible, as specified
10 by the Secretary as of March 1, 1993, shall be those in
11 effect as of that date.

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

24 “(c) For purposes of this section, each of the follow-
25 ing committees and boards, as established by the Sec-

1 retary as of March 1, 1993, shall be considered to be a
2 veterans' research advisory committee:

3 “(1) The Career Development Committee.

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

6 “(3) The Merit Review Board for Basic
7 Sciences Programs.

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

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

13 “(6) The Merit Review Board for Endocrinol-
14 ogy Programs.

15 “(7) The Merit Review Board for Gastro-
16 enterology Programs.

17 “(8) The Merit Review Board for Hematology
18 Programs.

19 “(9) The Merit Review Board for Immunology
20 Programs.

21 “(10) The Merit Review Board for Infectious
22 Diseases Programs.

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

1 “(12) The Merit Review Board for Nephrology
2 Programs.

3 “(13) The Merit Review Board for
4 Neurobiology Programs.

5 “(14) The Merit Review Board for Oncology
6 Programs.

7 “(15) The Merit Review Board for Respiration
8 Programs.

9 “(16) The Merit Review Board for Surgery
10 Programs.

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

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

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 543 the following new
18 item:

“544. Veterans research advisory committees.”.

19 **SEC. 502. CHILD CARE SERVICES.**

20 (a) REVISED CHILD CARE AUTHORITY.—Chapter 81
21 of title 38, United States Code, is amended by inserting
22 after section 8116 the following new section:

23 **“§8117. Child care centers**

24 “(a) The Secretary may provide for the operation of
25 child care centers at Department facilities. The operation

1 of such centers under this section shall be carried out to
2 the extent that the Secretary determines, based on the de-
3 mand of employees of the Department for the care in-
4 volved, that such operation is in the best interest of the
5 Department and that it is practicable to do so.

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

9 “(A) the Department;

10 “(B) other departments and agencies of the
11 Federal Government, and

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

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

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

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

1 “(A) shall (except as provided in paragraph (3))
2 establish the charges so as to ensure that the sum
3 of all charges for child care services at that center
4 is sufficient to meet the staffing expenses of that
5 center; and

6 “(B) may also consider the expenses of con-
7 structing or acquiring space for the center, the ex-
8 penses of converting existing space into the center,
9 and the expenses of equipment and services fur-
10 nished to the center under subsection (d)(2).

11 “(3) The Secretary may establish charges for child
12 care services provided at a center at rates less than those
13 necessary to ensure that the sum of all charges for child
14 care services at that center is sufficient to meet the staff-
15 ing expenses of that center if the Secretary determines
16 (with respect to a particular facility of the Department)
17 that—

18 “(A) the operation of a child care center at that
19 facility would help overcome serious recruitment or
20 retention problems;

21 “(B) adherence to the requirement to establish
22 charges for child care services at that center at rates
23 sufficient to meet the staffing expenses of that cen-
24 ter would make the operation of a child care center
25 at that facility unfeasible; and

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

4 “(4) Proceeds from charges for child care services
5 shall be credited to the applicable Department of Veterans
6 Affairs account and shall be allotted to the facility served
7 by the child care center and shall remain available until
8 expended.

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

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

16 “(2) may provide, out of operating funds, other
17 items and services necessary for the operation of the
18 center, including furniture, office machines and
19 equipment, utility and custodial services, and other
20 necessary services and amenities;

21 “(3) shall provide for the participation (directly
22 or through a parent advisory committee) of parents
23 of children receiving care in the center in the estab-
24 lishment of policies to govern the operation of the

1 center and in the oversight of the implementation of
2 such policies;

3 “(4) shall require the development and use of a
4 process for determining the fitness and suitability of
5 prospective employees of or volunteers at the center;
6 and

7 “(5) shall require in connection with the oper-
8 ation of the center compliance with all State and
9 local laws, ordinances, and regulations relating to
10 health and safety and the operation of child care
11 centers.

