

Calendar No. 297

103D CONGRESS
1ST SESSION

H. R. 3313

AN ACT

To amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes.

NOVEMBER 18 (legislative day, NOVEMBER 2), 1993

Placed on the calendar

Calendar No. 297103^D CONGRESS
1ST SESSION**H. R. 3313**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 2), 1993

Received; read twice and placed on the calendar

AN ACT

To amend title 38, United States Code, to improve health care services of the Department of Veterans Affairs relating to women veterans, to extend and expand authority for the Secretary of Veterans Affairs to provide priority health care to veterans who were exposed to ionizing radiation or to Agent Orange, to expand the scope of services that may be provided to veterans through Vet Centers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Health Im-
5 provements Act of 1993”.

1 **TITLE I—WOMEN VETERANS**
2 **HEALTH IMPROVEMENTS**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Women Veterans
5 Health Improvements Act of 1993”.

6 **SEC. 102. HEALTH CARE SERVICES FOR WOMEN.**

7 (a) ENSURED PROVISION OF SERVICES.—The Sec-
8 retary of Veterans Affairs shall ensure that each health-
9 care facility under the direct jurisdiction of the Secretary
10 is able, through services made available either by individ-
11 uals appointed to positions in the Veterans Health Admin-
12 istration or under contracts or other agreements made
13 under section 7409, 8111, or 8153 of title 38, United
14 States Code, or title II of Public Law 102–585, to provide
15 in a timely and appropriate manner women’s health serv-
16 ices (as defined in section 1701(10) of title 38, United
17 States Code (as added by section 3)) to any veteran de-
18 scribed in section 1710(a)(1) of title 38, United States
19 Code, who is eligible for such services.

20 (b) ROUTINE HEALTH CARE SERVICES.—The Sec-
21 retary shall ensure that each health-care facility under the
22 direct jurisdiction of the Secretary that serves a catchment
23 area in which the number of women veterans described
24 in section 1710(a)(1) of title 38, United States Code,
25 makes it cost effective to do so shall provide routine wom-

1 en’s health services directly (rather than by contract or
2 other agreement). The Secretary shall ensure that each
3 such facility is provided appropriate equipment, facilities,
4 and staff to carry out the preceding sentence and to en-
5 sure that the quality of care provided under the preceding
6 sentence is in accordance with professional standards.

7 (c) CONFORMING REPEAL.—Section 302 of the Vet-
8 erans’ Health Care Amendments of 1983 (Public Law 98-
9 160; 97 Stat. 1004; 38 U.S.C. 1701 note) is repealed.

10 **SEC. 103. WOMEN’S HEALTH SERVICES.**

11 (a) WOMEN’S HEALTH SERVICES.—Section 1701 of
12 title 38, United States Code, is amended—

13 (1) in paragraph (6)(A)(i), by inserting “wom-
14 en’s health services,” after “preventive health serv-
15 ices,”; and

16 (2) by adding at the end the following:

17 “(10) The term ‘women’s health services’ means the
18 following health care services provided to women:

19 “(A) Papanicolaou tests (pap smear).

20 “(B) Breast examinations and mammography.

21 “(C) General reproductive health care (includ-
22 ing the management of menopause), but not includ-
23 ing infertility services (other than infertility counsel-
24 ing), abortions, or pregnancy care (including
25 prenatal and delivery care), except for such care re-

1 lating to a pregnancy that is complicated or in which
2 the risks of complication are increased by a service-
3 connected condition.

4 “(D) The management and prevention of sexu-
5 ally-transmitted diseases.

6 “(E) The management and treatment of
7 osteoporosis.

8 “(F) Counseling and treatment for physical or
9 psychological conditions arising out of acts of sexual
10 violence.

11 “(G) Early detection, management, and treat-
12 ment for cardiac disease, in the case of women who
13 are determined to be at risk of cardiac disease.”.

14 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
15 106 of the Veterans Health Care Act of 1992 (Public Law
16 102–585; 38 U.S.C. 1710 note) is amended—

17 (1) by striking out subsection (a); and

18 (2) by striking out “(b) RESPONSIBILITIES OF
19 DIRECTORS OF FACILITIES.—” before “The Sec-
20 retary”.

21 (c) EXTENSION OF ANNUAL REPORT REQUIRE-
22 MENT.—Section 107(a) of such Act is amended by strik-
23 ing out “Not later than January 1, 1993, January 1,
24 1994, and January 1, 1995” and inserting in lieu thereof

1 “Not later than January 1 of 1993 and each year there-
2 after through 1998”.

3 (d) REPORT ON HEALTH CARE AND RESEARCH.—
4 Section 107(b) of such Act is amended—

5 (1) in paragraph (1), by striking out “services
6 described in section 106 of this Act” and inserting
7 in lieu thereof “women’s health services (as such
8 term is defined in section 1701(10) of title 38,
9 United States Code)”;

10 (2) in paragraph (2)(A), by inserting “(includ-
11 ing information on the number of inpatient stays
12 and the number of outpatient visits through which
13 such services were provided)” after “facility”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(5) A description of the actions taken by the
17 Secretary to foster and encourage the expansion of
18 such research.”.

