

Public Law 88-450

August 19, 1964
[H. R. 8009]

AN ACT

To amend title 38, United States Code, to provide veterans with urgently needed nursing home care and nursing care facilities while reducing the cost to the United States of caring for such veterans, and for other purposes.

Veterans.
Nursing home
care.
72 Stat. 1251.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5001 of title 38, United States Code, is amended (1) by inserting "(1)" immediately after "(a)", (2) by redesignating clauses (1) and (2) thereof as clauses (A) and (B), respectively, and (3) by adding at the end thereof the following new paragraph:

"(2) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than four thousand beds for the furnishing of nursing home care to eligible veterans in facilities over which the Administrator has direct and exclusive jurisdiction."

Transfers to
other institutions.
72 Stat. 1141.
38 USC 610-619.

SEC. 2. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 620. Transfers for nursing home care

"(a) Subject to subsection (b) of this section, the Administrator may transfer any veteran, who has been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, if the Administrator determines that—

Conditions.

"(1) such veteran has received maximum benefits from such care in such hospital, but will require a protracted period of nursing home care which can be furnished in such institution, and

"(2) the cost of such nursing home care in such institution will not exceed one-third of the cost of care furnished by the Veterans' Administration in a general hospital under the direct and exclusive jurisdiction of the Administrator, as such cost may be determined from time to time by the Administrator.

Nursing home care may not be furnished pursuant to this section at the expense of the United States for more than six months in the aggregate in connection with any one transfer, except where in the judgment of the Administrator a longer period is warranted in the case of any veteran.

"(b) No veteran may be transferred to any institution for nursing home care under this section, unless such institution is determined by the Administrator to meet such standards as he may prescribe."

(b) The analysis of chapter 17 of title 38, United States Code, is amended by inserting immediately below

"619. Repair or replacement of certain prosthetic and other appliances."

the following:

"620. Transfers for nursing home care."

SEC. 3. (a) Section 641 of title 38, United States Code, is amended to read as follows:

"§ 641. Criteria for payment

"The Administrator shall pay each State at the per diem rate of \$2.50 for each veteran of any war receiving hospitalization or domiciliary care in a State home in such State if the veteran is eligible for hospitalization or domiciliary care in a Veterans' Administration facility, and at the per diem rate of \$3.50 for each veteran of any war

Payments.
72 Stat. 1146;
74 Stat. 424.

receiving nursing home care in a State home in such State, if such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirement in clause (B) of such paragraph (1) shall, for this purpose, refer to the inability to defray the expenses of necessary nursing home care; however, such payment shall not be more, in any case, than one-half of the cost of the veteran's maintenance in such State home."

72 Stat. 1141;
76 Stat. 381.
38 USC 610.

(b) No payment shall be made to any State home solely by reason of the amendment made by this section on account of nursing home care furnished any veteran except where such care is furnished the veteran by the State home for the first time after the effective date of this section.

Restriction.

(c) The amendment made by this section shall take effect on January 1, 1965; except that subsection (b) of section 641 of title 38, United States Code, as in effect immediately before such date, shall remain in effect with respect to any amounts retained or collected by any State home before such date.

72 Stat. 1146;
76 Stat. 935.

SEC. 4. (a) Chapter 81 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

72 Stat. 1251.
38 USC 5001-
5014.

"Subchapter III—State Home Facilities for Furnishing Nursing Home Care

"§ 5031. Definitions

"For the purpose of this subchapter—

"(a) The war veteran population of each State shall be determined on the basis of the latest figures certified by the Department of Commerce.

"(b) The term 'State' does not include any possession of the United States.

"(c) The term 'construction' means the construction of new buildings, the expansion, remodeling, modification, or alteration of existing buildings, and the providing of initial equipment for any such buildings.

"(d) The term 'cost of construction' means the amount found by the Administrator to be necessary for a project of construction of nursing home care facilities, including architect fees, but not including the cost of acquisition of land.

"§ 5032. Declaration of purpose

"The purpose of this subchapter is to assist the several States to construct State home facilities for furnishing nursing home care to war veterans.

"§ 5033. Authorization of appropriations

"(a) There is hereby authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1965, and a like sum for each of the four succeeding fiscal years. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for carrying out the purposes of section 5032 of this title.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated.

"(c) Not more than 10 per centum of the funds appropriated pursuant to subsection (a) of this section for any fiscal year shall be used to assist in the construction of nursing home care facilities in any one State.

“§ 5034. General regulations

“Within six months after the date of enactment of this subchapter, the Administrator shall prescribe the following by regulation:

“(1) The number of beds required to provide adequate nursing home care to war veterans residing in each State, which number shall not exceed one-half bed per thousand war veteran population in the case of any State.

