

Public Law 96-151
96th Congress

An Act

Dec. 20, 1979

[H.R. 3892]

To amend title 38, United States Code, to extend the authorizations of appropriations for certain grant programs and to revise certain provisions regarding such programs, to revise and clarify eligibility for certain health-care benefits, to revise certain provisions relating to the personnel system of the Department of Medicine and Surgery, and to assure that personnel ceilings are allocated to the Veterans' Administration to employ the health-care staff for which funds are appropriated; to require the Veterans' Administration to conduct an epidemiological study regarding veterans exposed to Agent Orange; and for other purposes.

Veterans Health
Programs
Extension and
Improvement
Act of 1979.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans Health Programs Extension and Improvement Act of 1979".

(b) Whenever in this Act (except in section 306) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EXTENSION AND IMPROVEMENT OF CERTAIN EXPIRING VETERANS' ADMINISTRATION HEALTH PROGRAMS

GRANTS TO STATE HOME FACILITIES

38 USC 5033.

SEC. 101. (a) Section 5033(a) is amended by striking out "and a like sum for the succeeding fiscal year" and inserting in lieu thereof "a like sum for each of the two succeeding fiscal years, and such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982".

38 USC 641.

(b)(1) Section 641(a) is amended by striking out "\$5.50", "\$10.50", and "\$11.50" and inserting in lieu thereof "\$6.35", "\$12.10", and "\$13.25", respectively.

Effective date.
38 USC 641 note.

(2) The amendments made by paragraph (1) shall take effect on January 1, 1980, but, with respect to fiscal year 1980, shall take effect only to such extent and in such amounts as may be specifically provided for such purpose in appropriation Acts.

EXCHANGE OF MEDICAL INFORMATION

38 USC 5054.

SEC. 102. (a) Section 5054 is amended by adding at the end the following new subsection:

"(c) The Administrator is authorized to enter into agreements with public and nonprofit private institutions, organizations, corporations, and other entities in order to participate in cooperative health-care personnel education programs within the geographical area of any Veterans' Administration health-care facility located in an area remote from major academic health centers."

38 USC 5055.

(b) Section 5055(c)(1) is amended by inserting "and for each of the three succeeding fiscal years" after "fiscal year 1979".

ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS

SEC. 103. (a) Subsection (b) of section 5070 is amended to read as follows: 38 USC 5070.

“(b) The Administrator may not enter into any agreement under subchapter I of this chapter after September 30, 1979.”

(b)(1) Subsection (a) of section 5082 is amended to read as follows: 38 USC 5071.
Appropriation authorization.
38 USC 5082.

“(a) There is authorized to be appropriated for carrying out programs authorized under this chapter \$50,000,000 for the fiscal year ending June 30, 1973; a like sum for each of the six succeeding fiscal years; \$15,000,000 for the fiscal year ending September 30, 1980; \$25,000,000 for the fiscal year ending September 30, 1981; and \$30,000,000 for the fiscal year ending September 30, 1982.”

(2) Clause (1) of section 5083(b) is amended by striking out “and will result” and all that follows in such clause through “at such school”. 38 USC 5083.

TITLE II—MODIFICATION OF VETERANS HEALTH CARE AND RELATED BENEFITS

BENEFICIARY TRAVEL REIMBURSEMENT

SEC. 201. (a) Section 111(e)(2)(A) is amended by— 38 USC 111.

(1) striking out “based on an annual declaration and certification by such person” and inserting in lieu thereof “pursuant to regulations which the Administrator shall prescribe”; and

(2) striking out “a veteran” and all that follows through “title” and inserting in lieu thereof “a person receiving benefits for or in connection with a service-connected disability under this title, a veteran receiving or eligible to receive pension under section 521 of this title, or a person whose annual income, determined in accordance with section 503 of this title, does not exceed the maximum annual rate of pension which would be payable to such person if such person were eligible for pension under section 521 of this title”.

38 USC 521.
38 USC 503.

(b) Section 601 is amended by— 38 USC 601.

(1) striking out “transportation” in paragraph (5)(A) and inserting in lieu thereof “travel”;

(2) striking out subclause (ii) of paragraph (5)(C) and inserting in lieu thereof “(ii) travel and incidental expenses for such dependent or survivor under the terms and conditions set forth in section 111 of this title”; and

(3) striking out “necessary expenses of travel and subsistence” in paragraph (6)(B) and inserting in lieu thereof “travel and incidental expenses”.

