

Calendar No. 536107TH CONGRESS
2^D SESSION**S. 2043****[Report No. 107-231]**

To amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2002

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

AUGUST 1, 2002

Reported by Mr. ROCKEFELLER, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italics]

A BILL

To amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, 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 **SECTION 1. FIVE-YEAR EXTENSION OF PERIOD FOR PROVI-**
 2 **SION OF NONINSTITUTIONAL EXTENDED**
 3 **CARE SERVICES AND REQUIRED NURSING**
 4 **HOME CARE.**

5 (a) ~~NONINSTITUTIONAL EXTENDED CARE SERV-~~
 6 ~~ICES.~~—Section 1701(10)(A) of title 38, United States
 7 Code, is amended by striking “the date of the enactment
 8 of the Veterans Millennium Health Care and Benefits Act
 9 and ending on December 31, 2003,” and inserting “No-
 10 vember 30, 1999, and ending on December 31, 2008.”.

11 (b) ~~REQUIRED NURSING HOME CARE.~~—Section
 12 1710A(e) of that title is amended by striking “December
 13 31, 2003” and inserting “December 31, 2008”.

14 (c) ~~EXTENSION OF REPORT DATE.~~—Section 101(i)
 15 of the Veterans Millennium Health Care and Benefits Act
 16 (Public Law 106–117; 113 Stat. 1550; 38 U.S.C. 1710A
 17 note) is amended by striking “January 1, 2003,” and in-
 18 serting “January 1, 2008.”.

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

20 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 21 *erans Long-Term Care and Mental Health Programs En-*
 22 *hancement Act of 2002”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

*TITLE I—LONG-TERM CARE AND MENTAL HEALTH PROGRAMS
ENHANCEMENTS*

Subtitle A—Long-Term Care

Sec. 101. Five-year extension of period for provision of noninstitutional extended care services and required nursing home care.

Subtitle B—Mental Health Programs

Sec. 111. Improvement of program for provision of specialized mental health services to veterans.

Sec. 112. Permanent authority for counseling and treatment for sexual trauma.

Sec. 113. Authority to operate additional centers for mental illness research, education, and clinical activities.

TITLE II—CONSTRUCTION MATTERS

Subtitle A—Construction Authorization

Sec. 201. Authorization of major medical facility projects.

Sec. 202. Authorization of appropriations.

Sec. 203. Modification of fiscal year 2001 project.

Subtitle B—Other Matters

Sec. 211. Increase in threshold for major medical facility projects.

Sec. 212. State home facilities for furnishing care to veterans in State of Alaska.

TITLE III—GENERAL HEALTH CARE MATTERS

Subtitle A—Prescription Copayment Adjustment

Sec. 311. Standardization of income thresholds for copayment for outpatient medications and for inability to defray necessary expenses of care.

Subtitle B—Extensions of Authorities

Sec. 321. Effective date of modification of treatment for retirement annuity purposes of certain part-time service of certain Department of Veterans Affairs health-care professionals.

Sec. 322. Ten-year extension of eligibility for health care of veterans who served in Southwest Asia during the Persian Gulf War.

Subtitle C—Other Matters

Sec. 331. Coverage of employees of Veterans' Canteen Service under additional employment laws.

Sec. 332. Pilot project on medical care outreach for veterans in State of Washington through outreach clinics.

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

2 *Except as otherwise expressly provided, whenever in*
3 *this Act an amendment or repeal is expressed in terms of*

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

4 ***TITLE I—LONG-TERM CARE AND***
 5 ***MENTAL HEALTH PROGRAMS***
 6 ***ENHANCEMENTS***

7 ***Subtitle A—Long-Term Care***

8 ***SEC. 101. FIVE-YEAR EXTENSION OF PERIOD FOR PROVI-***
 9 ***SION OF NONINSTITUTIONAL EXTENDED***
 10 ***CARE SERVICES AND REQUIRED NURSING***
 11 ***HOME CARE.***

12 *(a) NONINSTITUTIONAL EXTENDED CARE SERVICES.—*
 13 *Section 1701(10)(A) is amended by striking “the date of*
 14 *the enactment of the Veterans Millennium Health Care and*
 15 *Benefits Act and ending on December 31, 2003,” and insert-*
 16 *ing “November 30, 1999, and ending on December 31,*
 17 *2008.”.*

18 *(b) REQUIRED NURSING HOME CARE.—Section*
 19 *1710A(c) is amended by striking “December 31, 2003” and*
 20 *inserting “December 31, 2008”.*

