

Public Law 103-452
103d Congress

An Act

To amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.

Nov. 2, 1994
[H.R. 3313]

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

Veterans Health
Programs
Extension Act of
1994.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans Health Programs Extension Act of 1994”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

- Sec. 101. Sexual trauma counseling and services.
Sec. 102. Research relating to women veterans.
Sec. 103. Extension of expiring authorities.
Sec. 104. Facilities in Republic of the Philippines.
Sec. 105. Savings provision.

TITLE II—CONSTRUCTION AUTHORIZATION

- Sec. 201. Authorization of major medical facility projects and major medical facility leases.
Sec. 202. Authorization of appropriations.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

**TITLE I—GENERAL MEDICAL
AUTHORITIES**

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) **AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF LIMITATION ON TIME TO SEEK SERVICES.**—Subsection (a) of section 1720D is amended—

38 USC 1720D.

- (1) by striking out paragraph (2); and
(2) by inserting after paragraph (1) the following new paragraph (2):
“(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran

for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.”

(b) EXTENSION OF PERIOD OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Such subsection is further amended—

(1) in paragraph (1), by striking out “December 31, 1995,” and inserting in lieu thereof “December 31, 1998;” and

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

(c) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Such section is further amended—

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

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

(d) COORDINATION OF CARE.—Paragraph (1) of subsection (b) of such section, as redesignated by subsection (c)(2), is amended to read as follows:

“(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.”

38 USC 1712.

(e) INCREASED PRIORITY OF CARE.—Section 1712(i) is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “To a veteran;” and

(B) by inserting “, or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services” before the period at the end; and

(2) in paragraph (2)—

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

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

(f) PROGRAM REVISION.—(1) Section 1720D is further amended—

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

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

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

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

“§ 1720D. Counseling and treatment for sexual trauma”.

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows: “1720D. Counseling and treatment for sexual trauma.”

(g) INFORMATION BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c), as redesignated by subsection (c) of this section, is amended to read as follows:

“(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number); and”.

(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

38 USC 1720D
note.

(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

Privacy.
38 USC 1720D
note.

(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

38 USC 1720D
note.

(5) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

Reports.
38 USC 1720D
note.

(A) The number of persons who sought information during the period covered by the report through a toll-free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

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

(C) The recommendations and plans of the Secretary for the improvement of the service.

(h) CONFORMING REPEAL.—Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

SEC. 102. RESEARCH RELATING TO WOMEN VETERANS.

(a) INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.—Section 7303 is amended—

38 USC 7303.

(1) by transferring the text of subsection (c) to the end of subsection (a)(1); and

(2) by striking out “(c)” and inserting in lieu thereof the following:

“(c)(1) In conducting or supporting clinical research, the Secretary shall ensure that, whenever possible and appropriate—

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

“(B) members of minority groups who are veterans are included as subjects of such research.

“(2) In the case of a project of clinical research in which women or members of minority groups will under paragraph (1) be included as subjects of the research, the Secretary shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research

affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.”.

(b) HEALTH RESEARCH.—(1) Such section is further amended by adding after subsection (c), as added by subsection (a), the following new subsection:

“(d)(1) The Secretary, in carrying out the Secretary’s responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

“(2) In carrying out this subsection, the Secretary shall consult with the following to assist the Secretary in setting research priorities:

“(A) Officials of the Department assigned responsibility for women’s health programs and sexual trauma services.

“(B) The members of the Advisory Committee on Women Veterans.

“(C) Members of appropriate task forces and working groups within the Department (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).”.

(2) Section 109 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is repealed.

(c) POPULATION STUDY.—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: “If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women.”.

38 USC 1710
note.

SEC. 103. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES.—Chapter 17 is amended—

38 USC 1710.

(1) in section 1710(e)(3)—

(A) by striking out “June 30, 1994” and inserting in lieu thereof “June 30, 1995”; and

(B) by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 1995”; and

38 USC 1712.

(2) in section 1712(a)(1)(D), by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 1995”.

38 USC 1720A.

(b) DRUG AND ALCOHOL ABUSE AND DEPENDENCE.—Section 1720A(e) is amended by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 1995”.

Effective date.
38 USC 1720C.

(c) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.—(1) Effective as of October 1, 1994, subsection (a) of section 1720C is amended by striking out “During the four-year period beginning on October 1, 1990,” and inserting in lieu thereof “During the period through September 30, 1995.”.

