

104TH CONGRESS
2D SESSION

H. R. 3972

To amend title 38, United States Code, to improve health care services provided by the Department of Veterans Affairs to women veterans.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Ms. WATERS (for herself and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve health care services provided by the Department of Veterans Affairs to women veterans.

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 “Women Veterans’
5 Health Act of 1996”.

6 **SEC. 2. WOMEN’S HEALTH SERVICES.**

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

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

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

5 “(10) The term ‘women’s health services’ means
6 health care services provided to women. Such term in-
7 cludes counseling and services relating to the following:

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

9 “(B) Breast examinations and mammography.

10 “(C) The management and prevention of sexu-
11 ally transmitted diseases.

12 “(D) Menopause, osteoporosis, and other condi-
13 tions relating to aging.

14 “(E) Cardiac care.

15 “(F) Physical and psychological conditions aris-
16 ing out of acts of sexual violence.

17 “(G) Physical and psychological conditions that
18 result from homelessness.”.

19 (b) CONTRACTS FOR WOMEN’S HEALTH SERVICES.—
20 Section 1703(a) of such title is amended by adding at the
21 end the following:

22 “(9) Women’s health services for veterans on
23 an ambulatory or outpatient basis.”.

1 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
2 106 of the Veterans Health Care Act of 1992 (Public Law
3 102–585; 38 U.S.C. 1710 note) is amended—

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

5 (2) by striking out “(b) RESPONSIBILITIES OF
6 DIRECTORS OF FACILITIES.—” before “The Sec-
7 retary”.

8 **SEC. 3. COUNSELING AND TREATMENT FOR SEXUAL TRAU-**
9 **MA.**

10 (a) COUNSELING.—Subsection (a)(1) of section
11 1720D of title 38, United States Code, is amended by
12 striking out “During the period through December 31,
13 1998, the Secretary” and inserting in lieu thereof “The
14 Secretary”.

15 (b) TREATMENT.—Subsection (a)(2) of such section
16 is amended by striking out “During the period referred
17 to in paragraph (1), the Secretary” and inserting in lieu
18 thereof “The Secretary”.

19 (c) CONTRACT COUNSELING.—Subsection (a)(3) of
20 such section is amended by striking out “, during the pe-
21 riod through December 31, 1998,”.

22 **SEC. 4. REPORT ON WOMEN’S HEALTH CARE AND RE-**
23 **SEARCH.**

24 (a) IN GENERAL.—Not later than January 1, 1999,
25 the Secretary of Veterans Affairs shall submit to the Com-

1 mittees on Veterans' Affairs of the Senate and House of
2 Representatives a report on the provision of health care
3 services and the conduct of research carried out by, or
4 under the jurisdiction of, the Secretary relating to women
5 veterans. The report shall be prepared through the Center
6 for Women Veterans established under section 318 of title
7 38, United States Code, which shall prepare the report
8 in consultation with the Advisory Committee on Women
9 Veterans established under section 542 of that title.

10 (b) CONTENTS.—The report under subsection (a)
11 shall include the following information:

12 (1) The number of women veterans who have
13 received women's health services (as such term is de-
14 fined in section 1701(10) of title 38, United States
15 Code) in facilities under the jurisdiction of the Sec-
16 retary (or the Secretary of Defense), shown by ref-
17 erence to the Department facility which provided
18 (or, in the case of Department of Defense facilities,
19 arranged for) those services.

20 (2) A description of—

21 (A) the services provided at each such fa-
22 cility;

23 (B) the type and amount of services pro-
24 vided by such personnel, including information
25 on the numbers of inpatient stays and the num-

1 ber of outpatient visits through which such
2 services were provided; and

3 (C) the extent to which each such facility
4 relies on contractual arrangements under sec-
5 tion 1703 or 8153 of title 38, United States
6 Code, to furnish care to women veterans in fa-
7 cilities which are not under the jurisdiction of
8 the Secretary where the provision of such care
9 is not furnished in a medical emergency.

10 (3) The steps taken by each such facility to ex-
11 pand the provision of services at such facility (or
12 under arrangements with the Department of De-
13 fense facility) to women veterans.

14 (4) A description of the personnel of the De-
15 partment who provided such services to women vet-
16 erans, including the number of employees (including
17 both the number of individual employees and the
18 number of full-time employee equivalents) and the
19 professional qualifications or specialty training of
20 such employees and the Department facilities to
21 which such personnel were assigned.

