

108TH CONGRESS  
1ST SESSION

# H. R. 3260

To amend title 38, United States Code, to extend certain authorities for health care services and reporting dates and to augment certain health care business practices or programs administered by the Secretary of Veterans Affairs.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

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

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## A BILL

To amend title 38, United States Code, to extend certain authorities for health care services and reporting dates and to augment certain health care business practices or programs administered by the Secretary of Veterans Affairs.

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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Veterans’ Extended Health Care Services and Business  
6       Enhancements Act of 2003”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Five-year extension of period for provision of noninstitutional extended-care services and required nursing home care.
- Sec. 3. Improved benefits for former prisoners of war.
- Sec. 4. Enhancements to enhanced-use lease authority.
- Sec. 5. Department of Defense participation in revolving supply fund purchases.
- Sec. 6. Enhancement of authorities relating to nonprofit research corporations.
- Sec. 7. Report date changes.
- Sec. 8. Designation of Department of Veterans Affairs Medical Center, Prescott, Arizona, as the Bob Stump Department of Veterans Affairs Medical Center.

3 **SEC. 2. FIVE-YEAR EXTENSION OF PERIOD FOR PROVISION**  
 4 **OF NONINSTITUTIONAL EXTENDED-CARE**  
 5 **SERVICES AND REQUIRED NURSING HOME**  
 6 **CARE.**

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

13 (b) REQUIRED NURSING HOME CARE.—Section  
 14 1710A(c) of such title is amended by striking “December  
 15 31, 2003” and inserting “December 31, 2008”.

16 (c) EXTENSION OF REPORT DATE.—Section 101(i)  
 17 of the Veterans Millennium Health Care and Benefits Act  
 18 (38 U.S.C. 1710A note) is amended by striking “January  
 19 1, 2003,” and inserting “January 1, 2008,”.

1 **SEC. 3. IMPROVED BENEFITS FOR FORMER PRISONERS OF**  
 2 **WAR.**

3 (a) OUTPATIENT DENTAL CARE FOR ALL FORMER  
 4 PRISONERS OF WAR.—Section 1712(a)(1)(F) of title 38,  
 5 United States Code, is amended by striking “and who was  
 6 detained or interned for a period of not less than 90  
 7 days”.

8 (b) EXEMPTION FROM PHARMACY COPAYMENT RE-  
 9 QUIREMENT.—Section 1722A(a)(3) of such title is amend-  
 10 ed—

11 (1) by striking “or” at the end of subparagraph  
 12 (A);

13 (2) by redesignating subparagraph (B) as sub-  
 14 paragraph (C); and

15 (3) by inserting after subparagraph (A) the fol-  
 16 lowing new subparagraph (B):

17 “(B) to a veteran who is a former prisoner of  
 18 war; or”.

19 **SEC. 4. ENHANCEMENTS TO ENHANCED-USE LEASE AU-**  
 20 **THORITY.**

21 (a) INCREASED FLEXIBILITY UNDER ENHANCED-  
 22 USE LEASES.—Section 8162(a)(2)(B) of title 38, United  
 23 States Code, is amended—

24 (1) by striking “proposed by the Under Sec-  
 25 retary for Health” and inserting “proposed by one  
 26 of the Under Secretaries”; and

1           (2) by striking “to the provision of medical care  
2           and services” and inserting “to the programs and  
3           activities of the Department”.

4           (b) NOTIFICATION OF PROPERTY TO BE LEASED.—  
5   Section 8163 of such title is amended—

6           (1) in the first sentence of subsection (a)—

7                   (A) by striking “designate a property to be  
8                   leased under an enhanced-use lease” and insert-  
9                   ing “enter into an enhanced-use lease with re-  
10                  spect to certain property”; and

11                  (B) by striking “before making the des-  
12                  ignation” and inserting “before entering into  
13                  the lease”;

14           (2) in subsection (b), by striking “of the pro-  
15           posed designation” and inserting “to the congres-  
16           sional veterans’ affairs committees and to the public  
17           of the proposed lease”; and

18           (3) in subsection (c)—

19                   (A) in paragraph (1)—

20                          (i) by striking “designate the property  
21                          involved” and inserting “enter into an en-  
22                          hanced-use lease of the property involved”;  
23                          and

1 (ii) by striking “to so designate the  
2 property” and inserting “to enter into such  
3 lease”;

4 (B) in paragraph (2), by striking “90-day  
5 period” and inserting “45-day period”;

6 (C) in paragraph (3)—

7 (i) by striking “general description”  
8 in subparagraph (D) and inserting “de-  
9 scription of the provisions”; and

10 (ii) by adding at the end the following  
11 new subparagraph:

12 “(G) A summary of a cost-benefit analysis of  
13 the proposed lease.”; and

14 (D) by striking paragraph (4).