21 *(c) EXTENSION OF REPORT DATE.—Section 101(i) of*
 22 *the Veterans Millennium Health Care and Benefits Act*
 23 *(Public Law 106–117; 113 Stat. 1550; 38 U.S.C. 1710A*
 24 *note) is amended by striking “January 1, 2003,” and in-*
 25 *serting “January 1, 2008.”.*

1 ***Subtitle B—Mental Health***
2 ***Programs***

3 ***SEC. 111. IMPROVEMENT OF PROGRAM FOR PROVISION OF***
4 ***SPECIALIZED MENTAL HEALTH SERVICES TO***
5 ***VETERANS.***

6 (a) *INCREASE IN FUNDING.*—Subsection (c) of section
7 116 of the Veterans Millennium Health Care and Benefits
8 Act (Public Law 106–117; 113 Stat. 1559; 38 U.S.C. 1712A
9 note) is amended—

10 (1) in paragraph (1), by striking “\$15,000,000”
11 and inserting “\$25,000,000 in each of fiscal years
12 2003, 2004, and 2005”;

13 (2) in paragraph (2), by striking “\$15,000,000”
14 and inserting “\$25,000,000”; and

15 (3) in paragraph (3)—

16 (A) by inserting “(A)” after “(3)”; and

17 (B) by adding at the end the following new
18 subparagraph:

19 “(B) For purposes of this paragraph, in fiscal years
20 2003, 2004, and 2005, the fiscal year utilized to determine
21 the baseline amount shall be fiscal year 2002.”.

22 (b) *ALLOCATION OF FUNDS.*—Subsection (d) of that
23 section is amended—

1 (1) *by striking “The Secretary” and inserting*
2 *“(1) In each of fiscal years 2003, 2004, and 2005, the*
3 *Secretary”;* and

4 (2) *by adding at the end the following new para-*
5 *graphs:*

6 “(2) *In allocating funds to facilities in a fiscal year*
7 *under paragraph (1), the Secretary shall ensure that—*

8 “(A) *not less than \$10,000,000 is allocated by di-*
9 *rect grants to programs that are identified by the*
10 *Mental Health Strategic Health Care Group and the*
11 *Committee on Care of Severely Chronically Mentally*
12 *Ill Veterans;*

13 “(B) *not less than \$5,000,000 is allocated for*
14 *programs on post-traumatic stress disorder; and*

15 “(C) *not less than \$5,000,000 is allocated for*
16 *programs on substance abuse disorder.*

17 “(3) *The Secretary shall provide that the funds to be*
18 *allocated under this section during each of fiscal years 2003,*
19 *2004, and 2005 are funds for a special purpose program*
20 *for which funds are not allocated through the Veterans Eq-*
21 *uitable Resource Allocation system.”.*

22 **SEC. 112. PERMANENT AUTHORITY FOR COUNSELING AND**
23 **TREATMENT FOR SEXUAL TRAUMA.**

24 Section 1720D is amended—

25 (1) *in subsection (a)—*

1 (A) in paragraph (1), by striking “During
2 the period through December 31, 2004, the Sec-
3 retary” and inserting “The Secretary”; and

4 (B) in paragraph (2), by striking “, during
5 the period through December 31, 2004,”; and
6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “estab-
8 lishment and”; and

9 (B) in paragraph (2), by striking “estab-
10 lishing a program” and inserting “operating a
11 program”.

12 **SEC. 113. AUTHORITY TO OPERATE ADDITIONAL CENTERS**
13 **FOR MENTAL ILLNESS RESEARCH, EDU-**
14 **CATION, AND CLINICAL ACTIVITIES.**

15 Section 7320(b)(3) is amended by striking “five cen-
16 ters” and inserting “15 centers”.

17 **TITLE II—CONSTRUCTION**
18 **MATTERS**

19 **Subtitle A—Construction**
20 **Authorization**

21 **SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
22 **PROJECTS.**

23 The Secretary of Veterans Affairs may carry out the
24 following major medical facility projects, with each project

1 *to be carried out in an amount not to exceed the amount*
2 *specified for such project:*

3 (1) *Seismic corrections to Building 2 at the De-*
4 *partment of Veterans Affairs Medical Center, Palo*
5 *Alto, California, \$14,000,000.*

6 (2) *Seismic corrections to Building 4 at the De-*
7 *partment of Veterans Affairs Medical Center, Palo*
8 *Alto, California, \$22,000,000.*