22 (5) A description of any actions taken by the
23 Secretary to ensure the retention of the personnel
24 described in paragraph (4) and any actions under-

1 taken to recruit such additional personnel or person-
2 nel to replace such personnel.

3 (6) An assessment by the Secretary of any dif-
4 ficulties experienced by the Secretary in the furnish-
5 ing of such services and the actions taken by the
6 Secretary to resolve such difficulties.

7 (7) A description (as of October 1 of the year
8 preceding the year in which the report is submitted)
9 of the status of any research relating to women vet-
10 erans being carried out by or under the jurisdiction
11 of the Secretary.

12 (8) A description of the actions taken by the
13 Secretary to foster and encourage the expansion of
14 such research.

15 **SEC. 5. EXPANSION OF RESEARCH RELATING TO WOMEN**
16 **VETERANS.**

17 (a) INCLUSION OF WOMEN AND MINORITIES IN
18 HEALTH RESEARCH.—Section 7303(c) of title 38, United
19 States Code, is amended—

20 (1) in paragraph (1), by striking out “that,
21 whenever possible and appropriate—” and inserting
22 in lieu thereof “that—”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(3) The requirement in paragraph (1) regarding
2 women and members of minority groups who are veterans
3 may be waived by the Secretary of Veterans Affairs with
4 respect to a project of clinical research if the Secretary
5 determines that the inclusion, as subjects in the project,
6 of women and members of minority groups, respectively—

7 “(A) is inappropriate with respect to the health
8 of the subjects;

9 “(B) is inappropriate with respect to the pur-
10 pose of the research; or

11 “(C) is inappropriate under such other cir-
12 cumstances as the Secretary may designate.”.

13 (b) HEALTH RESEARCH RELATING TO WOMEN.—
14 Section 7303(d) of such title is amended by adding at the
15 end the following new paragraphs:

16 “(3) The Secretary shall foster and encourage re-
17 search under this section on the following matters as they
18 relate to women:

19 “(A) Breast cancer.

20 “(B) Gynecological and reproductive health, in-
21 cluding gynecological cancer, infertility, sexually-
22 transmitted diseases, and pregnancy.

23 “(C) Human Immunodeficiency Virus and Ac-
24 quired Immune Deficiency Syndrome.

1 “(D) Mental health, including post-traumatic
2 stress disorder, depression, combat related stress,
3 and trauma.

4 “(E) Diseases related to aging, including meno-
5 pause, osteoporosis, and Alzheimer’s disease.

6 “(F) Substance abuse.

7 “(G) Sexual violence and related trauma.

8 “(H) Exposure to toxic chemicals and other en-
9 vironmental hazards.

10 “(I) Cardiac care.

11 “(4) The Secretary shall, to the maximum extent
12 practicable, ensure that personnel of the Department of
13 Veterans Affairs engaged in the research referred to in
14 paragraph (1) include the following:

15 “(A) Personnel of the geriatric research, edu-
16 cation, and clinical centers designated pursuant to
17 section 7314 of this title.

18 “(B) Personnel of the National Center for Post-
19 Traumatic Stress Disorder established pursuant to
20 section 110(c) of the Veterans Health Care Act of
21 1984 (Public Law 98–528; 98 Stat. 2692).

22 “(5) The Secretary shall ensure that personnel of the
23 Department engaged in research relating to the health of
24 women veterans are advised and informed of such research
25 engaged in by other personnel of the Department.”.

1 **SEC. 6. POPULATION STUDY.**

2 (a) STUDY.—The Secretary of Veterans Affairs, sub-
3 ject to subsection (f), shall conduct a study to determine
4 the needs of veterans who are women for health-care serv-
5 ices. The study shall be carried out through the Center
6 for Women Veterans.

7 (b) CONSULTATION.—Before carrying out the study,
8 the Secretary shall request the advice of the Advisory
9 Committee on Women Veterans on the conduct of the
10 study.

11 (c) PERSONS TO BE INCLUDED IN SAMPLE OF VET-
12 ERANS STUDIED.—(1) Subject to paragraph (2), the study
13 shall be based on—

14 (A) an appropriate sample of veterans who are
15 women; and

16 (B) an examination of the medical and demo-
17 graphic histories of the women comprising such sam-
18 ple.