15 (c) DISPOSITION OF LEASED PROPERTY.—Section  
16 8164 of such title is amended—

17 (1) in subsection (a)—

18 (A) by striking “by requesting the Admin-  
19 istrator of General Services to dispose of the  
20 property pursuant to subsection (b)” in the  
21 first sentence; and

22 (B) by striking the third sentence;

23 (2) in subsection (b)—

1 (A) by striking “Secretary and the Admin-  
2 istrator of General Services jointly determine”  
3 and inserting “Secretary determines”; and

4 (B) by striking “Secretary and the Admin-  
5 istrator consider” and inserting “Secretary con-  
6 siders”; and

7 (3) in subsection (c), by striking “90 days” and  
8 inserting “45 days”.

9 (d) USE OF PROCEEDS.—Section 8165 of such title  
10 is amended—

11 (1) in subsection (a)—

12 (A) by inserting after “of this title” the  
13 following: “, except that any funds received by  
14 the Department under an enhanced-use lease in  
15 support of the Veterans Benefits Administra-  
16 tion or the National Cemetery Administration  
17 and remaining after any deduction from such  
18 funds under subsection (b) shall be credited to  
19 applicable appropriations of that Administra-  
20 tion”; and

21 (B) in paragraph (2), by striking “and re-  
22 maining after” and all that follows through  
23 “nursing home revolving fund” and inserting  
24 “shall be deposited in applicable appropriations  
25 of the Administration of the Department that

1           had functional control of the leased property be-  
 2           fore the Secretary entered into the enhanced-  
 3           use lease”;

4           (2) in subsection (b), by adding at the end the  
 5           following new sentence: “The Secretary may use the  
 6           proceeds from any enhanced-use lease to reimburse  
 7           applicable appropriations of the Department for any  
 8           expenses incurred in the development of additional  
 9           enhanced-use leases.”; and

10          (3) by striking subsection (c).

11          (e) CLERICAL AMENDMENTS.—(1) The heading of  
 12          section 8163 of such title is amended to read as follows:

13          **“§ 8163. Hearing and notice requirements regarding**  
 14               **proposed leases”.**

15          (2) The item relating to section 8163 in the table of  
 16          sections at the beginning of chapter 81 of such title is  
 17          amended to read as follows:

            “8163. Hearing and notice requirements regarding proposed leases.”.

18          **SEC. 5. DEPARTMENT OF DEFENSE PARTICIPATION IN RE-**  
 19               **VOLVING SUPPLY FUND PURCHASES.**

20          (a) ENHANCEMENT OF DEPARTMENT OF DEFENSE  
 21          PARTICIPATION.—Section 8121 of title 38, United States  
 22          Code, is amended—

23               (1) by redesignating subsections (b) and (c) as  
 24               subsections (d) and (e), respectively;

1           (2) by designating the last sentence of sub-  
2           section (a) as subsection (c); and

3           (3) by inserting after paragraph (3) of sub-  
4           section (a) the following new subsection:

5           “(b) The Secretary may authorize the Secretary of  
6           Defense to make purchases through the fund in the same  
7           manner as activities of the Department. When services,  
8           equipment, or supplies are furnished to the Secretary of  
9           Defense through the fund, the reimbursement required by  
10          paragraph (2) of subsection (a) shall be made from appro-  
11          priations made to the Department of Defense, and when  
12          services or supplies are to be furnished to the Department  
13          of Defense, the fund may be credited, as provided in para-  
14          graph (3) of subsection (a), with advances from appropria-  
15          tions available to the Department of Defense.”.

16          (b) EFFECTIVE DATE.—The amendments made by  
17          subsection (a) shall apply only with respect to funds ap-  
18          propriated for a fiscal year after fiscal year 2003.

19       **SEC. 6. ENHANCEMENT OF AUTHORITIES RELATING TO**  
20                               **NONPROFIT RESEARCH CORPORATIONS.**

21          (a) COVERAGE OF PERSONNEL UNDER TORT CLAIMS  
22       LAWS.—(1) Subchapter IV of chapter 73 of title 38,  
23       United States Code, is amended by inserting after section  
24       7364 the following new section:



1   **“§ 7364A. Coverage of employees under certain Fed-**  
2                   **eral tort claims**

3           “(a) An employee of a corporation established under  
4 this subchapter who is described by subsection (b) shall  
5 be considered an employee of the government, or a medical  
6 care employee of the Veterans Health Administration, for  
7 purposes of the following provisions of law:

8                   “(1) Section 1346(b) of title 28.

