

Public Law 105–114
105th Congress

An Act

To amend title 38, United States Code, to revise, extend, and improve programs for veterans.

Nov. 21, 1997
[S. 714]

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

Veterans'
Benefits Act of
1997.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans’ Benefits Act of 1997”. 38 USC 101 note.

(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—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE
DEPARTMENT OF VETERANS AFFAIRS**

- Sec. 101. Equal employment responsibilities.
Sec. 102. Discrimination complaint adjudication authority.
Sec. 103. Assessment and review of Department of Veterans Affairs employment discrimination complaint resolution system.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

- Sec. 201. Native American Veteran Housing Loan Program.
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Sec. 204. Annual report on assistance to homeless veterans.
Sec. 205. Expansion of authority for enhanced-use leases of Department of Veterans Affairs real property.
Sec. 206. Permanent authority to furnish noninstitutional alternatives to nursing home care.
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Sec. 208. Policy on breast cancer mammography.
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**TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION
AUTHORIZATION**

- Sec. 301. Authorization of major medical facility projects.
Sec. 302. Authorization of major medical facility leases.
Sec. 303. Authorization of appropriations.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

- Sec. 401. Technical amendments.
Sec. 402. Clarification of certain health care authorities.
Sec. 403. Correction of name of medical center.
Sec. 404. Improvement to spina bifida benefits for children of Vietnam veterans.

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—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. EQUAL EMPLOYMENT RESPONSIBILITIES.

(a) IN GENERAL.—(1) Chapter 5 is amended by inserting at the end of subchapter I the following new section:

“§ 516. Equal employment responsibilities

“(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

“(b) The Secretary shall provide—

“(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

“(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

“(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

“(d) The Secretary shall, when appropriate, impose disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

“(e)(1)(A) Not later than 30 days after the end of each calendar quarter, the Assistant Secretary for Human Resources and Administration shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report summarizing the employment discrimination complaints filed against the individuals referred to in paragraph (2) during such quarter.

“(B) Subparagraph (A) shall apply in the case of complaints filed against individuals on the basis of such individuals' personal conduct and shall not apply in the case of complaints filed solely on the basis of such individuals' positions as officials of the Department.

“(2) Paragraph (1) applies to the following officers and employees of the Department:

“(A) The Secretary.

“(B) The Deputy Secretary of Veterans Affairs.

“(C) The Under Secretary for Health and the Under Secretary for Benefits.

“(D) Each Assistant Secretary of Veterans Affairs and each Deputy Assistant Secretary of Veterans Affairs.

“(E) The Director of the National Cemetery System.

“(F) The General Counsel of the Department.

“(G) The Chairman of the Board of Veterans’ Appeals.

“(H) The Chairman of the Board of Contract Appeals of the Department.

“(I) The director and the chief of staff of each medical center of the Department.

“(J) The director of each Veterans Integrated Services Network.

“(K) The director of each regional office of the Department.

“(L) Each program director of the Central Office of the Department.

“(3) Each report under this subsection—

“(A) may not disclose information which identifies the individuals filing, or the individuals who are the subject of, the complaints concerned or the facilities at which the discrimination identified in such complaints is alleged to have occurred;

“(B) shall summarize such complaints by type and by equal employment opportunity field office area in which filed; and

“(C) shall include copies of such complaints, with the information described in subparagraph (A) redacted.

“(4) Not later than April 1 each year, the Assistant Secretary shall submit to the committees referred to in paragraph (1)(A) a report on the complaints covered by paragraph (1) during the preceding year, including the number of such complaints filed during that year and the status and resolution of the investigation of such complaints.

“(f) The Secretary shall ensure that an employee of the Department who seeks counseling relating to employment discrimination may elect to receive such counseling from an employee of the Department who carries out equal employment opportunity counseling functions on a full-time basis rather than from an employee of the Department who carries out such functions on a part-time basis.

“(g) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

“(h) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 515 the following new item:

“516. Equal employment responsibilities.”.

