Public Law 98-528
98th Congress

An Act

To amend title 38, United States Code, to revise and improve Veterans' Administration health programs and to improve security and law enforcement at Veterans' Administration facilities; and for other purposes.

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

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Health Care Act of 1984".

(b) 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—HEALTH PROGRAMS

SECURITY AND LAW ENFORCEMENT AT VETERANS' ADMINISTRATION FACILITIES

38 USC 218. Sec. 101. (a)(1) Section 218 is amended to read as follows:

"§ 218. Security and law enforcement on property under the jurisdiction of the Veterans' Administration

Regulations."

"(a)(1) The Administrator shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on land and in buildings under the jurisdiction of the Veterans' Administration and not under the control of the Administrator of General Services (hereinafter in this section referred to as 'Veterans' Administration property').

"(2) Such regulations shall include—

"(A) rules for conduct on Veterans' Administration property; and

"(B) the penalties, within the limits specified in paragraph (3) of this subsection, for violations of such rules.

Penalties."

"(3) Whoever violates any rule prescribed under paragraph (2)(A) of this subsection shall be fined not more than $500 or imprisoned not more than six months (or such lesser amount or period of time as the Administrator prescribes in the regulations prescribed under this subsection), or both.

"(4) The rules prescribed under clause (A) of paragraph (2) of this subsection, together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

"(5) The Administrator shall consult with the Attorney General before prescribing regulations under this subsection.

"(b)(1) Veterans' Administration employees who are Veterans' Administration police officers shall enforce Federal laws and the
rules prescribed under subsection (a)(2)(A) of this section on Veterans' Administration property. Subject to regulations prescribed under paragraph (2) of this subsection, a Veterans' Administration police officer may make arrests on Veterans' Administration property for a violation of any Federal law or of any such rule.

"(2) The Administrator shall prescribe regulations with respect to Veterans' Administration police officers. Such regulations shall include—

"(A) policies with respect to the exercise by Veterans' Administration police officers of the enforcement and arrest authorities provided by paragraph (1) of this subsection;

"(B) the scope and duration of training that is required for Veterans' Administration police officers, with particular emphasis on dealing with situations involving patients; and

"(C) rules limiting the carrying and use of weapons by Veterans' Administration police officers.

"(3) The Administrator shall consult with the Attorney General before prescribing regulations under clause (A) of paragraph (2) of this subsection.

"(4) Rates of basic pay for Veterans' Administration police officers may be increased by the Administrator under section 4107(g) of this title.

"(c)(1) The Administrator may pay an allowance under this subsection for the purchase of uniforms to any Veterans' Administration police officer who is required to wear a prescribed uniform in the performance of official duties.

"(2) The amount of the allowance that the Administrator may pay under this subsection—

"(A) may be based on estimated average costs or actual costs;

"(B) may vary by geographic regions; and

"(C) except as provided in paragraph (3) of this paragraph, may not exceed $200 in a fiscal year for any police officer.

"(3)(A) The amount of an allowance under this subsection may be increased to an amount up to $400 for not more than one fiscal year in the case of any Veterans' Administration police officer. In the case of a person who is appointed as a Veterans' Administration police officer on or after the date on which the Administrator initially exercises the authority granted by this paragraph, an allowance in an amount established under this paragraph shall be paid at the beginning of such person's employment as such an officer. In the case of any other Veterans' Administration police officer, an allowance in an amount established under this paragraph shall be paid upon the request of the officer.

"(B) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this paragraph shall repay to the Veterans' Administration a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such allowance, as the case may be.

"(4) An allowance may not be paid to a Veterans' Administration police officer under this subsection and under section 5901 of title 5 for the same fiscal year.

"(d) The Administrator shall furnish Veterans' Administration police officers with such weapons and related equipment as the Administrator determines to be necessary and appropriate.
“(e) With the permission of the head of the agency concerned, the Administrator may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.”.

(2) The provisions of section 218 of title 38, United States Code, other than clause (2) of subsection (a) of such section, as in effect on the day before the date of the enactment of this Act shall remain in effect until the date on which the Administrator of Veterans’ Affairs prescribes the regulations required to be prescribed by subsections (a) and (b) of such section as amended by subsection (a) of this section.

(3) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

“218. Security and law enforcement on property under the jurisdiction of the Veterans’ Administration.”.

