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105TH CONGRESS
2^D SESSION

S. 1822

[Report No. 105-344]

To amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1998

Mr. SPECTER (for himself, Mr. THURMOND, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. WELLSTONE, Mr. LIEBERMAN, Mrs. MURRAY, and Mr. HUTCHINSON) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 22, 1998

Reported by Mr. SPECTER, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That except as otherwise expressly provided, whenever in~~
4 ~~this Act an amendment is expressed in terms of an amend-~~

1 ment to a section or other provision, the reference shall
 2 be considered to be made to a section or other provision
 3 of title 38, United States Code.

4 SEC. 2. (a) The Secretary may examine, and include
 5 in the Department's Ionizing Radiation Registry Program,
 6 any veteran who received nasopharyngeal radium irradiation
 7 treatments while serving in the active military, naval,
 8 or air service.

9 (b) Section 1710 is amended—

10 (1) in subsection (a)(2)(F), by inserting “or
 11 who received nasopharyngeal radium irradiation
 12 treatments,” after “environmental hazard,”; and

13 (2) in subsection (e)(1)(B) by inserting “, or a
 14 veteran who received nasopharyngeal radium irradiation
 15 treatments while serving in the active military,
 16 naval, or air service,” after “radiation-exposed veter-
 17 eran”.

18 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

19 (a) *SHORT TITLE.*—*This Act may be cited as the “Veterans’ Health Care Improvements Act of 1998”.*

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

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

Sec. 101. Short title.

Sec. 102. Scholarship program for Department of Veterans Affairs employees receiving education or training in the health professions.

- Sec. 103. Education debt reduction program for Veterans Health Administration health professionals.*
- Sec. 104. Repeal of prohibition on payment of tuition loans.*
- Sec. 105. Outreach.*
- Sec. 106. Conforming amendments.*

TITLE II—CONSTRUCTION AUTHORIZATION

- Sec. 201. Authorization of major medical facility projects.*
- Sec. 202. Authorization of major medical facility leases.*
- Sec. 203. Authorization of appropriations.*
- Sec. 204. Increase in threshold for major medical facility leases for purposes of Congressional authorization.*
- Sec. 205. Master plan regarding use of Department of Veterans Affairs lands at West Los Angeles Medical Center, California.*
- Sec. 206. Name of Department of Veterans Affairs medical center, Aspinwall, Pennsylvania.*

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Health care for veterans who received nasopharyngeal radium irradiation treatment.*
- Sec. 302. Extension of eligibility of former members of Selected Reserve for housing loans.*
- Sec. 303. Reestablishment of authority to retain certain excess pension amounts for facility expenses.*
- Sec. 304. Reestablishment of requirement for reports on exercise of authorities for payment of competitive pay for nurses and other health-care personnel.*

1 TITLE I—HEALTH PROFESSIONALS EDUCATIONAL AS-
2 SISTANCE

4 SEC. 101. SHORT TITLE.

5 *This title may be cited as the “Department of Veterans*
6 *Affairs Primary Care Providers Incentive Act of 1998”.*

1 **SEC. 102. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF**
 2 **VETERANS AFFAIRS EMPLOYEES RECEIVING**
 3 **EDUCATION OR TRAINING IN THE HEALTH**
 4 **PROFESSIONS.**

5 (a) *PROGRAM AUTHORITY.*—(1) Chapter 76 of title 38,
 6 United States Code, is amended by adding at the end the
 7 following new subchapter:

8 “SUBCHAPTER VI—EMPLOYEE INCENTIVE
 9 SCHOLARSHIP PROGRAM

10 “§ 7671. **Authority for program**

11 “As part of the Educational Assistance Program, the
 12 Secretary shall carry out a scholarship program under this
 13 subchapter. The program shall be known as the Department
 14 of Veterans Affairs Employee Incentive Scholarship Pro-
 15 gram (hereinafter in this subchapter referred to as the ‘Pro-
 16 gram’).

17 “§ 7672. **Eligibility; agreement**

18 “(a) *ELIGIBILITY.*—To be eligible to participate in the
 19 Program, an individual—

20 “(1) must be an eligible Department employee
 21 who is accepted for enrollment or enrolled (as de-
 22 scribed in section 7602 of this title) as a full-time or
 23 part-time student in a field of education or training
 24 described in subsection (c); and

25 “(2) must demonstrate financial need, as deter-
 26 mined under regulations prescribed by the Secretary.

1 “(b) *ELIGIBLE DEPARTMENT EMPLOYEES.*—For pur-
2 poses of subsection (a), an eligible Department employee is
3 any employee of the Department who, as of the date on
4 which the employee submits an application for participa-
5 tion in the Program, has been continuously employed by
6 the Department for not less than two years.

7 “(c) *QUALIFYING FIELDS OF EDUCATION OR TRAIN-*
8 *ING.*—A scholarship may be awarded under the Program
9 only for education and training in a field leading to ap-
10 pointment or retention in a position under section 7401
11 of this title.

