

In the House of Representatives, U. S.,

April 21, 2010.

Resolved, That the bill from the Senate (S. 1963) entitled “An Act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Caregivers and Veterans Omnibus Health Services Act of*
4 *2010”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—CAREGIVER SUPPORT

Sec. 101. Assistance and support services for caregivers.

Sec. 102. Medical care for family caregivers.

Sec. 103. Counseling and mental health services for caregivers.

Sec. 104. Lodging and subsistence for attendants.

TITLE II—WOMEN VETERANS HEALTH CARE MATTERS

Sec. 201. Study of barriers for women veterans to health care from the Department of Veterans Affairs.

Sec. 202. Training and certification for mental health care providers of the Department of Veterans Affairs on care for veterans suffering from sexual trauma and post-traumatic stress disorder.

Sec. 203. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.

- Sec. 204. Service on certain advisory committees of women recently separated from service in the Armed Forces.*
- Sec. 205. Pilot program on assistance for child care for certain veterans receiving health care.*
- Sec. 206. Care for newborn children of women veterans receiving maternity care.*

TITLE III—RURAL HEALTH IMPROVEMENTS

- Sec. 301. Improvements to the Education Debt Reduction Program.*
- Sec. 302. Visual impairment and orientation and mobility professionals education assistance program.*
- Sec. 303. Demonstration projects on alternatives for expanding care for veterans in rural areas.*
- Sec. 304. Program on readjustment and mental health care services for veterans who served in Operation Enduring Freedom and Operation Iraqi Freedom.*
- Sec. 305. Travel reimbursement for veterans receiving treatment at facilities of the Department of Veterans Affairs.*
- Sec. 306. Pilot program on incentives for physicians who assume inpatient responsibilities at community hospitals in health professional shortage areas.*
- Sec. 307. Grants for veterans service organizations for transportation of highly rural veterans.*
- Sec. 308. Modification of eligibility for participation in pilot program of enhanced contract care authority for health care needs of certain veterans.*

TITLE IV—MENTAL HEALTH CARE MATTERS

- Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Enduring Freedom or Operation Iraqi Freedom for counseling and services through Readjustment Counseling Service.*
- Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.*
- Sec. 403. Study on suicides among veterans.*

TITLE V—OTHER HEALTH CARE MATTERS

- Sec. 501. Repeal of certain annual reporting requirements.*
- Sec. 502. Submittal date of annual report on Gulf War research.*
- Sec. 503. Payment for care furnished to CHAMPVA beneficiaries.*
- Sec. 504. Disclosure of patient treatment information from medical records of patients lacking decisionmaking capacity.*
- Sec. 505. Enhancement of quality management.*
- Sec. 506. Pilot program on use of community-based organizations and local and State government entities to ensure that veterans receive care and benefits for which they are eligible.*
- Sec. 507. Specialized residential care and rehabilitation for certain veterans.*
- Sec. 508. Expanded study on the health impact of Project Shipboard Hazard and Defense.*
- Sec. 509. Use of non-Department facilities for rehabilitation of individuals with traumatic brain injury.*
- Sec. 510. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.*

- Sec. 511. Prohibition on collection of copayments from veterans who are catastrophically disabled.*
- Sec. 512. Higher priority status for certain veterans who are medal of honor recipients.*
- Sec. 513. Hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to herbicide and veterans of the Persian Gulf War.*
- Sec. 514. Establishment of Director of Physician Assistant Services in Veterans Health Administration.*
- Sec. 515. Committee on Care of Veterans with Traumatic Brain Injury.*
- Sec. 516. Increase in amount available to disabled veterans for improvements and structural alterations furnished as part of home health services.*
- Sec. 517. Extension of statutorily defined copayments for certain veterans for hospital care and nursing home care.*
- Sec. 518. Extension of authority to recover cost of certain care and services from disabled veterans with health-plan contracts.*

TITLE VI—DEPARTMENT PERSONNEL MATTERS

- Sec. 601. Enhancement of authorities for retention of medical professionals.*
- Sec. 602. Limitations on overtime duty, weekend duty, and alternative work schedules for nurses.*
- Sec. 603. Reauthorization of health professionals educational assistance scholarship program.*
- Sec. 604. Loan repayment program for clinical researchers from disadvantaged backgrounds.*

TITLE VII—HOMELESS VETERANS MATTERS

- Sec. 701. Per diem grant payments to nonconforming entities.*

TITLE VIII—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

- Sec. 801. General authorities on establishment of corporations.*
- Sec. 802. Clarification of purposes of corporations.*
- Sec. 803. Modification of requirements for boards of directors of corporations.*
- Sec. 804. Clarification of powers of corporations.*
- Sec. 805. Redesignation of section 7364A of title 38, United States Code.*
- Sec. 806. Improved accountability and oversight of corporations.*

TITLE IX—CONSTRUCTION AND NAMING MATTERS

- Sec. 901. Authorization of medical facility projects.*
- Sec. 902. Designation of Merrill Lundman Department of Veterans Affairs Outpatient Clinic, Havre, Montana.*
- Sec. 903. Designation of William C. Tallent Department of Veterans Affairs Outpatient Clinic, Knoxville, Tennessee.*
- Sec. 904. Designation of Max J. Beilke Department of Veterans Affairs Outpatient Clinic, Alexandria, Minnesota.*

TITLE X—OTHER MATTERS

- Sec. 1001. Expansion of authority for Department of Veterans Affairs police officers.*
- Sec. 1002. Uniform allowance for Department of Veterans Affairs police officers.*

Sec. 1003. Submission of reports to Congress by Secretary of Veterans Affairs in electronic form.

Sec. 1004. Determination of budgetary effects for purposes of compliance with Statutory Pay-As-You-Go Act of 2010.

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

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

7 **TITLE I—CAREGIVER SUPPORT**

8 **SEC. 101. ASSISTANCE AND SUPPORT SERVICES FOR CARE-**
 9 **GIVERS.**

10 *(a) ASSISTANCE AND SUPPORT SERVICES.—*

11 *(1) IN GENERAL.—Subchapter II of chapter 17 is*
 12 *amended by adding at the end the following new sec-*
 13 *tion:*

14 **“§1720G. Assistance and support services for care-**
 15 **givers**

16 *“(a) PROGRAM OF COMPREHENSIVE ASSISTANCE FOR*
 17 *FAMILY CAREGIVERS.—(1)(A) The Secretary shall establish*
 18 *a program of comprehensive assistance for family caregivers*
 19 *of eligible veterans.*

20 *“(B) The Secretary shall only provide support under*
 21 *the program required by subparagraph (A) to a family*
 22 *caregiver of an eligible veteran if the Secretary determines*
 23 *it is in the best interest of the eligible veteran to do so.*

1 “(2) For purposes of this subsection, an eligible veteran
2 is any individual who—

3 “(A) is a veteran or member of the Armed Forces
4 undergoing medical discharge from the Armed Forces;

5 “(B) has a serious injury (including traumatic
6 brain injury, psychological trauma, or other mental
7 disorder) incurred or aggravated in the line of duty
8 in the active military, naval, or air service on or
9 after September 11, 2001; and

10 “(C) is in need of personal care services because
11 of—

12 “(i) an inability to perform one or more ac-
13 tivities of daily living;

14 “(ii) a need for supervision or protection
15 based on symptoms or residuals of neurological
16 or other impairment or injury; or

17 “(iii) such other matters as the Secretary
18 considers appropriate.