19 **SEC. 104. MAMMOGRAPHY QUALITY STANDARDS.**

20 (a) IN GENERAL.—(1) Subchapter II of chapter 73
21 of title 38, United States Code, is amended by adding at
22 the end the following new section:

23 **“§ 7319. Mammography quality standards**

24 “(a) A mammogram may not be performed at a De-
25 partment facility unless that facility is accredited for that

1 purpose by a private nonprofit organization designated by
2 the Secretary. An organization designated by the Sec-
3 retary under this subsection shall meet the standards for
4 accrediting bodies established under section 354(e) of the
5 Public Health Service Act (42 U.S.C. 263b(e)).

6 “(b) The Secretary, in consultation with the Sec-
7 retary of Health and Human Services, shall prescribe
8 quality assurance and quality control standards relating
9 to the performance and interpretation of mammograms
10 and use of mammogram equipment and facilities of the
11 Department of Veterans Affairs consistent with the re-
12 quirements of section 354(f)(1) of the Public Health Serv-
13 ice Act. Such standards shall be no less stringent than
14 the standards prescribed by the Secretary of Health and
15 Human Services under section 354(f) of the Public Health
16 Service Act and shall be prescribed during the 120-day
17 period beginning on the date on which the Secretary of
18 Health and Human Services prescribes quality standards
19 under section 354(f) of the Public Health Service Act (42
20 U.S.C. 263b(f)).

21 “(c)(1) The Secretary, to ensure compliance with the
22 standards prescribed under subsection (b), shall provide
23 for an annual inspection of the equipment and facilities
24 used by and in Department health care facilities for the
25 performance of mammograms. Such inspections shall be

1 carried out in a manner consistent with the inspection of
2 certified facilities by the Secretary of Health and Human
3 Services under section 354(g) of the Public Health Service
4 Act.

5 “(2) The Secretary may not provide for an inspection
6 under paragraph (1) to be performed by a State agency.

7 “(d) The Secretary shall ensure that mammograms
8 performed for the Department under contract with any
9 non-Department facility or provider conform to the quality
10 standards prescribed by the Secretary of Health and
11 Human Services under section 354 of the Public Health
12 Service Act.

13 “(e) For the purposes of this section, the term ‘mam-
14 mogram’ has the meaning given such term in section
15 354(a)(5) of the Public Health Service Act (42 U.S.C.
16 263b(a)).’.

17 (2) The table of sections at the beginning of such
18 chapter is amended by inserting after the item relating
19 to section 7318 the following new item:

“7319. Mammography quality standards.”.

20 (b) TRANSITION.—(1) Subsection (a) of section 7319
21 of title 38, United States Code, as added by subsection
22 (a), shall take effect on the date on which standards are
23 prescribed by the Secretary of Veterans Affairs under sub-
24 section (b) of such section.

1 (2) During the transition period, the Secretary may
2 waive the requirement of subsection (a) of section 7319
3 of title 38, United States Code, as added by subsection
4 (a), to any facility of the Department. The Secretary may
5 provide such a waiver in the case of any facility only if
6 the Secretary determines, based upon the recommendation
7 of the Under Secretary for Health, that during the period
8 such a waiver is in effect for such facility (including any
9 extension of the waiver under paragraph (3)) the facility
10 will be operated in accordance with standards prescribed
11 by the Secretary under subsection (b) of such section to
12 assure the safety and accuracy of mammography services
13 provided.

14 (3) The transition period for purposes of this section
15 is the six-month period beginning on the date specified in
16 paragraph (1). The Secretary may extend such period for
17 a period not to exceed 90 days in the case of any Depart-
18 ment facility. Any such extension may be made only if the
19 Under Secretary for Health determines that—

20 (A) without the extension access of veterans to
21 mammography services in the geographic area
22 served by the facility would be significantly reduced;
23 and

24 (B) appropriate steps will be taken before the
25 end of the transition period (as extended) to obtain

1 accreditation of the facility as required by subsection
2 (a) of section 7319 of title 38, United States Code,
3 as added by subsection (a).

4 (c) IMPLEMENTATION REPORT.—The Secretary of
5 Veterans Affairs shall submit to the Committees on Veter-
6 ans' Affairs of the Senate and House of Representatives
7 a report on the Secretary's implementation of section
8 7319 of title 38, United States Code, as added by sub-
9 section (a). The report shall be submitted not later than
10 120 days after the date on which the Secretary prescribes
11 the quality standards required under subsection (b) of that
12 section.