(b) REPORTS.—(1) The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. The first such report shall be submitted not

38 USC 516 note.

later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(2) The first report under paragraph (1) shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

(3) The subsequent reports under paragraph (1) shall set forth, for each equal employment opportunity field office of the Department and for the Department as a whole, the following:

(A) Any information to supplement the information submitted in the report under paragraph (2) that the Secretary considers appropriate.

(B) The number of requests for counseling relating to employment discrimination received during the one-year period ending on the date of the report concerned.

(C) The number of employment discrimination complaints received during such period.

(D) The status of each complaint described in subparagraph (C), including whether or not the complaint was resolved and, if resolved, whether the employee concerned sought review of the resolution by the Equal Employment Opportunity Commission or by Federal court.

(E) The number of employment discrimination complaints that were settled during such period, including—

(i) the type of such complaints; and

(ii) the terms of settlement (including any settlement amount) of each such complaint.

38 USC 516 note.

(c) EFFECTIVE DATE.—Section 516 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act. Subsection (e) of that section shall take effect with respect to the first quarter of calendar year 1998.

SEC. 102. DISCRIMINATION COMPLAINT ADJUDICATION AUTHORITY.

(a) IN GENERAL.—(1) Chapter 3 is amended by adding at the end the following new section:

“§ 319. Office of Employment Discrimination Complaint Adjudication

“(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

“(2) The Director shall be a career appointee in the Senior Executive Service.

“(3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.

“(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

“(2) No person may make any ex parte communication to the Director or to any employee of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

“(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

“(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of the General Counsel.

“(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

“(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“319. Office of Employment Discrimination Complaint Adjudication.”.

(b) **REPORTS ON IMPLEMENTATION.**—The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary of Veterans Affairs and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

38 USC 319 note.

(c) **EFFECTIVE DATE.**—Section 319 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act.

38 USC 319 note.

SEC. 103. ASSESSMENT AND REVIEW OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION COMPLAINT RESOLUTION SYSTEM.

38 USC 516 note.

(a) **AGREEMENT FOR ASSESSMENT AND REVIEW.**—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with a qualified private entity under which agreement the entity shall carry out the assessment described in subsection (b) and the review described in subsection (c).

(2) The Secretary shall include in the agreement provisions necessary to ensure that the entity carries out its responsibilities under the agreement (including the exercise of its judgments concerning the assessment and review) in a manner free of influence from any source, including the officials and employees of the Department of Veterans Affairs.

(3) The Secretary may not enter into the agreement until 15 days after the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the entity with which the Secretary proposes to enter into the agreement.

(b) **INITIAL ASSESSMENT OF SYSTEM.**—(1) Under the agreement under subsection (a), the entity shall conduct an assessment of the employment discrimination complaint resolution system

administered within the Department of Veterans Affairs, including the extent to which the system meets the objectives set forth in section 516(a) of title 38, United States Code, as added by section 101. The assessment shall include a comprehensive description of the system as of the time of the assessment.

(2) Under the agreement, the entity shall submit the assessment to the committees referred to in subsection (a)(3) and to the Secretary not later than June 1, 1998.

(c) REVIEW OF ADMINISTRATION OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall monitor and review the administration by the Secretary of the employment discrimination complaint resolution system administered within the Department.

(2) Under the agreement, the entity shall submit to the committees referred to in subsection (a)(3) and to the Secretary a report on the results of the review under paragraph (1) not later than June 1, 1999. The report shall include an assessment of the administration of the system, including the extent to which the system meets the objectives referred to in subsection (b)(1), and the effectiveness of the following:

(A) Programs to train and maintain a cadre of individuals who are competent to investigate claims relating to employment discrimination.

(B) Programs to train and maintain a cadre of individuals who are competent to provide counseling to individuals who submit such claims.

(C) Programs to provide education and training to Department employees regarding their rights and obligations under the equal employment opportunity laws.

(D) Programs to oversee the administration of the system.

(E) Programs to evaluate the effectiveness of the system in meeting its objectives.