19 “(3)(A) As part of the program required by paragraph
20 (1), the Secretary shall provide to family caregivers of eligi-
21 ble veterans the following assistance:

22 “(i) To each family caregiver who is approved as
23 a provider of personal care services for an eligible vet-
24 eran under paragraph (6)—

1 “(I) such instruction, preparation, and
2 training as the Secretary considers appropriate
3 for the family caregiver to provide personal care
4 services to the eligible veteran;

5 “(II) ongoing technical support consisting
6 of information and assistance to address, in a
7 timely manner, the routine, emergency, and spe-
8 cialized caregiving needs of the family caregiver
9 in providing personal care services to the eligible
10 veteran;

11 “(III) counseling; and

12 “(IV) lodging and subsistence under section
13 111(e) of this title.

14 “(ii) To each family caregiver who is designated
15 as the primary provider of personal care services for
16 an eligible veteran under paragraph (7)—

17 “(I) the assistance described in clause (i);

18 “(II) such mental health services as the Sec-
19 retary determines appropriate;

20 “(III) respite care of not less than 30 days
21 annually, including 24-hour per day care of the
22 veteran commensurate with the care provided by
23 the family caregiver to permit extended respite;

24 “(IV) medical care under section 1781 of
25 this title; and

1 “(V) a monthly personal caregiver stipend.

2 “(B) Respite care provided under subparagraph
3 (A)(ii)(III) shall be medically and age-appropriate and in-
4 clude in-home care.

5 “(C)(i) The amount of the monthly personal caregiver
6 stipend provided under subparagraph (A)(ii)(V) shall be de-
7 termined in accordance with a schedule established by the
8 Secretary that specifies stipends based upon the amount
9 and degree of personal care services provided.

10 “(ii) The Secretary shall ensure, to the extent prac-
11 ticable, that the schedule required by clause (i) specifies that
12 the amount of the monthly personal caregiver stipend pro-
13 vided to a primary provider of personal care services for
14 the provision of personal care services to an eligible veteran
15 is not less than the monthly amount a commercial home
16 health care entity would pay an individual in the geo-
17 graphic area of the eligible veteran to provide equivalent
18 personal care services to the eligible veteran.

19 “(iii) If personal care services are not available from
20 a commercial home health entity in the geographic area of
21 an eligible veteran, the amount of the monthly personal
22 caregiver stipend payable under the schedule required by
23 clause (i) with respect to the eligible veteran shall be deter-
24 mined by taking into consideration the costs of commercial
25 providers of personal care services in providing personal

1 *care services in geographic areas other than the geographic*
2 *area of the eligible veteran with similar costs of living.*

3 “(4) *An eligible veteran and a family member of the*
4 *eligible veteran seeking to participate in the program re-*
5 *quired by paragraph (1) shall jointly submit to the Sec-*
6 *retary an application therefor in such form and in such*
7 *manner as the Secretary considers appropriate.*

8 “(5) *For each application submitted jointly by an eli-*
9 *gible veteran and family member, the Secretary shall evalu-*
10 *ate—*

11 “(A) *the eligible veteran—*

12 “(i) *to identify the personal care services re-*
13 *quired by the eligible veteran; and*

14 “(ii) *to determine whether such require-*
15 *ments could be significantly or substantially sat-*
16 *isfied through the provision of personal care*
17 *services from a family member; and*

18 “(B) *the family member to determine the amount*
19 *of instruction, preparation, and training, if any, the*
20 *family member requires to provide the personal care*
21 *services required by the eligible veteran—*

22 “(i) *as a provider of personal care services*
23 *for the eligible veteran; and*

24 “(ii) *as the primary provider of personal*
25 *care services for the eligible veteran.*

1 “(6)(A) *The Secretary shall provide each family mem-*
2 *ber of an eligible veteran who makes a joint application*
3 *under paragraph (4) the instruction, preparation, and*
4 *training determined to be required by such family member*
5 *under paragraph (5)(B).*

6 “(B) *Upon the successful completion by a family mem-*
7 *ber of an eligible veteran of instruction, preparation, and*
8 *training under subparagraph (A), the Secretary shall ap-*
9 *prove the family member as a provider of personal care*
10 *services for the eligible veteran.*

11 “(C) *The Secretary shall, subject to regulations the*
12 *Secretary shall prescribe, provide for necessary travel, lodg-*
13 *ing, and per diem expenses incurred by a family member*
14 *of an eligible veteran in undergoing instruction, prepara-*
15 *tion, and training under subparagraph (A).*

16 “(D) *If the participation of a family member of an*
17 *eligible veteran in instruction, preparation, and training*
18 *under subparagraph (A) would interfere with the provision*
19 *of personal care services to the eligible veteran, the Sec-*
20 *retary shall, subject to regulations as the Secretary shall*
21 *prescribe and in consultation with the veteran, provide res-*
22 *pite care to the eligible veteran during the provision of such*
23 *instruction, preparation, and training to the family mem-*
24 *ber so that the family member can participate in such in-*

1 *struction, preparation, and training without interfering*
2 *with the provision of such services to the eligible veteran.*

3 “(7)(A) *For each eligible veteran with at least one fam-*
4 *ily member who is described by subparagraph (B), the Sec-*
5 *retary shall designate one family member of such eligible*
6 *veteran as the primary provider of personal care services*
7 *for such eligible veteran.*

8 “(B) *A primary provider of personal care services des-*
9 *ignated for an eligible veteran under subparagraph (A)*
10 *shall be selected from among family members of the eligible*
11 *veteran who—*

12 “(i) *are approved under paragraph (6) as a pro-*
13 *vider of personal care services for the eligible veteran;*

14 “(ii) *elect to provide the personal care services to*
15 *the eligible veteran that the Secretary determines the*
16 *eligible veteran requires under paragraph (5)(A)(i);*

17 “(iii) *has the consent of the eligible veteran to be*
18 *the primary provider of personal care services for the*
19 *eligible veteran; and*

20 “(iv) *are considered by the Secretary as com-*
21 *petent to be the primary provider of personal care*
22 *services for the eligible veteran.*

