

Calendar No. 663

103D CONGRESS
2D SESSION

S. 2325

[Report No. 103-3851]

A BILL

To amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes.

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment and an amendment to the
title

Calendar No. 663103^D CONGRESS
2^D SESSION**S. 2325****[Report No. 103-385]**

To amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26 (legislative day, JULY 20), 1994

Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. ROCKEFELLER, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, 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,*

1 **SECTION 1. REAUTHORIZATION OF DEMONSTRATION PRO-**
2 **GRAM OF COMPENSATED WORK THERAPY**
3 **AND THERAPEUTIC TRANSITIONAL HOUSING.**

4 Section 7(a) of Public Law 102-54 (38 U.S.C. 1718
5 note) is amended by striking out “fiscal years 1991
6 through 1994” and inserting in lieu thereof “fiscal years
7 1991 through 1996”.

8 **SEC. 2. PERMANENT AUTHORITY TO PROVIDE TREATMENT**
9 **AND REHABILITATION FOR ALCOHOL OR**
10 **DRUG DEPENDENCE OR ABUSE DISABILITIES.**

11 Section 1720A of title 38, United States Code, is
12 amended by striking out subsection (e).

13 **SEC. 3. REAUTHORIZATION OF HOMELESS VETERANS’**
14 **REINTEGRATION PROJECTS.**

15 Section 738(e)(1) of the Stewart B. McKinney Home-
16 less Assistance Act (42 U.S.C. 11448(e)(1)) is amended
17 by striking out subparagraphs (A), (B), and (C) and in-
18 serting in lieu thereof the following new subparagraphs:

19 “(A) \$14,000,000 for fiscal year 1995.

20 “(B) \$16,000,000 for fiscal year 1996.

21 “(C) \$18,000,000 for fiscal year 1997.”.

1 **SEC. 4. AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL**
 2 **CARE FOR HOMELESS CHRONICALLY MEN-**
 3 **TALLY ILL AND OTHER VETERANS.**

4 (a) IN GENERAL.—Subchapter II of chapter 17 of
 5 title 38, United States Code, is amended by adding at the
 6 end the following:

7 **“§ 1720E. Community-based residential care for**
 8 **homeless chronically mentally ill and**
 9 **other veterans**

10 “(a)(1) The Secretary may provide care and treat-
 11 ment and rehabilitative services (directly or by contract)
 12 in halfway houses, therapeutic communities, psychiatric
 13 residential treatment centers, and other community-based
 14 treatment facilities to homeless veterans suffering from
 15 chronic mental illness disabilities who are eligible for care
 16 under section 1710(a)(1) of this title.

17 “(2) In providing care and treatment and rehabilita-
 18 tive services under paragraph (1), the Secretary may also
 19 provide such care and treatment and rehabilitative serv-
 20 ices—

21 “(A) to veterans being furnished hospital or
 22 nursing home care by the Secretary for a chronic
 23 mental illness disability; and

24 “(B) to veterans with service-connected chronic
 25 mental illness disabilities.

1 ~~“(b) Before furnishing care and treatment and reha-~~
2 ~~bilitative services by contract under subsection (a) to a~~
3 ~~veteran through a facility described in subsection (a), the~~
4 ~~Secretary shall approve (in accordance with criteria which~~
5 ~~the Secretary shall prescribe) the quality and effectiveness~~
6 ~~of the program operated by such facility for the purpose~~
7 ~~for which such veteran is to be furnished such care and~~
8 ~~services.~~

9 ~~“(c)(1) The Secretary may provide in-kind assistance~~
10 ~~(through the services of Department employees and the~~
11 ~~sharing of other Department resources) to a facility de-~~
12 ~~scribed in subsection (a) under this section. The Secretary~~
13 ~~shall provide such assistance to a facility under a contract~~
14 ~~between the Secretary and the facility.~~

15 ~~“(2) The Secretary may provide assistance under~~
16 ~~paragraph (1)—~~

17 ~~“(A) only for use solely in the furnishing of ap-~~
18 ~~propriate care and services under this section; and~~

19 ~~“(B) only if, under such contract, the Secretary~~
20 ~~receives reimbursement for the full cost of such as-~~
21 ~~sistance, including the cost of services and supplies~~
22 ~~and normal depreciation and amortization of equip-~~
23 ~~ment.~~

1 “(3) Reimbursement under paragraph (2)(B) may be
2 made by reduction in the charges to the United States
3 or by payment to the United States.

4 “(4) Any funds received through reimbursement
5 under paragraph (3) shall be credited to funds allotted to
6 the Department facility that provided the assistance.

7 “(d) The Secretary may not provide care and treat-
8 ment and rehabilitative services under this section after
9 September 30, 1998.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by inserting
12 after the item relating to section 1720D the following new
13 item:

“1720E. Community-based residential care for homeless mentally ill and other
veterans.”.

14 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
15 115 of the Veterans’ Benefits and Services Act of 1988
16 (38 U.S.C. 1712 note) is repealed.

17 **SEC. 5. REPORTS ON ACTIVITIES OF THE DEPARTMENT OF**
18 **VETERANS AFFAIRS TO ASSIST HOMELESS**
19 **VETERANS.**

20 (a) ANNUAL REPORT.—(1) Not later than February
21 1 of each year, the Secretary of Veterans Affairs shall sub-
22 mit to the Committees on Veterans’ Affairs of the Senate
23 and the House of Representatives a report on the activities
24 of the Department of Veterans Affairs during the year

1 preceding the report under programs of the Department
 2 for the provision of assistance to homeless veterans.

