

105TH CONGRESS
1ST SESSION

H. R. 2206

To amend title 38, United States Code, to improve programs of the Department of Veterans Affairs for homeless veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

Mr. STEARNS (for himself and Mr. GUTIERREZ) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve programs of the Department of Veterans Affairs for homeless veterans, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Health Pro-
5 grams Improvement Act of 1997”.

6 **SEC. 2. TREATMENT AND REHABILITATION FOR SERIOUSLY**
7 **MENTALLY ILL AND HOMELESS VETERANS.**

8 (a) CODIFICATION AND REVISIONS OF VETERANS
9 HOMELESS PROGRAMS.—Chapter 17 of title 38, United

1 States Code, is amended by adding at the end the follow-
2 ing new subchapter:

3 **“Subchapter VII—Treatment and Rehabilita-**
4 **tion for Seriously Mentally Ill and Home-**
5 **less Veterans**

6 **“§ 1771. General treatment**

7 “In providing care and services under section 1710
8 of this title to veterans suffering from serious mental ill-
9 ness, including veterans who are homeless, the Secretary
10 may provide (directly or in conjunction with a govern-
11 mental or other entity)—

12 “(1) outreach services;

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

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

20 **“§ 1772. Therapeutic housing**

21 “(a) The Secretary, in connection with the conduct
22 of compensated work therapy programs, may operate resi-
23 dences and facilities as therapeutic housing.

24 “(b) The Secretary may use such procurement proce-
25 dures for the purchase, lease, or other acquisition of resi-

1 dental housing for purposes of this section as the Sec-
2 retary considers appropriate to expedite the opening and
3 operation of transitional housing and to protect the inter-
4 ests of the United States.

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

9 “(1) Only veterans described in those para-
10 graphs and a house manager may reside in the resi-
11 dence.

12 “(2) Each resident, other than the house man-
13 ager, shall be required to make payments that con-
14 tribute to covering the expenses of board and the
15 operational costs of the residence for the period of
16 residence in such housing.

17 “(3) In order to foster the therapeutic and re-
18 habilitative objectives of such housing (A) residents
19 shall be prohibited from using alcohol or any con-
20 trolled substance or item, (B) any resident violating
21 that prohibition may be expelled from the residence,
22 and (C) each resident shall agree to undergo drug
23 testing or such other measures as the Secretary shall
24 prescribe to ensure compliance with that prohibition.

1 “(4) In the establishment and operation of
2 housing under this section, the Secretary shall con-
3 sult with appropriate representatives of the commu-
4 nity in which the housing is established and shall
5 comply with zoning requirements, building permit
6 requirements, and other similar requirements appli-
7 cable to other real property used for similar pur-
8 poses in the community.

9 “(5) The residence shall meet State and com-
10 munity fire and safety requirements applicable to
11 other real property used for similar purposes in the
12 community in which the transitional housing is lo-
13 cated, but fire and safety requirements applicable to
14 buildings of the Federal Government shall not apply
15 to such property.

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

21 “(e)(1) The Secretary may operate as transitional
22 housing under this section—

23 “(A) any suitable residential property acquired
24 by the Secretary as the result of a default on a loan

1 made, guaranteed, or insured under chapter 37 of
2 this title;

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

7 “(C) any other suitable residential property
8 purchased, leased, or otherwise acquired by the Sec-
9 retary.

10 “(2) In the case of any property referred to in para-
11 graph (1)(A), the Secretary shall—

12 “(A) transfer administrative jurisdiction over
13 such property within the Department from the Vet-
14 erans Benefits Administration to the Veterans
15 Health Services and Research Administration; and

16 “(B) transfer from the General Post Fund of
17 the Department of Veterans Affairs to the Loan
18 Guaranty Revolving Fund under chapter 37 of this
19 title an amount (not to exceed the amount the Sec-
20 retary paid for the property) representing the
21 amount the Secretary considers could be obtained by
22 sale of such property to a nonprofit organization or
23 a State for use as a shelter for homeless veterans.

24 “(3) In the case of any residential property obtained
25 by the Secretary from the Department of Housing and

1 Urban Development under this section, the amount paid
2 by the Secretary to that Department for that property
3 may not exceed the amount that the Secretary of Housing
4 and Urban Development would charge for the sale of that
5 property to a nonprofit organization or a State for use
6 as a shelter for homeless persons. Funds for such charge
7 shall be derived from the General Post Fund.

8 “(f) The Secretary shall prescribe—

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

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

14 “(g) The Secretary may dispose of any property ac-
15 quired for the purpose of this section. The proceeds of any
16 such disposal shall be credited to the General Post Fund
17 of the Department of Veterans Affairs.