“(2) General standards of construction, repairs, modernization, alteration, and equipment for facilities for furnishing nursing home care which are constructed with assistance received under this subchapter.

“§ 5035. Applications with respect to projects; payments

“(a) After regulations have been prescribed by the Administrator under section 5034 of this title, any State desiring to receive assistance for a project for construction of State home facilities for furnishing nursing home care must submit to the Administrator an application. Such application shall set forth—

“(1) the amount of the grant requested with respect to such project which may not exceed 50 per centum of the estimated cost of construction of such project,

“(2) a description of the site for such project,

“(3) plans and specifications for such project in accordance with regulations prescribed by the Administrator pursuant to section 5034(2) of this title,

“(4) reasonable assurance that upon completion of such project the facilities will be used principally to furnish nursing home care to war veterans and that not more than 10 per centum of the bed occupancy at any one time will consist of patients who are not receiving nursing home care as war veterans,

“(5) reasonable assurance that title to such site is or will be vested solely in the applicant, a State home, or another agency or instrumentality of the State,

“(6) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete,

“(7) reasonable assurance that the State will make such reports in such form and containing such information as the Administrator may from time to time reasonably require, and give the Administrator, upon demand, access to the records upon which such information is based, and

“(8) reasonable assurance that the rates of pay for laborers and mechanics engaged in construction of the project will be not less than the prevailing local wage rates for similar work as determined in accordance with sections 276a through 276a-5 of title 40 (known as the Davis-Bacon Act).

“(b) The Administrator shall approve any such application if he finds that—

“(1) there are sufficient funds available to make the grant requested with respect to such project,

“(2) such grant does not exceed 50 per centum of the estimated cost of construction of such project,

“(3) that such a grant would not result in more than 10 per centum of the funds appropriated for any fiscal year pursuant to section 5033(a) of this title being used to assist the construction of facilities in any one State,

“(4) the application contains such reasonable assurance as to use, title, financial support, reports and access to records, and payment of prevailing rates of wages, as the Administrator may determine to be necessary, and

“(5) the plans and specifications for such project are in accord with regulations prescribed pursuant to section 5034(2) of this title and that the construction of such project, together with other projects under construction and other facilities, will not result in more than the number of beds prescribed by the Administrator pursuant to section 5034(1) of this title for the State in which such project is located being available for furnishing nursing home care to war veterans in such State.

“(c) No application submitted to the Administrator under this section shall be disapproved until the Administrator has afforded the applicant an opportunity for a hearing.

Legal hearing.

“(d) Upon approving an application under this section, the Administrator shall certify to the Secretary of the Treasury the amount of the grant requested with respect to such project in such application, but in no event an amount greater than 50 per centum of the estimated cost of construction of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, the State home for which such project is being constructed or any other agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Administrator may determine and certify for payment to the Secretary of the Treasury. Funds paid under this section for the construction of an approved project shall be used solely for carrying out such project as so approved.

“(e) Any amendment of any approved application shall be subject to approval in the same manner as an original application.

“§ 5036. Recapture provisions

“If, within twenty years after completion of any project for construction of facilities for furnishing nursing home care with respect to which a grant has been made under this subchapter, such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing nursing home care to war veterans, the United States shall be entitled to recover from the State which was the recipient of the grant under this subchapter, or from the then owner of such facilities, 50 per centum of the then value of such facilities, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such facilities are situated.

“§ 5037. State control of operations

“Except as otherwise specifically provided, nothing in this subchapter shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any State home for which facilities are constructed with assistance received under this subchapter.”

(b) The analysis of chapter 81 of title 38, United States Code, is amended by adding at the end thereof the following:

“SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

“5031. Definitions.

“5032. Declaration of purpose.

“5033. Authorization of appropriations.

“5034. General regulations.

“5035. Applications with respect to projects; Payments.

“5036. Recapture provisions.

“5037. State control of operations.”

72 Stat. 1107.

(c) Paragraph (19) of section 101 of title 38, United States Code, is amended by adding at the end thereof the following: "Such term also includes such a home which furnishes nursing home care for veterans of any war."

"Nursing home care."

(d) Section 101 of title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(28) The term 'nursing home care' means the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services, if such nursing care and medical services are prescribed by, or are performed under the general direction of, persons duly licensed to provide such care. The term includes intensive care where the nursing service is under the supervision of a registered professional nurse."

Discontinuance of allowance.
76 Stat. 441.