9 (3) *Seismic corrections at the Department of Vet-*
10 *erans Affairs Medical Center, West Los Angeles, Cali-*
11 *formia, \$27,000,000.*

12 (4) *Seismic corrections at the Department of Vet-*
13 *erans Affairs Medical Center, San Francisco, Cali-*
14 *formia, \$31,000,000.*

15 (5) *Construction of a long-term care facility at*
16 *the Department of Veterans Affairs Medical Center,*
17 *Lebanon, Pennsylvania, \$14,500,000.*

18 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) *IN GENERAL.*—*There are authorized to be appro-*
20 *priated to the Secretary of Veterans Affairs for the Con-*
21 *struction, Major Projects, account, for fiscal year 2003,*
22 *\$108,500,000.*

23 (b) *LIMITATION.*—*The projects authorized in section*
24 *201 may only be carried out using—*

1 (1) *funds appropriated for fiscal year 2003 pur-*
 2 *suant to the authorization of appropriations in sub-*
 3 *section (a);*

4 (2) *funds appropriated for Construction, Major*
 5 *Projects, for a fiscal year before fiscal year 2003 that*
 6 *remain available for obligation; and*

7 (3) *funds appropriated for Construction, Major*
 8 *Projects, for fiscal year 2003 for a category of activity*
 9 *not specific to a project.*

10 **SEC. 203. MODIFICATION OF FISCAL YEAR 2001 PROJECT.**

11 (a) *PROJECT AMOUNT.*—*Section 231(a)(2) of the Vet-*
 12 *erans Benefits and Health Care Improvement Act of 2000*
 13 *(Public Law 106–419; 114 Stat. 1846) is amended by strik-*
 14 *ing “\$9,500,000” and inserting “\$18,200,000”.*

15 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
 16 *232(a)(1) of that Act (114 Stat. 1847) is amended by strik-*
 17 *ing “\$87,800,000” and inserting “\$96,500,000”*

18 ***Subtitle B—Other Matters***

19 **SEC. 211. INCREASE IN THRESHOLD FOR MAJOR MEDICAL**
 20 ***FACILITY PROJECTS.***

21 Section 8104(a)(3)(A) *is amended by striking*
 22 *“\$4,000,000” and inserting “\$9,000,000”.*

23 **SEC. 212. STATE HOME FACILITIES FOR FURNISHING CARE**
 24 ***TO VETERANS IN STATE OF ALASKA.***

25 (a) *FINDINGS.*—*Congress makes the following findings:*

1 (1) *Since 1888, Congress has provided payments*
2 *to the States to assist the States in caring for elderly*
3 *and disabled veterans.*

4 (2) *A priority of the State Home Grant Program*
5 *of the Department of Veterans Affairs is to ensure*
6 *that all States that desire a State home for veterans*
7 *have access to the grant program, with higher pri-*
8 *ority accorded to States that do not have a State*
9 *home for veterans.*

10 (3) *The State of Alaska does not have a State*
11 *home for veterans.*

12 (4) *Under the State Home Grant Program, the*
13 *contribution of the Federal Government to the con-*
14 *struction of a new State home for veterans in the*
15 *State of Alaska would be approximately \$16,000,000.*

16 (5) *The Veterans Millennium Health Care and*
17 *Benefits Act (Public Law 106–117) requires the Sec-*
18 *retary of Veterans Affairs to take into account the dis-*
19 *tances veterans and their families must travel in de-*
20 *termining the need for nursing home beds in any par-*
21 *ticular State under the State Home Grant Program.*

22 (6) *If a single State home for veterans were to*
23 *be constructed in the State of Alaska, a significant*
24 *number of veterans in the State of Alaska would be*
25 *required to reside at extraordinary distances from*

1 *their families in order to take advantage of the State*
2 *home.*

3 (7) *Since 1913, the State of Alaska has main-*
4 *tained a residential program of housing, known as*
5 *Pioneer Homes, for elderly citizens of the State of*
6 *Alaska, with six such homes dispersed at six different*
7 *locations throughout the State of Alaska.*

8 (8) *Many veterans and their spouses in the State*
9 *of Alaska currently reside in one of the Pioneer*
10 *Homes.*

11 (b) *AUTHORITY FOR GRANT TO IMPROVE PIONEER*
12 *HOMES.—(1) The Secretary of Veterans Affairs may, upon*
13 *application therefor by the State of Alaska, make a grant*
14 *to the State of Alaska to expand, remodel, or alter space*
15 *in six separate Pioneer Homes in the State of Alaska that*
16 *is identified in such application as dedicated for the provi-*
17 *sion of care for veterans in the State of Alaska.*