13 **SEC. 105. RESEARCH RELATING TO WOMEN VETERANS.**

14 (a) INCLUSION OF WOMEN AND MINORITIES IN
15 CLINICAL RESEARCH PROJECTS.—(1) In conducting or
16 supporting clinical research, the Secretary of Veterans Af-
17 fairs shall ensure that, whenever possible and appro-
18 priate—

19 (A) women who are veterans are included as
20 subjects in each project of such research; and

21 (B) members of minority groups who are veter-
22 ans are included as subjects of such research.

23 (2) In the case of a project of clinical research in
24 which women or members of minority groups will under
25 paragraph (1) be included as subjects of the research, the

1 Secretary of Veterans Affairs shall ensure that the project
2 is designed and carried out so as to provide for a valid
3 analysis of whether the variables being tested in the re-
4 search affect women or members of minority groups, as
5 the case may be, differently than other persons who are
6 subjects of the research.

7 (b) POPULATION STUDY.—Section 110(a) of the Vet-
8 erans Health Care Act of 1992 (Public Law 102–585; 106
9 Stat. 4948) is amended by adding at the end of paragraph
10 (3) the following: “If it is feasible to do so within the
11 amounts available for the conduct of the study, the Sec-
12 retary shall ensure that the sample referred to in sub-
13 section (a) constitutes a representative sampling (as deter-
14 mined by the Secretary) of the ages, the ethnic, social and
15 economic backgrounds, the enlisted and officer grades,
16 and the branches of service of all veterans who are
17 women.”.

18 **SEC. 106. SEXUAL TRAUMA COUNSELING.**

19 (a) EXTENSION OF PERIOD OF AUTHORITY TO PRO-
20 VIDE SEXUAL TRAUMA COUNSELING.—Subsection (a) of
21 section 1720D of title 38, United States Code, is amend-
22 ed—

23 (1) by striking out “December 31, 1995,” in
24 paragraph (1) and inserting in lieu thereof “Decem-
25 ber 31, 1998,”; and

1 (2) by striking out “December 31, 1994,” in
2 paragraph (3) and inserting in lieu thereof “Decem-
3 ber 31, 1998,”.

4 (b) PERIOD OF ELIGIBILITY TO SEEK COUNSEL-
5 ING.—(1) Such subsection is further amended—

6 (A) by striking out paragraph (2); and

7 (B) by redesignating paragraph (3) (as amend-
8 ed by subsection (a)(2)) as paragraph (2).

9 (2) Section 102(b) of the Veterans Health Care Act
10 of 1992 (Public Law 102–585; 106 Stat. 4946; 38 U.S.C.
11 1720D note) is repealed.

12 (c) REPEAL OF LIMITATION ON PERIOD OF RECEIPT
13 OF COUNSELING.—Section 1720D of title 38, United
14 States Code, is further amended—

15 (1) by striking out subsection (b); and

16 (2) by redesignating subsections (c), (d), and
17 (e) as subsections (b), (c), and (d), respectively.

18 (d) INCREASED PRIORITY OF CARE.—Section 1712(i)
19 of title 38, United States Code, is amended—

20 (1) in paragraph (1)—

21 (A) by inserting “(A)” after “To a vet-
22 eran”; and

23 (B) by inserting “, or (B) who is eligible
24 for counseling under section 1720D of this title,

1 for the purposes of such counseling” before the
2 period at the end; and

3 (2) in paragraph (2)—

4 (A) by striking out “, (B)” and inserting
5 in lieu thereof “or (B)”; and

6 (B) by striking out “, or (C)” and all that
7 follows through “such counseling”.

8 (e) PROGRAM REVISION.—(1) Section 1720D of title
9 38, United States Code, is further amended—

10 (A) by striking out “woman” in subsection
11 (a)(1);

12 (B) by striking out “women” in subsection
13 (b)(2)(C) and in the first sentence of subsection (c),
14 as redesignated by subsection (c); and

15 (C) by striking out “women” in subsection
16 (c)(2), as so redesignated, and inserting in lieu
17 thereof “individuals”.

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

20 **“§ 1720D. Counseling for sexual trauma”.**

21 (B) The item relating to such section in the table of
22 sections at the beginning of chapter 17 of such title is
23 amended to read as follows:

“1720D. Counseling for sexual trauma.”.

24 (f) INFORMATION BY TELEPHONE.—(1) Paragraph
25 (1) of section 1720D(c) of title 38, United States Code,

1 as redesignated by subsection (c) of this section, is amend-
2 ed to read as follows:

3 “(1) shall include availability of a toll-free tele-
4 phone number (commonly referred to as an 800
5 number), and”.

6 (2) In providing information on counseling available
7 to veterans as required under section 1720D(c)(1) of title
8 38, United States Code (as amended by this section), the
9 Secretary of Veterans Affairs shall ensure that the De-
10 partment of Veterans Affairs personnel who provide as-
11 sistance under such section are trained in the provision
12 to persons who have experienced sexual trauma of infor-
13 mation about the care and services relating to sexual trau-
14 ma that are available to veterans in the communities in
15 which such veterans reside, including care and services
16 available under programs of the Department (including
17 the care and services available under section 1720D of
18 such title) and from non-Department agencies or organi-
19 zations.