23 “(C) *An eligible veteran receiving personal care serv-*
24 *ices from a family member designated as the primary pro-*
25 *vider of personal care services for the eligible veteran under*

1 *subparagraph (A) may, in accordance with procedures the*
2 *Secretary shall establish for such purposes, revoke consent*
3 *with respect to such family member under subparagraph*
4 *(B)(iii).*

5 “(D) *If a family member designated as the primary*
6 *provider of personal care services for an eligible veteran*
7 *under subparagraph (A) subsequently fails to meet any re-*
8 *quirement set forth in subparagraph (B), the Secretary—*

9 “(i) *shall immediately revoke the family mem-*
10 *ber’s designation under subparagraph (A); and*

11 “(ii) *may designate, in consultation with the eli-*
12 *gible veteran, a new primary provider of personal*
13 *care services for the eligible veteran under such sub-*
14 *paragraph.*

15 “(E) *The Secretary shall take such actions as may be*
16 *necessary to ensure that the revocation of a designation*
17 *under subparagraph (A) with respect to an eligible veteran*
18 *does not interfere with the provision of personal care serv-*
19 *ices required by the eligible veteran.*

20 “(8) *If an eligible veteran lacks the capacity to make*
21 *a decision under this subsection, the Secretary may, in ac-*
22 *cordance with regulations and policies of the Department*
23 *regarding appointment of guardians or the use of powers*
24 *of attorney, appoint a surrogate for the eligible veteran who*

1 *may make decisions and take action under this subsection*
2 *on behalf of the eligible veteran.*

3 “(9)(A) *The Secretary shall monitor the well-being of*
4 *each eligible veteran receiving personal care services under*
5 *the program required by paragraph (1).*

6 “(B) *The Secretary shall document each finding the*
7 *Secretary considers pertinent to the appropriate delivery of*
8 *personal care services to an eligible veteran under the pro-*
9 *gram.*

10 “(C) *The Secretary shall establish procedures to ensure*
11 *appropriate follow-up regarding findings described in sub-*
12 *paragraph (B). Such procedures may include the following:*

13 “(i) *Visiting an eligible veteran in the eligible*
14 *veteran’s home to review directly the quality of per-*
15 *sonal care services provided to the eligible veteran.*

16 “(ii) *Taking such corrective action with respect*
17 *to the findings of any review of the quality of per-*
18 *sonal care services provided an eligible veteran as the*
19 *Secretary considers appropriate, which may in-*
20 *clude—*

21 “(I) *providing additional training to a*
22 *family caregiver; and*

23 “(II) *suspending or revoking the approval*
24 *of a family caregiver under paragraph (6) or the*

1 *designation of a family caregiver under para-*
2 *graph (7).*

3 “(10) *The Secretary shall carry out outreach to inform*
4 *eligible veterans and family members of eligible veterans of*
5 *the program required by paragraph (1) and the benefits of*
6 *participating in the program.*

7 “(b) *PROGRAM OF GENERAL CAREGIVER SUPPORT*
8 *SERVICES.—(1) The Secretary shall establish a program of*
9 *support services for caregivers of covered veterans who are*
10 *enrolled in the health care system established under section*
11 *1705(a) of this title (including caregivers who do not reside*
12 *with such veterans).*

13 “(2) *For purposes of this subsection, a covered veteran*
14 *is any individual who needs personal care services because*
15 *of—*

16 “(A) *an inability to perform one or more activi-*
17 *ties of daily living;*

18 “(B) *a need for supervision or protection based*
19 *on symptoms or residuals of neurological or other im-*
20 *pairment or injury; or*

21 “(C) *such other matters as the Secretary shall*
22 *specify.*

23 “(3)(A) *The support services furnished to caregivers of*
24 *covered veterans under the program required by paragraph*
25 *(1) shall include the following:*

1 “(i) Services regarding the administering of per-
2 sonal care services, which, subject to subparagraph
3 (B), shall include—

4 “(I) educational sessions made available
5 both in person and on an Internet website;

6 “(II) use of telehealth and other available
7 technologies; and

8 “(III) teaching techniques, strategies, and
9 skills for caring for a disabled veteran;

10 “(ii) Counseling and other services under section
11 1782 of this title.

12 “(iii) Respite care under section 1720B of this
13 title that is medically and age appropriate for the
14 veteran (including 24-hour per day in-home care).

15 “(iv) Information concerning the supportive
16 services available to caregivers under this subsection
17 and other public, private, and nonprofit agencies that
18 offer support to caregivers.

19 “(B) If the Secretary certifies to the Committees on
20 Veterans’ Affairs of the Senate and the House of Representa-
21 tives that funding available for a fiscal year is insufficient
22 to fund the provision of services specified in one or more
23 subclauses of subparagraph (A)(i), the Secretary shall not
24 be required under subparagraph (A) to provide the services
25 so specified in the certification during the period beginning

1 *on the date that is 180 days after the date the certification*
2 *is received by the Committees and ending on the last day*
3 *of the fiscal year.*

4 “(4) *In providing information under paragraph*
5 *(3)(A)(iv), the Secretary shall collaborate with the Assistant*
6 *Secretary for Aging of the Department of Health and*
7 *Human Services in order to provide caregivers access to*
8 *aging and disability resource centers under the Administra-*
9 *tion on Aging of the Department of Health and Human*
10 *Services.*

11 “(5) *In carrying out the program required by para-*
12 *graph (1), the Secretary shall conduct outreach to inform*
13 *covered veterans and caregivers of covered veterans about*
14 *the program. The outreach shall include an emphasis on*
15 *covered veterans and caregivers of covered veterans living*
16 *in rural areas.*

17 “(c) *CONSTRUCTION.—(1) A decision by the Secretary*
18 *under this section affecting the furnishing of assistance or*
19 *support shall be considered a medical determination.*

20 “(2) *Nothing in this section shall be construed to cre-*
21 *ate—*

22 “(A) *an employment relationship between the*
23 *Secretary and an individual in receipt of assistance*
24 *or support under this section; or*

1 “(B) any entitlement to any assistance or sup-
2 port provided under this section.

3 “(d) DEFINITIONS.—In this section:

4 “(1) The term ‘caregiver’, with respect to an eli-
5 gible veteran under subsection (a) or a covered vet-
6 eran under subsection (b), means an individual who
7 provides personal care services to the veteran.

8 “(2) The term ‘family caregiver’, with respect to
9 an eligible veteran under subsection (a), means a
10 family member who is a caregiver of the veteran.

11 “(3) The term ‘family member’, with respect to
12 an eligible veteran under subsection (a), means an in-
13 dividual who—

14 “(A) is a member of the family of the vet-
15 eran, including—

16 “(i) a parent;

17 “(ii) a spouse;

18 “(iii) a child;

19 “(iv) a step-family member; and

20 “(v) an extended family member; or

21 “(B) lives with the veteran but is not a
22 member of the family of the veteran.