18 (2) *The purpose of the grant authorized by paragraph*
19 *(1) is to permit the State of Alaska to improve the space*
20 *referred to in that paragraph in order to permit the space,*
21 *as so improved, to be treated in the aggregate as a State*
22 *home facility for purposes of subchapter III of chapter 81*
23 *of title 38, United States Code, and other laws administered*
24 *by the Secretary.*

1 (c) *AMOUNT OF GRANT.*—(1) *Notwithstanding section*
2 *8135(a)(1) of title 38, United States Code, the amount of*
3 *the grant under subsection (b) may be the total estimated*
4 *cost of the construction required to expand, remodel, or alter*
5 *the space referred to in that subsection.*

6 (2) *The amount of the grant may not exceed*
7 *\$16,000,000.*

8 (d) *PRIORITY OF GRANT.*—*If the Secretary determines*
9 *to make the grant authorized by subsection (b), the Sec-*
10 *retary shall deem the application for the grant as having*
11 *satisfied the requirements specified in section 8135(c)(2)(A)*
12 *of title 38, United States Code, for purposes of determining*
13 *the priority to be accorded the application.*

14 (e) *SOURCE OF FUNDS.*—*Amounts for the grant au-*
15 *thorized by subsection (b) shall be derived from amounts*
16 *authorized to be appropriated by section 8133 of title 38,*
17 *United States Code.*

18 (f) *TREATMENT OF IMPROVED SPACE AS STATE*
19 *HOME.*—*The Secretary shall treat the space expanded, re-*
20 *modeled, or altered using the grant authorized by subsection*
21 *(b), in the aggregate, as a State home facility of the State*
22 *of Alaska for purposes of subchapter III of chapter 81 of*
23 *title 38, United States Code, and other laws administered*
24 *by the Secretary.*

1 **TITLE III—GENERAL HEALTH**
2 **CARE MATTERS**
3 **Subtitle A—Prescription Copayment**
4 **Adjustment**

5 **SEC. 311. STANDARDIZATION OF INCOME THRESHOLDS FOR**
6 **COPAYMENT FOR OUTPATIENT MEDICATIONS**
7 **AND FOR INABILITY TO DEFRAY NECESSARY**
8 **EXPENSES OF CARE.**

9 (a) *STANDARDIZATION.*—Section 1722A(a)(3)(B) is
10 *amended to read as follows:*

11 “(B) *to a veteran whose attributable income is*
12 *not greater than the amount provided for in sub-*
13 *section (b) of section 1722 of this title, as adjusted*
14 *from time to time under subsection (c) of that sec-*
15 *tion.*”.

16 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
17 *section (a) shall take effect on the date of the enactment*
18 *of this Act.*

1 ***Subtitle B—Extensions of***
 2 ***Authorities***

3 ***SEC. 321. EFFECTIVE DATE OF MODIFICATION OF TREAT-***
 4 ***MENT FOR RETIREMENT ANNUITY PURPOSES***
 5 ***OF CERTAIN PART-TIME SERVICE OF CERTAIN***
 6 ***DEPARTMENT OF VETERANS AFFAIRS***
 7 ***HEALTH-CARE PROFESSIONALS.***

8 (a) *EFFECTIVE DATE.*—*The effective date of the*
 9 *amendment made by section 132 of the Department of Vet-*
 10 *erans Affairs Health Care Programs Enhancement Act of*
 11 *2001 (Public Law 107–135; 115 Stat. 2454) shall be as fol-*
 12 *lows:*

13 (1) *January 23, 2002, in the case of health care*
 14 *professionals referred to in subsection (c) of section*
 15 *7426 of title 38, United States Code (as so amended),*
 16 *who retire on or after that date.*

17 (2) *The date of the enactment of this Act, in the*
 18 *case of health care professionals referred to in such*
 19 *subsection (c) who retired before January 23, 2002,*
 20 *but after April 7, 1986.*

21 (b) *RECOMPUTATION OF ANNUITY.*—*The Office of Per-*
 22 *sonnel Management shall recompute the annuity of each*
 23 *health-care professional described in the first sentence of*
 24 *subsection (c) of section 7426 of title 38, United States Code*
 25 *(as so amended), who retired before January 23, 2002, but*