(b) Section 4107(g) is amended—

(1) in paragraph (1)—

(A) by striking out “or” at the end of clause (A);

(B) by striking out the comma and inserting in lieu thereof a semicolon and “or” at the end of subclause (iv) of clause (B); and

(C) by inserting after clause (B) the following new clause:

“(C) of employees who are Veterans’ Administration police officers providing services under section 218 of this title,”;

(2) by striking out “health-care” each place it appears in paragraphs (2)(A) and (4); and

(3) by inserting “or (C)” after “(B)” in paragraph (4).

(c) Not later than one hundred and eighty days after the date of the enactment of this Act, the Administrator of Veterans’ Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the implementation of the amendments made by this section. The report shall include (1) the regulations prescribed under section 218 of title 38, United States Code, as amended by subsection (a), and (2) a description of the methodology to be used to determine how the authority provided in the amendments made by subsection (b) is to be exercised.

COMPTROLLER GENERAL REPORT ON MEDICAL PERSONNEL STAFFING LEVELS

Sec. 102. Section 5010(a)(4)(C) is amended to read as follows:

“(C) Whenever the Director of the Office of Management and Budget is required to submit a certification under subparagraph (B) of this paragraph, the Comptroller General shall submit to the appropriate committees of Congress a report stating the Comptroller General’s opinion as to whether the Director has complied with the requirements of that subparagraph. The Comptroller General shall submit the report not later than fifteen days after the end of the period specified in such subparagraph for the Director to submit the certification.”.

CONTRACT HEALTH CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

Sec. 103. (a) Section 601(4)(C)(v) is amended by striking out “September 30, 1984” and inserting in lieu thereof “September 30, 1985”.

(b) Any action by the Administrator of Veterans’ Affairs in entering into a contract applicable to the period beginning on October 1,
1984, and ending on the date of the enactment of this Act for the provision of care described in subclause (v) of section 601(4)(C) of title 38, United States Code, and any waiver described in that subclause made by the Administrator that is applicable to that period, is hereby ratified with respect to that period.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GERIATRIC RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES

Sec. 104. Section 4101(f)(3) is amended by striking out the first sentence and inserting in lieu thereof the following: “There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to paragraph (1) of this subsection.”.

ACQUISITION OF PROPERTIES FOR USE AS STATE VETERANS’ HOMES

Sec. 105. Subchapter III of chapter 81 is amended as follows:

1. Section 5032 is amended by inserting “(or to acquire facilities to be used as State home facilities)” after “State home facilities”.

2. Section 5034 is amended by inserting “or acquired” after “constructed” each place it appears.

3. Section 5035 is amended—

   A) by inserting “(or acquisition of a facility to be used as a State home facility)” in the first sentence of subsection (a) after “State home facilities”;

   B) by inserting “(or of the estimated cost of facility acquisition and construction)” in clause (1) of subsection (a) after “cost of construction”;

   C) by inserting “(or for facility acquisition and construction of the project)” in clause (6) of subsection (a) after “construction of the project”;

   D) by striking out “sections 276a through 276a-5 of title 40” in clause (8) of subsection (a) and inserting in lieu thereof “the Act of March 3, 1931 (40 U.S.C. 276a–276a-5)”;

   E) by striking out “and” at the end of clause (7), by striking out the period at the end of clause (8) and inserting in lieu thereof a comma and “and”, and by inserting after clause (8) the following new clause:

   “(9) in the case of a project for acquisition of a facility, reasonable assurance that the estimated total cost of acquisition of the facility and of any expansion, remodeling, and alteration of the acquired facility will not be greater than the estimated cost of construction of an equivalent new facility.”;

   F) by inserting “(or of the estimated cost of facility acquisition and construction)” in clause (2) of subsection (b) after “cost of construction”;

   G) by striking out “the construction of” in clause (4) of subsection (b) and inserting in lieu thereof “the carrying out of”;

   H) in subsection (d)(1)—

      i) by inserting “(or of the estimated cost of facility acquisition and construction)” in the first sentence after “cost of construction”;

      ii) by striking out “constructed” in the second sentence and inserting in lieu thereof “carried out”;
(iii) by striking out "construction" in the third sentence and inserting in lieu thereof "the project"; and
(iv) by striking out "the construction of" in the fourth sentence.

38 USC 5036.

(4) Section 5036 is amended—
(A) by striking out "for construction" after "completion of any project";
(B) by inserting "acquisition," after "in the case of the";
(C) by striking out "value of such construction" and inserting in lieu thereof "value of such project";
(D) by striking out "for such construction" after "assistance provided for"; and
(E) by striking out "twenty" both places it appears and inserting in lieu thereof "20".

38 USC 5037.

(5) Section 5037 is amended by inserting "or acquired" after "constructed".