3 ~~(2)~~ The report shall—

4 (A) set forth the number of homeless veterans
 5 provided assistance under such programs;

6 (B) describe the cost to the Department of pro-
 7 viding such assistance under such programs; and

8 (C) provide any other information on such pro-
 9 grams and on the provision of such assistance that
 10 the Secretary considers appropriate.

11 ~~(b) BI-ANNUAL REQUIREMENT.~~—The Secretary shall
 12 include in the report submitted under subsection ~~(a)(1)~~
 13 in 1995, and every 2 years thereafter, an evaluation of
 14 the effectiveness of the programs of the Department in
 15 providing assistance to homeless veterans.

16 **SEC. 6. REPORT ON ASSESSMENT AND PLANS FOR RE-**
 17 **SPONSE TO NEEDS OF HOMELESS VETERANS.**

18 ~~(a) UPDATE ON ASSESSMENT.~~—Subsection ~~(b)~~ of
 19 section 107 of the Veterans' Medical Programs Amend-
 20 ments of 1992 (Public Law 102–405; 106 Stat. 1977; 38
 21 U.S.C. 527 note) is amended by adding at the end the
 22 following:

23 “(6) The Secretary shall require that the directors
 24 referred to in paragraph (1) update the assessment re-

1 quired under that paragraph in each of 1995, 1996, and
2 1997.”.

3 (b) REPORTS ON ASSESSMENTS AND PLAN.—Sub-
4 section (i) of such section 107 (106 Stat. 1978) is amend-
5 ed—

6 (1) by striking out “REPORT.—” and inserting
7 in lieu thereof “REPORTS.—(1)”; and

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

9 “(2) Not later than December 31, 1994, the Sec-
10 retary shall submit to such committees a report that—

11 “(A) describes the results of the assessment
12 carried out under subsection (b);

13 “(B) sets forth the lists developed under para-
14 graph (1) of subsection (c); and

15 “(C) describes the progress, if any, made by the
16 directors of the medical centers and the directors of
17 the benefits offices referred to in such subsection (c)
18 in developing the plan referred to in paragraph (2)
19 of such subsection (c).

20 “(3) Not later than December 31 of each of 1995,
21 1996, and 1997, the Secretary shall submit to such com-
22 mittees a report that describes the update to the assess-
23 ment that is carried out under subsection (b)(6) in the
24 year preceding the report.”.

1 **SEC. 7. DEMONSTRATION PROGRAM OF DEPARTMENT OF**
2 **VETERANS AFFAIRS AND COMMUNITY-BASED**
3 **ORGANIZATION PARTNERSHIPS TO ASSIST**
4 **HOMELESS VETERANS.**

5 (a) ~~IN GENERAL.~~—The Secretary of Veterans Affairs
6 shall carry out a demonstration program under which the
7 Secretary shall enter into partnerships with community-
8 based homeless service organizations described in sub-
9 section (b) in order to provide services and assistance to
10 homeless veterans in conjunction with such organizations.
11 The Secretary shall carry out the program in accordance
12 with this section.

13 (b) ~~COMMUNITY-BASED ORGANIZATIONS.~~—The orga-
14 nizations with which the Secretary enters into partner-
15 ships under subsection (a) shall be organizations that—

16 (1) encourage the assumption of personal re-
17 sponsibility by homeless veterans who receive serv-
18 ices and assistance from the organization;

19 (2) provide transitional housing to such veter-
20 ans;

21 (3) provide employment training or employment
22 placement assistance to such veterans;

23 (4) may collect from such veterans rent derived
24 from employment-related income of such veterans;
25 and

1 ~~(5) in the case of organizations that collect rent~~
2 ~~from such veterans, utilize rent amounts collected to~~
3 ~~cover the expenses of the organizations in providing~~
4 ~~services and assistance to such veterans.~~

5 ~~(c) PROVISION OF SERVICES AND ASSISTANCE.—(1)~~
6 ~~The Secretary shall carry out the demonstration program~~
7 ~~authorized under subsection (a) at not more than five loca-~~
8 ~~tions designated for that purpose by the Secretary. The~~
9 ~~Secretary shall designate such locations in various geo-~~
10 ~~graphic areas.~~

11 ~~(2) With respect to each location designated under~~
12 ~~paragraph (1), the Secretary shall enter into an agreement~~
13 ~~with a community-based service organization referred to~~
14 ~~in subsection (b) in order to provide services and assist-~~
15 ~~ance to homeless veterans.~~

16 ~~(3) The Secretary shall ensure under an agreement~~
17 ~~entered into under paragraph (1) that appropriate person-~~
18 ~~nel of the Department of Veterans Affairs provide individ-~~
19 ~~ual and group counseling, substance abuse counseling, em-~~
20 ~~ployment counseling, basic medical care, and referrals to~~
21 ~~other Department health care and benefits programs to~~
22 ~~homeless veterans at the location covered by the agree-~~
23 ~~ment.~~

24 ~~(d) REVIEW OF PROGRAM.—The Secretary shall~~
25 ~~enter into an agreement with an appropriate non-Federal~~

1 entity under which agreement the entity shall carry out
2 a study of program carried out under this section. The
3 Secretary shall ensure that, in carrying out the study, the
4 entity shall—

5 (1) determine whether assistance and services
6 are provided to homeless veterans under the pro-
7 gram in a cost-effective manner;

8 (2) compare the assistance and services avail-
9 able under the program with the assistance and
10 services provided to homeless individuals under other
11 programs that are similar to the program; and

12 (3) make any recommendations that the entity
13 considers appropriate for the improvement and ex-
14 pansion of the program or any agreement entered
15 into under subsection (c).