(c) Section 614 is amended by— 38 USC 614.

(1) striking out “necessary travel expenses” in subsection (a) and inserting in lieu thereof “travel and incidental expenses (under the terms and conditions set forth in section 111 of this title)”; and

(2) striking out “all necessary travel expenses” in subsection (b) and inserting in lieu thereof “travel and incidental expenses (under the terms and conditions set forth in section 111 of this title)”.

(d) Section 628(a) is amended by striking out “the necessary travel” and inserting in lieu thereof “travel and incidental expenses under the terms and conditions set forth in section 111 of this title”. 38 USC 628.

CONTRACT HOSPITAL CARE

- 38 USC 601. SEC. 202. Section 601(4)(C)(iii) is amended by—
- (1) striking out "hospital care" the second place it appears and inserting in lieu thereof "medical services"; and
 - (2) inserting "until such time as the veteran can be safely transferred to any such facility" after "of this paragraph".

LIMITATION ON FURNISHING CONTRACT CARE DENTAL TREATMENT

- 38 USC 612. SEC. 203. Section 612(b) is amended by adding at the end below the last clause the following new sentence: "The total amount which the Administrator may expend for furnishing, during any twelve-month period, outpatient dental services, treatment, or related dental appliances to a veteran under this section through private facilities for which the Administrator has contracted under clause (i), (ii), or (v) of section 601(4)(C) of this title may not exceed \$500 unless the Administrator determines, prior to the furnishing of such services, treatment, or appliances and based on an examination of the veteran by a dentist employed by the Veterans' Administration (or, in an area where no such dentist is available, by a dentist conducting such examination under a contract or fee arrangement), that the furnishing of such services, treatment, or appliances at such cost is reasonably necessary."
- 38 USC 601.

HEALTH BENEFITS FOR VETERANS OF MEXICAN BORDER PERIOD AND WORLD WAR I AND FOR CERTAIN SEVERELY DISABLED VETERANS

- 38 USC 612. SEC. 204. Section 612(g) is amended by—
- (1) striking out "Where any veteran" and inserting in lieu thereof "In the case of any veteran who is a veteran of the Mexican border period or of World War I or who"; and
 - (2) adding at the end thereof the following new sentence: "The Administrator may also furnish to any such veteran home health services under the terms and conditions set forth in subsection (f) of this section."

AMENDMENTS TO CHAMPVA PROGRAM

- 38 USC 613. SEC. 205. (a)(1) Section 613(a) is amended by—
- (A) striking out "wife" in clause (1) and inserting in lieu thereof "spouse";
 - (B) striking out "and" at the end of clause (1);
 - (C) striking out "widow" in clause (2) and inserting in lieu thereof "surviving spouse";
 - (D) inserting "and" at the end of clause (2); and
 - (E) inserting after clause (2) the following new clause:
 - (3) the surviving spouse or child of a person who died in the active military, naval, or air service in the line of duty and not due to such person's own misconduct,".
- (2) Section 613 is further amended by adding at the end the following new subsection:
- "(c) For the purposes of this section, a child between the ages of eighteen and twenty-three (1) who is eligible for benefits under subsection (a) of this section, (2) who is pursuing a full-time course of instruction at an educational institution approved under chapter 36 of this title, and (3) who, while pursuing such course of instruction, incurs a disabling illness or injury (including a disabling illness or injury incurred between terms, semesters, or quarters or during a
- 38 USC 1770 et seq.

vacation or holiday period) which is not the result of such child's own willful misconduct and which results in such child's inability to continue or resume such child's chosen program of education at an approved educational institution shall remain eligible for benefits under this section until the end of the six-month period beginning on the date the disability is removed, the end of the two-year period beginning on the date of the onset of the disability, or the twenty-third birthday of the child, whichever occurs first."

(b) The amendments made by subsection (a) shall take effect with respect to fiscal year 1980 only to such extent and for such amounts as may be specifically provided for such purpose in appropriation Acts.

Effective date.
38 USC 613 note.

EFFECTIVE DATE

SEC. 206. Except as otherwise provided in section 205(b), the amendments made by this title shall take effect on January 1, 1980.