COORDINATION OF VETERANS' ADMINISTRATION HEALTH-CARE SERVICES WITH STATE AND LOCAL PROGRAMS

38 USC 220.

Sec. 106. (a) Section 220 is amended—
(1) by inserting "(a)" before "The Administrator"; and
(2) by adding at the end the following new subsection:
"(b) The Administrator shall seek to achieve the effective coordination of the provision, under laws administered by the Veterans' Administration, of benefits and services (and information about such benefits and services) with appropriate programs (and information about such programs) conducted by State and local governmental agencies and by private entities at the State and local level. In carrying out this subsection, the Administrator shall place special emphasis on veterans who are sixty-five years of age or older."

(b)(1) The heading of such section is amended to read as follows:
"§ 220. Coordination and promotion of other programs affecting veterans and their dependents".

(2) The item relating to such section in the table of sections at the beginning of chapter 3 is amended to read as follows:
"220. Coordination and promotion of other programs affecting veterans and their dependents."

MEDICAL AND REHABILITATIVE DEVICES

38 USC 617.

Sec. 107. Section 617 is amended—
(1) by inserting "(a)" before "The Administrator"; and
(2) by adding at the end the following new subsection:
"(b) The Administrator may furnish devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders) to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment."

AUTHORITY TO ADJUST RATES OF PAY FOR CERTAIN PSYCHOLOGISTS

97 Stat. 1000.

Sec. 108. Section 4104 is amended—
(1) by inserting "(other than those described in paragraph (3))" after "psychologists" in paragraph (2); and
(2) by striking out "Certified" in paragraph (3) and inserting in lieu thereof "Clinical or counseling psychologists who hold
diplomas as diplomates in psychology from an accrediting authority approved by the Administrator, certified”.

WAIVER OF MANDATORY REDUCTIONS IN MILITARY RETIRED PAY FOR CERTAIN PHYSICIANS

SEC. 109. Section 4107 is amended by adding at the end the following new subsection:
“(i) The Administrator may authorize an exception to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5 if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions which otherwise cannot be readily met.”.

POST-TRAUMATIC-STRESS DISORDER

SEC. 110. (a)(1) The Chief Medical Director of the Veterans' Administration may designate special programs within the Department of Medicine and Surgery for the diagnosis and treatment of post-traumatic-stress disorder (hereinafter in this section referred to as “PTSD”).

(2) The Chief Medical Director shall direct (A) that (in addition to providing diagnostic and treatment services for PTSD) Veterans' Administration programs designated under paragraph (1) (hereinafter in this section referred to as “designated PTSD programs”) carry out activities to promote the education and training of health-care personnel (including health-care personnel not working for the Veterans' Administration or the Federal Government) in the causes, diagnosis, and treatment of PTSD, and (B) that (when appropriate) the provision of treatment services under such program be coordinated with the provision of readjustment counseling services under section 612A of title 38, United States Code.

(b)(1) The Chief Medical Director shall establish in the Department of Medicine and Surgery a Special Committee on Post-Traumatic-Stress Disorder (hereinafter in this section referred to as the “Special Committee”). The Chief Medical Director shall appoint qualified employees of the Department to serve on the Special Committee.

(2) The Special Committee shall assess, and carry out a continuing assessment of, the capacity of the Veterans' Administration to provide diagnostic and treatment services for PTSD to veterans eligible for health care furnished by the Veterans' Administration.

(3) The Special Committee shall also advise the Chief Medical Director regarding the development of policies, the provision of guidance, and the coordination of services for the diagnosis and treatment of PTSD (A) in designated PTSD programs, (B) in inpatient psychiatric programs and outpatient mental health programs other than designated PTSD programs, and (C) in readjustment counseling programs of the Veterans' Administration.

(4) The Special Committee shall also make recommendations to the Chief Medical Director for guidance with respect to PTSD regarding—

(A) appropriate diagnostic and treatment methods;
(B) referral for and coordination of followup care;
(C) the evaluation of PTSD treatment programs;
(D) the conduct of research concerning such diagnosis and treatment (taking into account the provisions of subsection (c));
National Center on Post-Traumatic-Stress Disorder, establishment.

Report.

(E) special programs of education and training for employees of the Department of Medicine and Surgery and the Department of Veterans' Benefits (also taking into account such provisions);

(F) the appropriate allocation of resources for all such activities; and

(G) any specific steps that should be taken to improve such diagnosis and treatment and to correct any deficiencies in the operations of designated PTSD programs.