16 (e) REPORT.—Not later than September 30, 1996,
17 the Secretary shall submit to the Committees on Veterans'
18 Affairs of the Senate and the House of Representatives
19 a report on the results of the study carried out under sub-
20 section (d).

21 **SEC. 8. REVISIONS TO HOMELESS VETERANS COMPREHEN-**
22 **SIVE SERVICE PROGRAMS ACT OF 1992.**

23 (a) INCREASE IN NUMBER OF DEMONSTRATION PRO-
24 GRAMS.—Section 2(b) of the Homeless Veterans Com-
25 prehensive Service Programs Act of 1992 (38 U.S.C. 7721

1 note) is amended in the first sentence by striking out
2 “four” and inserting in lieu thereof “12”.

3 (b) ~~REMOVAL OF FUNDING LIMITATION.~~—Section 12
4 of such Act (38 U.S.C. 7721 note) is amended by striking
5 out the second sentence.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Veterans Programs Im-*
8 *provement Act of 1994”.*

9 **TITLE I—DEPARTMENT OF VET-**
10 **ERANS AFFAIRS HOMELESS-**
11 **NESS AND SUBSTANCE ABUSE**
12 **PROGRAMS**

13 **SEC. 101. REAUTHORIZATION OF DEMONSTRATION PRO-**
14 **GRAM OF COMPENSATED WORK THERAPY**
15 **AND THERAPEUTIC TRANSITIONAL HOUSING.**

16 *Section 7(a) of Public Law 102–54 (38 U.S.C. 1718*
17 *note) is amended by striking out “fiscal years 1991 through*
18 *1994” and inserting in lieu thereof “fiscal years 1991*
19 *through 1996”.*

20 **SEC. 102. PERMANENT AUTHORITY TO PROVIDE TREAT-**
21 **MENT AND REHABILITATION FOR ALCOHOL**
22 **OR DRUG DEPENDENCE OR ABUSE DISABIL-**
23 **ITIES.**

24 *Section 1720A of title 38, United States Code, is*
25 *amended by striking out subsection (e).*

1 **SEC. 103. REAUTHORIZATION OF HOMELESS VETERANS'**
 2 **REINTEGRATION PROJECTS.**

3 *Section 738(e)(1) of the Stewart B. McKinney Home-*
 4 *less Assistance Act (42 U.S.C. 11448(e)(1)) is amended by*
 5 *striking out subparagraphs (A), (B), and (C) and inserting*
 6 *in lieu thereof the following new subparagraphs:*

7 *“(A) \$14,000,000 for fiscal year 1995.*

8 *“(B) \$16,000,000 for fiscal year 1996.*

9 *“(C) \$18,000,000 for fiscal year 1997.”.*

10 **SEC. 104. AUTHORITY FOR COMMUNITY-BASED RESIDEN-**
 11 **TIAL CARE FOR HOMELESS CHRONICALLY**
 12 **MENTALLY ILL AND OTHER VETERANS.**

13 *(a) IN GENERAL.—Subchapter II of chapter 17 of title*
 14 *38, United States Code, is amended by adding at the end*
 15 *the following:*

16 **“§ 1720E. Community-based residential care for home-**
 17 **less chronically mentally ill and other vet-**
 18 **erans**

19 *“(a)(1) The Secretary may provide care and treatment*
 20 *and rehabilitative services (directly or by contract) in half-*
 21 *way houses, therapeutic communities, psychiatric residen-*
 22 *tial treatment centers, and other community-based treat-*
 23 *ment facilities to homeless veterans suffering from chronic*
 24 *mental illness disabilities who are eligible for care under*
 25 *section 1710(a)(1) of this title.*

1 “(2) *In providing care and treatment and rehabilita-*
2 *tive services under paragraph (1), the Secretary may also*
3 *provide such care and treatment and rehabilitative serv-*
4 *ices—*

5 “(A) *to veterans being furnished hospital or*
6 *nursing home care by the Secretary for a chronic*
7 *mental illness disability; and*

8 “(B) *to veterans with service-connected chronic*
9 *mental illness disabilities.*

10 “(b) *Before furnishing care and treatment and reha-*
11 *ilitative services by contract under subsection (a) to a vet-*
12 *eran through a facility described in subsection (a), the Sec-*
13 *retary shall approve (in accordance with criteria which the*
14 *Secretary shall prescribe) the quality and effectiveness of*
15 *the program operated by such facility for the purpose for*
16 *which such veteran is to be furnished such care and services.*

17 “(c)(1) *The Secretary may provide in-kind assistance*
18 *(through the services of Department employees and the shar-*
19 *ing of other Department resources) to a facility described*
20 *in subsection (a) under this section. The Secretary shall*
21 *provide such assistance to a facility under a contract be-*
22 *tween the Secretary and the facility.*

23 “(2) *The Secretary may provide assistance under*
24 *paragraph (1)—*

1 **SEC. 105. REPORTS ON ACTIVITIES OF THE DEPARTMENT**
2 **OF VETERANS AFFAIRS TO ASSIST HOMELESS**
3 **VETERANS.**

4 (a) *ANNUAL REPORT.*—(1) *Not later than April 15 of*
5 *each year, the Secretary of Veterans Affairs shall submit*
6 *to the Committees on Veterans' Affairs of the Senate and*
7 *the House of Representatives a report on the activities of*
8 *the Department of Veterans Affairs during the year preced-*
9 *ing the report under programs of the Department for the*
10 *provision of assistance to homeless veterans.*