20 (3) Not later than 18 months after the date of the
21 enactment of this Act, the Secretary shall submit to Con-
22 gress a report on the operation of the telephone assistance
23 service required under section 1720D(c)(1) of title 38,
24 United States Code (as so amended). The report shall set
25 forth the following:

1 (A) The number of persons who sought infor-
2 mation during the period covered by the report
3 through a toll free telephone number regarding serv-
4 ices available to veterans relating to sexual trauma,
5 with a separate display of the number of such per-
6 sons arrayed by State (as such term is defined in
7 section 101(20) of title 38, United States Code).

8 (B) A description of the training provided to
9 the personnel who provide such assistance.

10 (C) The recommendations and plans of the Sec-
11 retary for the improvement of the service.

12 **SEC. 107. COORDINATORS OF WOMEN'S SERVICES.**

13 (a) FULL-TIME STATUS.—Section 108 of the Veter-
14 ans Health Care Act of 1992 (Public Law 102–585; 106
15 Stat. 4948; 38 U.S.C. 1710 note) is amended—

16 (1) by inserting “(a)” before “The Secretary”;
17 and

18 (2) by adding at the end the following:

19 “(b) Each official who serves in the position of coordi-
20 nator of women’s services under subsection (a) shall serve
21 in such position on a full-time basis.”.

22 (b) EMPOWERMENT.—The Secretary of Veterans Af-
23 fairs shall take appropriate actions to ensure that the co-
24 ordinator of women’s services at each facility of the Veter-
25 ans Health Administration—

1 (1) is able to carry out the responsibilities of a
2 coordinator in ensuring that women veterans receive
3 quality medical care and, to the extent practicable,
4 have equal access to Veterans Administration facili-
5 ties; and

6 (2) has direct access to the Director or Chief of
7 Staff of the facility to which the coordinator is as-
8 signed.

9 **SEC. 108. PATIENT PRIVACY.**

10 (a) IDENTIFICATION OF DEFICIENCIES.—The Sec-
11 retary of Veterans Affairs shall conduct a survey of each
12 medical center under the jurisdiction of the Secretary to
13 identify deficiencies relating to patient privacy afforded to
14 women patients in the clinical areas at each such center
15 which may interfere with appropriate treatment of such
16 patients.

17 (b) CORRECTION OF DEFICIENCIES.—The Secretary
18 shall ensure that plans and, where appropriate, interim
19 steps, to correct the deficiencies identified in the survey
20 conducted under subsection (a) are developed and are in-
21 corporated into the Department's construction planning
22 processes and given a high priority.

23 (c) REPORTS TO CONGRESS.—The Secretary shall
24 compile an annual inventory, by medical center, of defi-
25 ciencies identified under subsection (a) and of plans and,

1 where appropriate, interim steps, to correct such defi-
2 ciencies. The Secretary shall submit to the Committees on
3 Veterans' Affairs of the Senate and the House of Rep-
4 resentatives, not later than October 1, 1994, and not later
5 than October 1 each year thereafter through 1996 a report
6 on such deficiencies. The Secretary shall include in such
7 report the inventory compiled by the Secretary, the pro-
8 posed corrective plans, and the status of such plans.

9 **TITLE II—CARE FOR VETERANS**
10 **EXPOSED TO TOXIC SUB-**
11 **STANCES**

12 **SEC. 201. AUTHORITY TO PROVIDE HEALTH CARE.**

13 (a) AUTHORIZED INPATIENT CARE.—Section
14 1710(e) of title 38, United States Code, is amended to
15 read as follows:

16 “(e)(1)(A) Subject to paragraph (2), a herbicide-ex-
17 posed veteran is eligible for hospital care and nursing
18 home care under subsection (a)(1)(G) for any disease
19 specified in subparagraph (B).

20 “(B) The diseases referred to in subparagraph (A)
21 are those for which the National Academy of Sciences, in
22 a report issued in accordance with section 2 of the Agent
23 Orange Act of 1991, has determined—

24 “(i) that there is sufficient evidence to conclude
25 that there is a positive association between occur-

1 rence of the disease in humans and exposure to a
2 herbicide agent;

3 “(ii) that there is evidence which is suggestive
4 of an association between occurrence of the disease
5 in humans and exposure to a herbicide agent, but
6 such evidence is limited in nature; or

7 “(iii) that available studies are insufficient to
8 permit a conclusion about the presence or absence of
9 an association between occurrence of the disease in
10 humans and exposure to a herbicide agent.