(c) The Chief Medical Director shall establish and operate in the Department of Medicine and Surgery a National Center on Post-Traumatic-Stress Disorder. The National Center (1) shall carry out and promote the training of health care and related personnel in, and research into, the causes and diagnosis of PTSD and the treatment of veterans for PTSD, and (2) shall serve as a resource center for, and promote and seek to coordinate the exchange of information regarding, all research and training activities carried out by the Veterans' Administration, and by other Federal and non-Federal entities, with respect to PTSD.

(d) The Chief Medical Director shall regularly compile and publish the results of research that has been conducted relating to PTSD.

(e)(1) Not later than March 1, 1985, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

(A) A list of the members of the Special Committee.

(B) A list of all designated PTSD programs and other programs providing treatment for PTSD, together with a description of the resources that have been allocated for the development and operation of each such program, a description of the education and training that has been provided for Veterans' Administration health-care personnel in such programs and elsewhere within the Veterans' Administration in the diagnosis and treatment of PTSD, and specification of the funding that has been allocated to each such program and elsewhere within the Veterans' Administration to support research relating to PTSD.

(C) The assessment of the Chief Medical Director of the Veterans' Administration, after consultation with the Special Committee, regarding the capability of the Veterans' Administration to meet the needs for inpatient and outpatient PTSD diagnosis and treatment (both through designated PTSD programs and otherwise) of veterans who served in the Republic of Vietnam during the Vietnam era, former prisoners of war, and other veterans eligible for health care from the Veterans' Administration and the efficacy of the treatment so provided, as well as a description of the results of any evaluations that have been made of PTSD treatment programs.

(D) The plans of the Special Committee for further assessments of the capability of the Veterans' Administration to diagnose and treat veterans with PTSD.

(E) The recommendations made by the Special Committee to the Chief Medical Director and the views of the Chief Medical Director on such recommendations.

(F) A summary of the results of research conducted by the Veterans' Administration relating to PTSD.
A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied to implement subsections (b) and (c).

The assessment of the Administrator of the capacity of the Veterans' Administration to meet in all geographic areas of the United States the needs described in subparagraph (C) and any plans and timetable for increasing that capacity (including the costs of such action).

(2) Not later than February 1, 1986, and February 1 of each of the three following years, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.

ALCOHOL AND DRUG TREATMENT AND REHABILITATION GUIDELINES

SEC. 111. Not later than six months after the date of the enactment of this Act, the Administrator of Veterans' Affairs (1) shall issue guidelines for the treatment and rehabilitation of veterans for alcohol or drug dependence or abuse disabilities under chapter 17 of title 38, United States Code, in facilities over which the Administrator has direct jurisdiction, and (2) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report (including a copy of such guidelines) on the implementation of this section.

TITLE II—REPORTS

REPORT ON VETERANS' ADMINISTRATION PROGRAMS FOR TERMINALLY ILL VETERANS

SEC. 201. (a) Not later than September 30, 1985, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on programs of the Veterans' Administration to furnish palliative care, supportive counseling, and other medical services to terminally ill veterans and, pursuant to section 601(6)(B) of title 38, United States Code, supportive counseling to members of such veterans' families.

(b) The report required by subsection (a) shall include the following:

(1) A review of Veterans' Administration policies and guidelines on the provision of care, counseling, and services described in subsection (a).

(2) A review of the care, counseling, and services furnished, including the treatment modalities used and services furnished by the Veterans' Administration.

(3) An analysis and a comparison of the care, counseling, and services furnished with respect to terminally ill veterans in hospice and other Veterans' Administration programs, including a comparison of the routine and ancillary services, of the duration of inpatient and outpatient treatment and hospital-based home care, and of the cost of care furnished in such programs.

(4) An explanation of how the care, counseling, and services described in subsection (a) are or will be included in the overall plans of the Veterans' Administration for providing health care to older veterans in the future and the extent to which plans to furnish hospice care are included in such plans.
(5) A review of any steps taken to arrange for the exchange of information between Veterans' Administration facilities providing the care, counseling, and services described in subsection (a) and non-Veterans' Administration facilities providing similar care, counseling, and services.

VETERANS RESIDING IN REMOTE GEOGRAPHIC AREAS

Sec. 202. (a) The Congress makes the following findings:

(1) Many veterans with service-connected disabilities and other veterans eligible for certain health-care services from the Veterans' Administration, within the limits of Veterans' Administration facilities, reside in areas of the United States that are geographically remote from health-care facilities over which the Administrator of Veterans' Affairs has direct jurisdiction.

(2) For many such veterans such health-care facilities are geographically inaccessible and for many other such veterans the inconvenience of travel to such facilities discourages them from seeking health-care services from the Veterans' Administration.

