

Public Law 98-160
98th Congress

An Act

To amend title 38, United States Code, to extend and improve various health-care and other programs of the Veterans' Administration; and for other purposes.

Nov. 21, 1983
[H.R. 2920]

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

Veterans'
Health Care
Amendments
of 1983.
38 USC 101 note.

SHORT TITLE; AMENDMENTS TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Health Care Amendments of 1983".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to 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—VETERANS' ADMINISTRATION HEALTH-CARE PROGRAMS

VIETNAM-ERA VETERANS READJUSTMENT COUNSELING PROGRAM

SEC. 101. (a) Subsection (a) of section 612A is amended by inserting a period after "life" and striking out all that follows in the first sentence.

38 USC 612A.

(b)(1) Paragraph (1) of subsection (g) of such section is amended by striking out "September 30, 1984," and "October 1, 1984," and inserting in lieu thereof "September 30, 1988," and "October 1, 1988," respectively.

(2) Paragraph (2) of such subsection is amended to read as follows:

"(2)(A) Not later than April 1, 1987, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983, to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder.

Report to congressional committees.

"(B) The report required by subparagraph (A) of this paragraph shall include—

Post, p. 994.

"(i) the opinion of the Administrator with respect to (I) the extent to which the readjustment needs of veterans who served on active duty during the Vietnam era remain unmet, and (II) the extent to which the provision of readjustment counseling services under this section in a program providing such services through facilities situated apart from Veterans' Administration health-care facilities is needed to meet such needs; and

“(ii) in light of the opinion submitted pursuant to clause (i) of this subparagraph, such recommendations for amendments to paragraph (1) of this subsection and for other legislative and administrative action as the Administrator considers appropriate.

Report to congressional committees.

“(3) Not later than July 1, 1987, the Administrator shall submit to such committees a report containing a description of the plans made and timetable for carrying out paragraph (1) of this subsection.”.

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

38 USC 612A note.

SEC. 102. (a)(1) The Administrator of Veterans' Affairs shall provide for the conduct of a comprehensive study of the prevalence and incidence in the population of Vietnam veterans of post-traumatic stress disorder and other psychological problems in readjusting to civilian life (hereinafter in this section collectively referred to as "post-war psychological problems") and of the effects of post-war psychological problems on such veterans, with particular attention to veterans who have service-connected disabilities and with specific reference to women veterans.

(2) The study required by this subsection—

(A) shall be designed to yield information regarding any statistical correlations—

(i) between post-war psychological problems and physical disabilities (by type of disability) in the population of Vietnam veterans;

(ii) between post-war psychological problems and alcohol and drug abuse in such population;

(iii) between veterans in such population having post-war psychological problems and being members of minority groups; and

(iv) between post-war psychological problems in such population and the incarceration of such veterans in penal institutions;

(B) shall include an evaluation of the long-term effects of post-war psychological problems among Vietnam veterans on the families of such veterans (and on persons in other primary social relationships with such veterans); and

(C) shall include a survey of the extent to which Vietnam veterans with post-war psychological problems use care furnished by the Veterans' Administration.

(b) Not later than October 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study required by subsection (a). Such report shall contain—

(1) a description of the results of the study;

(2) information regarding the capability of the Veterans' Administration to provide treatment to the number of veterans estimated in such study to be suffering from post-war psychological problems;

(3) descriptions of the policies and procedures of the Veterans' Administration with respect to providing disability compensation for post-war psychological problems;

(4) a description of the activities of the Administrator in attempting to coordinate Veterans' Administration health-care

Report to congressional committees.

and compensation programs with respect to post-traumatic stress disorder; and

(5) such recommendations for administrative and legislative action as the Administrator considers appropriate in light of the results of the study.

(c) For the purpose of this section:

Definitions.

(1) The terms "veteran", "service-connected", and "active duty" have the meanings provided in sections 101 (2), (16), and (21), respectively, of title 38, United States Code.

(2) The term "Vietnam veteran" means a veteran who served on active duty in the Republic of Vietnam or elsewhere in the Vietnam theater of operations during the Vietnam era (as defined in section 101(29) of such title).

ADULT DAY HEALTH-CARE SERVICES

SEC. 103. (a)(1) Section 620 is amended by adding at the end the following new subsection:

38 USC 620.

"(f)(1)(A) The Administrator is authorized to furnish adult day health care as provided for in this subsection. For the purpose only of authorizing the furnishing of such care and specifying the terms and conditions under which it may be furnished to veterans needing such care—

"(i) references to 'nursing home care' in subsections (a) through (d) of this section shall be deemed to be references to 'adult day health care'; and

"(ii) a veteran who is eligible for medical services under section 612(f)(2) of this title shall be deemed to be a veteran described in subsection (a)(1) of this section.