(2) Such subsection is further amended by striking out “care and who—” and inserting in lieu thereof “care. The Secretary shall give priority for participation in such program to veterans who—”.

38 USC 8169.

(d) ENHANCED-USE LEASES OF REAL PROPERTY.—Section 8169 is amended by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 1995”.

(e) **AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.**—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(f) **DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.**—Section 7(a) of Public Law 102-54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended by striking out "1994" and inserting in lieu thereof "1995".

(g) **REPORT DEADLINES.**—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 38 U.S.C. 1720C note) is amended by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1995,".

SEC. 104. FACILITIES IN REPUBLIC OF THE PHILIPPINES.

Notwithstanding section 1724 of title 38, United States Code, the Secretary of Veterans Affairs may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish, during the period from February 28, 1994, through June 1, 1994, hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services under the preceding sentence to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

SEC. 105. RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY.

38 USC 1710
note.

Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) **PROJECTS AUTHORIZED.**—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(b) **ADDITIONAL PROJECTS.**—(1) In addition to the projects authorized in subsection (a), the Secretary may carry out the following major medical facility projects in the amounts specified for such projects:

(A) The projects that are proposed in the documents submitted to Congress by the Secretary of Veterans Affairs in conjunction with the budget of the President for fiscal year 1995

to be financed with funds from the proposed Health Care Investment Fund.

(B) Construction of a nursing home facility at the Department of Veterans Affairs Medical Center in Charleston, South Carolina, in the amount of \$7,300,000.

(C) Construction of an outpatient care addition at the Department of Veterans Affairs medical center in Phoenix, Arizona, in the amount of \$50,000,000.

(D) A lease/purchase of a nursing home facility near Fort Myers, Florida, in the amount of \$12,800,000.

(2) The authorizations in paragraph (1) apply to projects which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

(c) **PROJECTS FOR WHICH FUNDS APPROPRIATED.**—In addition to the projects authorized in subsections (a) and (b), the Secretary may carry out the following major medical facility projects for which funds were appropriated in chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103-211; 108 Stat. 10) in the amounts specified:

(1) Construction of an ambulatory care/support services facility at the Department of Veterans Affairs Medical Center in Sepulveda, California, \$53,700,000.

(2) Other major medical facility projects required to repair, restore, or replace earthquake-damaged facilities at the Department of Veterans Affairs Medical Center in Sepulveda, California, \$50,000,000.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1995—

(1) \$379,370,000 for the major medical facility projects authorized in subsections (a), (b), and (c) of section 201; and

(2) \$15,800,000 for the major medical facility leases authorized in section 201(a).

(b) **LIMITATION.**—The projects authorized in subsections (a) and (b) of section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1995 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1995 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1995 for a category of activity not specific to a project.

(c) **LIMITATION ON CERTAIN PROJECTS.**—The projects authorized in subsection (c) of section 201 may only be carried out using—

(1) funds appropriated to the Construction, Major Projects account under chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (title I of Public Law 103-211; 108 Stat. 10) and funds transferred by the President to the Construction, Major Projects account pursuant to chapter 8 of that Act (108 Stat. 14);

(2) funds appropriated to the Medical Care account by chapter 7 of the Emergency Supplemental Appropriations Act

of 1994 that are transferred to the Construction, Major Projects account;

(3) funds appropriated to the Construction, Major Projects account for a fiscal year before fiscal year 1995 that remain available for obligation; and

(4) funds appropriated to the Construction, Major Projects account for fiscal year 1995 for a category of activity not specific to a project.

Approved November 2, 1994.

LEGISLATIVE HISTORY—H.R. 3313 (S. 1030) (S. 1626):

HOUSE REPORTS: No. 103-349 (Comm. on Veterans' Affairs).

SENATE REPORTS: Nos. 103-136 accompanying S. 1030 and 103-267 accompanying S. 1626 (both from Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD:

Vol. 139 (1993): Nov. 16, considered and passed House.

Vol. 140 (1994): May 25, S. 1030 considered and passed Senate.

June 8, H.R. 3313 considered and passed Senate, amended, in lieu of S. 1626.

July 26, Senate vitiated passage of S. 1030; reconsidered and passed Senate, amended.

Oct. 7, House concurred in Senate amendments to H.R. 3313 with amendments. Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 30 (1994):

Nov. 2, Presidential statement.