19 (2) The sample referred to in paragraph (1) shall
20 constitute a representative sampling (as determined by the
21 Secretary) of the ages, the ethnic, social and economic
22 backgrounds, the enlisted and officer grades, and the
23 branches of service of all veterans who are women. The
24 Secretary shall ensure that homeless Women Veterans are
25 included in the sample.

1 (3) In carrying out the examination referred to in
2 paragraph (1)(B), the Secretary shall determine the num-
3 ber of women of the sample who have used medical facili-
4 ties of the Department, nursing home facilities of or under
5 the jurisdiction of the Department, and outpatient care
6 facilities of or under the jurisdiction of the Department.

7 (d) REPORTS.—The Secretary shall submit to the
8 Committees on Veterans' Affairs of the Senate and House
9 of Representatives reports relating to the study as follows:

10 (1) Not later than nine months after the date
11 of the enactment of this Act, an interim report de-
12 scribing (A) the information and advice obtained by
13 the Secretary from the Advisory Committee on
14 Women Veterans, and (B) the status of the study.

15 (2) Not later than December 31, 1999, a final
16 report describing the results of the study.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the General Operating
19 Expenses account of the Department of Veterans Affairs
20 \$2,000,000 to carry out the purposes of this section.
21 Amounts appropriated pursuant to this authorization of
22 appropriations shall be available for obligation without fis-
23 cal year limitation.

1 (f) LIMITATION.—No funds may be used to conduct
2 the study described in subsection (a) unless expressly pro-
3 vided for in an appropriation Act.

4 **SEC. 7. OUTREACH SERVICES FOR HOMELESS WOMEN VET-**
5 **ERANS.**

6 Section 7722(e) of title 38, United States Code, is
7 amended by adding at the end the following new sentence:
8 “In carrying out this subsection, the Secretary shall take
9 such steps as may be necessary to ensure that homeless
10 women veterans are included in such outreach programs
11 and outreach services.”.

12 **SEC. 8. SAFE AND EFFECTIVE TREATMENT FOR WOMEN**
13 **PSYCHIATRIC PATIENTS.**

14 The Secretary of Veterans Affairs shall ensure that
15 women veterans who receive psychiatric treatment from
16 the Secretary, particularly in the case of women who are
17 sexually traumatized, receive such treatment (on both an
18 inpatient and outpatient basis) in a safe and effective
19 manner that recognizes the privacy needs of such women.

20 **SEC. 9. MAMMOGRAPHY QUALITY STANDARDS.**

21 (a) APPLICABILITY TO DEPARTMENT OF VETERANS
22 AFFAIRS OF MAMMOGRAPHY QUALITY STANDARDS ACT
23 OF 1992.—Subsections (a) through (k) of section 354 of
24 the Public Health Service Act (42 U.S.C. 263b) shall
25 apply with respect to facilities of the Department of Veter-

1 ans Affairs without regard to the last sentence of subpara-
2 graph (A) of subsection (a)(3) of such section.

3 (b) EXTENSION OF DEADLINES.—Any deadline for
4 the completion of any action prescribed under any provi-
5 sion referred to in subsection (a) shall be applied with re-
6 spect to facilities of the Department of Veterans Affairs
7 by extending such deadline so as to be two years after
8 the date of the enactment of this Act or two years after
9 the date which would otherwise be applicable under such
10 provision, whichever is later.

11 (c) INTERAGENCY COOPERATION.—The Secretary of
12 Veterans Affairs shall take appropriate steps to cooperate
13 with the Secretary of Health and Human Services in the
14 implementation of this section.

15 **SEC. 10. CENTER FOR WOMEN VETERANS.**

16 Section 318(e) of title 38, United States Code, is
17 amended—

18 (1) by inserting “(1)” after “(e)”;

19 (2) by adding after the period the following:
20 “Such resources shall include (subject to the avail-
21 ability of appropriations) adequate clerical support
22 (as determined by the Director) to enable the Direc-
23 tor to carry out the functions of the Director under
24 this section.”; and

25 (3) by adding at the end the following:

1 “(2) There is in the Center an Associate Director,
2 who shall be appointed from among individuals with ap-
3 propriate education, experience, and training to assist the
4 Director with the investigative, research, and reporting
5 requirements under this section.”.

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