23 “(4) The term ‘personal care services’, with re-
24 spect to an eligible veteran under subsection (a) or a

1 covered veteran under subsection (b), means services
2 that provide the veteran the following:

3 “(A) Assistance with one or more inde-
4 pendent activities of daily living.

5 “(B) Any other non-institutional extended
6 care (as such term is used in section 1701(6)(E)
7 of this title).

8 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
9 authorized to be appropriated to carry out the programs
10 required by subsections (a) and (b)—

11 “(1) \$60,000,000 for fiscal year 2010; and

12 “(2) \$1,542,000,000 for the period of fiscal years
13 2011 through 2015.”.

14 (2) *CLERICAL AMENDMENT.*—The table of sec-
15 tions at the beginning of chapter 17 is amended by
16 inserting after the item related to section 1720F the
17 following new item:

“1720G. Assistance and support services for caregivers.”.

18 (3) *EFFECTIVE DATE.*—

19 (A) *IN GENERAL.*—The amendments made
20 by this subsection shall take effect on the date
21 that is 270 days after the date of the enactment
22 of this Act.

23 (B) *IMPLEMENTATION.*—The Secretary of
24 Veterans Affairs shall commence the programs
25 required by subsections (a) and (b) of section

1 *1720G of title 38, United States Code, as added*
2 *by paragraph (1) of this subsection, on the date*
3 *on which the amendments made by this sub-*
4 *section take effect.*

5 *(b) IMPLEMENTATION PLAN AND REPORT.—*

6 *(1) IN GENERAL.—Not later than 180 days after*
7 *the date of the enactment of this Act, the Secretary of*
8 *Veterans Affairs shall—*

9 *(A) develop a plan for the implementation*
10 *of the program of comprehensive assistance for*
11 *family caregivers required by section*
12 *1720G(a)(1) of title 38, United States Code, as*
13 *added by subsection (a)(1) of this section; and*

14 *(B) submit to the Committee on Veterans’*
15 *Affairs of the Senate and the Committee on Vet-*
16 *erans’ Affairs of the House of Representatives a*
17 *report on such plan.*

18 *(2) CONSULTATION.—In developing the plan re-*
19 *quired by paragraph (1)(A), the Secretary shall con-*
20 *sult with the following:*

21 *(A) Individuals described in section*
22 *1720G(a)(2) of title 38, United States Code, as*
23 *added by subsection (a)(1) of this section.*

1 (B) *Family members of such individuals*
2 *who provide personal care services to such indi-*
3 *viduals.*

4 (C) *The Secretary of Defense with respect to*
5 *matters concerning personal care services for*
6 *members of the Armed Forces undergoing med-*
7 *ical discharge from the Armed Forces who are el-*
8 *igible to benefit from personal care services fur-*
9 *nished under the program of comprehensive as-*
10 *sistance required by section 1720G(a)(1) of such*
11 *title, as so added.*

12 (D) *Veterans service organizations, as recog-*
13 *nized by the Secretary for the representation of*
14 *veterans under section 5902 of such title.*

15 (E) *National organizations that specialize*
16 *in the provision of assistance to individuals with*
17 *the types of disabilities that family caregivers*
18 *will encounter while providing personal care*
19 *services under the program of comprehensive as-*
20 *sistance required by section 1720G(a)(1) of such*
21 *title, as so added.*

22 (F) *National organizations that specialize*
23 *in provision of assistance to family members of*
24 *veterans who provide personal care services to*
25 *such veterans.*

1 (G) *Such other organizations with an inter-*
2 *est in the provision of care to veterans and as-*
3 *stance to family caregivers as the Secretary*
4 *considers appropriate.*

5 (3) *REPORT CONTENTS.—The report required by*
6 *paragraph (1)(B) shall contain the following:*

7 (A) *The plan required by paragraph (1)(A).*

8 (B) *A description of the individuals, care-*
9 *givers, and organizations consulted by the Sec-*
10 *retary of Veterans Affairs under paragraph (2).*

11 (C) *A description of such consultations.*

12 (D) *The recommendations of such individ-*
13 *uals, caregivers, and organizations, if any, that*
14 *were not adopted and incorporated into the plan*
15 *required by paragraph (1)(A), and the reasons*
16 *the Secretary did not adopt such recommenda-*
17 *tions.*

18 (c) *ANNUAL EVALUATION REPORT.—*

19 (1) *IN GENERAL.—Not later than 2 years after*
20 *the date described in subsection (a)(3)(A) and annu-*
21 *ally thereafter, the Secretary shall submit to the Com-*
22 *mittee on Veterans' Affairs of the Senate and the*
23 *Committee on Veterans' Affairs of the House of Rep-*
24 *resentatives a comprehensive report on the implemen-*

1 *tation of section 1720G of title 38, United States*
2 *Code, as added by subsection (a)(1).*

3 (2) *CONTENTS.—The report required by para-*
4 *graph (1) shall include the following:*

5 (A) *With respect to the program of com-*
6 *prehensive assistance for family caregivers re-*
7 *quired by subsection (a)(1) of such section 1720G*
8 *and the program of general caregiver support*
9 *services required by subsection (b)(1) of such sec-*
10 *tion—*

11 (i) *the number of caregivers that re-*
12 *ceived assistance under such programs;*

13 (ii) *the cost to the Department of pro-*
14 *viding assistance under such programs;*

15 (iii) *a description of the outcomes*
16 *achieved by, and any measurable benefits of,*
17 *carrying out such programs;*

18 (iv) *an assessment of the effectiveness*
19 *and the efficiency of the implementation of*
20 *such programs; and*

21 (v) *such recommendations, including*
22 *recommendations for legislative or adminis-*
23 *trative action, as the Secretary considers*
24 *appropriate in light of carrying out such*
25 *programs.*

1 (B) *With respect to the program of com-*
2 *prehensive assistance for family caregivers re-*
3 *quired by such subsection (a)(1)—*

4 (i) *a description of the outreach activi-*
5 *ties carried out by the Secretary under such*
6 *program; and*

7 (ii) *an assessment of the manner in*
8 *which resources are expended by the Sec-*
9 *retary under such program, particularly*
10 *with respect to the provision of monthly*
11 *personal caregiver stipends under para-*
12 *graph (3)(A)(ii)(v) of such subsection (a).*

13 (C) *With respect to the provision of general*
14 *caregiver support services required by such sub-*
15 *section (b)(1)—*

16 (i) *a summary of the support services*
17 *made available under the program;*

18 (ii) *the number of caregivers who re-*
19 *ceived support services under the program;*

20 (iii) *the cost to the Department of pro-*
21 *viding each support service provided under*
22 *the program; and*

23 (iv) *such other information as the Sec-*
24 *retary considers appropriate.*

1 (d) *REPORT ON EXPANSION OF FAMILY CAREGIVER*
2 *ASSISTANCE.*—

3 (1) *IN GENERAL.*—Not later than 2 years after
4 the date described in subsection (a)(3)(A), the Sec-
5 retary shall submit to the Committee on Veterans' Af-
6 fairs of the Senate and the Committee on Veterans'
7 Affairs of the House of Representatives a report on
8 the feasibility and advisability of expanding the pro-
9 vision of assistance under section 1720G(a) of title
10 38, United States Code, as added by subsection (a)(1),
11 to family caregivers of veterans who have a serious
12 injury incurred or aggravated in the line of duty in
13 the active military, naval, or air service before Sep-
14 tember 11, 2001.