SEC. 5. (a) Section 3203(f) of title 38, United States Code, is amended to read as follows:

72 Stat. 936;
76 Stat. 441.

"(f) Where any veteran in receipt of an aid and attendance allowance described in section 314(r) of this title is hospitalized at Government expense, such allowance shall be discontinued from the first day of the second calendar month which begins after the date of his admission for such hospitalization for so long as such hospitalization continues. Any discontinuance required by administrative regulation, during hospitalization of a veteran by the Veterans' Administration, of increased pension based on need of regular aid and attendance or additional compensation based on need of regular aid and attendance as described in subsection (l) or (m) of section 314 of this title, shall not be effective earlier than the first day of the second calendar month which begins after the date of the veteran's admission for hospitalization. In case a veteran affected by this subsection leaves a hospital against medical advice and is thereafter admitted to hospitalization, such allowance, increased pension, or additional compensation, as the case may be, shall be discontinued from the date of such readmission for so long as such hospitalization continues."

(b) The amendment made by this section shall apply only with respect to compensation or pension based upon need of regular aid and attendance in the case of veterans admitted for hospitalization on or after the first day of the second calendar month which begins after the date of enactment of this Act.

Equipment.
73 Stat. 435.

SEC. 6. (a) Section 617 of title 38, United States Code, is amended by inserting "(a)" immediately before "The Administrator" and by adding at the end thereof the following new subsection:

"(b) The Administrator may furnish any type of therapeutic or rehabilitative device, as well as other medical equipment and supplies (excluding medicines), if medically indicated, to any veteran who is eligible to receive an invalid lift under subsection (a) of this section, or who would be so eligible, but for the fact that he has such a lift."

(b) The analysis of chapter 17 of title 38, United States Code, is amended by striking out

"617. Invalid lift for pensioners."

and inserting in lieu thereof the following:

"617. Invalid lifts and other devices for pensioners."

(c) The heading of section 617 of title 38, United States Code, is amended to read as follows:

"§ 617. Invalid lifts and other devices for pensioners".

Additional medical treatment.
72 Stat. 1142.
38 USC 501-562.

SEC. 7. Section 612 of title 38, United States Code, is amended by adding at the end thereof the following:

"(g) Where any veteran is in receipt of pension under chapter 15 of this title based on the need of regular aid and attendance or of an

aid and attendance allowance received under section 314 or 334 of this title, or who, but for the receipt of retired pay, would be in receipt of such pension or such an allowance, and—

“(1) has received care for not less than one year under paragraph (2) of subsection (f) of this section; and

“(2) is suffering from (A) cardiovascular-renal disease, including hypertension, (B) endocrinopathies, (C) diabetes mellitus, (D) cancer, (E) a neuropsychiatric disorder, or (F) tuberculosis; then the Administrator may furnish the veteran such further care as is reasonably necessary for such disease or disorder.”

Approved August 19, 1964.

72 Stat. 1120,
1123.

Public Law 88-451

AN ACT

August 19, 1964
[S. 2881]

To amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “1964 Amendments to the Alaska Omnibus Act”.

1964 Amend-
ments to the
Alaska Omnibus
Act.
Earthquake
damage.

SEC. 2. The Congress hereby recognizes that the State of Alaska has experienced extensive property loss and damage as a result of the earthquake of March 27, 1964, and subsequent seismic waves, and declares the need for special measures designed to aid and accelerate the State's efforts in providing for the reconstruction of the areas in the State devastated by this natural disaster.

SEC. 3. Section 21 of the Alaska Omnibus Act (73 Stat. 145) is amended by adding a new subsection (f) to read as follows:

48 USC prec.
25 note.

“(f) Notwithstanding the limitation contained in subsection (f) of section 120 of title 23, United States Code, the Secretary of Commerce is authorized to make expenditures from the emergency fund under section 125 of such title for the repair or reconstruction of highways on the Federal-aid highway systems of Alaska which have been damaged or destroyed by the 1964 earthquake and subsequent seismic waves, in accordance with the Federal share payable under subsection (a) of section 120 of such title. The increase in expenditures resulting from the difference between the Federal share authorized by this subsection and that authorized by subsection (f) of section 120 of such title shall be reimbursed to the emergency fund by an appropriation from the general fund of the Treasury: *Provided*, That such increase in expenditures shall not exceed \$15,000,000 in the aggregate.”

73 Stat. 613.

73 Stat. 612.

72 Stat. 898.

SEC. 4. The Alaska Omnibus Act (73 Stat. 141) is amended by adding the following new sections at the end of section 50 thereof:

“NEW FEDERAL LOAN ADJUSTMENTS

“SEC. 51. (a) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Farmers Home Administration in Alaska as he finds necessary because of loss resulting from the 1964 earthquake and subsequent seismic waves, and he may refinance outstanding indebtedness of applicants in Alaska for loans under section 502 of the Housing Act of 1949 for the repair, reconstruction, or replacement of dwellings or farm buildings lost, destroyed, or damaged by such causes and securing such outstanding indebtedness. Such loans may also provide for the purchase of building sites, when the original sites cannot be utilized.

Indebtedness,
release.

63 Stat. 433,
42 USC 1472.