"(B) The Administrator may provide in-kind assistance (through the services of Veterans' Administration employees and the sharing of other Veterans' Administration resources) to a facility furnishing care to veterans under subparagraph (A) of this paragraph. Any such in-kind assistance shall be provided under a contract between the Veterans' Administration and the facility concerned. The Administrator may provide such assistance only for use solely in the furnishing of adult day health care and only if, under such contract, the Veterans' Administration receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Veterans' Administration facility that provided the assistance.

Reimbursement.

"(2) The Administrator may conduct, at facilities over which the Administrator has direct jurisdiction, programs for the furnishing of adult day health care to veterans who are eligible for such care under paragraph (1) of this subsection, except that necessary travel and incidental expenses (or transportation in lieu thereof) may be furnished under such a program only under the terms and conditions set forth in section 111 of this title. The furnishing of care under any such program shall be subject to the limitations that are applicable to the duration of adult day health care furnished under paragraph (1) of this subsection.

"(3) Adult day health care may not be furnished under this section after September 30, 1988."

Restriction.

(2) The heading of such section is amended to read as follows:

"§ 620. Transfers for nursing home care; adult day health care".

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"620. Transfers for nursing home care; adult day health care."

Study.
38 USC 620 note.

(b) If the Administrator of Veterans' Affairs furnishes adult day health care under section 620(f) of title 38, United States Code (as added by subsection (a)), the Administrator shall conduct a study of the medical efficacy and cost-effectiveness of furnishing such care as an alternative for nursing home care and of the comparative advantages and disadvantages of providing such care through facilities that are not under the direct jurisdiction of the Administrator and through facilities that are under the direct jurisdiction of the Administrator.

Report to congressional committees.

(c) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

- (1) the results of the study conducted under subsection (b) (if such a study is conducted);
- (2) the Administrator's recommendation with respect to extending or repealing the date in subsection (f)(3) of section 620 of title 38, United States Code (as added by subsection (a)); and
- (3) any other recommendation that the Administrator considers appropriate for legislative and administrative action with respect to the furnishing of such care.

COMMUNITY RESIDENTIAL CARE

SEC. 104. (a) Subchapter III of chapter 17 is amended by adding at the end the following new section:

38 USC 630.

"§ 630. Community residential care

"(a)(1) Subject to this section and regulations to be prescribed by the Administrator under this section, the Administrator may assist a veteran by referring such veteran for placement in, and aiding such veteran in obtaining placement in, a community residential-care facility if—

"(A) at the time of initiating the assistance the Administrator—

"(i) is furnishing the veteran medical services on an outpatient basis or hospital, domiciliary, or nursing home care; or

"(ii) has furnished the veteran such care or services within the preceding 12 months; and

"(B) placement of the veteran in a community residential-care facility is appropriate.

"(b)(1) The Administrator may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless such facility is approved by the Administrator for the purposes of this section.

"(2) The Administrator's approval of a facility for the purposes of this section shall be based upon the Administrator's determination, after inspection of the facility, that the facility meets the standards established in regulations prescribed under this section. Such standards shall include the following:

Standards.

“(A) Health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety.

“(B) A requirement that the costs charged for care by a facility be reasonable, as determined by the Administrator, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographic area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services.

“(C) Criteria for determining the resources that a facility needs in order to provide an appropriate level of services to veterans.

“(D) Such other criteria as the Administrator determines are appropriate to protect the welfare of veterans placed in a facility under this section.

“(3) Payment of the charges of a community residential-care facility for any care or service provided to a veteran whom the Administrator has referred to that facility under this section is not the responsibility of the United States or of the Veterans' Administration.

Payment.

“(c)(1) In order to determine continued compliance by community residential-care facilities that have been approved under subsection (b) of this section with the standards established in regulations prescribed under this section, the Administrator shall provide for periodic inspection of such facilities.

Inspections.

“(2) If the Administrator determines that a facility is not in compliance with such standards, the Administrator (in accordance with regulations prescribed under this section)—

“(A) shall cease to refer veterans to such facility; and

“(B) may, with the permission of the veteran (or the person or entity authorized by law to give permission on behalf of the veteran), assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of the facility, a hearing before any action authorized by this paragraph is taken.

Regulations.

“(d) The Administrator shall prescribe regulations to carry out this section. Such regulations shall include the standards required by subsection (b) of this section.

“(e)(1) To the extent possible, the Administrator shall make available each report of an inspection of a community residential-care facility under subsection (b)(2) or (c)(1) of this section to each Federal, State, and local agency charged with the responsibility of licensing or otherwise regulating or inspecting such facility.

Report availability.

“(2) The Administrator shall make the standards prescribed in regulations under subsection (d) of this section available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting community residential-care facilities.