12 “(d) *PREFERENCE IN AWARD OF SCHOLARSHIPS.*—(1)
13 Notwithstanding section 7603(d) of this title and subject to
14 paragraph (2), in selecting participants in the Program,
15 the Secretary shall give preference to the following appli-
16 cants, in the order specified:

17 “(A) Applicants who are or will be pursuing a
18 course of education or training in a field relating to
19 the provision of primary care health services, as des-
20 ignated by the Secretary.

21 “(B) Applicants who are employed at Depart-
22 ment health-care facilities located in rural areas or at
23 which there is an inadequate supply of individuals
24 qualified to hold a position under section 7401 of this
25 title, as so designated.

1 “(2) *In the case of a pool of applicants covered by sub-*
2 *paragraph (A) or (B) of paragraph (1), the Secretary shall*
3 *give preference in the award of scholarships to the members*
4 *of the pool who have the greatest financial need.*

5 “(3) *The Secretary shall maintain, and update peri-*
6 *odically, a list setting forth—*

7 “(A) *the fields of education or training covered*
8 *by subparagraph (A) of paragraph (1); and*

9 “(B) *the facilities covered by subparagraph (B)*
10 *of that paragraph.*

11 “(e) *AGREEMENT.—(1) An agreement between the Sec-*
12 *retary and a participant in the Program shall (in addition*
13 *to the requirements set forth in section 7604 of this title)*
14 *include the following:*

15 “(A) *The Secretary’s agreement to provide the*
16 *participant with a scholarship under the Program for*
17 *a specified number (from one to three) of school years*
18 *during which the participant pursues a course of edu-*
19 *cation or training described in subsection (c) that*
20 *meets the requirements set forth in section 7602(a) of*
21 *this title.*

22 “(B) *The participant’s agreement to serve as a*
23 *full-time employee in the Veterans Health Adminis-*
24 *tration for a period of time (hereinafter in this sub-*
25 *chapter referred to as the ‘period of obligated service’)*

1 *of one calendar year for each school year or part*
2 *thereof for which the participant was provided a*
3 *scholarship under the Program, but for not less than*
4 *two years.*

5 *“(C) The participant’s agreement to serve under*
6 *subparagraph (B) in a Department facility selected*
7 *by the Secretary.*

8 *“(2) In a case in which an extension is granted under*
9 *section 7673(c)(2) of this title, the number of years for*
10 *which a scholarship may be provided under the Program*
11 *shall be the number of school years provided for as a result*
12 *of the extension.*

13 *“(3) In the case of a participant who is a part-time*
14 *student—*

15 *“(A) the period of obligated service shall be re-*
16 *duced in accordance with the proportion that the*
17 *number of credit hours carried by such participant in*
18 *any such school year bears to the number of credit*
19 *hours required to be carried by a full-time student in*
20 *the course of training being pursued by the partici-*
21 *part, but in no event to less than one year; and*

22 *“(B) the agreement shall include the partici-*
23 *part’s agreement to maintain employment, while en-*
24 *rolled in such course of education or training, as a*

1 *Department employee permanently assigned to a De-*
2 *partment health-care facility.*

3 **“§ 7673. Scholarship**

4 *“(a) SCHOLARSHIP.—A scholarship provided to a par-*
5 *ticipant in the Program for a school year shall consist of*
6 *payment of the tuition of the participant for that school*
7 *year and payment of other reasonable educational expenses*
8 *(including fees, books, and laboratory expenses) for that*
9 *school year.*

10 *“(b) AMOUNTS.—The total amount of the scholarship*
11 *payable under subsection (a)—*

12 *“(1) in the case of a participant in the Program*
13 *who is a full-time student, may not exceed \$10,000 for*
14 *any one year; and*

15 *“(2) in the case of a participant in the Program*
16 *who is a part-time student, shall be the amount speci-*
17 *fied in paragraph (1) reduced in accordance with the*
18 *proportion that the number of credit hours carried by*
19 *the participant in that school year bears to the num-*
20 *ber of credit hours required to be carried by a full-*
21 *time student in the course of education or training*
22 *being pursued by the participant.*

23 *“(c) LIMITATION ON YEARS OF PAYMENT.—(1) Subject*
24 *to paragraph (2), a participant in the Program may not*

1 *receive a scholarship under subsection (a) for more than*
 2 *three school years.*

3 “(2) *The Secretary may extend the number of school*
 4 *years for which a scholarship may be awarded to a partici-*
 5 *part in the Program who is a part-time student to a maxi-*
 6 *mum of six school years if the Secretary determines that*
 7 *the extension would be in the best interest of the United*
 8 *States.*