11 (2) *The report shall—*

12 (A) *set forth the number of homeless veterans*
13 *provided assistance under such programs;*

14 (B) *describe the cost to the Department of pro-*
15 *viding such assistance under such programs; and*

16 (C) *provide any other information on such pro-*
17 *grams and on the provision of such assistance that*
18 *the Secretary considers appropriate.*

19 (b) *BI-ANNUAL REQUIREMENT.*—*The Secretary shall*
20 *include in the report submitted under subsection (a)(1) in*
21 *1995, and every 2 years thereafter, an evaluation of the ef-*
22 *fectiveness of the programs of the Department in providing*
23 *assistance to homeless veterans.*

1 **SEC. 106. REPORT ON ASSESSMENT AND PLANS FOR RE-**
2 **SPONSE TO NEEDS OF HOMELESS VETERANS.**

3 (a) *UPDATE OF ASSESSMENT.*—Subsection (b) of sec-
4 tion 107 of the Veterans' Medical Programs Amendments
5 of 1992 (Public Law 102-405; 106 Stat. 1977; 38 U.S.C.
6 527 note) is amended by adding at the end the following:

7 “(6) The Secretary shall require that the directors re-
8 ferred to in paragraph (1) update the assessment required
9 under that paragraph in each of 1995, 1996, and 1997.”.

10 (b) *REPORTS ON ASSESSMENTS AND PLAN.*—Sub-
11 section (i) of such section 107 (106 Stat. 1978) is amend-
12 ed—

13 (1) by striking out “*REPORT.—*” and inserting
14 in lieu thereof “*REPORTS.—(1)*”; and

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

16 “(2) Not later than December 31, 1994, the Secretary
17 shall submit to such committees a report that—

18 “(A) describes the results of the assessment car-
19 ried out under subsection (b);

20 “(B) sets forth the lists developed under para-
21 graph (1) of subsection (c); and

22 “(C) describes the progress, if any, made by the
23 directors of the medical centers and the directors of
24 the benefits offices referred to in such subsection (c) in
25 developing the plan referred to in paragraph (2) of
26 such subsection (c).

1 “(3) Not later than December 31 of each of 1995, 1996,
2 and 1997, the Secretary shall submit to such committees
3 a report that describes the update to the assessment that
4 is carried out under subsection (b)(6) in the year preceding
5 the report.”.

6 **SEC. 107. DEMONSTRATION PROGRAM OF DEPARTMENT OF**
7 **VETERANS AFFAIRS AND COMMUNITY-BASED**
8 **ORGANIZATION PARTNERSHIPS TO ASSIST**
9 **HOMELESS VETERANS.**

10 (a) *IN GENERAL.*—The Secretary of Veterans Affairs
11 shall carry out a demonstration program under which the
12 Secretary shall enter into partnerships with community-
13 based homeless service organizations described in subsection
14 (b) in order to provide services and assistance to homeless
15 veterans in conjunction with such organizations. The Sec-
16 retary shall carry out the program in accordance with this
17 section.

18 (b) *COMMUNITY-BASED ORGANIZATIONS.*—The organi-
19 zations with which the Secretary enters into partnerships
20 under subsection (a) shall be organizations that—

21 (1) encourage the assumption of personal respon-
22 sibility by homeless veterans who receive services and
23 assistance from the organization;

24 (2) provide transitional housing to such veterans;

1 (3) *provide employment training or employment*
2 *placement assistance to such veterans;*

3 (4) *may collect from such veterans rent derived*
4 *from employment-related income of such veterans;*
5 *and*

6 (5) *in the case of organizations that collect rent*
7 *from such veterans, utilize rent amounts collected to*
8 *cover the expenses of the organizations in providing*
9 *services and assistance to such veterans.*

10 (c) *PROVISION OF SERVICES AND ASSISTANCE.—(1)*
11 *The Secretary shall carry out the demonstration program*
12 *authorized under subsection (a) at not more than five loca-*
13 *tions designated for that purpose by the Secretary. The Sec-*
14 *retary shall designate such locations in various geographic*
15 *areas.*

16 (2) *With respect to each location designated under*
17 *paragraph (1), the Secretary shall enter into an agreement*
18 *with a community-based service organization referred to in*
19 *subsection (b) in order to provide services and assistance*
20 *to homeless veterans.*

21 (3) *The Secretary shall ensure under an agreement en-*
22 *tered into under paragraph (1) that appropriate personnel*
23 *of the Department of Veterans Affairs provide individual*
24 *and group counseling, substance abuse counseling, employ-*
25 *ment counseling, basic medical care, and referrals to other*

1 *Department health care and benefits programs to homeless*
2 *veterans at the location covered by the agreement.*

3 *(d) REVIEW OF PROGRAM.—The Secretary shall enter*
4 *into an agreement with an appropriate non-Federal entity*
5 *under which agreement the entity shall carry out a study*
6 *of program carried out under this section. The Secretary*
7 *shall ensure that, in carrying out the study, the entity*
8 *shall—*

9 *(1) determine whether assistance and services are*
10 *provided to homeless veterans under the program in*
11 *a cost-effective manner;*