“(f) For the purpose of this section, the term ‘community residential-care facility’ means a facility that provides room and board and such limited personal care for and supervision of residents as the Administrator determines, in accordance with regulations prescribed under this section, are necessary for the health, safety, and welfare of residents.”

“Community residential-care facility.”

(b) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 629 the following new item:

"630. Community residential care."

INCREASE IN PER DIEM RATES FOR CARE IN STATE HOMES

38 USC 641.

SEC. 105. (a) Section 641 is amended—

(1) by striking out "\$6.35", "12.10", and "\$13.25" in subsection (a) and inserting in lieu thereof "\$7.30", "17.05", and "\$15.25", respectively; and

(2) by adding at the end the following new subsection:

Report to congressional committees.

"(c) The Administrator shall submit every three years to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the adequacy of the rates provided in subsection (a) of this section in light of projections over each of the following five years of the demand on the Veterans' Administration for the provision of nursing home care to veterans eligible for such care under this section and sections 610 and 620 of this title. The first such report shall be submitted not later than June 30, 1986."

Effective date.
38 USC 641 note.

(b) The amendments made by subsection (a) shall take effect on April 1, 1984.

PREVENTIVE HEALTH-CARE SERVICES

38 USC 601.

SEC. 106. (a) Section 601(6)(A)(i) is amended by inserting "(in the case of a person otherwise receiving care or services under this chapter) preventive health-care services as defined in section 662 of this title," after "podiatric services,".

38 USC 661.

(b) Section 661 is amended—

(1) by striking out "under which the Administrator may attempt to" and inserting in lieu thereof "in order to help";

(2) by inserting "veterans otherwise being furnished care or services under this chapter, including" after "certain" the first place it appears;

(3) by striking out "for certain" the second place it appears; and

(4) by striking out "treatment" and inserting in lieu thereof "care or services".

38 USC 663.

(c) Section 663 is amended—

(1) in subsection (a)(1)—

(A) by striking out "may" and inserting in lieu thereof "shall, during fiscal years 1984 through 1988,";

(B) by inserting "otherwise being furnished care or services under this chapter" after "title";

(C) by striking out "and treatment" and inserting in lieu thereof "or services"; and

(D) by adding at the end the following new sentence: "In carrying out the pilot program under this subchapter, the Administrator may furnish such preventive health-care services to any other veteran described in section 612(f)(2) of this title.";

(2) by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking out "fiscal year 1984" and inserting in lieu thereof "each of fiscal years 1984 through 1988".

(d) Section 664 is amended by inserting "for each of fiscal years 1984 through 1988" after "Congress". 38 USC 664.

REPORT ON HEALTH-CARE NEEDS OF VETERANS IN PUERTO RICO

SEC. 107. Not later than December 1, 1983, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the plans of the Administrator, and the reasons therefor, for meeting the health-care needs of veterans in the Commonwealth of Puerto Rico and in the Virgin Islands who are eligible for health care under chapter 17 of title 38, United States Code, and, particularly, the health-care needs of veterans whose disabilities are service connected. Such report (1) shall take into account the report by the Veterans' Administration's Office of Inspector General entitled "Report of Special Audit, Veterans' Administration Medical and Regional Office Center, San Juan, Puerto Rico (Report No. 3R2-A05-043)", dated February 22, 1983, and (2) shall include, with respect to each construction project (if any) that the Administrator recommends in such plans and for which a prospectus would be required under section 5004(b) of such title if such project were proposed to the Congress by the President or the Administrator, a prospectus that meets the requirements of such section.

Submittal to congressional committees.

38 USC 601 *et seq.*

38 USC 5004.

BENEFICIARY TRAVEL

SEC. 108. (a)(1) If by January 1, 1984, the Administrator of Veterans' Affairs has not prescribed the regulations that the Administrator is required by subsection (e)(2)(A) of section 111 of title 38, United States Code, to prescribe, payments for travel that occurs during the period beginning on such date and ending on the day on which the Administrator prescribes such regulations may not be made under such section to any person except—

38 USC 111 note.

(A) a person receiving benefits under such title for or in connection with a service-connected disability;

(B) a veteran receiving or eligible to receive pension under section 521 of such title; or

38 USC 521.

(C) a person whose travel to a Veterans' Administration facility was required to be performed by a special mode of transportation and such travel (i) was authorized by the Administrator before such travel, or (ii) was in connection with a medical emergency of such a nature that the delay incident to obtaining authorization under subclause (i) would have been hazardous to the person's life or health.

(2) For the purpose of this subsection, the term "service-connected" has the meaning given such term in section 101(16) of title 38, United States Code.

"Service-connected."

(b) The Administrator of Veterans' Affairs shall review the making of payments under section 111 for the purpose of effecting management improvements and economies in the making of such payments. Not later than April 1, 1984, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing and explaining the results of such review and including any recommendation for legislative and administrative action that the Administrator considers appropriate.