(F) Other programs, procedures, or activities of the Department relating to the equal employment opportunity laws, including any alternative dispute resolution procedures and informal dispute resolution and settlement procedures.

(G) Any disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment opportunity laws in preventing or deterring violations of such laws by other employees of the Department.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

SEC. 201. NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking out “September 30, 1997” and inserting in lieu thereof “December 31, 2001”.

(b) OUTREACH.—Section 3762(i) is amended—

(1) by inserting “(1)” after “(i)”;

(2) by inserting “, in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council),” after “The Secretary shall”;

(3) by striking out “tribal organizations and”; and

(4) by adding at the end the following:

“(2) Activities under the outreach program shall include the following:

“(A) Attending conferences and conventions conducted by the National Congress of American Indians in order to work with the National Congress in providing information and training to tribal organizations and Native American veterans regarding the availability of housing benefits under the pilot program and in assisting such organizations and veterans in participating in the pilot program.

“(B) Attending conferences and conventions conducted by the National American Indian Housing Council in order to work with the Housing Council in providing information and training to tribal organizations and tribal housing entities regarding the availability of such benefits.

“(C) Attending conferences and conventions conducted by the Department of Hawaiian Homelands in order to work with the Department of Hawaiian Homelands in providing information and training to tribal housing entities in Hawaii regarding the availability of such benefits.

“(D) Producing and disseminating information to tribal governments, tribal veterans service organizations, and tribal organizations regarding the availability of such benefits.

“(E) Assisting tribal organizations and Native American veterans in participating in the pilot program.

“(F) Outstationing loan guarantee specialists in tribal facilities on a part-time basis if requested by the tribal government.”.

(c) ANNUAL REPORTS.—Section 3762 is further amended by adding at the end the following new subsection:

“(j) Not later than February 1 of each year through 2002, the Secretary shall transmit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report relating to the implementation of the pilot program under this subchapter during the fiscal year preceding the date of the report. Each such report shall include the following:

“(1) The Secretary’s exercise during such fiscal year of the authority provided under subsection (c)(1)(B) to make loans exceeding the maximum loan amount.

“(2) The appraisals performed for the Secretary during such fiscal year under the authority of subsection (d)(2), including a description of—

“(A) the manner in which such appraisals were performed;

“(B) the qualifications of the appraisers who performed such appraisals; and

“(C) the actions taken by the Secretary with respect to such appraisals to protect the interests of veterans and the United States.

“(3) The outreach activities undertaken under subsection (i) during such fiscal year, including—

“(A) a description of such activities on a region-by-region basis; and

“(B) an assessment of the effectiveness of such activities in encouraging the participation of Native American veterans in the pilot program.

“(4) The pool of Native American veterans who are eligible for participation in the pilot program, including—

“(A) a description and analysis of the pool, including income demographics;

“(B) a description and assessment of the impediments, if any, to full participation in the pilot program of the Native American veterans in the pool; and

“(C) the impact of low-cost housing programs operated by the Department of Housing and Urban Development and other Federal or State agencies on the demand for direct loans under this section.

“(5) The Secretary’s recommendations, if any, for additional legislation regarding the pilot program.”.

SEC. 202. TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) CODIFICATION AND REVISION OF PROGRAMS.—Chapter 17 is amended by adding at the end the following new subchapter:

“SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

“§ 1771. General treatment

“(a) In providing care and services under section 1710 of this title to veterans suffering from serious mental illness, including veterans who are homeless, the Secretary may provide (directly or in conjunction with a governmental or other entity)—

“(1) outreach services;

“(2) care, treatment, and rehabilitative services (directly or by contract in community-based treatment facilities, including halfway houses); and

“(3) therapeutic transitional housing assistance under section 1772 of this title, in conjunction with work therapy under subsection (a) or (b) of section 1718 of this title and outpatient care.

Expiration date.

“(b) The authority of the Secretary under subsection (a) expires on December 31, 2001.

“§ 1772. Therapeutic housing

“(a) The Secretary, in connection with the conduct of compensated work therapy programs, may operate residences and facilities as therapeutic housing.