12 *(2) compare the assistance and services available*
13 *under the program with the assistance and services*
14 *provided to homeless individuals under other pro-*
15 *grams that are similar to the program; and*

16 *(3) make any recommendations that the entity*
17 *considers appropriate for the improvement and ex-*
18 *pansion of the program or any agreement entered*
19 *into under subsection (c).*

20 *(e) REPORT.—Not later than September 30, 1996, the*
21 *Secretary shall submit to the Committees on Veterans' Af-*
22 *airs of the Senate and the House of Representatives a re-*
23 *port on the results of the study carried out under subsection*
24 *(d).*

1 **SEC. 108. REVISIONS TO HOMELESS VETERANS COM-**
 2 **PREHENSIVE SERVICE PROGRAMS ACT OF**
 3 **1992.**

4 (a) *INCREASE IN NUMBER OF DEMONSTRATION PRO-*
 5 *GRAMS.*—Section 2(b) of the Homeless Veterans Comprehen-
 6 *sive Service Programs Act of 1992 (38 U.S.C. 7721 note)*
 7 *is amended in the first sentence by striking out “four” and*
 8 *inserting in lieu thereof “12”.*

9 (b) *REMOVAL OF FUNDING LIMITATION.*—Section 12
 10 *of such Act (38 U.S.C. 7721 note) is amended by striking*
 11 *out the second sentence.*

12 **TITLE II—MINORITY VETERANS**

13 **SEC. 201. ADVISORY COMMITTEE ON MINORITY VETERANS.**

14 (a) *ESTABLISHMENT.*—Subchapter III of chapter 5 of
 15 *title 38, United States Code, is amended by adding at the*
 16 *end the following:*

17 **“§ 544. Advisory Committee on Minority Veterans**

18 *“(a)(1) The Secretary shall establish an advisory com-*
 19 *mittee to be known as the Advisory Committee on Minority*
 20 *Veterans (hereinafter in this section referred to as ‘the Com-*
 21 *mittee’).*

22 *“(2)(A) The Committee shall consist of members ap-*
 23 *pointed by the Secretary from the general public, includ-*
 24 *ing—*

25 *“(i) representatives of veterans who are minority*
 26 *group members;*

1 “(ii) individuals who are recognized authorities
2 in fields pertinent to the needs of veterans who are
3 minority group members;

4 “(iii) veterans who are minority group members
5 and who have experience in a military theater of op-
6 erations; and

7 “(iv) veterans who are minority group members
8 and who do not have such experience.

9 “(B) The Committee shall include, as *ex officio* mem-
10 bers—

11 “(i) the Secretary of Labor (or a representative
12 of the Secretary of Labor designated by the Secretary
13 after consultation with the Assistant Secretary of
14 Labor for Veterans’ Employment);

15 “(ii) the Secretary of Defense (or a representa-
16 tive of the Secretary of Defense designated by the Sec-
17 retary of Defense);

18 “(iii) the Secretary of the Interior (or a rep-
19 resentative of the Secretary of the Interior designated
20 by the Secretary of the Interior);

21 “(iv) the Secretary of Commerce (or a represent-
22 ative of the Secretary of Commerce designated by the
23 Secretary of Commerce);

24 “(v) the Secretary of Health and Human Serv-
25 ices (or a representative of the Secretary of Health

1 *and Human Services designated by the Secretary of*
2 *Health and Human Services); and*

3 *“(vi) the Under Secretary for Health and the*
4 *Under Secretary for Benefits, or their designees.*

5 *“(C) The Secretary may invite representatives of other*
6 *departments and agencies of the United States to partici-*
7 *pate in the meetings and other activities of the Committee.*

8 *“(3) The Secretary shall determine the number, terms*
9 *of service, and pay and allowances of members of the Com-*
10 *mittee appointed by the Secretary, except that a term of*
11 *service of any such member may not exceed three years. The*
12 *Secretary may reappoint any such member for additional*
13 *terms of service.*

14 *“(4) The Committee shall meet as often as the Sec-*
15 *retary considers necessary or appropriate, but not less often*
16 *than twice each fiscal year.*

17 *“(b) The Secretary shall, on a regular basis, consult*
18 *with and seek the advice of the Committee with respect to*
19 *the administration of benefits by the Department for veter-*
20 *ans who are minority group members, reports and studies*
21 *pertaining to such veterans and the needs of such veterans*
22 *with respect to compensation, health care, rehabilitation,*
23 *outreach, and other benefits and programs administered by*
24 *the Department.*

1 “(c)(1) Not later than July 1 of each even-numbered
2 year, the Committee shall submit to the Secretary a report
3 on the programs and activities of the Department that per-
4 tain to veterans who are minority group members. Each
5 such report shall include—

6 “(A) an assessment of the needs of veterans who
7 are minority group members with respect to com-
8 pensation, health care, rehabilitation, outreach, and
9 other benefits and programs administered by the De-
10 partment;

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

13 “(C) such recommendations (including rec-
14 ommendations for administrative and legislative ac-
15 tion) as the Committee considers appropriate.

16 “(2) The Secretary shall, within 60 days after receiv-
17 ing each report under paragraph (1), submit to Congress
18 a copy of the report, together with any comments concern-
19 ing the report that the Secretary considers appropriate.

20 “(3) The Committee may also submit to the Secretary
21 such other reports and recommendations as the Committee
22 considers appropriate.