38 USC 111 note.

TITLE III—VETERANS' ADMINISTRATION MEDICAL PERSONNEL AMENDMENTS AND MISCELLANEOUS PROVISIONS

MEDICAL PERSONNEL STAFFING LEVELS

SEC. 301. (a) Section 5010(a) is amended by adding at the end the following new paragraph:

38 USC 5010.

"(4)(A) With respect to each law making appropriations for the Veterans' Administration, there shall be provided to the Veterans' Administration the funded personnel ceiling defined in subparagraph (D) of this paragraph and the funds appropriated therefor.

"(B) In order to carry out the provisions of subparagraph (A) of this paragraph, the Director of the Office of Management and Budget shall, with respect to each such law (i) provide to the Veterans' Administration for the fiscal year concerned such funded personnel ceiling and the funds necessary to achieve such ceiling, and (ii) submit to the appropriate committees of the Congress and to the Comptroller General of the United States certification that the Director has so provided such ceiling. Not later than the thirtieth day after the enactment of such a law or, in the event of the enactment of such a law more than thirty days prior to the fiscal year for which such law makes such appropriations, not later than the tenth day of such fiscal year, the certification required in the first sentence of this subparagraph shall be submitted, together with a report containing complete information on the personnel ceiling that the Director has provided to the Veterans' Administration for the employees described in subparagraph (D) of this paragraph.

Certification to congressional committees and Comptroller General.

"(C) Not later than the forty-fifth day after the enactment of each such law, the Comptroller General shall submit to the appropriate committees of the Congress a report stating the Comptroller General's opinion as to whether the Director of the Office of Management and Budget has complied with the requirements of such subparagraph in providing to the Veterans' Administration such funded personnel ceiling.

Report to congressional committees.

"(D) For the purposes of this paragraph, the term 'funded personnel ceiling' means, with respect to any fiscal year, the authorization by the Director of the Office of Management and Budget to employ (under the appropriation accounts for medical care, medical and prosthetic research, and medical administration and miscellaneous operating expenses) not less than the number of employees for the

"Funded personnel ceiling."

employment of which appropriations have been made for such fiscal year.”.

Effective date.
38 USC 5010
note.
Ante, p. 771.

Ante, p. 1095.

(b) The amendment made by subsection (a) shall take effect with respect to Public Law 96-103, but, with respect to such Public Law, the certification and report required by subparagraph (B) of paragraph (4) of section 5010 of title 38, United States Code (as added by such amendment), and the report required by subparagraph (C) of such paragraph (as added by such amendment) shall be submitted to the appropriate committees of the Congress not later than January 15, 1980, and February 1, 1980, respectively.

QUALIFICATIONS OF CERTAIN HEALTH PROFESSIONALS EMPLOYED IN THE DEPARTMENT OF MEDICINE AND SURGERY

38 USC 4104.

SEC. 302. (a) Section 4104(2) is amended by inserting “psychologists,” after “Pharmacists,”.

38 USC 4105.

(b)(1) Subsection (a) of section 4105 is amended by—

(A) striking out the period at the end of clause (9) and inserting in lieu thereof a semicolon; and

(B) adding at the end the following new clause:

“(10) Psychologist—

“hold a doctoral degree in psychology from a college or university approved by the Administrator, have completed study for such degree in a specialty area of psychology and an internship which are satisfactory to the Administrator, and be licensed or certified as a psychologist in a State, except that the Administrator may waive the requirement of licensure or certification for an individual psychologist for a period not to exceed two years on the condition that such psychologist provide patient care only under the direct supervision of a psychologist who is so licensed or certified.”.

(2) Subsection (b) of such section is amended by inserting “podiatrist, optometrist,” after “dentist,”.

38 USC 4105
note.

(c) The amendment made by subsection (b)(1) to require that a psychologist appointed to a position in the Department of Medicine and Surgery of the Veterans' Administration be licensed or certified as a psychologist in a State shall not apply to any person employed as a psychologist by the Veterans' Administration on or before December 31, 1979.

REDUCTION OF PROBATIONARY PERIOD FOR CERTAIN HEALTH PROFESSIONALS EMPLOYED IN THE DEPARTMENT OF MEDICINE AND SURGERY

38 USC 4106.

SEC. 303. Section 4106(b) is amended by striking out “three years” and inserting in lieu thereof “two years”.

COOPERATIVE USE AGREEMENTS FOR SPECIALIZED MEDICAL RESOURCES

38 USC 5053.

SEC. 304. Section 5053(a) is amended by inserting “or organ banks, blood banks, or similar institutions” after “facilities”.