“(b) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

“(c) A residence or other facility may be operated as transitional housing for veterans described in paragraphs (1) and (2) of section 1710(a) of this title under the following conditions:

“(1) Only veterans described in those paragraphs and a house manager may reside in the residence or facility.

“(2) Each resident, other than the house manager, shall be required to make payments that contribute to covering the expenses of board and the operational costs of the residence or facility for the period of residence in such housing.

“(3) In order to foster the therapeutic and rehabilitative objectives of such housing (A) residents shall be prohibited

from using alcohol or any controlled substance or item, (B) any resident violating that prohibition may be expelled from the residence or facility, and (C) each resident shall agree to undergo drug testing or such other measures as the Secretary shall prescribe to ensure compliance with that prohibition.

“(4) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

“(5) The residence or facility shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

“(d) The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for a house manager in addition to, or instead of payment of, a fee for the services provided by the manager.

“(e)(1) The Secretary may operate as transitional housing under this section—

“(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of this title;

“(B) any suitable space in a facility under the jurisdiction of the Secretary that is no longer being used (i) to provide acute hospital care, or (ii) as housing for medical center employees; and

“(C) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

“(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

“(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Administration; and

“(B) transfer from the General Post Fund to the Loan Guaranty Revolving Fund under chapter 37 of this title an amount (not to exceed the amount the Secretary paid for the property) representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

“(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

“(f) The Secretary shall prescribe—

“(1) a procedure for establishing reasonable payment rates for persons residing in transitional housing; and

“(2) appropriate limits on the period for which such persons may reside in transitional housing.

“(g) The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund.

“(h) Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The Secretary shall manage the operation of this section so as to ensure that expenditures under this subsection for any fiscal year shall not exceed by more than \$500,000 proceeds credited to the General Post Fund under this section. The operation of the program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President’s budget for each fiscal year.

“§ 1773. Additional services at certain locations

“(a) Subject to the availability of appropriations, the Secretary shall operate a program under this section to expand and improve the provision of benefits and services by the Department to homeless veterans.

“(b) The program shall include the establishment of not fewer than eight programs (in addition to any existing programs providing similar services) at sites under the jurisdiction of the Secretary to be centers for the provision of comprehensive services to homeless veterans. The services to be provided at each site shall include a comprehensive and coordinated array of those specialized services which may be provided under existing law.

“(c) The program shall include the services of such employees of the Veterans Benefits Administration as the Secretary determines appropriate at sites under the jurisdiction of the Secretary at which services are provided to homeless veterans.

“(d) The program under this section shall terminate on December 31, 2001.

Termination
date.

“§ 1774. Coordination with other agencies and organizations

“(a) In assisting homeless veterans, the Secretary shall coordinate with, and may provide services authorized under this title in conjunction with, State and local governments, other appropriate departments and agencies of the Federal Government, and non-governmental organizations.

“(b)(1) The Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the medical center or regional office, as the case may be.

“(2) Each such assessment shall be made in coordination with representatives of State and local governments, other appropriate departments and agencies of the Federal Government, and non-governmental organizations that have experience working with homeless persons in that area.

“(3) Each such assessment shall identify the needs of homeless veterans with respect to the following:

“(A) Health care.

“(B) Education and training.

“(C) Employment.

“(D) Shelter.

“(E) Counseling.

“(F) Outreach services.

“(4) Each assessment shall also indicate the extent to which the needs referred to in paragraph (3) are being met adequately by the programs of the Department, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

“(5) Each assessment shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

“(c) In furtherance of subsection (a), the Secretary shall require the director of each medical center and the director of each regional benefits office, in coordination with representatives of State and local governments, other Federal officials, and nongovernmental organizations that have experience working with homeless persons in the areas served by such facility or office, to—

“(1) develop a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area concerned, together with a description of the services offered by those programs;

“(2) seek to encourage the development by the representatives of such entities, in coordination with the director, of a plan to coordinate among such public and private programs the provision of services to homeless veterans;

“(3) take appropriate action to meet, to the maximum extent practicable through existing programs and available resources, the needs of homeless veterans that are identified in the assessment conducted under subsection (b); and

“(4) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (3) of the services available to such veterans within the area served by such center or office.”.