23 “(4) The Secretary shall submit with each annual re-
24 port submitted to the Congress pursuant to section 529 of
25 this title a summary of all reports and recommendations

1 of the Committee submitted to the Secretary since the pre-
 2 vious annual report of the Secretary submitted pursuant
 3 to such section.

4 “(d) In this section, the term ‘minority group member’
 5 means an individual who is—

6 “(1) Asian American;

7 “(2) Black;

8 “(3) Hispanic;

9 “(4) Native American (including American In-
 10 dian, Alaskan Native, and Native Hawaiian); or

11 “(5) Pacific-Islander American.”

12 (b) CLERICAL AMENDMENT.—The table of sections at
 13 the beginning of such chapter is amended by adding after
 14 the item relating to section 543 the following new item:

“544. Advisory Committee on Minority Veterans.”

15 **SEC. 202. REPRESENTATIVES FOR MINORITY VETERANS AT**
 16 **DEPARTMENT FACILITIES.**

17 The Secretary of Veterans Affairs shall designate an
 18 appropriate official at each regional office of the Depart-
 19 ment of Veterans Affairs and at each medical facility of
 20 the Department to serve as the minority affairs officer of
 21 the Department at the office or facility. The officials shall
 22 perform such functions as the Secretary shall prescribe.

1 **TITLE III—BOARD OF VETERANS’**
2 **APPEALS**

3 **SEC. 301. SHORT TITLE.**

4 *This title may be cited as the “Board of Veterans’ Ap-*
5 *peals Improvement Act of 1994”.*

6 **SEC. 302. CLASSIFICATION AND PAY OF MEMBERS OF**
7 **BOARD.**

8 *(a) IN GENERAL.—Section 7101(b) of title 38, United*
9 *States Code, is amended by adding at the end the following:*

10 *“(5) A member of the Board (other than the Chairman*
11 *and the Vice Chairman) shall receive compensation under*
12 *the provisions of section 5372 of title 5 and other benefits*
13 *equal to those payable to an administrative law judge.”.*

14 *(b) EFFECTIVE DATE.—The amendment made by sub-*
15 *section (a) shall apply to pay periods beginning on or after*
16 *the date of the submittal of the plan required under section*
17 *303(b)(3).*

18 *(c) SAVINGS PROVISION.—The rate of basic pay pay-*
19 *able to an individual who is a member of the Board of Vet-*
20 *erans’ Appeals on the date of the enactment of this Act may*
21 *not be reduced by reason of the amendment made by sub-*
22 *section (a) below the rate payable to such individual on*
23 *the day before the effective date specified in subsection (b).*

1 **SEC. 303. SERVICE AND REMOVAL OF BOARD MEMBERS.**

2 (a) CHAIRMAN.—Paragraph (1) of section 7101(b) of
3 title 38, United States Code, is amended to read as follows:

4 “(1)(A) The Chairman shall be appointed by the Presi-
5 dent, by and with the advice and consent of the Senate,
6 for a term of six years.

7 “(B) Notwithstanding subparagraph (A), the Chair-
8 man may, upon the approval of the Secretary, serve after
9 the expiration of the term of the Chairman under that sub-
10 paragraph. The Chairman may serve under this subpara-
11 graph until—

12 “(i) the confirmation of the Chairman under
13 subparagraph (A) for an additional term to which the
14 Chairman is appointed under paragraph (3); or

15 “(ii) the confirmation of the successor to the
16 Chairman.

17 “(C) The Chairman may be removed by the President
18 for misconduct, inefficiency, neglect of duty, for engaging
19 in political activity or in the practice of law, or for physical
20 or mental disability which, in the opinion of the President,
21 prevents the proper execution of the Chairman’s duties. The
22 Chairman may not be removed from office by the President
23 on any other grounds. Any such removal may only be made
24 after notice and opportunity for hearing.”

25 (b) OTHER MEMBERS.—(1) Such section is further
26 amended by striking out paragraphs (2) and (3) and insert-

1 *ing in lieu thereof the following new paragraphs (2) and*
2 *(3):*

3 “(2) *The other members of the Board (including the*
4 *Vice Chairman) shall be appointed by the Secretary, with*
5 *the approval of the President, based upon the recommenda-*
6 *tions of the Chairman.*

7 “(3)(A) *Members of the Board (other than the Chair-*
8 *man) may be removed by the Secretary based solely upon*
9 *the recommendation of the panel described in subparagraph*
10 *(B) and the concurrence of the Chairman under subpara-*
11 *graph (D). The decision of the Secretary under this para-*
12 *graph to remove a member of the Board shall be final.*

13 “(B) *The Chairman shall provide for a panel of mem-*
14 *bers of the Board to review the fitness of members of the*
15 *Board to serve on the Board. The membership of the panel*
16 *shall consist of the Chairman and four other members of*
17 *the Board (other than the Vice Chairman). The Chairman*
18 *shall rotate membership on the panel so as to ensure that*
19 *each member of the Board (other than the Vice Chairman)*
20 *serves as a member of the panel for and within a reasonable*
21 *period.*

22 “(C) *With such frequency as the Chairman shall estab-*
23 *lish, the panel shall review the fitness of each member of*
24 *the Board to continue to serve on the Board. The panel shall*
25 *carry out the review in accordance with such standards as*

1 *the members of the Board (with the approval of the Chair-*
2 *man) shall establish.*