15 (2) *RECOMMENDATIONS.*—The report required by
16 paragraph (1) shall include such recommendations as
17 the Secretary considers appropriate with respect to
18 the expansion described in such paragraph.

19 **SEC. 102. MEDICAL CARE FOR FAMILY CAREGIVERS.**

20 Section 1781(a) is amended—

21 (1) in paragraph (2), by striking “and” at the
22 end;

23 (2) in paragraph (3), by inserting “and” at the
24 end; and

1 (3) by inserting after paragraph (3), the fol-
2 lowing new paragraph:

3 “(4) an individual designated as a primary pro-
4 vider of personal care services under section
5 1720G(a)(7)(A) of this title who is not entitled to care
6 or services under a health-plan contract (as defined in
7 section 1725(f) of this title);”.

8 **SEC. 103. COUNSELING AND MENTAL HEALTH SERVICES**
9 **FOR CAREGIVERS.**

10 (a) *IN GENERAL.*—Section 1782(c) is amended—

11 (1) in paragraph (1), by striking “; or” and in-
12 serting a semicolon;

13 (2) by redesignating paragraph (2) as para-
14 graph (3); and

15 (3) by inserting after paragraph (1) the fol-
16 lowing new paragraph (2):

17 “(2) a family caregiver of an eligible veteran or
18 a caregiver of a covered veteran (as those terms are
19 defined in section 1720G of this title); or”.

20 (b) *CONFORMING AMENDMENT.*—The section heading
21 of section 1782 is amended by adding at the end, the fol-
22 lowing: “**and caregivers**”.

23 (c) *CLERICAL AMENDMENT.*—The table of sections at
24 the beginning of chapter 17 is amended by striking the item

1 *relating to section 1782 and inserting the following new*
 2 *item:*

“1782. Counseling, training, and mental health services for immediate family members and caregivers.”.

3 **SEC. 104. LODGING AND SUBSISTENCE FOR ATTENDANTS.**

4 *Section 111(e) is amended—*

5 *(1) by striking “When” and inserting the fol-*
 6 *lowing: “(1) Except as provided in paragraph (2),*
 7 *when”; and*

8 *(2) by adding at the end the following new para-*
 9 *graphs:*

10 *“(2)(A) Without regard to whether an eligible veteran*
 11 *entitled to mileage under this section for travel to a Depart-*
 12 *ment facility for the purpose of medical examination, treat-*
 13 *ment, or care requires an attendant in order to perform*
 14 *such travel, an attendant of such veteran described in sub-*
 15 *paragraph (B) may be allowed expenses of travel (including*
 16 *lodging and subsistence) upon the same basis as such vet-*
 17 *eran during—*

18 *“(i) the period of time in which such veteran is*
 19 *traveling to and from a Department facility for the*
 20 *purpose of medical examination, treatment, or care;*
 21 *and*

22 *“(ii) the duration of the medical examination,*
 23 *treatment, or care episode for such veteran.*

1 “(B) *An attendant of a veteran described in this sub-*
 2 *paragraph is a provider of personal care services for such*
 3 *veteran who is approved under paragraph (6) of section*
 4 *1720G(a) of this title or designated under paragraph (7)*
 5 *of such section 1720G(a).*

6 “(C) *The Secretary may prescribe regulations to carry*
 7 *out this paragraph. Such regulations may include provi-*
 8 *sions—*

9 “(i) *to limit the number of attendants that may*
 10 *receive expenses of travel under this paragraph for a*
 11 *single medical examination, treatment, or care epi-*
 12 *sode of an eligible veteran; and*

13 “(ii) *to require such attendants to use certain*
 14 *travel services.*

15 “(D) *In this subsection, the term ‘eligible veteran’ has*
 16 *the meaning given that term in section 1720G(a)(2) of this*
 17 *title.’.*

18 **TITLE II—WOMEN VETERANS**

19 **HEALTH CARE MATTERS**

20 **SEC. 201. STUDY OF BARRIERS FOR WOMEN VETERANS TO** 21 **HEALTH CARE FROM THE DEPARTMENT OF** 22 **VETERANS AFFAIRS.**

23 (a) *STUDY REQUIRED.—The Secretary of Veterans Af-*
 24 *fairs shall conduct a comprehensive study of the barriers*
 25 *to the provision of comprehensive health care by the Depart-*

1 *ment of Veterans Affairs encountered by women who are*
2 *veterans. In conducting the study, the Secretary shall—*

3 (1) *survey women veterans who seek or receive*
4 *hospital care or medical services provided by the De-*
5 *partment of Veterans Affairs as well as women vet-*
6 *erans who do not seek or receive such care or services;*

7 (2) *administer the survey to a representative*
8 *sample of women veterans from each Veterans Inte-*
9 *grated Service Network; and*

10 (3) *ensure that the sample of women veterans*
11 *surveyed is of sufficient size for the study results to*
12 *be statistically significant and is a larger sample*
13 *than that of the study referred to in subsection (b).*

14 (b) *USE OF PREVIOUS STUDY.—In conducting the*
15 *study required by subsection (a), the Secretary shall build*
16 *on the work of the study of the Department of Veterans Af-*
17 *fairs titled “National Survey of Women Veterans in Fiscal*
18 *Year 2007–2008”.*

19 (c) *ELEMENTS OF STUDY.—In conducting the study*
20 *required by subsection (a), the Secretary shall conduct re-*
21 *search on the effects of the following on the women veterans*
22 *surveyed in the study:*

23 (1) *The perceived stigma associated with seeking*
24 *mental health care services.*

1 (2) *The effect of driving distance or availability*
2 *of other forms of transportation to the nearest medical*
3 *facility on access to care.*

4 (3) *The availability of child care.*

5 (4) *The acceptability of integrated primary care,*
6 *women's health clinics, or both.*

7 (5) *The comprehension of eligibility requirements*
8 *for, and the scope of services available under, hospital*
9 *care and medical services.*