9 “(d) *PAYMENT OF EDUCATIONAL EXPENSES BY EDU-*
 10 *CATIONAL INSTITUTIONS.—The Secretary may arrange*
 11 *with an educational institution in which a participant in*
 12 *the Program is enrolled for the payment of the educational*
 13 *expenses described in subsection (a). Such payments may*
 14 *be made without regard to subsections (a) and (b) of section*
 15 *3324 of title 31.*

16 **“§ 7674. Status of certain participants**

17 “(a) *STATUS.—A participant in the Program de-*
 18 *scribed in subsection (b) shall not, by reason of such partici-*
 19 *pation—*

20 “(1) *be considered an employee of the Federal*
 21 *Government; or*

22 “(2) *be counted against any personnel ceiling af-*
 23 *fecting the Veterans Health Administration.*

24 “(b) *COVERED PARTICIPANTS.—Subsection (a) applies*
 25 *in the case of any participant in the Program who is a*

1 *student on a full-time basis and is not performing service*
2 *for the Department.*

3 **“§ 7675. Obligated service**

4 “(a) *IN GENERAL.*—*Each participant in the Program*
5 *shall provide service as a full-time employee of the Depart-*
6 *ment for the period of obligated service provided in the*
7 *agreement of the participant entered into under section*
8 *7603 of this title. Such service shall be provided in the full-*
9 *time clinical practice of such participant’s profession or in*
10 *another health-care position in an assignment or location*
11 *determined by the Secretary.*

12 “(b) *DETERMINATION OF SERVICE COMMENCEMENT*
13 *DATE.*—(1) *Not later than 60 days before a participant’s*
14 *service commencement date, the Secretary shall notify the*
15 *participant of that service commencement date. That date*
16 *is the date for the beginning of the participant’s period of*
17 *obligated service.*

18 “(2) *As soon as possible after a participant’s service*
19 *commencement date, the Secretary shall—*

20 “(A) *in the case of a participant who is not a*
21 *full-time employee in the Veterans Health Adminis-*
22 *tration, appoint the participant as such an employee;*
23 *and*

24 “(B) *in the case of a participant who is an em-*
25 *ployee in the Veterans Health Administration but is*

1 *not serving in a position for which the participant's*
2 *course of education or training prepared the partici-*
3 *part, assign the participant to such a position.*

4 “(3)(A) *In the case of a participant receiving a degree*
5 *from a school of medicine, osteopathy, dentistry, optometry,*
6 *or podiatry, the participant's service commencement date*
7 *is the date upon which the participant becomes licensed to*
8 *practice medicine, osteopathy, dentistry, optometry, or po-*
9 *diatry, as the case may be, in a State.*

10 “(B) *In the case of a participant receiving a degree*
11 *from a school of nursing, the participant's service com-*
12 *mencement date is the later of—*

13 “(i) *the participant's course completion date; or*

14 “(ii) *the date upon which the participant be-*
15 *comes licensed as a registered nurse in a State.*

16 “(C) *In the case of a participant not covered by sub-*
17 *paragraph (A) or (B), the participant's service commence-*
18 *ment date is the later of—*

19 “(i) *the participant's course completion date; or*

20 “(ii) *the date the participant meets any applica-*
21 *ble licensure or certification requirements.*

22 “(4) *The Secretary shall by regulation prescribe the*
23 *service commencement date for participants who were part-*
24 *time students. Such regulations shall prescribe terms as*

1 *similar as practicable to the terms set forth in paragraph*
2 *(3).*

3 “(c) *COMMENCEMENT OF OBLIGATED SERVICE.—(1)*
4 *Except as provided in paragraph (2), a participant in the*
5 *Program shall be considered to have begun serving the par-*
6 *ticipant’s period of obligated service—*

7 “(A) *on the date, after the participant’s course*
8 *completion date, on which the participant (in accord-*
9 *ance with subsection (b)) is appointed as a full-time*
10 *employee in the Veterans Health Administration; or*

11 “(B) *if the participant is a full-time employee in*
12 *the Veterans Health Administration on such course*
13 *completion date, on the date thereafter on which the*
14 *participant is assigned to a position for which the*
15 *participant’s course of training prepared the partici-*
16 *pant.*

17 “(2) *A participant in the Program who on the partici-*
18 *pant’s course completion date is a full-time employee in the*
19 *Veterans Health Administration serving in a capacity for*
20 *which the participant’s course of training prepared the par-*
21 *ticipant shall be considered to have begun serving the par-*
22 *ticipant’s period of obligated service on such course comple-*
23 *tion date.*

24 “(d) *COURSE COMPLETION DATE DEFINED.—In this*
25 *section, the term ‘course completion date’ means the date*

1 *on which a participant in the Program completes the par-*
2 *ticipant's course of education or training under the Pro-*
3 *gram.*