11 “(C) A radiation-exposed veteran is eligible for hos-
12 pital care and nursing home care under subsection
13 (a)(1)(G) for—

14 “(i) any disease listed in section 1112(c)(2) of
15 this title; and

16 “(ii) any other disease for which the Secretary,
17 based on the advice of the Advisory Committee on
18 Environmental Hazards, determines that there is
19 credible evidence of a positive association between
20 occurrence of the disease in humans and exposure to
21 ionizing radiation.

22 “(2) Hospital and nursing home care may not be pro-
23 vided under or by virtue of paragraph (1)(A) after Sep-
24 tember 30, 1996.

1 “(3) For purposes of this subsection and section
2 1712 of this title—

3 “(A) the term ‘herbicide-exposed veteran’
4 means a veteran (i) who served on active duty in the
5 Republic of Vietnam during the Vietnam era, and
6 (ii) who the Secretary finds may have been exposed
7 during such service to a herbicide agent;

8 “(B) the term ‘herbicide agent’ has the mean-
9 ing given that term in section 1116(a)(4) of this
10 title; and

11 “(C) the term ‘radiation-exposed veteran’ has
12 the meaning given that term in section 1112(c)(4) of
13 this title.”.

14 (b) AUTHORIZED OUTPATIENT CARE.—Section 1712
15 of such title is amended—

16 (1) in subsection (a)(1)—

17 (A) by striking out “and” at the end of
18 subparagraph (B);

19 (B) by striking out the period at the end
20 of subparagraph (C) and inserting in lieu there-
21 of a semicolon; and

22 (C) by adding at the end the following:

23 “(D) during the period before October 1,
24 1996, to any herbicide-exposed veteran for any

1 disease listed in section 1710(e)(1)(B) of this
2 title; and

3 “(E) to any radiation-exposed veteran for
4 any disease covered under section
5 1710(e)(1)(C) of this title.”; and

6 (2) in subsection (i)(3)—

7 (A) by striking out “(A)”; and

8 (B) by striking out “, or (B)” and all that
9 follows through “title”.

10 **SEC. 202. SAVINGS PROVISION.**

11 The provisions of sections 1710(e) and 1712(a) of
12 title 38, United States Code, as in effect on the day before
13 the date of the enactment of this Act, shall apply with
14 respect to hospital care, nursing home care, and medical
15 services in the case of any veteran furnished care or serv-
16 ices before such date of enactment on the basis of pre-
17 sumed exposure to a substance or radiation under the au-
18 thority of those provisions.

19 **TITLE III—READJUSTMENT**
20 **SERVICES**

21 **SEC. 301. SCOPE OF SERVICES PROVIDED IN VET CENTERS.**

22 (a) EXPANSION OF SERVICES.—Section 1712A of
23 title 38, United States Code, is amended—

24 (1) in subsection (a)(1) by inserting “and, to
25 the extent otherwise authorized by law, may furnish

1 such additional needed services as described in sub-
2 section (i)” in the first sentence after “life”;

3 (2) by redesignating subsection (i) as subsection
4 (j); and

5 (3) by inserting after subsection (g) the follow-
6 ing new subsections:

7 “(h) The Secretary may, to the extent resources and
8 facilities are available, furnish to any veteran who served
9 in combat during World War II or the Korean conflict
10 counseling in a center to assist such veteran in overcoming
11 the effects of the veteran’s combat experience.

12 “(i) In operating centers under this section, the Sec-
13 retary may provide (1) preventive health care services, (2)
14 medical services reasonably necessary in preparation for
15 hospital admission, and (3) referral services to assist in
16 obtaining specialized care. The Secretary shall provide
17 such services through such health care personnel as the
18 Secretary determines appropriate.”.

19 (b) REPORT.—Not later than one year after the date
20 of the enactment of this Act, the Secretary shall submit
21 to the Committees on Veterans’ Affairs of the Senate and
22 House of Representatives a report relating to the imple-
23 mentation of the amendments made by subsection (a). The
24 report shall include the following:

1 (1) The number of veterans provided services
2 described in section 1712A(i) of title 38, United
3 States Code, as added by subsection (a).

4 (2) The number of centers which provided serv-
5 ices described in that section.

6 (3) An assessment of the effect providing such
7 services has had on access to and timeliness of serv-
8 ice delivery.

9 **SEC. 302. ADVISORY COMMITTEE ON THE READJUSTMENT**
10 **OF VETERANS.**

11 (a) IN GENERAL.—(1) Subchapter II of chapter 17
12 of title 38, United States Code, is amended by inserting
13 after section 1712B the following new section:

14 **“§1712C. Advisory Committee on Veterans Readjust-**
15 **ment Counseling**

16 “(a)(1) There is in the Department the Advisory
17 Committee on Veterans Readjustment Counseling (herein-
18 after in this section referred to as the ‘Committee’).