(b) CONFORMING AMENDMENTS.—(1) Section 1720A is amended—

(A) by striking out subsections (a), (e), (f), and (g); and

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

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

“§ 1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency”.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 7 of Public Law 102-54 (38 U.S.C. 1718 note).

(2) Section 107 of the Veterans’ Medical Programs Amendments of 1992 (38 U.S.C. 527 note).

(3) Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note).

(4) Section 115 of the Veterans’ Benefits and Services Act of 1988 (38 U.S.C. 1712 note).

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 17 is amended—

(1) by striking out the item relating to section 1720A and inserting in lieu thereof the following:

“1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency.”; and

(2) by adding at the end the following:

“SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL
AND HOMELESS VETERANS

- “1771. General treatment.
“1772. Therapeutic housing.
“1773. Additional services at certain locations.
“1774. Coordination with other agencies and organizations.”.

SEC. 203. EXTENSION OF CERTAIN AUTHORITIES RELATING TO HOMELESS VETERANS.

(a) **AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.**—Section 3735(c) is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 1999”.

(b) **EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM.**—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out “September 30, 1997” and inserting in lieu thereof “September 30, 1999”.

(c) **HOMELESS VETERANS’ REINTEGRATION PROJECTS.**—The Stewart B. McKinney Homeless Assistance Act is amended as follows:

(1) Section 738(e)(1) (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following new subparagraph:

“(G) \$10,000,000 for fiscal year 1999.”.

(2) Section 741 (42 U.S.C. 11450) is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 1999”.

SEC. 204. ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 1001 of the Veterans’ Benefits Improvements Act of 1994 (38 U.S.C. 7721 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out “and” at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “; and”; and

(C) by adding at the end the following new subparagraphs:

“(D) evaluate the effectiveness of the programs of the Department (including residential work-therapy programs, programs combining outreach, community-based residential treatment, and case-management, and contract care programs for alcohol and drug-dependence or abuse disabilities) in providing assistance to homeless veterans; and

“(E) evaluate the effectiveness of programs established by recipients of grants under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note), and describe the experience of such recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans.”; and

(2) by striking out subsection (b).

SEC. 205. EXPANSION OF AUTHORITY FOR ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) **FOUR-YEAR EXTENSION OF AUTHORITY.**—Section 8169 is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 2001”.

(b) **REPEAL OF LIMITATION ON NUMBER OF AGREEMENTS.**—(1) Section 8168 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to section 8168.

SEC. 206. PERMANENT AUTHORITY TO FURNISH NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) PERMANENT AUTHORITY.—Subsection (a) of section 1720C is amended by striking out “During” and all that follows through “furnishing of” and inserting in lieu thereof “The Secretary may furnish”.

(b) CONFORMING AMENDMENTS.—(1) Subsections (b)(1) and (d) of such section are amended by striking out “pilot”.

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

“§ 1720C. Noninstitutional alternatives to nursing home care”.

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

“1720C. Noninstitutional alternatives to nursing home care.”.

SEC. 207. EXTENSION OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) EXTENSION.—Section 7618 is amended by striking out “December 31, 1997” and inserting in lieu thereof “December 31, 1998”.

(b) SUBMISSION OF OVERDUE REPORT.—The Secretary of Veterans Affairs shall submit to Congress not later than 180 days after the date of the enactment of this Act the report evaluating the operation of the health professional scholarship program required to be submitted not later than March 31, 1997, under section 202(b) of Public Law 104-110 (110 Stat. 770).

38 USC 7611
note.

SEC. 208. POLICY ON BREAST CANCER MAMMOGRAPHY.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

“§ 7322. Breast cancer mammography policy

“(a) The Under Secretary for Health shall develop a national policy for the Veterans Health Administration on mammography screening for veterans.