4 **“§ 7676. Breach of agreement: liability**

5 “(a) *LIQUIDATED DAMAGES.*—A participant in the
6 *Program (other than a participant described in subsection*
7 *(b)) who fails to accept payment, or instructs the edu-*
8 *cational institution in which the participant is enrolled not*
9 *to accept payment, in whole or in part, of a scholarship*
10 *under the agreement entered into under section 7603 of this*
11 *title shall be liable to the United States for liquidated dam-*
12 *ages in the amount of \$1,500. Such liability is in addition*
13 *to any period of obligated service or other obligation or li-*
14 *ability under the agreement.*

15 “(b) *LIABILITY DURING COURSE OF EDUCATION OR*
16 *TRAINING.*—(1) *Except as provided in subsection (d), a*
17 *participant in the Program shall be liable to the United*
18 *States for the amount which has been paid to or on behalf*
19 *of the participant under the agreement if any of the follow-*
20 *ing occurs:*

21 “(A) *The participant fails to maintain an ac-*
22 *ceptable level of academic standing in the educational*
23 *institution in which the participant is enrolled (as*
24 *determined by the educational institution under regu-*
25 *lations prescribed by the Secretary).*

1 “(B) *The participant is dismissed from such*
2 *educational institution for disciplinary reasons.*

3 “(C) *The participant voluntarily terminates the*
4 *course of education or training in such educational*
5 *institution before the completion of such course of*
6 *education or training.*

7 “(D) *The participant fails to become licensed to*
8 *practice medicine, osteopathy, dentistry, podiatry, or*
9 *optometry in a State, fails to become licensed as a*
10 *registered nurse in a State, or fails to meet any ap-*
11 *licable licensure requirement in the case of any other*
12 *health-care personnel who provide either direct pa-*
13 *tient-care services or services incident to direct pa-*
14 *tient-care services, during a period of time deter-*
15 *mined under regulations prescribed by the Secretary.*

16 “(E) *In the case of a participant who is a part-*
17 *time student, the participant fails to maintain em-*
18 *ployment, while enrolled in the course of training*
19 *being pursued by the participant, as a Department*
20 *employee.*

21 “(2) *Liability under this subsection is in lieu of any*
22 *service obligation arising under a participant’s agreement.*

23 “(c) *LIABILITY DURING PERIOD OF OBLIGATED SERV-*
24 *ICE.—(1) Except as provided in subsection (d), if a partici-*
25 *part in the Program breaches the agreement by failing for*

1 *any reason to complete such participant's period of obli-*
 2 *gated service, the United States shall be entitled to recover*
 3 *from the participant an amount determined in accordance*
 4 *with the following formula:*

$$A=3\Phi \left(\frac{t-s}{t} \right)$$

5 “(2) *In such formula:*

6 “(A) ‘A’ *is the amount the United States is enti-*
 7 *tled to recover.*

8 “(B) ‘Φ’ *is the sum of—*

9 “(i) *the amounts paid under this subchapter*
 10 *to or on behalf of the participant; and*

11 “(ii) *the interest on such amounts which*
 12 *would be payable if at the time the amounts were*
 13 *paid they were loans bearing interest at the*
 14 *maximum legal prevailing rate, as determined*
 15 *by the Treasurer of the United States.*

16 “(C) ‘t’ *is the total number of months in the par-*
 17 *ticipant's period of obligated service, including any*
 18 *additional period of obligated service in accordance*
 19 *with section 7673(c)(2) of this title.*

20 “(D) ‘s’ *is the number of months of such period*
 21 *served by the participant in accordance with section*
 22 *7673 of this title.*

1 “(d) *LIMITATION ON LIABILITY FOR REDUCTIONS-IN-*
 2 *FORCE.—Liability shall not arise under subsection*
 3 *(b)(1)(E) or (c) in the case of a participant otherwise cov-*
 4 *ered by the subsection concerned if the participant fails to*
 5 *maintain employment as a Department employee due to a*
 6 *reduction-in-force.*

7 “(e) *PERIOD FOR PAYMENT OF DAMAGES.—Any*
 8 *amount of damages which the United States is entitled to*
 9 *recover under this section shall be paid to the United States*
 10 *within the one-year period beginning on the date of the*
 11 *breach of the agreement.*

12 **“§ 7677. Expiration of program**

13 *“The Secretary may not furnish scholarships to indi-*
 14 *viduals who commence participation in the Program after*
 15 *December 31, 2001.”.*

16 (2) *The table of sections at the beginning of chapter*
 17 *76 of title 38, United States Code, is amended by adding*
 18 *at the end the following:*

 “SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

 “7671. Authority for program.

 “7672. Eligibility; agreement.

 “7673. Scholarship.

 “7674. Status of certain participants.

 “7675. Obligated service.

 “7676. Breach of agreement: liability.

 “7677. Expiration of program.”.