10 (6) *The perception of personal safety and com-*
11 *fort in inpatient, outpatient, and behavioral health*
12 *facilities.*

13 (7) *The gender sensitivity of health care pro-*
14 *viders and staff to issues that particularly affect*
15 *women.*

16 (8) *The effectiveness of outreach for health care*
17 *services available to women veterans.*

18 (9) *The location and operating hours of health*
19 *care facilities that provide services to women veterans.*

20 (10) *Such other significant barriers as the Sec-*
21 *retary considers appropriate.*

22 (d) *DISCHARGE BY CONTRACT.*—*The Secretary shall*
23 *enter into a contract with a qualified independent entity*
24 *or organization to carry out the study and research re-*
25 *quired under this section.*

1 (e) *MANDATORY REVIEW OF DATA BY CERTAIN DE-*
2 *PARTMENT DIVISIONS.*—

3 (1) *IN GENERAL.*—*The Secretary shall ensure*
4 *that the head of each division of the Department of*
5 *Veterans Affairs specified in paragraph (2) reviews*
6 *the results of the study conducted under this section.*
7 *The head of each such division shall submit findings*
8 *with respect to the study to the Under Secretary for*
9 *Health and to other pertinent program offices within*
10 *the Department of Veterans Affairs with responsibil-*
11 *ities relating to health care services for women vet-*
12 *erans.*

13 (2) *SPECIFIED DIVISIONS.*—*The divisions of the*
14 *Department of Veterans Affairs specified in this para-*
15 *graph are the following:*

16 (A) *The Center for Women Veterans estab-*
17 *lished under section 318 of title 38, United*
18 *States Code.*

19 (B) *The Advisory Committee on Women*
20 *Veterans established under section 542 of such*
21 *title.*

22 (f) *REPORTS.*—

23 (1) *REPORT ON IMPLEMENTATION.*—*Not later*
24 *than 6 months after the date on which the Depart-*
25 *ment of Veterans Affairs publishes a final report on*

1 *the study titled “National Survey of Women Veterans*
 2 *in Fiscal Year 2007–2008”, the Secretary shall sub-*
 3 *mit to Congress a report on the status of the imple-*
 4 *mentation of this section.*

5 (2) *REPORT ON STUDY.—Not later than 30*
 6 *months after the date on which the Department pub-*
 7 *lishes such final report, the Secretary shall submit to*
 8 *Congress a report on the study required under this*
 9 *section. The report shall include recommendations for*
 10 *such administrative and legislative action as the Sec-*
 11 *retary considers appropriate. The report shall also in-*
 12 *clude the findings of the head of each division of the*
 13 *Department specified under subsection (e)(2) and of*
 14 *the Under Secretary for Health.*

15 (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 16 *authorized to be appropriated to the Secretary of Veterans*
 17 *Affairs \$4,000,000 to carry out this section.*

18 **SEC. 202. TRAINING AND CERTIFICATION FOR MENTAL**
 19 **HEALTH CARE PROVIDERS OF THE DEPART-**
 20 **MENT OF VETERANS AFFAIRS ON CARE FOR**
 21 **VETERANS SUFFERING FROM SEXUAL TRAU-**
 22 **MA AND POST-TRAUMATIC STRESS DIS-**
 23 **ORDER.**

24 *Section 1720D is amended—*

1 (1) *by redesignating subsection (d) as subsection*
2 *(f); and*

3 (2) *by inserting after subsection (c) the following*
4 *new subsections:*

5 “(d)(1) *The Secretary shall carry out a program to*
6 *provide graduate medical education, training, certification,*
7 *and continuing medical education for mental health profes-*
8 *sionals who provide counseling, care, and services under*
9 *subsection (a).*

10 “(2) *In carrying out the program required by para-*
11 *graph (1), the Secretary shall ensure that—*

12 “(A) *all mental health professionals described in*
13 *such paragraph have been trained in a consistent*
14 *manner; and*

15 “(B) *training described in such paragraph in-*
16 *cludes principles of evidence-based treatment and care*
17 *for sexual trauma and post-traumatic stress disorder.*

18 “(e) *Each year, the Secretary shall submit to Congress*
19 *an annual report on the counseling, care, and services pro-*
20 *vided to veterans pursuant to this section. Each report shall*
21 *include data for the year covered by the report with respect*
22 *to each of the following:*

23 “(1) *The number of mental health professionals,*
24 *graduate medical education trainees, and primary*
25 *care providers who have been certified under the pro-*

1 *gram required by subsection (d) and the amount and*
2 *nature of continuing medical education provided*
3 *under such program to such professionals, trainees,*
4 *and providers who are so certified.*

5 *“(2) The number of women veterans who received*
6 *counseling and care and services under subsection (a)*
7 *from professionals and providers who received train-*
8 *ing under subsection (d).*

9 *“(3) The number of graduate medical education,*
10 *training, certification, and continuing medical edu-*
11 *cation courses provided by reason of subsection (d).*

12 *“(4) The number of trained full-time equivalent*
13 *employees required in each facility of the Department*
14 *to meet the needs of veterans requiring treatment and*
15 *care for sexual trauma and post-traumatic stress dis-*
16 *order.*

17 *“(5) Such recommendations for improvements in*
18 *the treatment of women veterans with sexual trauma*
19 *and post-traumatic stress disorder as the Secretary*
20 *considers appropriate.*

21 *“(6) Such other information as the Secretary*
22 *considers appropriate.”.*

1 **SEC. 203. PILOT PROGRAM ON COUNSELING IN RETREAT**
2 **SETTINGS FOR WOMEN VETERANS NEWLY**
3 **SEPARATED FROM SERVICE IN THE ARMED**
4 **FORCES.**

5 (a) *PILOT PROGRAM REQUIRED.*—

6 (1) *IN GENERAL.*—Commencing not later than
7 180 days after the date of the enactment of this Act,
8 the Secretary of Veterans Affairs shall carry out,
9 through the Readjustment Counseling Service of the
10 Veterans Health Administration, a pilot program to
11 evaluate the feasibility and advisability of providing
12 reintegration and readjustment services described in
13 subsection (b) in group retreat settings to women vet-
14 erans who are recently separated from service in the
15 Armed Forces after a prolonged deployment.

16 (2) *PARTICIPATION AT ELECTION OF VETERAN.*—

17 The participation of a veteran in the pilot program
18 under this section shall be at the election of the vet-
19 eran.

