

(A) Health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety.

(B) A requirement that the costs charged for care by a facility be reasonable, as determined by the Secretary, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographic area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services.

(C) Criteria for determining the resources that a facility needs in order to provide an appropriate level of services to veterans.

(D) Such other criteria as the Secretary determines are appropriate to protect the welfare of veterans placed in a facility under this section.

(3) Payment of the charges of a community residential-care facility for any care or service provided to a veteran whom the Secretary has referred to that facility under this section is not the responsibility of the United States or of the Department.

(c)(1) In order to determine continued compliance by community residential-care facilities that have been approved under subsection (b) of this section with the standards established in regulations prescribed under this section, the Secretary shall provide for periodic inspection of such facilities.

(2) If the Secretary determines that a facility is not in compliance with such standards, the Secretary (in accordance with regulations prescribed under this section)—

(A) shall cease to refer veterans to such facility; and

(B) may, with the permission of the veteran (or the person or entity authorized by law to give permission on behalf of the veteran), assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of the facility, a hearing before any action authorized by this paragraph is taken.

(d) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include the standards required by subsection (b) of this section.

(e)(1) To the extent possible, the Secretary shall make available each report of an inspection of a community residential-care facility under subsection (b)(2) or (c)(1) of this section to each Federal, State, and local agency charged with the responsibility of licensing or otherwise regulating or inspecting such facility.

(2) The Secretary shall make the standards prescribed in regulations under subsection (d) of this section available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting community residential-care facilities.

(f) For the purpose of this section, the term "community residential-care facility" means a facility that provides room and board and such limited personal care for and supervision of residents as the Secretary determines, in accord-

ance with regulations prescribed under this section, are necessary for the health, safety, and welfare of residents.

(Added Pub. L. 98-160, title I, §104(a), Nov. 21, 1983, 97 Stat. 996, §630; amended Pub. L. 102-54, §14(b)(15), June 13, 1991, 105 Stat. 284; renumbered §1730 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

#### AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 630 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 102-54 struck out "(1)" after "(a)" and redesignated former subpar. (A) as par. (1), cls. (i) and (ii) as subpars. (A) and (B), respectively, and former subpar. (B) as par. (2).

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing and "Secretary's" for "Administrator's" in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in par. (3).

Subsecs. (c) to (f). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

#### SUBCHAPTER IV—HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES

#### AMENDMENTS

1981—Pub. L. 97-72, title I, §107(d)(1), Nov. 3, 1981, 95 Stat. 1053, substituted "HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES" for "HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS" in subchapter heading.

#### § 1731. Assistance to the Republic of the Philippines

The President is authorized to assist the Republic of the Philippines in fulfilling its responsibility in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

(Added Pub. L. 93-82, title I, §107(a), Aug. 2, 1973, 87 Stat. 184, §631; amended Pub. L. 97-72, title I, §107(b), Nov. 3, 1981, 95 Stat. 1052; renumbered §1731, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

#### PRIOR PROVISIONS

Prior section 1731 was renumbered section 3531 of this title.

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 631 of this title as this section.

1981—Pub. L. 97-72 inserted "in fulfilling its responsibility" after "The President is authorized to assist the Republic of the Philippines".

#### EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

**§ 1732. Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center**

(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on October 1, 1981, and ending on September 30, 1994, under which the United States—

(1) will provide for payments for hospital care and medical services (including nursing home care) in the Veterans Memorial Medical Center, as authorized by section 1724 of this title and on the terms and conditions set forth in such section, to eligible United States veterans at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

(2) may provide that payments for such hospital care and medical services provided to eligible United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Secretary to the Veterans Memorial Medical Center at valuations therefor as determined by the Secretary, who may furnish such medicines, medical supplies, and equipment through the revolving supply fund pursuant to section 8121 of this title.

(b)(1) To further assure the effective care and treatment of United States veterans in the Veterans Memorial Medical Center, there is authorized to be appropriated for each fiscal year during the period beginning on October 1, 1981, and ending on September 30, 1990, the sum of \$1,000,000 to be used by the Secretary for making grants to the Veterans Memorial Medical Center for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such center.

(2) Grants under this subsection shall be made on such terms and conditions as prescribed by the Secretary. Such terms and conditions may include a requirement of prior approval by the Secretary of the uses of the funds provided by such grants.