SPECIAL MEDICAL ADVISORY GROUP AMENDMENTS

38 USC 4112.

SEC. 305. Section 4112(a) is amended by—

(1) inserting in the first sentence “and a disabled veteran” after “professions”; and

(2) inserting in the second sentence “and, not later than February 1 of each year, shall submit to the Administrator and

Report to
Administrator
and Congress.

the Congress a report on its activities during the preceding fiscal year" after "Administrator".

TECHNICAL AMENDMENT

SEC. 306. (a) Section 601(a)(2) of the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 (Public Law 96-128) is amended by striking out "clause (1)" and inserting in lieu thereof "clause (11)".

38 USC 314 note.

Ante, p. 987.

(b) The amendment made by subsection (a) shall take effect as of November 28, 1979.

Effective date.
38 USC 314 note.

AGENT ORANGE STUDY

SEC. 307. (a)(1) The Administrator of Veterans' Affairs shall design a protocol for and conduct an epidemiological study of persons who, while serving in the Armed Forces of the United States during the period of the Vietnam conflict, were exposed to any of the class of chemicals known as "the dioxins" produced during the manufacture of the various phenoxy herbicides (including the herbicide known as "Agent Orange") to determine if there may be long-term adverse health effects in such persons from such exposure. The Administrator shall also conduct a comprehensive review and scientific analysis of the literature covering other studies relating to whether there may be long-term adverse health effects in humans from exposure to such dioxins or other dioxins.

38 USC 219 note.

(2)(A)(i) The study conducted pursuant to paragraph (1) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(ii) The Director shall monitor the conduct of such study in order to assure compliance with such protocol.

(B)(i) Concurrent with the approval or disapproval of any protocol under subparagraph (A)(i), the Director of the Office of Technology Assessment shall submit to the appropriate committees of the Congress a report explaining the basis for the Director's action in approving or disapproving such protocol and providing the Director's conclusions regarding the scientific validity and objectivity of such protocol.

Reports to congressional committees.

(ii) In the event that the Director has not approved such protocol during the one hundred and eighty days following the date of the enactment of this Act, the Director shall (I) submit to the appropriate committees of the Congress a report describing the reasons why the Director has not given such approval, and (II) submit an update report on such initial report each sixty days thereafter until such protocol is approved.

(C) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in the second sentence of this subparagraph, a report on the Director's monitoring of the conduct of such study pursuant to subparagraph (A)(ii). A report under the preceding sentence shall be submitted before the end of the six-month period beginning on the date of the approval of such protocol by the Director, before the end of the twelve-month period beginning on such date, and annually thereafter until such study is completed or terminated.

(3) The study conducted pursuant to paragraph (1) shall be continued for as long after the submission of the report under subsection (b)(2) as the Administrator may determine reasonable in light of the possibility of developing through such study significant new information on the long-term adverse health effects of exposure to dioxins.

Reports to congressional committees.

(b)(1) Not later than twelve months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the literature review and analysis conducted under subsection (a)(1).

Coordination of studies.

(2) Not later than twenty-four months after the date of the approval of the protocol pursuant to subsection (a)(2)(A)(i) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing (A) a description of the results thus far obtained under the study conducted pursuant to such subsection, and (B) such comments and recommendations as the Administrator considers appropriate in light of such results.

(c) For the purpose of assuring that any study carried out by the Federal Government with respect to the adverse health effects in humans of exposure to dioxins is scientifically valid and is conducted with efficiency and objectivity, the President shall assure that—

Appropriation authorization.

(1) the study conducted pursuant to subsection (a) is fully coordinated with studies which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans of exposure to dioxins; and

(2) all appropriate coordination and consultation is accomplished between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of the study carried out pursuant to subsection (a), in the design, conduct, monitoring, or evaluation of such dioxin-exposure studies.

(d) There are authorized to be appropriated such sums as may be necessary for the conduct of the study required by subsection (a).

Approved December 20, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-138 (Comm. on Veterans' Affairs).

SENATE REPORT No. 96-177 accompanying S. 1039 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 125 (1979):

May 21, considered and passed House.

June 18, considered and passed Senate, amended, in lieu of S. 1039.

Dec. 6, House concurred in Senate amendments with amendments; Senate concurred in House amendments.