3 “(D) *If a majority of the panel determines that a mem-*
4 *ber of the Board subject to review under subparagraph (C)*
5 *is not fit to continue serving on the Board, the panel shall*
6 *recommend to the Chairman that the member be removed*
7 *from the Board. If the Chairman concurs with the rec-*
8 *ommendation of the majority, the Chairman shall notify*
9 *the Secretary of the recommendation of the panel and of*
10 *the concurrence of the Chairman in the recommendation.*

11 “(E) *Upon removal from the Board under this para-*
12 *graph, a member of the Board (other than the Chairman)*
13 *who was a career or career-conditional employee in the civil*
14 *service before commencement of service as a member of the*
15 *Board shall revert to the civil service grade and series held*
16 *by the member immediately before the appointment of the*
17 *member to the Board.”.*

18 (2) *The amendment made by paragraph (1) shall take*
19 *effect on the date that is 180 days after the date of the enact-*
20 *ment of this Act and shall apply to all members of the*
21 *Board of Veterans’ Appeals (other than the Chairman) be-*
22 *ginning on that date.*

23 (3) *Not later than 60 days after the date of the enact-*
24 *ment of this Act, the Secretary of Veterans Affairs shall sub-*
25 *mit to the Committees on Veterans’ Affairs of the Senate*

1 *and the House of Representatives a plan for the implemen-*
 2 *tation of section 7101(b)(3) of title 38, United States Code,*
 3 *as added by paragraph (1).*

4 **SEC. 304. BOARD MEMBERS HOLDING APPOINTMENTS IN**
 5 **THE SENIOR EXECUTIVE SERVICE.**

6 *Notwithstanding any other provision of law, any*
 7 *member of the Board of Veterans' Appeals who, on the date*
 8 *of the enactment of this Act, is a member of the Senior Exec-*
 9 *utive Service shall—*

10 *(1) continue as a member of the Senior Execu-*
 11 *tive Service while serving as a member of the Board;*
 12 *and*

13 *(2) during the term of office of the member under*
 14 *section 7101(b) of title 38, United States Code, receive*
 15 *the pay, leave, and other benefits (including benefits*
 16 *relating to reassignment) to which members of the*
 17 *Senior Executive Service are entitled.*

18 **TITLE IV—MISCELLANEOUS**

19 **SEC. 401. STUDY OF HEALTH CONSEQUENCES FOR FAMILY**
 20 **MEMBERS OF ATOMIC VETERANS OF EXPO-**
 21 **SURE OF ATOMIC VETERANS TO IONIZING RA-**
 22 **DIATION.**

23 *(a) EVALUATION OF FEASIBILITY OF STUDY.—(1) The*
 24 *Secretary of Veterans Affairs shall enter into an agreement*
 25 *with the Medical Follow-up Agency of the Institute of the*

1 *Medicine of the National Academy of Sciences under which*
2 *agreement the agency shall convene a panel of appropriate*
3 *individuals to carry out the evaluation described in para-*
4 *graph (2).*

5 (2)(A) *The panel convened under paragraph (1) shall*
6 *evaluate the feasibility of carrying out the study described*
7 *in subsection (c).*

8 (B) *The panel shall submit the results of the evaluation*
9 *under subparagraph (A) to the Secretary who shall prompt-*
10 *ly notify the Committees on Veterans' Affairs of the Senate*
11 *and the House of Representatives of such results. The panel*
12 *shall submit the results not later than 180 days after the*
13 *date of the enactment of this Act.*

14 (b) *AGREEMENT FOR STUDY.—(1) If the panel con-*
15 *vened under subsection (a)(1) determines as a result of the*
16 *evaluation under subsection (a)(2) that the study described*
17 *in subsection (c) is feasible, the Secretary, in consultation*
18 *with the Secretary of Defense and the Secretary of Health*
19 *and Human Services, shall seek to enter into an agreement*
20 *with the Medical Follow-up Agency of the Institute of Medi-*
21 *cine of the National Academy of Sciences under which*
22 *agreement the agency shall carry out the study.*

23 (2) *If the Secretary is unable within a reasonable pe-*
24 *riod of time (as determined by the Secretary) to enter into*
25 *an agreement with the agency referred to in paragraph (1)*

1 to carry out the study referred to in that paragraph, the
2 Secretary shall seek to enter into an agreement to carry out
3 the study with another appropriate organization or entity
4 that—

5 (A) is not part of the Government;

6 (B) operates as a not-for-profit entity; and

7 (C) has an expertise and objectivity comparable
8 to that of the agency referred to in paragraph (1).

9 (c) *PURPOSE OF STUDY.*—The purpose of the study re-
10 ferred to in subsection (b) is to determine the nature and
11 extent, if any, of the relationship between the exposure of
12 veterans described in subsection (d) to ionizing radiation
13 and the following:

14 (1) Genetic defects and illnesses in the children
15 and grandchildren of such veterans.

16 (2) Untoward pregnancy outcomes experienced
17 by the spouses of such veterans, including premature
18 births, stillbirths, miscarriages, neonatal illnesses and
19 deaths, and periparturient diseases of the mother
20 which are the direct result of such untoward preg-
21 nancy outcomes.

22 (d) *COVERED VETERANS.*—Subsection (c) applies to—

23 (1) any veteran who was exposed (as determined
24 by the Secretary) to ionizing radiation as a result
25 of—

1 (A) participation while on active duty in
2 the Armed Forces in an atmospheric nuclear test
3 that included the detonation of a nuclear device;

4 (B) service in the Armed Forces with the
5 United States occupation force of Hiroshima or
6 Nagasaki, Japan, before July 1, 1946; or

7 (C) internment or detention as a prisoner of
8 war of Japan before that date in circumstances
9 providing the opportunity for exposure to ioniz-
10 ing radiation comparable to the exposure of indi-
11 viduals who served with such occupation force
12 before that date; and

13 (2) any other veteran that the Secretary des-
14 ignates for coverage under the study.