(3) A study conducted by the Administrator of eligible veterans residing in remote areas and the use by those veterans of Veterans' Administration health-care services would provide useful information on the feasibility and appropriateness of alternative approaches to furnishing health-care services to such veterans.

(b)(1) The Administrator shall carry out a study to develop information about veterans who reside in remote areas and are eligible for health-care services from the Veterans' Administration and to develop alternative approaches that could be adopted to furnish such veterans with such services. In carrying out the study, the Administrator shall develop the following information:

(A) To the maximum extent feasible, statistics on the number of eligible veterans who, during fiscal year 1985—
   (i) reside less than fifty miles from the nearest Veterans' Administration medical facility,
   (ii) reside between fifty miles and one hundred miles from the nearest Veterans' Administration medical facility,
   (iii) reside between one hundred miles and two hundred miles from the nearest Veterans' Administration medical facility, and
   (iv) reside more than two hundred miles from the nearest Veterans' Administration medical facility.

(B) Statistics, shown by each group of veterans described in clause (A), on the numbers of eligible veterans who, during fiscal year 1985—
   (i) use Veterans' Administration medical facilities,
   (ii) receive inpatient care in such facilities (including the typical lengths of stay of such veterans in such facilities),
   (iii) receive outpatient care from such facilities, and
   (iv) receive followup health-care services from such facilities.

(C) Such additional statistics and such additional information as the Administrator considers appropriate.

(D) Breakdowns of the statistics described in clauses (A) and (B) with respect to age, service connection, and financial need regarding the applicable veteran populations.
(2) Not later than January 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a full report on the study under paragraph (1). The report shall include—
(A) the statistics and breakdown developed and information gathered under that paragraph;
(B) the Administrator's findings on the extent of the need for the Veterans' Administration to increase health-care services in remote areas; and
(C) the Administrator's findings and recommendations regarding the advantages and disadvantages of the Veterans' Administration contracting for and making other arrangements for the furnishing of health-care services to eligible veterans in remote areas.

(3) Not later than July 1, 1986, the Administrator shall submit to such committees a report describing an experimental program that could feasibly be carried out through projects in five remote areas, selected on the basis of the information and findings included in the report under paragraph (2), to demonstrate alternative approaches for the Veterans' Administration to furnish health-care services to eligible veterans in remote areas. The report shall include a description of the health-care services, and a detailed breakdown of the costs for them, that could be furnished under such an experimental program to such veterans in each such area, along with the recommendations (and the reasons therefor) of the Administrator regarding whether any such project should be carried out and such recommendations for legislative or administrative action as the Administrator considers appropriate in light of the information contained in the report.

TITLE III—MISCELLANEOUS

MODIFICATION OF REVERSIONARY INTEREST IN CERTAIN LAND, LOS ANGELES, CALIFORNIA

Sec. 301. (a) The Administrator of Veterans' Affairs shall execute such legal documents as are necessary to permit the use of the real property described in subsection (b) (or any portion of such property) for educational or cultural purposes in addition to the use of such property as a research and medical center and for allied purposes. The Administrator may carry out the preceding sentence subject to such terms and conditions as the Administrator requires in order to protect the interests of the United States.

(b) The real property referred to in subsection (a) is the property transferred to the State of California for the use of the University of California by a quitclaim deed dated December 10, 1948, executed by the Administrator of Veterans' Affairs under the Act entitled "An Act to authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the University of California", approved June 19, 1948 (62 Stat. 559), and recorded in the land records of the County of Los Angeles, California, at page 307 of book 29032.

(c) Any document executed to carry out subsection (a) of this section shall provide that the property involved shall revert to the United States if it ceases to be used as a research and medical center or for educational or cultural purposes.
NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTERS

SEC. 302. (a) The Veterans' Administration Medical Center in Murfreesboro, Tennessee, shall after the date of the enactment of this Act be known and designated as the "Alvin C. York Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Alvin C. York Veterans' Administration Medical Center.

(b) The Veterans' Administration Medical Center in Milwaukee, Wisconsin, shall after the date of the enactment of this Act be known and designated as the "Clement J. Zablocki Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Clement J. Zablocki Veterans' Administration Medical Center.


LEGISLATIVE HISTORY—H.R. 5618 (S. 2514):
HOUSE REPORT No. 98-779 (Comm. on Veterans' Affairs).
May 21, considered and passed House.
Aug. 9, considered and passed Senate, amended, in lieu of S. 2514.
Oct. 2, House concurred in Senate amendments with amendments.
Oct. 3, Senate concurred in House amendments.
Oct. 19, Presidential statement.