19 (b) *REGULATIONS.—The Secretary of Veterans Affairs*
 20 *may treat regulations prescribed subchapter II of chapter*
 21 *76 of title 38, United States Code, as regulations required*

1 *under subchapter VI of that chapter, as added by subsection*
 2 *(a), but only to the extent that the regulations prescribed*
 3 *under such subchapter II are not inconsistent with the pro-*
 4 *visions of such subchapter VI.*

5 **SEC. 103. EDUCATION DEBT REDUCTION PROGRAM FOR**
 6 **VETERANS HEALTH ADMINISTRATION**
 7 **HEALTH PROFESSIONALS.**

8 *(a) PROGRAM AUTHORITY.—Chapter 76 of title 38,*
 9 *United States Code (as amended by section 102), is further*
 10 *amended by adding after subchapter VI the following new*
 11 *subchapter:*

12 **“SUBCHAPTER VII—EDUCATION DEBT**
 13 **REDUCTION PROGRAM**

14 **“§ 7681. Authority for program**

15 *“(a) IN GENERAL.—(1) As part of the Educational As-*
 16 *sistance Program, the Secretary may carry out an edu-*
 17 *cation debt reduction program under this subchapter. The*
 18 *program shall be known as the Department of Veterans Af-*
 19 *fairs Primary Care Workers Education Debt Reduction*
 20 *Program (hereinafter in this subchapter referred to as the*
 21 *‘Education Debt Reduction Program’).*

22 *“(2) The purpose of the Education Debt Reduction*
 23 *Program is to assist personnel serving in health-care posi-*
 24 *tions in the Veterans Health Administration in reducing*
 25 *the amount of debt incurred by such personnel in complet-*

1 *ing programs of education or training that qualified such*
 2 *personnel for such service.*

3 “(b) *RELATIONSHIP TO EDUCATIONAL ASSISTANCE*
 4 *PROGRAM.—Education debt reduction payments under the*
 5 *Education Debt Reduction Program shall be in addition*
 6 *to other assistance available to individuals under the Edu-*
 7 *cational Assistance Program.*

8 **“§ 7682. Eligibility**

9 “(a) *ELIGIBILITY.—An individual eligible to partici-*
 10 *pate in the Education Debt Reduction Program is any in-*
 11 *dividual who—*

12 “(1) *is serving in a position in the Veterans*
 13 *Health Administration under an appointment under*
 14 *section 7402(b) of this title; and*

15 “(2) *owes any amount of principal or interest*
 16 *under a loan the proceeds of which were used by or*
 17 *on behalf of the individual to pay costs relating to a*
 18 *course of education or training which led to a degree*
 19 *that qualified the individual for a position referred to*
 20 *in paragraph (1).*

21 “(b) *COVERED COSTS.—For purposes of subsection*
 22 *(a)(2), costs relating to a course of education or training*
 23 *include—*

24 “(1) *tuition expenses;*

1 “(2) *all other reasonable educational expenses,*
2 *including expenses for fees, books, and laboratory ex-*
3 *periences; and*

4 “(3) *reasonable living expenses.*

5 **“§ 7683. Preference**

6 “(a) *PREFERENCE.—Notwithstanding section 7603(d)*
7 *of this title, in selecting individuals for education debt re-*
8 *duction payments under the Education Debt Reduction*
9 *Program, the Secretary shall give preference to the following*
10 *(in the order specified):*

11 “(1) *Individuals recently appointed by the Sec-*
12 *retary to positions under section 7401 of this title in*
13 *fields relating to primary care health services, as des-*
14 *ignated by the Secretary.*

15 “(2) *Individuals recently appointed by the Sec-*
16 *retary to positions under such section in areas in*
17 *which the recruitment or retention of an adequate*
18 *supply of qualified health-care personnel is difficult,*
19 *as so designated.*

20 “(3) *Any other individuals serving in appoint-*
21 *ments to positions described in paragraphs (1) and*
22 *(2).*

23 “(b) *RECENTLY APPOINTED INDIVIDUALS.—An indi-*
24 *vidual shall be treated as recently appointed to a position*
25 *for purposes of subsection (a) if the individual was ap-*

1 *pointed to the position not more than 6 months before the*
2 *date of treatment for such purposes.*

3 **“§ 7684. Education debt reduction**

4 “(a) *IN GENERAL.—Education debt reduction pay-*
5 *ments under the Education Debt Reduction Program shall*
6 *consist of payments to individuals selected to participate*
7 *in the program of amounts to reimburse such individuals*
8 *for payments by such individuals of principal and interest*
9 *on loans described in section 7682(a)(2) of this title.*

10 “(b) *FREQUENCY OF PAYMENT.—(1) The Secretary*
11 *may make education debt reduction payments to any given*
12 *participant in the Education Debt Reduction Program on*
13 *a monthly or annual basis, at the election of the Secretary.*

14 “(2) *The Secretary shall make such payments at the*
15 *end of the period elected by the Secretary under paragraph*
16 *(1).*