Report to congressional committees.

TITLE II—PROVISIONS TO IMPROVE THE RECRUITMENT
AND RETENTION OF CERTAIN HEALTH-CARE
PERSONNEL

AUTHORITY FOR CERTAIN APPOINTMENTS

38 USC 4104.

SEC. 201. Section 4104 is amended—

- (1) by striking out “physical therapists,” in paragraph (2);
- (2) by striking out “bacteriologists” in paragraph (2) and inserting in lieu thereof “microbiologists”;
- (3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and
- (4) by adding at the end the following new paragraph:
“(3) Certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses.”.

QUALIFICATIONS OF APPOINTEES

38 USC 4105.

SEC. 202. (a) Section 4105(a) is amended—

- (1) by striking out “Physicians” in clause (1) and inserting in lieu thereof “Physician”;
- (2) by striking out clauses (8) and (9);
- (3) by redesignating clause (10) as clause (8) and by striking out the period at the end of such clause and inserting in lieu thereof a semicolon and “and”; and
- (4) by adding at the end the following new clause:

“(9) Physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position—
“have such medical, dental, scientific, or technical qualifications as the Administrator shall prescribe.”.

(b) Section 4105(b) is amended by striking out “as physician” and all that follows through “auxiliary” and inserting in lieu thereof “to a position listed in section 4104(1) of this title”.

APPOINTMENTS AND PROMOTIONS

38 USC 4106.

SEC. 203. (a) Section 4106 is amended by adding at the end the following new subsection:

“(g)(1) Upon the recommendation of the Chief Medical Director, the Administrator (A) may use the authority in subsection (a) of this section to establish the qualifications for and (subject to paragraph (2) of this subsection) to appoint individuals to positions listed in section 4104(3) of this title, and (B) may use the authority provided in subsection (c) of this section for the promotion and advancement of Veterans’ Administration employees serving in such positions.

“(2) In using such authority to appoint individuals to such positions, the Administrator shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.”.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans’ Affairs shall publish in the Federal Register, for public review and comment for a period of not less than 30 days, proposed regulations for the continued implemen-

Supra.

5 USC 3301.
Publication in
Federal
Register.
38 USC 4106
note.

tation of section 4106(g)(2) of title 38, United States Code (as added by subsection (a)).

(2) Not later than 180 days after such date of enactment, the Administrator shall publish in the Federal Register final regulations for such implementation.

Publication in
Federal
Register.

PAY SCALES

SEC. 204. (a) Subsection (f) of section 4107 is amended—

38 USC 4107.

(1) by striking out “Under standards which the Administrator shall prescribe in regulations, physician” and inserting in lieu thereof “Physician”; and

(2) by adding at the end the following new sentences: “Notwithstanding any other provision of law, when the Administrator determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, or licensed practical or vocational nurses, the Administrator may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in subsection (e) of this section. The Administrator shall prescribe by regulation standards for compensation and payment under this subsection.”

Regulations.

(b)(1) Paragraph (1)(A) of subsection (g) of such section is amended to read as follows:

“(A) of individuals employed in positions listed in paragraphs (1) and (3) of section 4104 of this title; or”

(2) Paragraph (3) of such subsection is amended by inserting “and licensed physical therapists” after “anesthetists”.

(3) Paragraph (4) of such subsection is amended by inserting “with respect to health-care personnel described in clause (B) of such paragraph” after “subsection”.

MEMBERSHIP OF DISCIPLINARY BOARDS

SEC. 205. The second sentence of section 4110(a) is amended to read as follows: “The majority of employees on a disciplinary board shall be employed in the same category of position as the employee who is the subject of the charges.”

38 USC 4110.

APPOINTMENT OF ADDITIONAL CIVIL SERVICE EMPLOYEES

SEC. 206. Section 4111 is amended—

38 USC 4111.

(1) by inserting “(a)” before “There”;

(2) by striking out “paragraph (1)” and inserting in lieu thereof “paragraphs (1) and (3)”; and

(3) by adding at the end the following new subsection:

“(b) Notwithstanding any other provision of law, the Administrator, after considering an individual’s existing pay, higher or unique qualifications, or the special needs of the Veterans’ Administration, may appoint the individual to a position in the Department of Medicine and Surgery providing direct patient-care services or services incident to direct patient-services at a rate of pay above the minimum rate of the appropriate grade.”

REPORT ON STATUS OF RECOMMENDATIONS

Submittal to
congressional
committees.

SEC. 207. (a)(1) Not later than January 1, 1984, the Administrator of Veterans' Affairs and the Director of the Office of Personnel Management shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives (hereinafter in this section referred to as "the Committees") a joint report regarding the status of efforts to carry out the recommendations made in the report, prepared pursuant to section 117 of Public Law 96-330, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code", and transmitted by the Administrator to the Committees on September 1, 1982 (hereinafter in this section referred to as the "1982 report").