1 *after April 7, 1986, in order to take into account the*
 2 *amendment made by section 132 of the Department of Vet-*
 3 *erans Affairs Health Care Programs Enhancement Act of*
 4 *2001. Such recomputation shall be effective only with re-*
 5 *spect to annuities paid after the date of the enactment of*
 6 *this Act, and shall apply beginning the first day of the first*
 7 *month beginning after the date of the enactment of this Act.*

8 **SEC. 322. TEN-YEAR EXTENSION OF ELIGIBILITY FOR**
 9 **HEALTH CARE OF VETERANS WHO SERVED IN**
 10 **SOUTHWEST ASIA DURING THE PERSIAN**
 11 **GULF WAR.**

12 *Section 1710(e)(3)(B) is amended by striking “Decem-*
 13 *ber 31, 2002” and inserting “December 31, 2012”.*

14 ***Subtitle C—Other Matters***

15 **SEC. 331. COVERAGE OF EMPLOYEES OF VETERANS’ CAN-**
 16 **TEEN SERVICE UNDER ADDITIONAL EMPLOY-**
 17 **MENT LAWS.**

18 *Section 7802(5) is amended by inserting before the*
 19 *semicolon the following: “. Employees and personnel under*
 20 *this clause may be considered for appointment in Depart-*
 21 *ment positions in the competitive service in the same man-*
 22 *ner that Department employees in the competitive service*
 23 *are considered for transfer to such positions. An employee*
 24 *or individual appointed as personnel under this clause who*
 25 *is appointed to a Department position under the authority*

1 *of the preceding sentence shall be treated as having a career*
 2 *appointment in such position once such employee or indi-*
 3 *vidual meets the three-year requirement for career tenure*
 4 *(with any previous period of employment or appointment*
 5 *in the Service being counted toward satisfaction of such re-*
 6 *quirement)”.*

7 **SEC. 332. PILOT PROJECT ON MEDICAL CARE OUTREACH**
 8 **FOR VETERANS IN STATE OF WASHINGTON**
 9 **THROUGH OUTREACH CLINICS.**

10 (a) *PILOT PROJECT.*—*The Secretary of Veterans Af-*
 11 *fairs shall, during fiscal years 2003 and 2004, carry out*
 12 *a pilot project to assess the feasibility and advisability of*
 13 *providing outreach on health care and services for veterans*
 14 *in the State of Washington through outreach clinics.*

15 (b) *COMMENCEMENT.*—*The Secretary shall commence*
 16 *the pilot project not later than 90 days after the date of*
 17 *the enactment of this Act.*

18 (c) *LOCATIONS.*—*The Secretary shall carry out the*
 19 *pilot project at two clinics in the State of Washington se-*
 20 *lected by the Secretary for purposes of the pilot project, of*
 21 *which—*

22 (1) *one clinic shall be located in Whatcom Coun-*
 23 *ty, Washington; and*

24 (2) *one clinic shall be located in north central*
 25 *Washington, in or near Leavenworth, Washington.*

1 (d) *SERVICES.*—(1) *At each clinic selected for the pilot*
2 *project, the Secretary shall provide basic health care services*
3 *(as determined by the Secretary for purposes of the pilot*
4 *project) to veterans, including diagnosis and referral to*
5 *other health care facilities of the Department of Veterans*
6 *Affairs as appropriate.*

7 (2) *The Secretary shall provide services at each clinic*
8 *selected for the pilot project not less frequently than one day*
9 *each week.*

10 (e) *REPORT.*—*Not later than June 1, 2004, the Sec-*
11 *retary shall submit to the Committees on Veterans' Affairs*
12 *of the Senate and the House of Representatives a report on*
13 *the pilot project. The report shall include—*

14 (1) *a description of the pilot project, including*
15 *for each clinic selected for the pilot project the per-*
16 *sonnel utilized, the patient workload, and the costs;*
17 *and*

18 (2) *a recommendation for such modifications or*
19 *expansion of the pilot project as the Secretary con-*
20 *siders appropriate in light of the pilot project.*

Amend the title to read as follows: “A Bill to amend title 38, United States Code, to enhance long-term care and mental health programs for veterans, to authorize major medical facility construction, projects, to modify and extend other authorities regarding health care for veterans, and for other purposes.”.

Calendar No. 536

107TH CONGRESS
2D SESSION

S. 2043

[Report No. 107-231]

A BILL

To amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, and for other purposes.

AUGUST 1, 2002

Reported with an amendment and an amendment to the
title