17 “(c) *PERFORMANCE REQUIREMENT.—The Secretary*
18 *may make education debt reduction payments to a partici-*
19 *part in the Education Debt Reduction Program for a pe-*
20 *riod only if the Secretary determines that the individual*
21 *maintained an acceptable level of performance in the posi-*
22 *tion or positions served by the participant during the pe-*
23 *riod.*

24 “(d) *MAXIMUM ANNUAL AMOUNT.—(1) Subject to*
25 *paragraph (2), the total amount of education debt reduction*

1 *payments made to a participant for a year under the Edu-*
 2 *cation Debt Reduction Program shall be—*

3 “(A) \$6,000 for the first year of the participant’s
 4 *participation in such Program;*

5 “(B) \$8,000 for the second year of the partici-
 6 *part’s participation in such Program; and*

7 “(C) \$10,000 for the third year of the partici-
 8 *part’s participation in such Program.*

9 “(2) *The total amount payable to a participant in*
 10 *such Program for any year may not exceed the amount of*
 11 *the principle and interest on loans referred to in subsection*
 12 *(a) that is paid by the individual during such year.*

13 **“§ 7685. Expiration of program**

14 *“The Secretary may not make education debt reduc-*
 15 *tion payments to individuals who commence participation*
 16 *in the Education Debt Reduction Program after December*
 17 *31, 2001.”*

18 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
 19 *the beginning of chapter 76 of title 38, United States Code*
 20 *(as amended by section 102(b)), is further amended by add-*
 21 *ing at the end the following:*

“SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

“7681. *Authority for program.*

“7682. *Eligibility.*

“7683. *Preference.*

“7684. *Education debt reduction.*

“7685. *Expiration of program.”*

1 **SEC. 104. REPEAL OF PROHIBITION ON PAYMENT OF TUI-**
2 **TION LOANS.**

3 *Section 523(b) of the Veterans Health Care Act of 1992*
4 *(Public Law 102–585; 106 Stat. 4959; 38 U.S.C. 7601 note)*
5 *is repealed.*

6 **SEC. 105. OUTREACH.**

7 *The Secretary of Veterans Affairs shall take appro-*
8 *priate actions to notify employees of the Department of Vet-*
9 *erans Affairs of the benefits available under the Department*
10 *of Veterans Affairs Employee Incentive Scholarship Pro-*
11 *gram under subchapter VI of chapter 76 of title 38, United*
12 *States Code (as added by section 102), and under the De-*
13 *partment of Veterans Affairs Primary Care Workers Edu-*
14 *cation Debt Reduction Program under subchapter VII of*
15 *that chapter (as added by section 103).*

16 **SEC. 106. CONFORMING AMENDMENTS.**

17 *Chapter 76 of title 38, United States Code (as amended*
18 *by this title), is further amended as follows:*

19 *(1) In section 7601(a)—*

20 *(A) by striking out “and” at the end of*
21 *paragraph (2);*

22 *(B) by striking out the period at the end of*
23 *paragraph (3) and inserting in lieu thereof a*
24 *semicolon; and*

25 *(C) by adding at the end the following:*

1 “(4) the employee incentive scholarship program
2 provided for in subchapter VI of this chapter; and”;
3 and

4 “(5) the education debt reduction program pro-
5 vided for in subchapter VII of this chapter.”.

6 (2) In section 7602—

7 (A) in subsection (a)(1)—

8 (i) by striking out “subchapter I or II”
9 and inserting in lieu thereof “subchapter II,
10 III, or VI”;

11 (ii) by striking out “or for which” and
12 inserting in lieu thereof “, for which”; and

13 (iii) by inserting before the period at
14 the end the following: “, or for which a
15 scholarship may be awarded under sub-
16 chapter VI of this chapter, as the case may
17 be”; and

18 (B) in subsection (b), by striking out “sub-
19 chapter I or II” and inserting in lieu thereof
20 “subchapter II, III, or VI”.

21 (3) In section 7603—

22 (A) in subsection (a)—

23 (i) by striking out “To apply to par-
24 ticipate in the Educational Assistance Pro-
25 gram,” and inserting in lieu thereof “(1) To

1 *apply to participate in the Educational As-*
2 *sistance Program under subsection II, III,*
3 *V, or VI of this chapter,”; and*

4 *(ii) by adding at the end the following:*

5 “(2) *To apply to participate in the Educational As-*
6 *sistance Program under subchapter VII of this chapter, an*
7 *individual shall submit to the Secretary an application for*
8 *such participation.”; and*

9 *(B) in subsection (b)(1), by inserting “(if*
10 *required)” before the period at the end.*

11 *(4) In section 7604, by striking out “subchapter*
12 *II, III, or V” each place it appears in paragraphs*
13 *(1)(A), (2)(D), and (5) and inserting in lieu thereof*
14 *“subchapter II, III, V, or VI”.*

15 *(5) In section 7632—*

16 *(A) in paragraph (1)—*

17 *(i) by striking out “and the Tuition*
18 *Reimbursement Program” and inserting in*
19 *lieu thereof “, the Tuition Reimbursement*
20 *Program, the Employee Incentive Scholar-*
21 *ship Program, and the Education Debt Re-*
22 *duction Program”; and*

23 *(ii) by inserting “(if any)” after*
24 *“number of students”;*

1 (B) in paragraph (2), by inserting “(if
2 any)” after “education institutions”; and

3 (C) in paragraph (4)—

4 (i) by striking “and per participant”
5 and inserting in lieu thereof “, per partici-
6 pant”; and

7 (ii) by inserting “, per participant in
8 the Employee Incentive Scholarship Pro-
9 gram, and per participant in the Education
10 Debt Reduction Program” before the period
11 at the end.