94 Stat. 1040.

(2) The report required by paragraph (1) shall contain—

(A) with respect to each recommendation in the 1982 report, information on the decision that has been made as to whether such recommendation is being implemented in the manner described in the report and, if not, as to whether it is to be implemented in a modified form or not implemented and a statement of the reasons for such decision, and of the position of each agency with respect to such recommendation and such decision;

(B) the timetable for the actions planned for the implementation of each recommendation that is being implemented either in its original form or as modified;

(C) any further recommendation of the Administrator or Director, or both, for legislative or administrative action, or both, relating to the subject matter of the 1982 report; and

(D) such other information relating to the subject matter of the 1982 report as the Administrator or the Director, or both, consider appropriate.

Submittal to
congressional
committees.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees a report on the implementation of the amendments made by this title. The report shall include—

(A) a description of the steps taken, as of the submission of the report, to exercise the authorities provided by such amendments and the justification for such steps;

(B) a description of the steps planned, as of the submission of the report, to be taken to exercise such authorities (including the timetable for the implementation of such steps) and the justification for such steps; and

(C) a description and justification of the extent to which such authorities have not been or are not planned to be exercised.

Submittal to
congressional
committees.

(2) Not later than September 30, 1985, the Administrator shall submit to the Committees a report containing—

(A) descriptions of (i) the results of the exercise of the authorities provided in the amendments made by this title, and (ii) the efforts under section 4101(b) of title 38, United States Code, to develop and carry out programs of education and training for career advancement for nursing assistants, noncertified, non-registered inhalation therapists, and other personnel employed in the Department of Medicine and Surgery who provide either direct patient-care services or services incident to direct patient-care services;

(B) an evaluation of the effects of both the exercise of such authorities and such programs on the recruitment and reten-

tion of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration; and

(C) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such evaluation.

TITLE III—WOMEN VETERANS

ADVISORY COMMITTEE ON WOMEN VETERANS

SEC. 301. (a) Chapter 3 is amended by inserting after section 221 the following new section:

“§ 222. Advisory Committee on Women Veterans

38 USC 222.

“(a) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as ‘the Committee’).

“(b)(1)(A) The Committee shall consist of members appointed by the Administrator from the general public, including—

Membership.

“(i) representatives of women veterans;

“(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

“(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability.

“(B) The Committee shall include, as ex officio members—

“(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

“(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary after consultation with the Defense Advisory Committee on Women in the Services); and

“(iii) the Chief Medical Director and Chief Benefits Director, or their designees.

“(C) The Administrator may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

“(2) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that a term of service of any such member may not exceed 3 years. The Administrator may reappoint any such member for additional terms of service.

Terms of service, pay and allowances.

“(c) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to—

“(1) the administration of benefits by the Veterans' Administration for women veterans;

“(2) reports and studies pertaining to women veterans; and

“(3) the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration.

Report to
Administrator.

“(d)(1) Not later than July 1, 1984, and not later than July 1 of each second year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans’ Administration that pertain to women veterans. Each such report shall contain (A) an assessment of the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans’ Administration, (B) a review of the programs and activities of the Veterans’ Administration designed to meet such needs, and (C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate. Within 60 days after receiving each such report, the Administrator shall submit to the Congress a copy of the report, together with any comments concerning the report that the Administrator considers appropriate.

Report to
Congress.

Report and
recommendation
submittal.

“(2) The Committee may submit to the Administrator such other reports and recommendations as the Committee considers appropriate.

“(3) The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted pursuant to such section.”

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 221 the following new item:

“222. Advisory Committee on Women Veterans.”

GENDER-SPECIFIC HEALTH-CARE SERVICES

38 USC 601 note.

SEC. 302. The Administrator of Veterans’ Affairs shall ensure that each health-care facility under the direct jurisdiction of the Administrator is able, through services made available either by individuals appointed to positions in the Department of Medicine and Surgery or under contracts or other agreements made under section 4117, 5011, or 5053 of title 38, United States Code, to provide appropriate care, in a timely fashion, for any gender-specific disability (as defined in section 601(1) of such title) of a woman veteran eligible for such care under chapter 17 or chapter 31 of such title.

38 USC 601 *et*
seq., 1500 *et seq.*

TITLE IV—VETERANS’ ADMINISTRATION REAL PROPERTY

REAL PROPERTY MANAGEMENT

38 USC 5022.

SEC. 401. Section 5022 is amended—

(1) by striking out “30 days” in subsection (a)(2)(A) and inserting in lieu thereof “180 days”; and

(2) by adding at the end the following new subsection:

“(d) Real property under the jurisdiction of the Administrator may not be declared excess by the Administrator and disposed of by the General Services Administration or any other entity of the Federal Government unless the Administrator determines that the property is no longer needed by the Veterans’ Administration in carrying out its functions.”