20 (b) *COVERED SERVICES.*—The services provided to a
21 woman veteran under the pilot program shall include the
22 following:

23 (1) *Information on reintegration into the vet-*
24 *eran's family, employment, and community.*

25 (2) *Financial counseling.*

26 (3) *Occupational counseling.*

1 (4) *Information and counseling on stress reduc-*
2 *tion.*

3 (5) *Information and counseling on conflict reso-*
4 *lution.*

5 (6) *Such other information and counseling as the*
6 *Secretary considers appropriate to assist a woman*
7 *veteran under the pilot program in reintegration into*
8 *the veteran's family, employment, and community.*

9 (c) *LOCATIONS.*—*The Secretary shall carry out the*
10 *pilot program at not fewer than three locations selected by*
11 *the Secretary for purposes of the pilot program.*

12 (d) *DURATION.*—*The pilot program shall be carried*
13 *out during the 2-year period beginning on the date of the*
14 *commencement of the pilot program.*

15 (e) *REPORT.*—*Not later than 180 days after the com-*
16 *pletion of the pilot program, the Secretary shall submit to*
17 *Congress a report on the pilot program. The report shall*
18 *contain the findings and conclusions of the Secretary as a*
19 *result of the pilot program, and shall include such rec-*
20 *ommendations for the continuation or expansion of the pilot*
21 *program as the Secretary considers appropriate.*

22 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
23 *authorized to be appropriated to the Secretary of Veterans*
24 *Affairs for each of fiscal years 2010 and 2011, \$2,000,000*
25 *to carry out the pilot program.*

1 **SEC. 204. SERVICE ON CERTAIN ADVISORY COMMITTEES OF**
2 **WOMEN RECENTLY SEPARATED FROM SERV-**
3 **ICE IN THE ARMED FORCES.**

4 (a) *ADVISORY COMMITTEE ON WOMEN VETERANS.*—

5 *Section 542(a)(2)(A) is amended—*

6 (1) *in clause (ii), by striking “and” at the end;*

7 (2) *in clause (iii), by striking the period at the*
8 *end and inserting “; and”; and*

9 (3) *by inserting after clause (iii) the following*
10 *new clause:*

11 “(iv) *women veterans who are recently separated*
12 *from service in the Armed Forces.*”.

13 (b) *ADVISORY COMMITTEE ON MINORITY VETERANS.*—

14 *Section 544(a)(2)(A) is amended—*

15 (1) *in clause (iii), by striking “and” at the end;*

16 (2) *in clause (iv), by striking the period at the*
17 *end and inserting “; and”; and*

18 (3) *by inserting after clause (iv) the following*
19 *new clause:*

20 “(v) *women veterans who are minority group*
21 *members and are recently separated from service in*
22 *the Armed Forces.*”.

23 (c) *APPLICABILITY.*—*The amendments made by this*
24 *section shall apply to appointments made on or after the*
25 *date of the enactment of this Act.*

1 **SEC. 205. PILOT PROGRAM ON ASSISTANCE FOR CHILD**
2 **CARE FOR CERTAIN VETERANS RECEIVING**
3 **HEALTH CARE.**

4 (a) *PILOT PROGRAM REQUIRED.*—*The Secretary of*
5 *Veterans Affairs shall carry out a pilot program to assess*
6 *the feasibility and advisability of providing, subject to sub-*
7 *section (b), assistance to qualified veterans described in sub-*
8 *section (c) to obtain child care so that such veterans can*
9 *receive health care services described in subsection (c).*

10 (b) *LIMITATION ON PERIOD OF PAYMENTS.*—*Assist-*
11 *ance may only be provided to a qualified veteran under*
12 *the pilot program for receipt of child care during the period*
13 *that the qualified veteran—*

14 (1) *receives the types of health care services de-*
15 *scribed in subsection (c) at a facility of the Depart-*
16 *ment; and*

17 (2) *requires travel to and return from such facil-*
18 *ity for the receipt of such health care services.*

19 (c) *QUALIFIED VETERANS.*—*For purposes of this sec-*
20 *tion, a qualified veteran is a veteran who is—*

21 (1) *the primary caretaker of a child or children;*
22 *and*

23 (2)(A) *receiving from the Department—*

24 (i) *regular mental health care services;*

25 (ii) *intensive mental health care services; or*

1 (iii) such other intensive health care services
2 that the Secretary determines that provision of
3 assistance to the veteran to obtain child care
4 would improve access to such health care services
5 by the veteran; or

6 (B) in need of regular or intensive mental health
7 care services from the Department, and but for lack
8 of child care services, would receive such health care
9 services from the Department.

10 (d) LOCATIONS.—The Secretary shall carry out the
11 pilot program in no fewer than three Veterans Integrated
12 Service Networks selected by the Secretary for purposes of
13 the pilot program.

14 (e) DURATION.—The pilot program shall be carried
15 out during the 2-year period beginning on the date of the
16 commencement of the pilot program.

17 (f) FORMS OF CHILD CARE ASSISTANCE.—

18 (1) IN GENERAL.—Child care assistance under
19 this section may include the following:

20 (A) Stipends for the payment of child care
21 offered by licensed child care centers (either di-
22 rectly or through a voucher program) which shall
23 be, to the extent practicable, modeled after the
24 Department of Veterans Affairs Child Care Sub-
25 sidy Program established pursuant to section

1 630 of the Treasury and General Government
2 Appropriations Act, 2002 (Public Law 107-67;
3 115 Stat. 552).

4 (B) Direct provision of child care at an on-
5 site facility of the Department of Veterans Af-
6 fairs.

7 (C) Payments to private child care agencies.

8 (D) Collaboration with facilities or pro-
9 grams of other Federal departments or agencies.

10 (E) Such other forms of assistance as the
11 Secretary considers appropriate.

12 (2) AMOUNTS OF STIPENDS.—In the case that
13 child care assistance under this section is provided as
14 a stipend under paragraph (1)(A), such stipend shall
15 cover the full cost of such child care.

16 (g) REPORT.—Not later than 6 months after the com-
17 pletion of the pilot program, the Secretary shall submit to
18 Congress a report on the pilot program. The report shall
19 include the findings and conclusions of the Secretary as a
20 result of the pilot program, and shall include such rec-
21 ommendations for the continuation or expansion of the pilot
22 program as the Secretary considers appropriate.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Veterans

1 *Affairs to carry out the pilot program \$1,500,000 for each*
 2 *of fiscal years 2010 and 2011.*

3 **SEC. 206. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
 4 **ERANS RECEIVING MATERNITY CARE.**

5 *(a) IN GENERAL.—Subchapter VIII of chapter 17 is*
 6 *amended by adding at the end the following new section:*

7 **“§ 1786. Care for newborn children of women veterans**
 8 **receiving maternity care**

9 *“(a) IN GENERAL.—The Secretary may furnish health*
 10 *care services described in subsection (b) to a newborn child*
 11 *of a woman veteran who is receiving maternity care fur-*
 12 *nished by the Department for not more than seven days*
 13 *after the birth of the child if the veteran delivered the child*
 14 *in—*

15 *“(1) a facility of the Department; or*

16 *“(2) another facility pursuant to a Department*
 17 *contract for services relating to such delivery.*

18 *“(b) COVERED HEALTH CARE SERVICES.—Health*
 19 *care services described in this subsection are all post-deliv-*
 20 *ery care services, including routine care services, that a*
 21 *newborn child requires.”.*

22 *(b) CLERICAL AMENDMENT.—The table of sections at*
 23 *the beginning of chapter 17 is amended by inserting after*
 24 *the item relating to section 1785 the following new item:*

“1786. Care for newborn children of women veterans receiving maternity care.”.