12 (6) In section 7636, by striking “or a stipend”
13 and inserting “a stipend, or education debt reduc-
14 tion”.

15 **TITLE II—CONSTRUCTION**

16 **AUTHORIZATION**

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

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

22 (1) *Clinical consolidations and seismic correc-*
23 *tions at the Department of Veterans Affairs medical*
24 *center in Long Beach, California, in an amount not*
25 *to exceed \$23,200,000.*

1 (2) *Seismic corrections at the Department of Vet-*
2 *erans Affairs medical center in San Juan, Puerto*
3 *Rico, in an amount not to exceed \$50,000,000.*

4 (3) *Nursing home care unit renovations in Leb-*
5 *anon, Pennsylvania, in an amount not to exceed*
6 *\$9,500,000.*

7 (4) *Construction of a parking structure at the*
8 *Department of Veterans Affairs medical center in*
9 *Denver, Colorado, in an amount not to exceed*
10 *\$13,000,000, to be derived only from funds appro-*
11 *priated for the Parking Revolving Fund for a fiscal*
12 *year before fiscal year 1999 that remain available for*
13 *obligation.*

14 (5) *Outpatient clinic projects at Auburn, Cali-*
15 *fornia, and Merced California, as part of the North-*
16 *ern California Healthcare Systems Project, in an*
17 *amount not to exceed \$3,000,000, to be derived only*
18 *from funds appropriated for Construction, Major*
19 *Projects, for a fiscal year before fiscal year 1999 that*
20 *remain available for obligation.*

21 **SEC. 202. AUTHORIZATION OF MAJOR MEDICAL FACILITY**

22 **LEASES.**

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

1 (1) *Lease of a satellite outpatient clinic in Baton*
2 *Rouge, Louisiana, in an amount not to exceed*
3 *\$1,792,500.*

4 (2) *Lease of a satellite outpatient clinic in Day-*
5 *tona Beach, Florida, in an amount not to exceed*
6 *\$2,573,300.*

7 (3) *Lease of a satellite outpatient clinic in Oak-*
8 *land Park, Florida, in an amount not to exceed*
9 *\$4,008,600.*

10 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) *IN GENERAL.*—*There are authorized to be appro-*
12 *priated to the Secretary of Veterans Affairs for fiscal year*
13 *1999—*

14 (1) *for the Construction, Major Projects account,*
15 *\$82,700,000 for the projects authorized in paragraphs*
16 *(1), (2), and (3) of section 201; and*

17 (2) *for the Medical Care account, \$8,374,400 for*
18 *the leases authorized in section 202.*

19 (b) *LIMITATION.*—*The projects authorized in section*
20 *201 may only be carried out using—*

21 (1) *funds appropriated for fiscal year 1999 pur-*
22 *suant to the authorization of appropriations in sub-*
23 *section (a);*

1 (2) *funds appropriated for Construction, Major*
 2 *Projects for a fiscal year before fiscal year 1999 that*
 3 *remain available for obligation;*

4 (3) *funds appropriated for the Parking Revolv-*
 5 *ing Fund for a fiscal year before fiscal year 1999 that*
 6 *remain available for obligation; and*

7 (4) *funds appropriated for Construction, Major*
 8 *Projects for fiscal year 1999 for a category of activity*
 9 *not specific to a project.*

10 **SEC. 204. INCREASE IN THRESHOLD FOR MAJOR MEDICAL**
 11 **FACILITY LEASES FOR PURPOSES OF CON-**
 12 **GRESSIONAL AUTHORIZATION.**

13 *Section 8104(a)(3)(B) of title 38, United States Code,*
 14 *is amended by striking out “\$300,000” and inserting in*
 15 *lieu thereof “\$600,000”.*

16 **SEC. 205. MASTER PLAN REGARDING USE OF DEPARTMENT**
 17 **OF VETERANS AFFAIRS LANDS AT WEST LOS**
 18 **ANGELES MEDICAL CENTER, CALIFORNIA.**

19 (a) *REPORT.*—*The Secretary of Veterans Affairs shall*
 20 *submit to Congress a report on the master plan of the De-*
 21 *partment of Veterans Affairs relating to the use of Depart-*
 22 *ment lands at the West Los Angeles Department of Veterans*
 23 *Affairs Medical Center, California.*