(3) Funds for such grants may be provided only from appropriations made to the Department for the specific purpose of making such grants.

(c) The Secretary may stop payments under a contract or grant under this section upon reasonable notice as stipulated by the contract or grant if the Republic of the Philippines and the Veterans Memorial Medical Center do not maintain the medical center in a well-equipped and effective operating condition as determined by the Secretary.

(d)(1) The authority of the Secretary to enter into contracts and to make grants under this section is effective for any fiscal year only to the extent that appropriations are available for that purpose.

(2) Appropriations made for the purpose of this section shall remain available until expended.

(Added Pub. L. 93-82, title I, §107(a), Aug. 2, 1973, 87 Stat. 184, §632; amended Pub. L. 94-581, title

II, §210(a)(14), Oct. 21, 1976, 90 Stat. 2863; Pub. L. 95-520, §3(b), Oct. 26, 1978, 92 Stat. 1820; Pub. L. 97-72, title I, §107(c)(1), Nov. 3, 1981, 95 Stat. 1052; Pub. L. 99-576, title II, §206(a)(1), Oct. 28, 1986, 100 Stat. 3256; Pub. L. 100-687, div. B, title XV, §1502(a), (b), Nov. 18, 1988, 102 Stat. 4132; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1732 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title III, §304(a), Aug. 14, 1991, 105 Stat. 416; Pub. L. 102-585, title V, §503, Nov. 4, 1992, 106 Stat. 4955.)

PRIOR PROVISIONS

Prior section 1732 was renumbered section 3532 of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-585 substituted “September 30, 1994” for “September 30, 1992”.

1991—Pub. L. 102-83, §5(a), renumbered section 632 of this title as this section.

Subsec. (a). Pub. L. 102-86 amended subsec. (a) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting “1992” for “1990”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (a)(1). Pub. L. 102-83, §5(c)(1), substituted “1724” for “624”.

Subsec. (a)(2). Pub. L. 102-40, §402(d)(1), substituted “8121” for “5021”.

Subsec. (b)(1), (2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b)(3). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsecs. (c), (d)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

1988—Subsecs. (a), (b)(1). Pub. L. 100-687 substituted “1990” for “1989” in subsec. (a) and substituted “1990” for “1989” and “\$1,000,000” for “\$500,000” in subsec. (b)(1).

1986—Subsecs. (a), (b)(1). Pub. L. 99-576 substituted “September 30, 1989” for “September 30, 1986”.

1981—Pub. L. 97-72 amended section generally, first by substituting Sept. 30, 1986, for Sept. 30, 1981, as the ending date for the period during which the President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into contracts with the Veterans Memorial Medical Center to provide for payments for hospital care and medical services, and by including nursing home care, for eligible United States veterans as authorized by and on the same conditions as set forth in section 624, with such care to consist in whole or in part of available medicines, medical supplies, and equipment furnished through the revolving supply fund, pursuant to section 5021, at valuations determined by the Administrator using available appropriations for payments and with the per diem rate for such care and services to be jointly determined annually by the two Governments as fair and reasonable, second by increasing from \$50,000 to \$500,000 per year the size of grants to replace and upgrade equipment and rehabilitate the Center’s physical plant, third by continuing the Administrator’s authority to stop payments in certain cases, and fourth by limiting the Administrator’s authority to contract for hospital care and to make grants for any fiscal year, to the extent that appropriations are available for that purpose.

1978—Subsec. (a). Pub. L. 95-520, §3(b)(1), (2), substituted “Veterans Memorial Medical Center” for “Veterans Memorial Hospital” in introductory text and pars. (1), (2), (5), and (7), and in introductory text, substituted “enter into contracts” for “enter into a contract” and “September 30, 1981” for “June 30, 1978”.

Subsec. (b). Pub. L. 95-520, §3(b)(3), substituted “October 1, 1981” for “July 1, 1978”.

Subsec. (c). Pub. L. 95-520, §3(b)(1), substituted "Veterans Memorial Medical Center" for "Veterans Memorial Hospital".