“(b) The policy developed under subsection (a) shall—

“(1) specify standards of mammography screening;

“(2) provide recommendations with respect to screening, and the frequency of screening, for—

“(A) women veterans who are over the age of 39; and

“(B) veterans, without regard to age, who have clinical symptoms, risk factors, or family history of breast cancer; and

“(3) provide for clinician discretion.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7321 the following new item:

“7322. Breast cancer mammography policy.”.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall develop the national policy on mammography screening required

38 USC 7322
note.

by section 7322 of title 38, United States Code, as added by subsection (a), and shall furnish such policy in a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 60 days after the date of the enactment of this Act. Such policy shall not take effect before the expiration of 30 days after the date of its submission to those committees.

38 USC 7322
note.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the policy developed under section 7322 of title 38, United States Code, as added by subsection (a), shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

SEC. 209. PERSIAN GULF WAR VETERANS.

(a) CRITERIA FOR PRIORITY HEALTH CARE.—(1) Subsection (a)(2)(F) of section 1710 is amended by striking out “environmental hazard” and inserting in lieu thereof “other conditions”.

(2) Subsection (e)(1)(C) of such section is amended—

(A) by striking out “the Secretary finds may have been exposed while serving” and inserting in lieu thereof “served”;

(B) by striking out “to a toxic substance or environmental hazard”; and

(C) by striking out “exposure” and inserting in lieu thereof “service”.

(3) Subsection (e)(2)(B) of such section is amended by striking out “an exposure” and inserting in lieu thereof “the service”.

38 USC 1710
note.

(b) DEMONSTRATION PROJECTS FOR TREATMENT OF PERSIAN GULF ILLNESS.—(1) The Secretary of Veterans Affairs shall carry out a program of demonstration projects to test new approaches to treating, and improving the satisfaction with such treatment of, Persian Gulf veterans who suffer from undiagnosed and ill-defined disabilities. The program shall be established not later than July 1, 1998, and shall be carried out at up to 10 geographically dispersed medical centers of the Department of Veterans Affairs.

(2) At least one of each of the following models shall be used at no less than two of the demonstration projects:

(A) A specialized clinic which serves Persian Gulf veterans.

(B) Multidisciplinary treatment aimed at managing symptoms.

(C) Use of case managers.

(3) A demonstration project under this subsection may be undertaken in conjunction with another funding entity, including agreements under section 8111 of title 38, United States Code.

(4) The Secretary shall make available from appropriated funds (which have been retained for contingent funding) \$5,000,000 to carry out the demonstration projects.

(5) The Secretary may not approve a medical center as a location for a demonstration project under this subsection unless a peer review panel has determined that the proposal submitted by that medical center is among those proposals that have met the highest competitive standards of clinical merit and the Secretary has determined that the facility has the ability to—

(A) attract the participation of clinicians of outstanding caliber and innovation to the project; and

(B) effectively evaluate the activities of the project.

(6) In determining which medical centers to select as locations for demonstration projects under this subsection, the Secretary shall give special priority to medical centers that have demonstrated

a capability to compete successfully for extramural funding support for research into the effectiveness and cost-effectiveness of the care provided under the demonstration project.

SEC. 210. PRESIDENTIAL REPORT ON PREPARATIONS FOR A NATIONAL RESPONSE TO MEDICAL EMERGENCIES ARISING FROM THE TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—(1) Not later than March 1, 1998, the President shall submit to Congress a report on the plans, preparations, and capability of the Federal Government and State and local governments for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction. The report shall be submitted in unclassified form, but may include a classified annex.

(2) The report should be prepared in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Director of the Federal Emergency Management Agency, and the head of any other department or agency of the Federal Government that may be involved in responding to such emergencies. The President shall designate a lead agency for purposes of the preparation of the report.

(b) CONTENTS.—The report shall include the following:

(1) A description of the steps taken by the Federal Government to plan and prepare for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

(2) A description of the laws and agreements governing the responsibilities of the various departments and agencies of the Federal Government, and of State and local governments, for the response to such emergencies, and an assessment of the interrelationship of such responsibilities under such laws and agreements.