24 (b) *REPORT ELEMENTS.*—*The report under subsection*
 25 *(a) shall set forth the following:*

1 (1) *The master plan referred to in that sub-*
2 *section, if such plan currently exists.*

3 (2) *A current assessment of the master plan.*

4 (3) *Any proposals of the Department for a veter-*
5 *ans park on the lands referred to in subsection (a),*
6 *and an assessment of such proposals.*

7 (4) *Any proposals to use a portion of such lands*
8 *as dedicated green space, and an assessment of such*
9 *proposals.*

10 (c) *ALTERNATIVE ELEMENT.—If the master plan re-*
11 *ferred to in subsection (a) does not exist as of the date of*
12 *enactment of this Act, the Secretary shall set forth in the*
13 *report under that subsection, in lieu of the elements required*
14 *under paragraphs (1) and (2) of subsection (b), a plan for*
15 *the development of a master plan for the use of the lands*
16 *referred to in subsection (a) over the next 25 years and over*
17 *the next 50 years.*

18 **SEC. 206. NAME OF DEPARTMENT OF VETERANS AFFAIRS**
19 **MEDICAL CENTER, ASPINWALL, PENNSYL-**
20 **VANIA.**

21 *The Department of Veterans Affairs medical center in*
22 *Aspinwall, Pennsylvania, shall be known and designated as*
23 *the “H. John Heinz III Department of Veterans Affairs*
24 *Medical Center”. Any reference to such medical center in*
25 *any law, regulation, map, document, record, or other paper*

1 *of the United States shall be considered to be a reference*
 2 *to the H. John Heinz III Department of Veterans Affairs*
 3 *Medical Center.*

4 **TITLE III—MISCELLANEOUS**
 5 **PROVISIONS**

6 **SEC. 301. HEALTH CARE FOR VETERANS WHO RECEIVED NA-**
 7 **SOPHARYNGEAL RADIUM IRRADIATION**
 8 **TREATMENT.**

9 *(a) AUTHORITY TO PROVIDE CARE.—Section 1710 of*
 10 *title 38, United States Code, is amended—*

11 *(1) in subsection (a)(2)(F), by inserting “or who*
 12 *received nasopharyngeal radium irradiation treat-*
 13 *ments,” after “or other conditions,”; and*

14 *(2) in subsection (e)(1)(B), by inserting “, or a*
 15 *veteran who received nasopharyngeal radium irradi-*
 16 *ation treatments while serving in the active military,*
 17 *naval, or air service,” after “radiation-exposed vet-*
 18 *eran”.*

19 *(b) INCLUSION IN IONIZING RADIATION REGISTRY*
 20 *PROGRAM.—The Secretary of Veterans Affairs may exam-*
 21 *ine and include in the Ionizing Radiation Registry Pro-*
 22 *gram of the Department of Veterans Affairs any veteran*
 23 *who received nasopharyngeal radium irradiation treat-*
 24 *ments while serving in the active military, naval, or air*
 25 *service.*

1 **SEC. 302. EXTENSION OF ELIGIBILITY OF FORMER MEM-**
 2 **BERS OF SELECTED RESERVE FOR HOUSING**
 3 **LOANS.**

4 *Section 3702(a)(2)(E) of title 38, United States Code,*
 5 *is amended by striking out “October 27, 1999” and insert-*
 6 *ing in lieu thereof “December 31, 2004”.*

7 **SEC. 303. REESTABLISHMENT OF AUTHORITY TO RETAIN**
 8 **CERTAIN EXCESS PENSION AMOUNTS FOR FA-**
 9 **CILITY EXPENSES.**

10 *Section 5503(a)(1)(B) of title 38, United States Code,*
 11 *is amended in the second sentence by striking out “Septem-*
 12 *ber 30, 1997” and inserting in lieu thereof “September 30,*
 13 *2003”.*

14 **SEC. 304. REESTABLISHMENT OF REQUIREMENT FOR RE-**
 15 **PORTS ON EXERCISE OF AUTHORITIES FOR**
 16 **PAYMENT OF COMPETITIVE PAY FOR NURSES**
 17 **AND OTHER HEALTH-CARE PERSONNEL.**

18 *Section 7451(g) of title 38, United States Code, is*
 19 *amended by striking out “December 1 of 1991, 1992, and*
 20 *1993” and inserting in lieu thereof “December 1 of 1999,*
 21 *2000, and 2001”.*

Amend the title so as to read: “A Bill to amend title 38, United States Code, to authorize additional educational assistance for certain Department of Veterans Affairs health professionals, to authorize medical facility construction and leases for the Department, and for other purposes.”.

Calendar No. 597

105TH CONGRESS
2^D SESSION

S. 1822

[Report No. 105-344]

A BILL

To amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation.

SEPTEMBER 22, 1998

Reported with an amendment and an amendment to the title