

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the priority of certain State home projects of the Department of Veterans Affairs.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. _____

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. TESTER

Viz:

1 At the end of title II, add the following:

2 **SEC. 261. MODIFICATION OF PRIORITY OF STATE HOME**
 3 **PROJECTS OF THE DEPARTMENT OF VET-**
 4 **ERANS AFFAIRS.**

5 (a) **PROJECTS FROM PREVIOUS YEARS.—**

6 (1) **IN GENERAL.—**Paragraph (4) of section
 7 8135(c) of title 38, United States Code, is amend-
 8 ed—

9 (A) by striking “The Secretary” and in-
 10 serting “(A) The Secretary”; and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(B) With respect to a project that is approved in
4 a fiscal year but for which a grant has not been awarded
5 under this subchapter in that fiscal year, the Secretary
6 may not accord a lower priority on the list described in
7 subparagraph (A) to that project in any subsequent fiscal
8 year (as compared to the priority accorded that project
9 in any previous fiscal year) unless the reason for such
10 lower priority is the inclusion in such list of a project de-
11 scribed in subparagraph (A) or (B) of paragraph (2).”.

12 (2) CONFORMING AMENDMENT.—Paragraph (2)
13 of such section is amended, in the matter preceding
14 subparagraph (A), by striking “paragraphs (3) and
15 (5)(C)” and inserting “paragraphs (3), (4)(B), and
16 (5)(C)”.

17 (b) CONSIDERATION OF ACCESS TO PRIVATE FACILI-
18 TIES.—Such section is further amended by adding at the
19 end the following new paragraph:

20 “(8) In determining under subparagraphs (D), (F),
21 and (H) of paragraph (2) whether a State has a great,
22 significant, or limited need for beds in connection with an
23 application under subsection (a), the Secretary shall—

24 “(A) consider the availability and accessibility
25 to individuals in that State of private facilities pro-

1 viding similar care to the care for which the applica-
2 tion is submitted under such subsection; and
3 “(B) accord a lower priority in the list estab-
4 lished under paragraph (4) to applications by States
5 with a significant number of such private facilities,
6 as determined by the Secretary.”.