18 “(h) Funds received by the Department under this
19 section shall be deposited in the General Post Fund. The
20 Secretary may distribute out of the fund such amounts
21 as necessary for the acquisition, management, mainte-
22 nance, and disposition of real property for the purpose of
23 carrying out such program. The Secretary shall manage
24 the operation of this section so as to ensure that expendi-
25 tures under this subsection for any fiscal year shall not

1 exceed by more than \$500,000 proceeds credited to the
2 General Post Fund under this section. The operation of
3 the program and funds received shall be separately ac-
4 counted for, and shall be stated in the documents accom-
5 panying the President's budget for each fiscal year.

6 **“§ 1773. Additional services at certain locations**

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

11 “(b) The program shall include the establishment of
12 not fewer than eight programs (in addition to any existing
13 programs providing similar services) at sites under the ju-
14 risdiction of the Secretary to be centers for the provision
15 of comprehensive services to homeless veterans. The serv-
16 ices to be provided at each site shall include a comprehen-
17 sive and coordinated array of those specialized services
18 which may be provided under existing law.

19 “(c) The program shall include the services of such
20 employees of the Veterans Benefits Administration as the
21 Secretary determines appropriate at sites under the juris-
22 diction of the Secretary at which services are provided to
23 homeless veterans.

1 **“§ 1774. Coordination with other agencies and orga-**
2 **nizations**

3 “(a) In assisting homeless veterans, the Secretary
4 shall coordinate with, and may provide services authorized
5 under this title in conjunction with, State and local gov-
6 ernments, other appropriate departments and agencies of
7 the Federal Government, and nongovernmental organiza-
8 tions.

9 “(b)(1) The Secretary shall require the director of
10 each medical center or the director of each regional bene-
11 fits office to make an assessment of the needs of homeless
12 veterans living within the area served by the medical cen-
13 ter or regional office, as the case may be.

14 “(2) Each such assessment shall be made in coordi-
15 nation with representatives of State and local govern-
16 ments, other appropriate departments and agencies of the
17 Federal Government, and nongovernmental organizations
18 that have experience working with homeless persons in
19 that area.

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

22 “(A) Health care.

23 “(B) Education and training.

24 “(C) Employment.

25 “(D) Shelter.

26 “(E) Counseling.

1 “(F) Outreach services.

2 “(4) Each assessment shall also indicate the extent
3 to which the needs referred to in paragraph (3) are being
4 met adequately by the programs of the Department, of
5 other departments and agencies of the Federal Govern-
6 ment, of State and local governments, and of nongovern-
7 mental organizations.

8 “(5) Each assessment shall be carried out in accord-
9 ance with uniform procedures and guidelines prescribed
10 by the Secretary.

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

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

23 “(2) seek to encourage the development by the
24 representatives of such entities, in coordination with
25 the director, of a plan to coordinate among such

1 public and private programs the provision of services
2 to homeless veterans;

3 “(3) take appropriate action to meet, to the
4 maximum extent practicable through existing pro-
5 grams and available resources, the needs of homeless
6 veterans that are identified in the assessment con-
7 ducted under subsection (b); and

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

12 (b) CONFORMING AMENDMENTS.—(1) Section 1720A
13 of such title is amended—

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

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

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

20 **“§ 1720A. Treatment and rehabilitative services for**
21 **persons with drug or alcohol depend-**
22 **ency”.**

23 (c) CONFORMING REPEALS.—The following provi-
24 sions are repealed:

1 (1) Section 7 of Public Law 102–54 (38 U.S.C.
2 1718 note).

3 (2) Section 107 of the Veterans’ Medical Pro-
4 grams Amendments of 1992 (38 U.S.C. 527 note).

5 (3) Section 2 of the Homeless Veterans Com-
6 prehensive Service Programs Act of 1992 (38 U.S.C.
7 7721 note).

8 (d) CLERICAL AMENDMENTS.—The table of sections
9 at the beginning of chapter 17 of such title is amended—
10 (1) by striking out the item relating to section
11 1720A and inserting in lieu thereof the following:

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

12 (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.”.

13 **SEC. 3. EXTENSION OF HOMELESS VETERANS COMPREHEN-**
14 **SIVE SERVICE GRANT PROGRAM.**

15 Section 3 of the Homeless Veterans Comprehensive
16 Service Programs Act of 1992 (38 U.S.C. 7721 note) is
17 amended—

18 (1) in subsection (a)(2), by striking out “Sep-
19 tember 30, 1997” and inserting in lieu thereof “Sep-
20 tember 30, 1999”; and

1 (2) in subsection (b)(2), by striking out “,
2 which shall” and all that follows through “para-
3 graph (1)”.