19 “(2) The Committee shall consist of 18 members.
20 The members of the Committee shall be appointed by the
21 Secretary and shall include individuals who are recognized
22 authorities in fields pertinent to the social, psychological,
23 economic, or educational readjustment of veterans. An of-
24 ficer or employee of the United States may not be ap-
25 pointed as a member of the Committee. At least 12 of

1 the Committee shall be veterans of the Vietnam era or
2 other period of war. Appointments of members of the
3 Committee shall be made from among individuals who
4 have experience with the provision of veterans benefits and
5 services by the Department or who are otherwise familiar
6 with programs of the Department.

7 “(3) The Secretary shall seek to ensure that members
8 appointed to the Committee include persons from a wide
9 variety of geographic areas and ethnic backgrounds, per-
10 sons from veterans service organizations, minorities, and
11 women.

12 “(4) The Secretary shall determine the terms of serv-
13 ice and pay and allowances of the members of the Commit-
14 tee, except that a term of service may not exceed two
15 years. The Secretary may reappoint any member for addi-
16 tional terms of service.

17 “(b)(1) The Secretary shall, on a regular basis, con-
18 sult with and seek the advice of the Committee with re-
19 spect to the provision by the Department of benefits and
20 services to veterans in order to assist veterans in the re-
21 adjustment to civilian life.

22 “(2) In providing advice to the Secretary under this
23 subsection, the Committee shall—

1 “(A) assemble and review information relating
2 to the needs of veterans in readjusting to civilian
3 life;

4 “(B) provide information relating to the nature
5 and character of psychological problems arising from
6 military service;

7 “(C) provide an on-going assessment of the ef-
8 fectiveness of the policies, organizational structures,
9 and services of the Department in assisting veterans
10 in readjusting to civilian life; and

11 “(D) provide on-going advice on the most ap-
12 propriate means of responding to the readjustment
13 needs of future veterans.

14 “(3) In carrying out its duties under paragraph (2),
15 the Committee shall take into special account veterans of
16 the Vietnam era and the readjustment needs of those
17 veterans.

18 “(c)(1) Not later than March 31 of each year, the
19 Committee shall submit to the Secretary a report on the
20 programs and activities of the Department that relate to
21 the readjustment of veterans to civilian life. Each such
22 report shall include—

23 “(A) an assessment of the needs of veterans
24 with respect to readjustment to civilian life;

1 “(B) a review of the programs and activities of
2 the Department designed to meet such needs; and

3 “(C) such recommendations (including rec-
4 ommendations for administrative and legislative ac-
5 tion) as the Committee considers appropriate.

6 “(2) Not later than 90 days after the receipt of each
7 report under paragraph (1), the Secretary shall transmit
8 to the Committees on Veterans’ Affairs of the Senate and
9 House of Representatives a copy of the report, together
10 with any comments and recommendations concerning the
11 report that the Secretary considers appropriate.

12 “(3) The Committee may also submit to the Sec-
13 retary such other reports and recommendations as the
14 Committee considers appropriate.

15 “(4) The Secretary shall submit with each annual re-
16 port submitted to the Congress pursuant to section 529
17 of this title a summary of all reports and recommendations
18 of the Committee submitted to the Secretary since the pre-
19 vious annual report of the Secretary submitted pursuant
20 to that section.”.

21 (2) The table of sections at the beginning of chapter
22 17 of such title is amended by inserting after the item
23 relating to section 1712B the following:

 “1712C. Advisory Committee on Veterans Readjustment Counseling.”.

24 (b) ORIGINAL MEMBERS.—(1) Notwithstanding sub-
25 section (a)(2) of section 1712C of title 38, United States

1 Code (as added by subsection (a)), the members of the
2 Advisory Committee on the Readjustment of Vietnam and
3 Other War Veterans on the date of the enactment of this
4 Act shall be the original members of the advisory commit-
5 tee established under that section.

6 (2) The original members shall so serve until the Sec-
7 retary of Veterans Affairs carries out appointments under
8 such subsection (a)(2). The Secretary shall carry out such
9 appointments as soon as is practicable. The Secretary may
10 make such appointments from among such original mem-
11 bers.

12 **SEC. 303. PLAN FOR EXPANSION OF VIETNAM VETERAN RE-**
13 **SOURCE CENTERS PILOT PROGRAM.**

14 (a) PLAN.—The Secretary of Veterans Affairs shall
15 submit to the Committees on Veterans' Affairs of the Sen-
16 ate and House of Representatives a plan for expansion of
17 the Vietnam Veteran Resource Centers program estab-
18 lished by section 1712A(h) of title 38, United States Code.
19 The plan submitted shall be a plan which the Secretary
20 would implement if resources for such implementation
21 were available.

22 (b) SUBMISSION OF PLAN.—The plan, together with
23 an analysis setting forth in detail the resources required
24 for the implementation of the plan, shall be submitted

1 under subsection (a) not later than four months after the
2 date of the enactment of this Act.

