

DEPARTMENT OF VETERANS AFFAIRS—MAJOR MEDICAL CONSTRUCTION PROJECTS

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2571) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1998, and for other purposes.

The Clerk read as follows:

H.R. 2571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

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

(1) Seismic corrections at the Department of Veterans Affairs medical center in Memphis, Tennessee, in an amount not to exceed \$34,600,000.

(2) Seismic corrections and clinical and other improvements to the McClellan Hospital at Mather Field, Sacramento, California, in an amount not to exceed \$48,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

(3) Outpatient improvements at Mare Island, Vallejo, California, and Martinez, California, in a total amount not to exceed \$7,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

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

(1) Lease of an information management field office, Birmingham, Alabama, in an amount not to exceed \$595,000.

(2) Lease of a satellite outpatient clinic, Jacksonville, Florida, in an amount not to exceed \$3,095,000.

(3) Lease of a satellite outpatient clinic, Boston, Massachusetts, in an amount not to exceed \$5,215,000.

(4) Lease of a satellite outpatient clinic, Canton, Ohio, in an amount not to exceed \$2,115,000.

(5) Lease of a satellite outpatient clinic, Portland, Oregon, in an amount not to exceed \$1,919,000.

(6) Lease of a satellite outpatient clinic, Tulsa, Oklahoma, in an amount not to exceed \$2,112,000.

(7) Lease of an information resources management field office, Salt Lake City, in an amount not to exceed \$652,000.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(2) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1998—

(1) for the Construction, Major Projects, account \$34,600,000 for the project authorized in section 1(1); and

(2) for the Medical Care account, \$15,703,000 for the leases authorized in section 2.

(b) LIMITATION.—The projects authorized in section 1 may only be carried out using—

(1) funds appropriated for fiscal year 1998 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1998 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1998 for a category of activity not specific to a project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2571.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2571 authorizes appropriations for VA major medical construction and major medical leases. The measure includes all the projects requested by the Department of Veterans Affairs for fiscal year 1998.

Since the earthquake in California in 1991 that closed the hospital at Martinez, there has been uncertainty in the Congress about what the VA should do to serve veterans of northern California. This bill writes the conclusion of that debate by approving an approach which will recycle a closed air force hospital near Sacramento and a naval clinic near Vallejo for veterans' use, lead to expansion of veterans' use of community health care facilities throughout northern California, and improve existing VA outpatient clinics to better serve veterans who use them.

This approach will save the U.S. Government almost \$140 million in construction costs and will make VA health care more convenient for tens of thousands of veterans. This is a real victory for common sense.

Madam Speaker, I yield as much time as he may consume to the gentleman from Florida [Mr. STEARNS], the chairman of the Subcommittee on Health, for any further explanation he may make.

Mr. STEARNS. Madam Speaker, I rise in strong support of H.R. 2571, the fiscal year 1998 VA major construction authorization bill, and urge my colleagues to join me in passing this legislation.

This bill authorizes several major medical construction projects as well as leases. First, this bill authorizes \$34.6 million to complete seismic corrections begun earlier at the Memphis VA Medical Center. It is important that we authorize this project because the Memphis facility does not conform to current seismic standards and lies on a fault line which has a high probability for earthquake activity.

It is important to note that this is the only project in the bill for which new funding for major construction is recommended. The bill also authorizes the expenditure of previously appropriated construction funds for several

interrelated projects in northern California. The bill would authorize VA to undertake seismic corrections and clinical and other improvements at the McClellan Hospital at Mather Field in Sacramento, CA, and to make outpatient improvements at two other sites in northern California.

The bill would authorize the VA to undertake these projects in lieu of previous plans to construct a 234-bed hospital at Travis Air Force Base. The proposed Travis project was intended as a replacement for the VA medical center in Martinez which was closed in 1991 because of earthquake damage.

Studies done by the General Accounting Office and Price Waterhouse recommended against proceeding with the replacement project. The committee concurs with the view that the veterans of northern California will be better served by a plan that does not rely on a single hospital site as a source of hospital care for this large region.

The McClellan Hospital, however, has the capacity to serve the Sacramento area effectively, and VA anticipates that the McClellan facility will be transferred at no cost from the Air Force under the BRAC process.