9                   “(2) Chapter 171 of title 28.

10                  “(3) Section 7316 of this title

11           “(b) An employee described in this subsection is an  
12 employee who—

13                   “(1) has an appointment with the Department,  
14 whether with or without compensation;

15                   “(2) is directly or indirectly involved or engaged  
16 in research or education and training that is ap-  
17 proved in accordance with procedures established by  
18 the Under Secretary for Health for research or edu-  
19 cation and training; and

20                   “(3) performs such duties under the supervision  
21 of Department personnel.”.

22           (2) The table of sections at the beginning of such  
23 chapter is amended by inserting after the item relating  
24 to section 7364 the following new item:

“7364A. Coverage of employees under certain Federal tort claims.”.

1 (b) CLARIFICATION OF EXECUTIVE DIRECTOR'S  
2 ETHICS CERTIFICATION DUTIES.—Section 7366(c) of  
3 such title is amended—

4 (1) by inserting “(1)” after “(c)”;

5 (2) by striking “any year—” and all that fol-  
6 lows through “shall be subject” and inserting “any  
7 year shall be subject”;

8 (3) by striking “functions; and” and inserting  
9 “functions.”; and

10 (4) by striking paragraph (2) and inserting the  
11 following:

12 “(2) Each corporation established under this sub-  
13 chapter shall each year submit to the Secretary a state-  
14 ment signed by the executive director of the corporation  
15 verifying that each director and employee has certified  
16 awareness of the laws and regulations referred to in para-  
17 graph (1) and of the consequences of violations of those  
18 laws and regulations in the same manner as Federal em-  
19 ployees are required to.”.

20 (c) FIVE-YEAR EXTENSION OF AUTHORITY TO ES-  
21 TABLISH RESEARCH CORPORATIONS.—Section 7368 of  
22 such title is amended by striking “December 31, 2003”  
23 and inserting “December 31, 2008”.

1   **SEC. 7. REPORT DATE CHANGES.**

2           (a) SENIOR MANAGERS QUARTERLY REPORT.—Sec-  
3   tion 516(e)(1)(A) of title 38, United States Code, is  
4   amended by striking “30 days” and inserting “45 days”.

5           (b) ANNUAL REPORT ON ASSISTANCE TO HOMELESS  
6   VETERANS.—Section 2065(a) of such title is amended by  
7   striking “April 15 of each year” and inserting “June 15  
8   of each year”.

9           (c) ANNUAL REPORT OF COMMITTEE ON CARE OF  
10  SEVERELY CHRONICALLY MENTALLY ILL VETERANS.—  
11  Section 7321(d)(2) of such is amended by striking “Feb-  
12  ruary 1, 1998, and February 1 of each of the six following  
13  years” and inserting “June 1 of each year through 2004”.

14          (d) ANNUAL REPORTS ON LONG-RANGE HEALTH  
15  PLANNING.—Section 8107 of such title is amended—

16               (1) in subsection (a), by striking “each year” in  
17               the second sentence and all that follows through  
18               “title 31” and inserting “June 1 of each year”; and

19               (2) in subsection (c), by striking “January 31”  
20               and inserting “June 1”.

21          (e) ANNUAL REPORT ON SHARING OF HEALTH CARE  
22  RESOURCES.—Section 8153(g) of such title is amended by  
23  striking “not more than 60 days after the end of each  
24  fiscal year” and inserting “not later than February 1 of  
25  each year”.

1 (f) ANNUAL REPORT OF SPECIAL COMMITTEE ON  
2 PTSD.—Section 110(e)(2) of the Veterans’ Health Care  
3 Act of 1984 (38 U.S.C. 1712A note) is amended by strik-  
4 ing “February 1 of each of the three following years” and  
5 inserting “May 1 of each year through 2004”.

6 **SEC. 8. DESIGNATION OF DEPARTMENT OF VETERANS AF-**  
7 **FAIRS MEDICAL CENTER, PRESCOTT, ARI-**  
8 **ZONA, AS THE BOB STUMP DEPARTMENT OF**  
9 **VETERANS AFFAIRS MEDICAL CENTER.**

10 The Department of Veterans Affairs Medical Center  
11 located in Prescott, Arizona, shall after the date of the  
12 enactment of this Act be known and designated as the  
13 “Bob Stump Department of Veterans Affairs Medical  
14 Center”. Any reference to such medical center in any law,  
15 regulation, map, document, or other paper of the United  
16 States shall be considered to be a reference to the Bob  
17 Stump Department of Veterans Affairs Medical Center.