Subsec. (d). Pub. L. 95-520, §3(b)(1), (4), substituted "Veterans Memorial Medical Center" for "Veterans Memorial Hospital" in three places and "occurring during the period beginning July 1, 1973, and ending September 30, 1981" for "during the five years beginning July 1, 1973, and ending June 30, 1978".

1976—Subsec. (d). Pub. L. 94-581 substituted "approval by the Administrator" for "approved by him".

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

#### EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

#### SAVINGS PROVISION

Section 107(c) of Pub. L. 93-82 provided that section 107(a) of Pub. L. 93-82, enacting this section and section 631 [now 1731] of this title, did not affect any right, cause, obligation, contract (including the contract executed Apr. 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Pub. L. 89-612, which was to remain in effect until modified or superseded by an agreement executed under authority of Pub. L. 93-82), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under this section in effect on the day before Aug. 2, 1973.

#### RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS IN CARRYING OUT THIS SECTION

Section 304(b) of Pub. L. 102-86 provided that: "Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 [now 1732] of title 38, United States Code, by contract or otherwise, during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act [Aug. 14, 1991] are hereby ratified."

#### RATIFICATION OF ACTION OF ADMINISTRATOR IN CONTRACTING

Section 206(a)(2) of Pub. L. 99-576 ratified actions by the Administrator of Veterans' Affairs in contracting under subsec. (a) of this section with respect to the period beginning Oct. 1, 1986, and ending Oct. 28, 1986.

#### REPORTS ON USE OF FUNDS

Section 206(b) of Pub. L. 99-576 directed Administrator of Veterans' Affairs, not later than Feb. 1, 1987, 1988, and 1989, to submit to Congress a report describing use of funds provided to Republic of the Philippines under subsec. (b) of this section during the preceding fiscal year.

### § 1733. Supervision of program by the President

The President, or any officer of the United States to whom the President may delegate authority under this section, may from time to time prescribe such rules and regulations and impose such conditions on the receipt of financial aid as may be necessary to carry out this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146, §633; Pub. L. 94-581, title II, §210(a)(15), Oct. 21, 1976, 90 Stat. 2863; renumbered §1733, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

#### PRIOR PROVISIONS

Prior section 1733 was renumbered section 3533 of this title.

Another prior section 1733, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1198, as amended by Pub. L. 91-219, title II, §206(b), Mar. 26, 1970, 84 Stat. 82; Pub. L. 91-584, §12, Dec. 24, 1970, 84 Stat. 1577, related to measurement of courses, prior to the general amendment of this section by Pub. L. 92-540, title III, §313, Oct. 24, 1972, 86 Stat. 1084. See section 3688 of this title.

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 633 of this title as this section.

1976—Pub. L. 94-581 substituted "the President" for "he" and struck out "his" before "authority".

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

#### EX. ORD. NO. 11762. DELEGATION OF AUTHORITY TO ADMINISTRATOR OF VETERANS' AFFAIRS RELATING TO GRANTS-IN-AID TO REPUBLIC OF THE PHILIPPINES FOR MEDICAL CARE AND TREATMENT OF VETERANS

Ex. Ord. No. 11762, Jan. 17, 1974, 39 F.R. 2347, provided: By virtue of the authority vested in me by section 633 [now 1733] of title 38 and by section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) Subject to the provisions of subsections (b) and (c) of this section, the Administrator of Veterans' Affairs is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by sections 631, 632, 633, and 634 [now 1731, 1732, 1733, and 1734] of title 38 of the United States Code, as amended by section 107(a) of the Veterans Health Care Expansion Act of 1973 (Public Law 93-82; Stat. 184).

(b) The Secretary of State shall negotiate the agreement, and any modifications thereby with the Republic of the Philippines required by the provisions of sections 631, 632, 633, and 634 [now 1731, 1732, 1733, and 1734] of title 38 of the United States Code.

(c) All rules and regulations prescribed by the Administrator pursuant to the authority delegated to him by this order shall be subject to prior approval by the Director of the Office of Management and Budget.

SEC. 2. Nothing in this order shall be construed as modifying or terminating any other authority heretofore delegated by the President to the Administrator of Veterans' Affairs.

RICHARD NIXON.