RELEASE OF REVERSIONARY INTEREST, BILOXI, MISSISSIPPI

SEC. 402. (a) The Administrator of Veterans' Affairs may execute such instruments as may be necessary to release the reversionary interest of the United States restricting to use as a public park or other public purpose the parcel of land described in subsection (b) which is a portion of a larger tract of land previously conveyed by the United States to the city of Biloxi, Mississippi, pursuant to the Act entitled "An Act to provide for the conveyance of certain real property to the city of Biloxi, Mississippi", approved October 4, 1966 (Public Law 89-629; 80 Stat. 876).

(b) The parcel of land referred to in subsection (a) is that parcel of land, consisting of approximately 7.24 acres, conveyed from the city of Biloxi, Mississippi, to Gulf Paving, Incorporated (a corporation organized under the laws of the State of Mississippi), by deed of June 29, 1973, recorded at book 65, page 589, in the records of the Office of the Chancery Clerk of Harrison County, Mississippi.

TITLE V—STATUS AND ROLE OF ADMINISTRATOR OF
VETERANS' AFFAIRS

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that—

38 USC 210 note.

(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;

(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure current and potential members of the Armed Forces that the Nation's obligations to those who serve will always be honored;

(3) the Veterans' Administration is the principal Federal entity responsible for veterans' benefits and programs;

(4) the Veterans' Administration has a potential population of beneficiaries of over 28 million veterans and over 55 million survivors and dependents;

(5) the Veterans' Administration will distribute over \$13.8 billion in income maintenance payments and over \$1.5 billion in education, training, and rehabilitation assistance payments during fiscal year 1984, operates one of the Federal Government's two major home loan guaranty programs, with over four million loans currently guaranteed, administers the largest direct insurance program in the Nation, and operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal depart-

ments and agencies, and among Federal departments and agencies only the Department of Defense employs more personnel;

(9) the Administrator of Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

SENSE OF THE CONGRESS

Cabinet member,
designation.
38 USC 210 note.

SEC. 502. In view of the findings in section 501, it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and a full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

TITLE VI—RADIATION EXPOSURE STUDY AND GUIDE

RADIATION EXPOSURE STUDY AND GUIDE

Contracts or
agreements.
38 USC 219 note.

SEC. 601. (a)(1)(A) Subject to subparagraphs (B) and (C), the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons and in consultation with the Director of the Office of Technology Assessment, shall provide for the conduct of epidemiological study of the long-term adverse health effects of exposure to ionizing radiation from the detonation of nuclear devices in connection with the test of such devices or in connection with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, in persons who, while serving in the Armed Forces of the United States, were exposed to such radiation. Such study shall include, but not necessarily be limited to, a study of identifiable prevalent illnesses, including malignancies, in the persons exposed.

(B) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct scientifically valid study of any or all of the matters required under subparagraph (A) to be studied—

(i) the Administrator shall promptly submit to the appropriate committees of the Congress notice of that determination and the reasons therefor; and

Submittal to
congressional
committees.

(ii) the Director, not later than 60 days after such notice is provided, shall submit to such committees a report evaluating and commenting on such determination.

(C) If the Administrator notifies the Congress of a determination or determinations made pursuant to subparagraph (B), the matter or matters required under subparagraph (A) to be studied to which such determination or determinations apply shall not be required to be studied. If the Administrator notifies the Congress of a determination made pursuant to subparagraph (B) that, taken as a whole, study under subparagraph (A) is not scientifically feasible, the requirement in subparagraph (A) that the Administrator provide for the conduct of epidemiological study shall cease to have effect as if repealed by law.

(2) Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the development of a protocol or protocols for study under paragraph (1)(A). With respect to any such protocol under consideration for development, or in the process of development, that has not been completed by the end of such year, the report shall include an estimate of the completion date for such protocol and an estimate of the cost to be incurred in developing such protocol.

(3)(A) The Director of the Office of Technology Assessment shall monitor the development of the protocol or protocols for, and the conduct of, study under paragraph (1)(A) and shall submit to the appropriate committees of the Congress, at each of the times specified in the next sentence, a report on such monitoring. Reports under the preceding sentence shall be submitted within 6 months after the date of the enactment of this Act, within 12 months after such date, within 25 months after such date, and annually thereafter until such study is completed.

(B) If any protocol to which paragraph (2) applies (or any part of such protocol) is not completed by the end of the 12-month period beginning on the date of the enactment of this Act, the Director shall periodically submit to such committees reports on the status of the development of such protocol.