12 “(e) The Secretary shall prescribe guidelines to carry
13 out this section.

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

18 (b) CONFORMING REPEAL.—Section 7809 of such
19 title is repealed.

20 (c) CLERICAL AMENDMENTS.—(1) The table of sec-
21 tions at the beginning of chapter 81 of such title is amend-
22 ed by inserting after the item relating to section 8116 the
23 following new item:

“8117. Child care centers.”.

1 (2) The table of sections at the beginning of chapter
2 78 of such title is amended by striking out the item relat-
3 ing to section 7809.

4 **SEC. 503. CONTRACTS FOR UTILITIES, AUDIE L. MURPHY**
5 **MEMORIAL HOSPITAL.**

6 (a) AUTHORITY TO CONTACT.—Subject to subsection
7 (b), the Secretary of Veterans Affairs may enter into con-
8 tracts for the provision of utilities (including steam and
9 chilled water) to the Audie L. Murphy Memorial Hospital
10 in San Antonio, Texas. Each such contract may—

11 (1) be for a period not to exceed 35 years;

12 (2) provide for the construction and operation
13 of a production facility on or near property under
14 the jurisdiction of the Secretary;

15 (3) require capital contributions by the parties
16 involved for the construction of such a facility, such
17 contribution to be in the form of cash, equipment,
18 or other in-kind contribution; and

19 (4) provide for a predetermined formula to
20 compute the cost of providing such utilities to the
21 parties for the duration of the contract.

22 (b) FUNDS.—A contract may be entered into under
23 subsection (a) only to the extent and in the amount pro-
24 vided in advance in appropriations Acts.

1 (c) ADDITIONAL TERMS.—The Secretary may include
2 in a contract under subsection (a) such additional provi-
3 sions as the Secretary considers necessary to secure the
4 provision of utilities and to protect the interests of the
5 United States.

6 **SEC. 504. FACILITIES IN REPUBLIC OF THE PHILIPPINES.**

7 Notwithstanding section 1724 of title 38, United
8 States Code, the Secretary of Veterans Affairs, during the
9 period from February 28, 1994, through June 1, 1994,
10 may contract with facilities in the Republic of the Phil-
11ippines other than the Veterans Memorial Medical Center
12 to furnish hospital care and medical services to veterans
13 for nonservice-connected disabilities if such veterans are
14 unable to defray the expenses of necessary hospital care.
15 When the Secretary determines it to be most feasible, the
16 Secretary may provide medical services to such veterans
17 at the Department of Veterans Affairs Outpatient Clinic
18 at Manila, Republic of the Philippines.

19 **SEC. 505. WAIVER OF CONGRESSIONAL WAITING PERIOD**
20 **REQUIREMENT FOR A SPECIFIED ADMINIS-**
21 **TRATIVE REORGANIZATION.**

22 (a) WAIVER.—The Secretary of Veterans Affairs may
23 undertake the administrative reorganization described in
24 subsection (b) of this section without regard to the waiting

1 period requirement of section 510(b) of title 38, United
2 States Code.

3 (b) COVERED ADMINISTRATIVE REORGANIZATION.—

4 The administrative reorganization referred to in sub-
5 section (a) of this section is a reorganization at the De-
6 partment of Veterans Affairs Medical Center in Sepul-
7 veda, California, necessitated by the January 1994 earth-
8 quake damage at that location, as described in the letters
9 dated April 25, 1994, and the accompanying detailed plan
10 and justification, submitted by the Secretary of Veterans
11 Affairs to the chairmen of the House and Senate Commit-
12 tees on Veterans' Affairs pursuant to section 510(b) of
13 title 38, United States Code.

14 **SEC. 506. TECHNICAL AMENDMENT.**

15 Section 7363(c) of title 38, United States Code, is
16 amended by striking out “section 501(c)(3) of”.

○

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