Madam Speaker, H.R. 2571 also authorizes some \$15 million for the VA to enter into lease agreements for needed satellite outpatient clinics in Jacksonville, FL; Boston, MA; Canton, OH; Portland, OR; and Tulsa, OK; and information resources management field offices in Birmingham, AL, and Salt Lake City, UT.

H.R. 2571 is a sound, fiscally responsible bill. It defers further major construction spending authorizations until VA makes more progress on strategic planning requirements that have been initiated by our committee. VA itself has urged that the Congress authorize these projects, and I urge Members to support this measure.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support H.R. 2571. This bill accommodates the administration's construction spending priorities as well as those projects for which our committee anticipates appropriations will be made.

The major construction projects require modest funding but are critical to provide access to veterans in areas where their needs cannot be met or in maintaining patient safety in existing facilities which are deficient in conforming to the earthquake code.

I am also pleased with the emphasis this bill places on outpatient projects and development of information resources management centers.

Leasing, rather than building, to meet VA's needs is also a move in the right direction. VA has sometimes been criticized for using bricks and mortar to meet its space requirements while facilities in the community stand vacant.

The leases this bill authorizes are more flexible than in the past, and the

VA can provide the capacity it needs not only for today but it may need maybe tomorrow. The authorizations for construction and for leases also allow the VHA to continue on its course of shifting the care to ambulatory settings and providing increased access to the health care needs of our veterans in 1998.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I would like to commend the gentleman from Illinois [Mr. EVANS] on his commitment on this bill and also to the gentleman from Florida [Mr. STEARNS] and the gentleman from Illinois [Mr. GUTIERREZ], again, the chairman and the ranking member of the subcommittee, for all their work on behalf of the veterans.

Madam Speaker, I yield back the balance of my time.

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 2571.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION RESOLUTION AND ADJUDICATION ACT

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1703) to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act".

SEC. 2. EQUAL EMPLOYMENT RESPONSIBILITIES IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—(1) Chapter 5 of title 38, United States Code, is amended by inserting at the end of subchapter I the following new section:

"§516. Equal employment responsibilities

"(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

"(b) The Secretary shall provide—

"(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

"(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

"(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

"(d) The Secretary shall impose appropriate disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

"(e) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

"(f) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 515 the following new item:

"516. Equal employment responsibilities."

(b) REPORTS ON IMPLEMENTATION.—The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000. Each such report shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

SEC. 3. DISCRIMINATION COMPLAINT ADJUDICATION AUTHORITY IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§319. Office of Employment Discrimination Complaint Adjudication

"(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

"(2) The Director shall be a career appointee in the Senior Executive Service.

"(3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.

"(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

"(2) No person may make any ex parte communication to the Director or to any employee

of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

"(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

"(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of General Counsel.

"(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

"(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"319. Office of Employment Discrimination Complaint Adjudication."

(b) REPORTS ON IMPLEMENTATION.—The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

SEC. 4. EFFECTIVE DATE.

Sections 516 and 319 of title 38, United States Code, as added by sections 2 and 3 of this Act, shall take effect 90 days after the date of the enactment of this Act.

SEC. 5. INDEPENDENT PANEL TO REVIEW EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT PROCEDURES WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ESTABLISHMENT.—There is hereby established a panel to review the equal employment opportunity and sexual harassment practices and procedures within the Department of Veterans Affairs and to make recommendations on improvements to those practices and procedures.

(b) PANEL FUNCTIONS RELATING TO EQUAL EMPLOYMENT OPPORTUNITY AND SEXUAL HARASSMENT.—The panel shall assess the culture of the Department of Veterans Affairs in relationship to the issues of equal employment opportunity and sexual harassment, determine the effect of that culture on the operation of the Department overall, and provide recommendations as necessary to change that culture. As part of the review, the panel shall do the following:

(1) Determine whether laws relating to equal employment opportunity and sexual harassment, as those laws apply to the Department of Veterans Affairs, and regulations and policy directives of the Department relating to equal employment opportunity and sexual harassment have been consistently and fairly applied throughout the Department and make recommendations to correct any disparities.

(2) Review practices of the Department of Veterans Affairs, relevant studies, and private sector training and reporting concepts as those practices, studies, and concepts pertain to equal employment opportunity, sexual misconduct, and sexual harassment policies and enforcement.