(4) When the Administrator has entered into a contract or agreement with an agency or person for the conduct of a study under paragraph (1)(A), the Administrator and such agency or person shall submit to the appropriate committees of the Congress a joint report containing a copy of the contract and an estimate of the total cost of such study.

(5)(A) Not later than 24 months after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report on the status of study under paragraph (1)(A). Such report shall contain (i) a description of the progress on and any results obtained under such study, and (ii) such comments, and such recommendations for administrative and legislative action, as the Administrator considers appropriate in light of such progress and results.

(B) The requirement in subparagraph (A) for the submission of annual reports shall expire upon the submission of a report after the completion of study under paragraph (1)(A).

(6) A contract to carry out study under paragraph (1)(A) may not be entered into unless (A) appropriations for payments under the contract have been provided in advance, or (B) the contract provides that the obligation of the United States to make payments under the

Reports to
congressional
committees.

contract is contingent upon the availability of funds appropriated for the making of such payments.

Appropriation
authorization.

(7) There are authorized to be appropriated such sums as may be necessary for the conduct of study under subsection (a)(1)(A).

Guide,
availability.

(b) Not later than one year after the date of the enactment of this Act, the Administrator shall develop and distribute to appropriate Veterans' Administration personnel an indexed reference guide, derived from existing pertinent research-result compilations, designed to provide Veterans' Administration personnel who either furnish health care or adjudicate claims for benefits under title 38, United States Code, with readily usable information regarding the state of medical and other scientific information on any long-term adverse health effects in humans of exposure to ionizing radiation, including nuclear-device exposure, medical exposure, and occupational exposure.

(c)(1) For the purpose of ensuring that any study, research, or other activity carried out by the Federal Government with respect to adverse health effects in humans from exposure to ionizing radiation is scientifically valid and is conducted with efficiency and objectivity, the President shall ensure that—

(A) activities of the Veterans' Administration in connection with (i) study under subsection (a)(1)(A), (ii) the development of the guide required by subsection (b), and (iii) such additional research as may be identified, as a result of such study or the development of such guide or otherwise, as necessary for the resolution of questions regarding such effects are fully coordinated with studies and other activities which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to such effects, including the radioepidemiological tables mandated by section 7 of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2059); and

42 USC 241 note.

(B) appropriate coordination and consultation occurs between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of study under subsection (a)(1)(A), in the design, conduct, monitoring, or evaluation of such radiation-exposure studies or related activities.

Report to
congressional
committees.

(2) Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of the Congress a report containing a description of the steps taken and plans made to ensure the coordination and consultation required by paragraph (1).

TITLE VII—MISCELLANEOUS AND TECHNICAL AMENDMENTS

HEALTH-CARE ELIGIBILITY

38 USC 610.

SEC. 701. Clause (3) of section 610(a) is amended by inserting "(A)" after "a person" and by inserting a comma and "or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section" before the semicolon.

TECHNICAL AMENDMENTS TO TITLE 38

SEC. 702. Title 38 is amended as follows:

- (1) Section 203(b) is amended—
- (A) by striking out “An appropriation” and inserting in lieu thereof “Any funds appropriated to the Veterans’ Administration”; and
 - (B) by striking out “not” after “and the settlement is”.
- (2) Section 301(3) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.
- (3) Section 360 is amended by striking out “has suffered (1)” and inserting in lieu thereof “(1) has suffered”.
- (4) Section 361 is amended by striking out “United States Code,”.
- (5) Section 719(b) is amended by striking out “subsections” each place it appears and inserting in lieu thereof “sections”.
- (6) Section 1622(d) is amended by inserting “of this title” after “section 1631(a)”.
- (7) Section 1623 is amended—
- (A) in subsection (a), by inserting “of this title” after “section 1624”; and
 - (B) in subsection (d), by inserting “of this title” after “section 1622(c)”.
- (8) Section 1632 is amended—
- (A) by striking out the comma after “title 31”; and
 - (B) by striking out “section 1322(a)” the second place it appears and inserting in lieu thereof “such section”.
- (9) Section 1643 is amended by inserting “of this title” after “section 1622(c)”.
- (10) Section 1662(a)(1)(C) is amended by striking out “the effective date of the Veterans’ Rehabilitation and Education Amendments of 1980” and inserting in lieu thereof “October 1, 1980”.
- (11) Section 1682(c)(1)(C) is amended by inserting a comma after “week”.
- (12) Section 1701(a) is amended—
- (A) in paragraph (1)—
 - (i) by striking out “title 37, United States Code,” in clauses (A)(iii) and (C) and inserting in lieu thereof “title 37”; and
 - (ii) by inserting a comma after “thereunder” in clause (A)(iii); and
 - (B) in paragraph (9), by striking out “chapter 4C of title 29” and inserting in lieu thereof “the Act of August 16, 1937, popularly known as the ‘National Apprenticeship Act’ (29 U.S.C. 50 et seq.)”.
- (13) Section 1712(b)(2)(C) is amended by striking out “the effective date of the Veterans’ Rehabilitation and Education Amendments of 1980” and inserting in lieu thereof “October 1, 1980”.
- (14) Section 1820 is amended—
- (A) in subsection (a)(6), by striking out the comma after “title 31”; and
 - (B) in subsection (b), by striking out “section 5 of title 41” and inserting in lieu thereof “section 3709 of the Revised Statutes (41 U.S.C. 5)”.