15 (e) REPORT.—Not later than each of March 1, 1995,
16 October 1, 1995, October 1, 1996, and October 1, 1997, the
17 Secretary shall submit to the Committees on Veterans' Af-
18 fairs of the Senate and the House of Representatives a re-
19 port on the results of the study carried out under this sec-
20 tion.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
22 hereby authorized to be appropriated \$5,000,000 for the
23 purposes of carrying out this section.

1 **SEC. 402. ELIMINATION OF REQUIREMENT OF PAYMENT OF**
2 **CERTAIN BENEFITS IN PHILIPPINE PESOS.**

3 (a) *IN GENERAL.*—Section 107 of title 38, United
4 States Code, is amended—

5 (1) in the flush matter in subsection (a) below
6 paragraph (3)—

7 (A) by striking out “in pesos”; and

8 (B) by striking out “in Philippine pesos”;

9 and

10 (2) in the flush matter in subsection (b) below
11 paragraph (3)—

12 (A) by striking out “in pesos”; and

13 (B) by striking out “in Philippine pesos”.

14 (b) *SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL AS-*
15 *SISTANCE.*—(1) Section 3532(d) of such title is amended by
16 striking out “in Philippine pesos”.

17 (2) Section 3565(b)(1) of such title is amended by
18 striking out “in Philippine pesos”.

19 **SEC. 403. ELIGIBILITY FOR BURIAL IN NATIONAL CEME-**
20 **TERIES OF SPOUSES WHO PREDECEASE VET-**
21 **ERANS.**

22 Section 2402(5) of title 38, United States Code, is
23 amended by striking out “The surviving spouse,” and in-
24 serting in lieu thereof “The spouse, surviving spouse,”.

1 **SEC. 404. AUTHORITY TO USE FLAT GRAVE MARKERS.**

2 *Notwithstanding section 2404(c)(2) of title 38, United*
 3 *States Code, the Secretary of Veterans Affairs may provide*
 4 *for flat grave markers at the Willamette National Cemetery,*
 5 *Oregon.*

6 **SEC. 405. PERMANENT AUTHORITY FOR WAIVER OF REDUC-**
 7 **TION OF RETIREMENT PAY FOR REGISTERED-**
 8 **NURSE POSITIONS.**

9 *Section 7426(c) of title 38, United States Code, is*
 10 *amended by striking out the second sentence.*

11 **SEC. 406. PROTECTION AGAINST CERTAIN PROHIBITED**
 12 **PERSONNEL PRACTICES.**

13 *(a) IN GENERAL.—Subchapter II of chapter 74 of title*
 14 *38, United States Code, is amended by adding at the end*
 15 *the following:*

16 **“§ 7427. Protection from prohibited personnel prac-**
 17 **tices**

18 *“(a)(1) The provisions of law referred to in paragraph*
 19 *(2) apply to any individual appointed as an employee of*
 20 *the Veterans Health Administration under chapter 73 of*
 21 *this title or under this chapter.*

22 *“(2) The provisions of law referred to in paragraph*
 23 *(1) are sections 1212, 1213, 1214, 1215, 1216, 1221, 1222,*
 24 *and 2302 of title 5.*

25 *“(b) The authority of the Merit Systems Protection*
 26 *Board and of the Office of Special Counsel to review any*

1 *personnel action under the authority provided for under a*
 2 *provision of law referred to in subsection (a) shall apply*
 3 *only to the extent specified in the provision of law.”.*

4 (b) *CLERICAL AMENDMENT.—The table of sections at*
 5 *the beginning of such chapter is amended by inserting after*
 6 *the item relating to section 7426 the following new item:*
 “7427. *Protection from prohibited personnel practices.”.*

7 **SEC. 407. REVISED SUBMITTAL DATE FOR REPORT ON AN-**
 8 **NUAL ANALYSIS OF DEPARTMENTWIDE AD-**
 9 **MISSIONS POLICIES.**

10 *Section 8110(a)(3)(B) of title 38, United States Code,*
 11 *is amended by striking out “December 1” and inserting in*
 12 *lieu thereof “April 1”.*

13 **SEC. 408. EXTENSION OF AUTHORITY TO ENTER INTO EN-**
 14 **HANCED-USE LEASES.**

15 *Section 8169 of title 38, United States Code, is amend-*
 16 *ed by striking out “December 31, 1994” and inserting in*
 17 *lieu thereof “December 31, 1996”.*

18 **SEC. 409. TECHNICAL AMENDMENT.**

19 *Section 2303(a) of title 38, United States Code, is*
 20 *amended by striking out “section 1701(4)” in the matter*
 21 *preceding paragraph (1) and inserting in lieu thereof “sec-*
 22 *tion 1701(3)”.*

Amend the title so as to read: “To amend title 38, United States Code, to revise and improve programs of the Department of Veterans Affairs relating to substance

abuse and homeless assistance for veterans, to establish an Advisory Committee on minority veterans, to revise and improve other programs under the jurisdiction of the Secretary of Veterans Affairs, and for other purposes.”.

S 2325 RS——2

S 2325 RS——3