4 **SEC. 4. ANNUAL REPORT ON ASSISTANCE TO HOMELESS**
5 **VETERANS.**

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

8 (1) in subsection (a)(2)—

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

11 (B) by striking out the period at the end
12 of subparagraph (C) and inserting in lieu there-
13 of “; and”; and

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

16 “(D) evaluate the effectiveness of the programs
17 of the Department (including residential work-ther-
18 apy programs, programs combining outreach, com-
19 munity-based residential treatment, and case-man-
20 agement, and contract care programs for alcohol and
21 drug-dependence or abuse disabilities) in providing
22 assistance to homeless veterans; and

23 “(E) evaluate the effectiveness of programs es-
24 tablished by recipients of grants under section 3 of
25 the Homeless Veterans Comprehensive Service Pro-

1 grams Act of 1992 (38 U.S.C. 7721 note), and de-
2 scribe the experience of such entities in applying for
3 and receiving grants from the Secretary of Housing
4 and Urban Development to serve primarily homeless
5 persons who are veterans.”; and

6 (2) by striking out subsection (b) and redesignig-
7 nating subsection (c) as subsection (b).

8 **SEC. 5. NONINSTITUTIONAL ALTERNATIVES TO NURSING**
9 **HOME CARE.**

10 Section 1720C of title 38, United States Code, is
11 amended—

12 (1) in subsection (a), by striking out “During”
13 and all that follows through “furnishing of” and in-
14 serting in lieu thereof “The Secretary may furnish”;
15 and

16 (2) in subsection (b)(1), by striking out “shall”
17 and inserting in lieu thereof “may”.

18 **SEC. 6. PERSIAN GULF WAR VETERANS.**

19 (a) SCOPE OF COUNSELING.—Section 703 of the Vet-
20 erans Health Care Act of 1992 (Public Law 102–585; 106
21 Stat. 4976) is amended by adding at the end the following
22 new subsection:

23 “(c) FORM OF COUNSELING.—Counseling provided in
24 this section may not be provided through written materials
25 only, but shall include verbal counseling.”.

1 (b) CRITERIA FOR PRIORITY HEALTH CARE.—(1)
2 Subsection (a)(2)(F) of section 1710 of title 38, United
3 States Code, is amended by striking out “environmental
4 hazard” and inserting in lieu thereof “other conditions”.

5 (2) Subsection (e)(1)(C) of such section is amend-
6 ed—

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

10 (B) by striking out “to a toxic substance or en-
11 vironmental hazard”; and

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

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

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

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

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

5 (B) Multidisciplinary treatment aimed at man-
6 aging symptoms.

7 (C) Use of case managers.

8 (3) A demonstration project under this subsection
9 may be undertaken in conjunction with another funding
10 entity, including agreements under section 8111 of title
11 38, United States Code.

12 (4) The Secretary shall make available from appro-
13 priated funds (which have been retained for contingent
14 funding) \$5,000,000 to carry out the demonstrations
15 projects.

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

23 (A) attract the participation of clinicians of out-
24 standing caliber and innovation to the project; and

1 (B) effectively evaluate the activities of the
2 project.

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

10 **SEC. 7. PERSONNEL POLICY.**

11 Section 7425 of title 38, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(c)(1) Notwithstanding any other provision of law,
15 employees described in paragraph (2), and the personnel
16 positions in which such employees are employed, are not
17 subject to any reduction required by law or executive
18 branch policy in the number or percentage of employees,
19 or of personnel positions, within specified pay grades.

20 “(2) Paragraph (1) applies to employees, and person-
21 nel positions, of the Veterans Health Administration per-
22 forming the following functions:

23 “(A) The provision of, or the supervision of the
24 provision of, care and services to patients.

25 “(B) The conduct of research.”

1 **SEC. 8. VETERANS CANTEEN SERVICE.**

2 (a) **AUTHORITY TO SET PRICES.**—Paragraph (7) of
3 section 7802 of title 38, United States Code, is amended
4 to read as follows:

5 “(7) notwithstanding any other provision of
6 law, have sole authority to establish canteens (in-
7 cluding vending facilities and vending machines),
8 and determine, and fix the prices of, merchandise
9 and services sold at such canteens;”.

10 (b) **OFF-PREMISES USE.**—Section 7803 of such title
11 is amended—

12 (1) by striking out “in this subsection;” and all
13 that follows through “the premises” and inserting in
14 lieu thereof “in this section”; and

15 (2) by striking out subsection (b).

16 (c) **SUPPORT SERVICES.**—(1) Section 7803 of such
17 title is further amended by adding at the end the following
18 new subsection:

19 “(b) A canteen may provide support services to medi-
20 cal facilities of the Department. Such services shall be pro-
21 vided on a reimbursable basis.”.

22 (d) **TECHNICAL AMENDMENTS.**—(1) Paragraphs (1)
23 and (11) of section 7802 of such title are each amended
24 by striking out “hospitals and homes” and inserting in
25 lieu thereof “medical facilities”.

1 (2) Section 7803(a) of such title is further amend-
2 ed—

3 (A) by striking out “hospitals and homes” each
4 place it appears and inserting in lieu thereof “medi-
5 cal facilities”; and

6 (B) by striking out “hospital or home” and in-
7 serting in lieu thereof “medical facility”.

○