38 USC 203.

38 USC 2002,
2002A.

(15) Sections 2002 and 2002A are each amended by striking out "a Assistant" and inserting in lieu thereof "an Assistant".

(16) Section 3005 is amended by striking out "subchapter II of chapter 7 of title 42" each place it appears and inserting in lieu thereof "title II of the Social Security Act (42 U.S.C. 401 et seq.)".

(17) Section 3113(a)(2) is amended by striking out "section" and inserting in lieu thereof "subsection".

(18) Section 4142(f)(2) is amended by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(19) Section 5010(c)(2)(B) is amended by striking out "or" the first place it appears and inserting in lieu thereof "and".

(20) Section 5053(d) is amended by striking out "subchapter XVIII of chapter 7 of title 42" and inserting in lieu thereof "title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)".

AMENDMENTS TO ELIMINATE CERTAIN GENDER-BASED REFERENCES

SEC. 703. Title 38 is amended as follows:

(1) Sections 3010(k), 3010(l), 3010(m), and 3021(a)(3) are each amended by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse".

(2) Section 3107 is amended—

(A) by striking out "his wife" each place it appears and inserting in lieu thereof "the veteran's spouse";

(B) by striking out "his children" both places it appears and inserting in lieu thereof "the veteran's children";

(C) by striking out "his custody" both places it appears and inserting in lieu thereof "the custody of the veteran";

(D) by striking out "widow" both places it appears and inserting in lieu thereof "surviving spouse"; and

(E) by striking out "payable to him" and inserting in lieu thereof "payable to the veteran".

(3) Section 3110 is amended—

(A) by striking out "widow" and inserting in lieu thereof "surviving spouse"; and

(B) by striking out "his death" and inserting in lieu thereof "the death of the veteran".

(4) Section 3203 is amended—

(A) in subsections (a)(2), (b)(1), and (c), by striking out "wife" each place it appears and inserting in lieu thereof "spouse";

(B) in subsections (a)(2) and (b)(2), by striking out "him" and inserting in lieu thereof "the veteran";

(C) in subsection (b), by striking out "his" each place it appears and inserting in lieu thereof "the veteran's"; and

(D) in subsection (d), by striking out "he" and inserting in lieu thereof "the veteran".

(5) Section 3402 is amended—

(A) in subsection (a)(1), by striking out "he" and inserting in lieu thereof "the Administrator";

(B) in subsection (a)(2), by striking out "his discretion" and inserting in lieu thereof "the discretion of the Administrator";

(C) in subsection (b)(1), by striking out "he" and inserting in lieu thereof "the individual"; and

(D) in subsection (c), by striking out “man” and inserting in lieu thereof “member”.

(6) Section 3503(b) is amended—

38 USC 3503.

(A) by striking out “his right” and inserting in lieu thereof “the right”;

(B) by striking out “his wife” and inserting in lieu thereof “the veteran’s spouse”; and

(C) by striking out “wife” in the second and third sentences and inserting in lieu thereof “spouse”.

TECHNICAL AMENDMENTS TO PUBLIC LAW 98-77

SEC. 704. The Emergency Veterans’ Job Training Act of 1983 (Public Law 98-77, 97 Stat. 443) is amended—

(1) in section 3(3), by striking out “‘State’,” and by inserting “‘State’,” after “‘service-connected’”; and

29 USC 1721
note.

(2) in section 7—

Ante, p. 445.

(A) in subsection (a)(2), by striking out “section” and inserting in lieu thereof “Act”;

(B) in subsection (e)(2), by striking out “8” and inserting in lieu thereof “10”; and

(C) in subsection (h), by striking out “this Act” and inserting in lieu thereof “the provisions of this Act (other than subsections (b) and (d)(3))”.

Approved November 21, 1983.

LEGISLATIVE HISTORY—H.R. 2920 (S. 578):

HOUSE REPORT No. 98-117 (Comm. on Veterans’ Affairs).

SENATE REPORT No. 98-145 accompanying S. 578 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 129 (1983):

May 23, considered and passed House.

June 23, considered and passed Senate, amended, in lieu of S. 578.

Nov. 2, House concurred in Senate amendments with amendments.

Nov. 3, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 47 (1983):

Nov. 21, Presidential statement.