(3) Recommendations, if any, for the simplification or improvement of such responsibilities.

(4) An assessment of the current level of preparedness for such response of all departments and agencies of the Federal Government and State and local governments that are responsible for such response.

(5) A current inventory of the existing medical assets from all sources which can be made available for such response.

(6) Recommendations, if any, for the improved or enhanced use of the resources of the Federal Government and State and local governments for such response.

(7) The name of the official or office of the Federal Government designated to coordinate the response of the Federal Government to such emergencies.

(8) A description of the lines of authority between the departments and agencies of the Federal Government to be involved in the response of the Federal Government to such emergencies.

(9) A description of the roles of each department and agency of the Federal Government to be involved in the preparations for, and implementation of, the response of the Federal Government to such emergencies.

(10) The estimated costs of each department and agency of the Federal Government to prepare for and carry out its role as described under paragraph (9).

(11) A description of the steps, if any, being taken to create a funding mechanism for the response of the Federal Government to such emergencies.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHOR- IZATION

SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs medical center in Memphis, Tennessee, in an amount not to exceed \$34,600,000.

(2) Seismic corrections and clinical and other improvements to the McClellan Hospital at Mather Field, Sacramento, California, in an amount not to exceed \$48,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

(3) Outpatient improvements at Mare Island, Vallejo, California, and Martinez, California, in a total amount not to exceed \$7,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

SEC. 302. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an information management field office, Birmingham, Alabama, in an amount not to exceed \$595,000.

(2) Lease of a satellite outpatient clinic, Jacksonville, Florida, in an amount not to exceed \$3,095,000.

(3) Lease of a satellite outpatient clinic, Boston, Massachusetts, in an amount not to exceed \$5,215,000.

(4) Lease of a satellite outpatient clinic, Canton, Ohio, in an amount not to exceed \$2,115,000.

(5) Lease of a satellite outpatient clinic, Portland, Oregon, in an amount not to exceed \$1,919,000.

(6) Lease of a satellite outpatient clinic, Tulsa, Oklahoma, in an amount not to exceed \$2,112,000.

(7) Lease of an information resources management field office, Salt Lake City, in an amount not to exceed \$652,000.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1998—

(1) for the Construction, Major Projects, account, \$34,600,000 for the project authorized in section 301(1); and

(2) for the Medical Care account, \$15,703,000 for the leases authorized in section 302.

(b) **LIMITATION.**—The projects authorized in section 301 may only be carried out using—

(1) funds appropriated for fiscal year 1998 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1998 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1998 for a category of activity not specific to a project.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS.

(a) **PLOT ALLOWANCE FOR DEATHS IN DEPARTMENT FACILITIES.**—Section 2303(a)(2)(A) is amended by striking out “a Department facility (as defined in section 1701(4) of this title)” and inserting in lieu thereof “a facility of the Department (as defined in section 1701(3) of this title)”.

(b) **EDUCATIONAL ASSISTANCE ALLOWANCE FOR CERTAIN INDIVIDUALS PURSUING COOPERATIVE PROGRAMS.**—Section 3015(e)(1) is amended—

(1) by striking out “(1) Subject to paragraph (2)” and inserting in lieu thereof “(1)(A) Except as provided in subparagraph (B) of this paragraph and subject to paragraph (2)”; and

(2) by adding at the end the following:

“(B) Notwithstanding subparagraph (A) of this paragraph, in the case of an individual described in that subparagraph who is pursuing a cooperative program on or after October 9, 1996, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual for pursuit of full-time institutional training under chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.”.

(c) **ELIGIBILITY OF CERTAIN VEAP PARTICIPANTS TO ENROLL IN MONTGOMERY GI BILL.**—Section 3018C(a) is amended—

(1) in paragraph (1), by striking out “the date of the enactment of the Veterans’ Benefits Improvements Act of 1996” and inserting in lieu thereof “October 9, 1996”;

(2) in paragraph (4), by striking out “during the one-year period specified” and inserting in lieu thereof “after the date on which the individual makes the election described”; and

(3) in paragraph (5), by striking out “the date of the enactment of the Veterans’ Benefits Improvements Act of 1996” and inserting in lieu thereof “October 9, 1996”.