3 **TITLE IV—SERVICES FOR**
4 **MENTALLY ILL VETERANS**

5 **SEC. 401. AUTHORITY TO ESTABLISH NONPROFIT COR-**
6 **PORATIONS.**

7 (a) IN GENERAL.—Chapter 17 of title 38, United
8 States Code, is amended by inserting after section 1718
9 the following new section:

10 **“§ 1718A. Nonprofit corporations**

11 “(a) The Secretary may authorize the establishment
12 at any Veterans Health Administration facility of a non-
13 profit corporation (1) to arrange for therapeutic work for
14 patients of such facility or patients of other such Depart-
15 ment facilities pursuant to section 1718(b) of this title,
16 and (2) to provide a flexible funding mechanism to achieve
17 the purposes of section 1718 of this title.

18 “(b) The Secretary shall provide for the appointment
19 of a board of directors for any corporation established
20 under this section and shall determine the number of di-
21 rectors and the composition of the board of directors. The
22 board of directors shall include—

23 “(1) the director of the facility and other offi-
24 cials or employees of the facility; and

1 “(2) members appointed from among individ-
2 uals who are not officers or employees of the De-
3 partment of Veterans Affairs.

4 “(c) Each such corporation shall have an executive
5 director who shall be appointed by the board of directors
6 with concurrence of the Under Secretary for Health of the
7 Department. The executive director of a corporation shall
8 be responsible for the operations of the corporation and
9 shall have such specific duties and responsibilities as the
10 board may prescribe.

11 “(d) A corporation established under this section
12 may—

13 “(1) arrange with the Department of Veterans
14 Affairs under section 1718(b)(2) of this title to pro-
15 vide for therapeutic work for patients;

16 “(2) accept gifts and grants from, and enter
17 into contracts with, individuals and public and pri-
18 vate entities solely to carry out the purposes of this
19 section; and

20 “(3) employ such employees as it considers nec-
21 essary for such purposes and fix the compensation
22 of such employees.

23 “(e)(1) Except as provided in paragraph (2), any
24 funds received by a corporation established under this sec-
25 tion through arrangements authorized under subsection

1 (d)(1) in excess of amounts reasonably required to carry
2 out obligations of the corporation authorized under sub-
3 section (d)(3) shall be deposited in or credited to the Spe-
4 cial Therapeutic and Rehabilitation Activities Fund estab-
5 lished under section 1718(c) of this title.

6 “(2) The Secretary, in accordance with guidelines
7 which the Secretary shall prescribe, may authorize a cor-
8 poration established under this section to retain funds de-
9 rived from arrangements authorized under subsection
10 (d)(1).

11 “(3) Any funds received by a corporation established
12 under this section through arrangements authorized under
13 subsection (d)(2) may be transferred to the Special Thera-
14 peutics and Rehabilitation Activities Fund.

15 “(f) A corporation established under this section shall
16 be established in accordance with the nonprofit corpora-
17 tion laws of the State in which the applicable medical facil-
18 ity is located and shall, to the extent not inconsistent with
19 Federal law, be subject to the laws of such State.

20 “(g)(1)(A) The records of a corporation established
21 under this section shall be available to the Secretary.

22 “(B) For the purposes of sections 4(a)(1) and 6(a)(1)
23 of the Inspector General Act of 1978, the programs and
24 operations of such a corporation shall be considered to be
25 programs and operations of the Department with respect

1 to which the Inspector General of the Department has re-
2 sponsibilities under such Act.

3 “(2) Such a corporation shall be considered an agen-
4 cy for the purposes of section 716 of title 31 (relating to
5 availability of information and inspection of records by the
6 Comptroller General).

7 “(3) Each such corporation shall submit to the Sec-
8 retary an annual report providing a detailed statement of
9 its operations, activities, and accomplishments during that
10 year. The corporation shall obtain a report of independent
11 auditors concerning the receipts and expenditures of funds
12 by the corporation during that year and shall include that
13 report in the corporation’s report to the Secretary for that
14 year.

15 “(4) Each member of the board of directors of a cor-
16 poration established under this section, each employee of
17 such corporation, and each employee of the Department
18 who is involved in the functions of the corporation during
19 any year shall—

20 “(A) be subject to Federal laws and regulations
21 applicable to Federal employees with respect to con-
22 flicts of interest in the performance of official func-
23 tions; and

24 “(B) submit to the Secretary an annual state-
25 ment signed by the director or employee certifying

1 that the director or employee is aware of, and has
2 complied with, such laws and regulations in the
3 same manner as Federal employees are required to.

4 “(h) The Secretary shall submit to the Committees
5 on Veterans’ Affairs of the Senate and House of Rep-
6 resentatives an annual report on the number and location
7 of corporations established and the amount of the con-
8 tributions made to each such corporation.

9 “(i) No corporation may be established under this
10 section after September 30, 1999.

