



**Legislative Bulletin.....December 8, 2006**

**Contents:**

**S. 3421** — A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007

**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** at least two

**Total Cost of Discretionary Authorizations:** billions

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** \$0

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 1

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 0

**S. 3421 — A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007 — *as amended* (Sen. Craig, R-ID)**

**Order of Business:** The bill is scheduled for consideration on Friday, December 8, 2006, under a motion to suspend the rules and pass the bill, as amended.

**Summary:**

**Title I – Attorney Representation Matters**

- Modifies and increases qualifications, standards, and procedures regarding individuals acting as agents and attorneys before the Department of Veterans Affairs (VA), including:
  - the requirement that individuals must show “that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent” to assist the veteran in presenting claims; and
  - provides that an attorney may not charge a fee for services “provided before the date on which the Board of Veterans’ Appeals first makes a final decision in a case.”

## **Title II – Health Matters**

- Establishes certain qualifications for clinical care providers the VA is authorized to hire (such as holding a master’s degree in mental health, etc.), and adds the professions of “marriage and family therapist and licensed mental health counselor” to the list of authorized clinical care providers;
- Exempts the position of Chief Nursing Officer (Office of Nursing Services) from the provisions of section 38 U.S.C. 7451 (regarding competitive pay requirements), and allows the Secretary to determine the pay rate of the Chief Nursing Office;
- Requires the VA to ensure that each community-based outpatient clinic of the VA has the capacity to provide (or monitor the provision of) mental health services to enrolled veterans who need such services;
- Modifies VA regulations regarding releasing confidential medical records (just name and address) to certain entities in instances where the individual has died or is near death and is an organ or tissue donor, in order to facilitate whether the individual is a suitable organ, tissue, or eye donor;
- Directs the VA to increase the number of facilities of the Readjustment Counseling Service that are capable of providing health services and counseling through tele-health linkages with VA facilities;
- Requires the VA to publish a strategic plan for the provision of long-term care by the VA;
- Requires the VA to designate at least six VA health-care facilities as the locations for centers of Parkinson’s Disease research, education and clinical activities;
- Requires the VA to designate at least two VA health-care facilities as the locations for multiple sclerosis centers of excellence;
- Stipulates the payment rates that the VA will pay to state nursing homes providing care to veterans with service-related disabilities;
- Creates a new Office of Rural Health at the VA within the Office of the Under Secretary for health;
- Directs the VA to conduct an extensive outreach program to identify and provide information to veterans who served Operation Iraqi Freedom or Operation Enduring Freedom and who reside in rural communities, in order to enroll those veterans in the VA health-care system during the period in which they are eligible;

- **Creates a new pilot program** to assess the feasibility and advisability of various mechanisms to expand and improve caregiver assistance services; (and authorizes \$10 million for FY07-FY08 for such services); and
- Directs the VA to employ at least 100 veterans for the purpose of providing outreach to veterans on the availability of readjustment counseling and related mental health services for veterans (under 38 U.S.C. 1712A).

### **Title III - Education Matters**

- Expands eligibility for the Dependents' Educational Assistance program (DEA) to include the spouse or child of hospitalized service member and is determined by the VA to have permanent disability.
- Extends authorization for work-study programs located at VA cemeteries, state veterans homes, and state approving agencies through June 30, 2007 (set to expire on December 27, 2006).
- Gives an entitlement to certain education beneficiaries who are survivors and dependents of veterans who are forced to discontinue a course of education due to being called to full-time National Guard duty.

### **Title IV – National Cemetery and Memorial Affairs Matters**

- Authorizes the Secretary to make grants to tribal organizations for establishing, expanding, or improving veterans' cemeteries on trust land owned by, or held in trust for, such organizations.
- Extends until December 31, 2007, the VA's ability to furnish a government marker or headstone for the grave of a veteran buried at a private cemetery who died on or after September 11, 2001.
- Directs the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery. Reportedly, Russell Wayne Wagner "is the only individual convicted of a capital offense who has been interred or inurned in Arlington since 1997."
- Authorizes the provision of a memorial headstone or marker with an inscription for the eligible dependent child of a veteran.