### § 1734. Hospital and nursing home care and medical services in the United States

(a) The Secretary shall furnish hospital and nursing home care and medical services to any individual described in subsection (b) in the same manner, and subject to the same terms and conditions, as apply to the furnishing of such care and services to individuals who are veterans as defined in section 101(2) of this title. Any disability of an individual described in subsection (b) that is a service-connected disability for purposes of this subchapter (as provided for under section 1735(2) of this title) shall be considered to be a service-connected disability for purposes of furnishing care and services under the preceding sentence.

(b) Subsection (a) applies to any individual who is a Commonwealth Army veteran or new Philippine Scout and who—

(1) is residing in the United States; and

(2) is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

(Added Pub. L. 96-22, title I, §106(a), June 13, 1979, 93 Stat. 53, §634; renumbered §1734 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 106-377, §1(a)(1) [title V, §501(b)], Oct. 27, 2000, 114 Stat. 1441, 1441A-57; Pub. L. 108-170, title I, §103, Dec. 6, 2003, 117 Stat. 2044.)

#### PRIOR PROVISIONS

Prior section 1734 was renumbered section 3534 of this title.

Another prior section 1734, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199, as amended by Pub. L. 89-358, §4(m), Mar. 3, 1966, 80 Stat. 25, related to overcharging of eligible persons by educational institutions, prior to the general amendment of this section by Pub. L. 92-540, title III, §313, Oct. 24, 1972, 86 Stat. 1084. See section 3690 of this title.

#### AMENDMENTS

2003—Pub. L. 108-170 amended text generally. Prior to amendment, text read as follows:

“(a) The Secretary, within the limits of Department facilities, may furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts for the treatment of the service-connected disabilities of such veterans and scouts.

“(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.”

2000—Pub. L. 106-377 designated existing provisions as subsec. (a) and added subsec. (b).

1991—Pub. L. 102-83, §5(a), renumbered section 634 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

#### EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

### § 1735. Definitions

For the purposes of this subchapter—

(1) The term “Commonwealth Army veterans” means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable. The term “new Philippine Scouts” means persons who served in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who were discharged or released from such service under conditions other than dishonorable.

(2) The term “service-connected disabilities” means disabilities determined by the Secretary

under laws administered by the Secretary to have been incurred in or aggravated by the service described in paragraph (1) in line of duty.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146, §634; Pub. L. 89-612, §3, Sept. 30, 1966, 80 Stat. 861; renumbered §635, Pub. L. 96-22, title I, §106(a), June 13, 1979, 93 Stat. 53; renumbered §1735 and amended Pub. L. 102-83, §§4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403-406.)

#### REFERENCES IN TEXT

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in par. (1), is section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

#### PRIOR PROVISIONS

Prior sections 1735 and 1736 were renumbered sections 3535 and 3536 of this title, respectively.

Another prior section 1736, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, §3, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89-358, §4(o), Mar. 3, 1966, 80 Stat. 25, related to discontinuance of the educational assistance allowance by the Administrator, prior to repeal by Pub. L. 92-540, title IV, §402(2), Oct. 24, 1972, 86 Stat. 1090. See section 3690 of this title.

Prior section 1737 was renumbered section 3537 of this title.

Another prior section 1737, added Pub. L. 93-508, title III, §303(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97-35, title XX, §2005(c), Aug. 13, 1981, 95 Stat. 783, related to entitlement of any eligible person, before Oct. 1, 1981, to an education loan, prior to repeal by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1737 was renumbered section 1736 of this title.

Prior section 1738, added Pub. L. 95-202, title II, §201(b), Nov. 23, 1977, 91 Stat. 1437, related to accelerated payment of educational assistance allowances, prior to repeal by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

#### AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 635 of this title as this section.

Par. (2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” before “under”.

Pub. L. 102-83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

1966—Par. (1). Pub. L. 89-612 inserted definition of “new Philippine Scouts”.

### SUBCHAPTER V—PAYMENTS TO STATE HOMES

#### § 1741. Criteria for payment

(a)(1) Except as provided in section 1745 of this title, the Secretary shall pay each State at the per diem rate of—

(A) \$8.70 for domiciliary care; and

(B) \$20.35 for nursing home care and hospital care,

for each veteran receiving such care in a State home, if such veteran is eligible for such care in a Department facility.

(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving extended care services described in any of paragraphs (4) through (6) of section 1710B(a) of this title under a program ad-