11 “(j) If by the end of the four-year period beginning
12 on the date of the establishment of a corporation under
13 this section the corporation is not recognized as an entity
14 the income of which is exempt from taxation under the
15 Internal Revenue Code of 1986, the Secretary shall dis-
16 solve the corporation.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item relating to section 1718 the following new
20 item:

“1718A. Nonprofit corporations.”.

21 **SEC. 402. EXTENSION OF DEMONSTRATION PROGRAM.**

22 Section 7 of Public Law 102–54 (105 Stat. 269; 38
23 U.S.C. 1718 note) is amended—

24 (1) in subsection (a), by striking out “1994”
25 and inserting in lieu thereof “1998”;

1 (2) in subsection (c)—

2 (A) by striking out “no more than 50”;

3 and

4 (B) by striking out “under this sub-
5 section.” and inserting in lieu thereof “under
6 this subsection—

7 “(1) at no more than 58 sites during fiscal year
8 1994;

9 “(2) at no more than 70 sites during fiscal year
10 1995;

11 “(3) at no more than 82 sites during fiscal year
12 1996;

13 “(4) at no more than 94 sites during fiscal year
14 1997; and

15 “(5) at no more than 106 sites during fiscal
16 year 1998.”.

17 **SEC. 403. SPECIAL COMMITTEE.**

18 (a) ESTABLISHMENT.—The Secretary of Veterans
19 Administration, acting through the Under Secretary for
20 Health of the Department of Veterans Affairs, shall estab-
21 lish in the Veterans Health Administration a Special Com-
22 mittee on Care of Severely Chronically Mentally Ill Veter-
23 ans (hereinafter in this section referred to as the “Special
24 Committee”). The Under Secretary shall appoint employ-

1 ees of the Department with expertise in the care of the
2 chronically mentally ill to serve on the Special Committee.

3 (b) FUNCTIONS.—The Special Committee may as-
4 sess, and carry out a continuing assessment of, the capa-
5 bility of the Veterans Health Administration to meet effec-
6 tively the treatment and rehabilitation needs of severely,
7 chronically mentally ill veterans. In carrying out that re-
8 sponsibility, the Special Committee shall—

9 (1) monitor the care provided to such veterans
10 through the Veterans Health Administration;

11 (2) identify systemwide problems in caring for
12 such veterans in facilities of the Veterans Health
13 Administration;

14 (3) identify specific facilities within the Veter-
15 ans Health Administration at which program sup-
16 port is needed to improve treatment and rehabilita-
17 tion of such veterans; and

18 (4) identify model programs which have had
19 demonstrated success in the treatment and rehabili-
20 tation of such veterans and which should be imple-
21 mented more widely in or through facilities of the
22 Veterans Health Administration.

23 (c) ADVICE AND RECOMMENDATIONS.—The Special
24 Committee shall—

1 (1) advise the Under Secretary regarding the
2 development of policies for the care and rehabilita-
3 tion of the severely, chronically mentally ill; and

4 (2) make recommendations to the Under Sec-
5 retary—

6 (A) for improving programs of care of such
7 veterans at specific facilities and throughout the
8 Veterans Health Administration;

9 (B) for establishing special programs of
10 education and training relevant to the care of
11 such veterans for employees of the Veterans
12 Health Administration;

13 (C) regarding research needs and priorities
14 relevant to the care of such veterans; and

15 (D) regarding the appropriate allocation of
16 resources for all such activities.

17 (d) ANNUAL REPORTS.—(1) Not later than April 1,
18 1994, the Secretary of Veterans Affairs shall submit to
19 the Committees on Veterans' Affairs of the Senate and
20 House of Representatives a report on the implementation
21 of this section. The report shall include the following:

22 (A) A list of the members of the Special Com-
23 mittee.

24 (B) The assessment of the Under Secretary for
25 Health, after review of the findings of the Special

1 Committee, regarding the capability of the Veterans
2 Health Administration, on a systemwide and facility-
3 by-facility basis, to meet effectively the treatment
4 and rehabilitation needs of severely, chronically men-
5 tally ill veterans.

6 (C) The plans of the Special Committee for fur-
7 ther assessments.

8 (D) The findings and recommendations made
9 by the Special Committee to the Under Secretary for
10 Health and the views of the Under Secretary on
11 such findings and recommendations.

12 (E) A description of the steps taken, plans
13 made (and a timetable for their execution), and re-
14 sources to be applied toward improving the capabil-
15 ity of the Veterans Health Administration to meet
16 effectively the treatment and rehabilitation needs of
17 severely, chronically mentally ill veterans.

18 (2) Not later than February 1, 1995, and February
19 1 of each of the three following years, the Secretary shall
20 submit to the Committees on Veterans' Affairs of the Sen-
21 ate and House of Representatives a report containing in-

1 formation updating the reports submitted under this sub-
2 section before the submission of such report.

Passed the House of Representatives November 16,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

HR 3313 PCS—2

HR 3313 PCS—3