### **Title V – Housing and Small Business Matters**

- Extends VA's authority to guarantee loans to the purchase of stock or membership in a housing corporation (cooperative), and terminates the authority to guarantee loans in cooperatives five years after enactment. Currently, the VA can guarantee loans for certain veterans for buying a home, home repairs, and other related expenses.
- Establishes a goal for each fiscal year for participation in the VA contracts by veteran owned businesses;
- States that the VA Secretary may determine the goal for each fiscal year, but that the goal may not be less than the government-wide goal for participation by small businesses owned by veterans service-connected disabilities;

- Stipulates that non-competitive contract procedures may be used to meet the contracting goals/quotas in this Act;
- Allows sole source contracts to be awarded to a veteran owned business up to \$5 million;
- Requires the VA to create and maintain a database of small business owned and controlled by veterans, and a database of the veteran owners of those businesses; and
- Requires the VA to give priority to a veteran-owned small business when procuring goods and services, if the business meets the requirements of the contract.

## **Title VI – Employment and Training Matters**

- Requires the Department of Labor’s Employment and Training Service (VETS) to establish professional qualification guidelines (for use by states) for determining the eligibility for employment of state employees who are designated as disabled veterans outreach program specialists (DVOPS) and local veterans employment representatives (LVERs);
- Requires states to describe the qualifications and training for DVOPS and LVERs as part of the application for a state grant;
- **Establishes a demonstration project** that would:
  - a. authorizes the Secretary of Labor to identify not fewer than ten military occupational specialties that would lead to civilian credentialing within an industry that has a critical shortage of employees or that is a high-growth industry;
  - b. requires the Secretary of Labor to work with states and industries to identify the civilian credentialing requirements within each state and industry to reduce the barriers for service members seeking civilian employment; and
  - c. requires an annual report to Congress describing the efforts and results of the previous year toward credentialing services.

## **Title VII – Homeless Veterans Assistance**

- S. 3421 makes permanent the authority of the Secretary of Veterans Affairs to make grants to eligible entities for homeless veterans outreach, rehabilitation, job training, and housing assistance.
- S. 3421 reauthorizes the per diem grant program to medical services providers to give medical services to special needs veterans at the current level of \$5 million per year for the 2007-2011 period.
- The bill reauthorizes and increases the authorization level (from \$750,000 to \$1 million) of grants to organizations that help community-based organizations apply for grants. The grant program is reauthorized over the 2007-2012 period.
- S. 3421 adds three new ex-officio members of the Department the Advisory Committee on Homeless Veterans. The bill reauthorizes the committee until December 30, 2011.
- S. 3421 authorizes a number of vouchers to veterans housing over the 2007-2011 period.

## **Title VIII – Construction Matters**

- S. 3421 authorizes \$300 million for the VA Medical Center in New Orleans, Louisiana; \$310 million for the VA Medical Center in Biloxi, Mississippi; and \$98 million for the VA Medical Center in Denver, Colorado in FY06 for construction projects.
- The bill extends authorization for seventeen construction projects in connection with capital asset realignment totaling roughly \$1.86 billion dollars.
- S. 3421 authorizes roughly \$222 million in FY07 for major medical facility projects.
- The bill authorizes \$36.8 million for advanced planning for a major medical facility in Charleston, South Carolina.
- S. 3421 authorizes roughly \$25 million in FY06 for medical facility leases, and \$26.6 million in FY07 for major medical facility leases.
- The bill authorizes \$708 million for major medical facility construction projects in FY06.
- S. 3421 authorizes \$1.759 billion in for major medical facility projects under capital asset realignment, \$222 million for major medical facility projects, and \$36.8 million for advanced planning and design of a major medical facility in Charleston, South Carolina.

### **Title IX – Information Security Matters**

- Establishes certain information security procedures at the VA, such as conducting periodic assessments of harm that could result from unauthorized access, use, disclosure, etc, of information that supports the operation of the VA;
- Requires the VA, in the event of a data breach of sensitive personnel information, to ensure that a VA entity or the VA Inspector General conduct an independent risk analysis of the data breach to determine the level of risk associated of the breach; and
- Allows the VA to carry out programs to provide financial support for education in computer science and electrical and computer engineering at accredited institutions of higher education, in order to encourage recruitment and retention of VA personnel.

### **Title X – Other Matters**

- Stipulates that if this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006; then as of the date of the enactment of this Act, the Veterans Programs Extension Act and the amendments made by that Act shall be deemed not to have taken effect and the Veterans Programs Extension Act and the amendments made by that Act shall cease to be in effect.

**Committee Action:** S. 3421 was received from the Senate on September 26, 2006.

**Cost to Taxpayers:** An updated CBO score for S. 3421 is not available. However, the bill authorizes billions of dollars.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, it creates new programs.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Senate Report [109-328](#) does not cite constitutional authority for S. 3421.

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