(d) **ENROLLMENT IN OPEN CIRCUIT TELEVISION COURSES.**—Section 3680A(a)(4) is amended by inserting “(including open circuit television)” after “independent study program” the second place it appears.

(e) **ENROLLMENT IN CERTAIN COURSES.**—Section 3680A(g) is amended by striking out “subsections (e) and (f)” and inserting in lieu thereof “subsections (e) and (f)(1)”.

(f) CERTAIN BENEFITS FOR SURVIVING SPOUSES.—Section 5310(b)(2) is amended by striking out “under this paragraph” in the first sentence and inserting in lieu thereof “under paragraph (1)”.

SEC. 402. CLARIFICATION OF CERTAIN HEALTH CARE AUTHORITIES.

(a) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.—Section 1710(a)(2)(B) is amended by striking out “compensable”.

(b) HOME HEALTH SERVICES.—Section 1717(a) is amended—
(1) in paragraph (1), by striking out “veteran’s disability” and inserting in lieu thereof “veteran”; and

(2) in paragraph (2)(B), by striking out “section 1710(a)(2)” and inserting in lieu thereof “section 1710(a)”.

(c) AUTHORITY TO TRANSFER VETERANS RECEIVING OUTPATIENT CARE TO NON-DEPARTMENT NURSING HOMES.—Section 1720(a)(1)(A)(i) is amended by striking out “hospital care, nursing home care, or domiciliary care” and inserting in lieu thereof “care”.

(d) ACQUISITION OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(A) is amended by inserting “(including any Executive order, circular, or other administrative policy)” after “law or regulation”.

(e) COMPETITION IN PROCUREMENT OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(B)(ii) is amended in the second sentence by inserting “, as appropriate,” after “all responsible sources”.

SEC. 403. CORRECTION OF NAME OF MEDICAL CENTER.

The facility of the Department of Veterans Affairs in Columbia, South Carolina, known as the Wm. Jennings Bryan Dorn Veterans’ Hospital shall hereafter be known and designated as the “Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center”. Any reference to that facility in any law, regulation, document, map, record, or other paper of the United States shall be deemed to be a reference to the Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center.

SEC. 404. IMPROVEMENT TO SPINA BIFIDA BENEFITS FOR CHILDREN OF VIETNAM VETERANS.

(a) DEFINITIONS.—The text of section 1801 is amended to read as follows:

“For the purposes of this chapter—

“(1) The term ‘child’, with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

“(2) The term ‘Vietnam veteran’ means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the characterization of the individual’s service.”

(b) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—
(1) Section 1806 is amended to read as follows:

“§ 1806. Applicability of certain administrative provisions

“The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title

shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation."

(2) The item relating to section 1806 in the table of sections at the beginning of chapter 18 is amended to read as follows: "1806. Applicability of certain administrative provisions."

(c) AMENDMENTS TO VOCATIONAL REHABILITATION PROVISIONS.—Section 1804 is amended—

(1) in subsection (b), by striking out "shall be designed" and all that follows and inserting in lieu thereof the following: "shall—

"(1) be designed in consultation with the child in order to meet the child's individual needs;

"(2) be set forth in an individualized written plan of vocational rehabilitation; and

"(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.";

(2) in subsection (c)(1)(B), by striking out "institution of higher education" and inserting in lieu thereof "institution of higher learning"; and

(3) by adding at the end of subsection (d) the following new paragraph:

"(3) A vocational training program under this section may begin on the child's 18th birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's 18th birthday."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1997.

38 USC 1801
note.

Approved November 21, 1997.

LEGISLATIVE HISTORY—S. 714:

SENATE REPORTS: No. 105-123 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Nov. 5, considered and passed Senate.

Nov. 9, considered and passed House, amended.

Nov. 10, Senate concurred in House amendments.