1 **TITLE III—RURAL HEALTH**
2 **IMPROVEMENTS**

3 **SEC. 301. IMPROVEMENTS TO THE EDUCATION DEBT RE-**
4 **DUCTION PROGRAM.**

5 (a) *INCLUSION OF EMPLOYEE RETENTION AS PUR-*
6 *POSE OF PROGRAM.*—Section 7681(a)(2) is amended by in-
7 serting “and retention” after “recruitment” the first time
8 it appears.

9 (b) *EXPANSION OF ELIGIBILITY.*—Section 7682 is
10 amended—

11 (1) in subsection (a)(1), by striking “a recently
12 appointed” and inserting “an”; and

13 (2) by striking subsection (c).

14 (c) *INCREASE IN MAXIMUM ANNUAL AMOUNT OF PAY-*
15 *MENTS.*—Paragraph (1) of subsection (d) of section 7683
16 is amended—

17 (1) by striking “\$44,000” and inserting
18 “\$60,000”; and

19 (2) by striking “\$10,000” and inserting
20 “\$12,000”.

21 (d) *EXCEPTION TO LIMITATION ON AMOUNT FOR CER-*
22 *TAIN PARTICIPANTS.*—Such subsection is further amended
23 by adding at the end the following new paragraph:

24 “(3)(A) The Secretary may waive the limitations
25 under paragraphs (1) and (2) in the case of a participant

1 *described in subparagraph (B). In the case of such a waiver,*
 2 *the total amount of education debt repayments payable to*
 3 *that participant is the total amount of the principal and*
 4 *the interest on the participant's loans referred to in sub-*
 5 *section (a).*

6 “(B) A participant described in this subparagraph is
 7 a participant in the Program who the Secretary determines
 8 serves in a position for which there is a shortage of qualified
 9 employees by reason of either the location or the require-
 10 ments of the position.”.

11 **SEC. 302. VISUAL IMPAIRMENT AND ORIENTATION AND MO-**
 12 **BILITY PROFESSIONALS EDUCATION ASSIST-**
 13 **ANCE PROGRAM.**

14 (a) *ESTABLISHMENT OF PROGRAM.—Part V is amend-*
 15 *ed by inserting after chapter 74 the following new chapter:*

16 **“CHAPTER 75—VISUAL IMPAIRMENT AND**
 17 **ORIENTATION AND MOBILITY PROFES-**
 18 **SIONALS EDUCATIONAL ASSISTANCE**
 19 **PROGRAM**

“Sec.

“7501. *Establishment of scholarship program; purpose.*

“7502. *Application and acceptance.*

“7503. *Amount of assistance; duration.*

“7504. *Agreement.*

“7505. *Repayment for failure to satisfy requirements of agreement.*

1 **“§ 7501. Establishment of scholarship program; pur-**
2 **pose**

3 “(a) *ESTABLISHMENT.*—Subject to the availability of
4 appropriations, the Secretary shall establish and carry out
5 a scholarship program to provide financial assistance in
6 accordance with this chapter to individuals who—

7 “(1) are accepted for enrollment or currently en-
8 rolled in a program of study leading to a degree or
9 certificate in visual impairment or orientation and
10 mobility, or a dual degree or certification in both
11 such areas, at an accredited (as determined by the
12 Secretary) educational institution that is in a State;
13 and

14 “(2) enter into an agreement with the Secretary
15 as described in section 7504 of this title.

16 “(b) *PURPOSE.*—The purpose of the scholarship pro-
17 gram is to increase the supply of qualified blind rehabilita-
18 tion specialists for the Department and the Nation.

19 “(c) *OUTREACH.*—The Secretary shall publicize the
20 scholarship program to educational institutions throughout
21 the United States, with an emphasis on disseminating in-
22 formation to such institutions with high numbers of His-
23 panic students and to Historically Black Colleges and Uni-
24 versities.

1 **“§ 7502. Application and acceptance**

2 “(a) *APPLICATION.*—(1) *To apply and participate in*
3 *the scholarship program under this chapter, an individual*
4 *shall submit to the Secretary an application for such par-*
5 *ticipation together with an agreement described in section*
6 *7504 of this title under which the participant agrees to serve*
7 *a period of obligated service in the Department as provided*
8 *in the agreement in return for payment of educational as-*
9 *sistance as provided in the agreement.*

10 “(2) *In distributing application forms and agreement*
11 *forms to individuals desiring to participate in the scholar-*
12 *ship program, the Secretary shall include with such forms*
13 *the following:*

14 “(A) *A fair summary of the rights and liabilities*
15 *of an individual whose application is approved (and*
16 *whose agreement is accepted) by the Secretary.*

17 “(B) *A full description of the terms and condi-*
18 *tions that apply to participation in the scholarship*
19 *program and service in the Department.*

20 “(b) *APPROVAL.*—(1) *Upon the Secretary’s approval*
21 *of an individual’s participation in the scholarship pro-*
22 *gram, the Secretary shall, in writing, promptly notify the*
23 *individual of that acceptance.*

24 “(2) *An individual becomes a participant in the schol-*
25 *arship program upon such approval by the Secretary.*

1 **“§ 7503. Amount of assistance; duration**

2 “(a) *AMOUNT OF ASSISTANCE.*—*The amount of the fi-*
3 *nancial assistance provided an individual under the schol-*
4 *arship program under this chapter shall be the amount de-*
5 *termined by the Secretary as being necessary to pay the*
6 *tuition and fees of the individual. In the case of an indi-*
7 *vidual enrolled in a program of study leading to a dual*
8 *degree or certification in both the areas of study described*
9 *in section 7501(a)(1) of this title, the tuition and fees shall*
10 *not exceed the amounts necessary for the minimum number*
11 *of credit hours to achieve such dual degree or certification.*

12 “(b) *RELATIONSHIP TO OTHER ASSISTANCE.*—*Finan-*
13 *cial assistance may be provided to an individual under the*
14 *scholarship program to supplement other educational assist-*
15 *ance to the extent that the total amount of educational as-*
16 *sistance received by the individual during an academic*
17 *year does not exceed the total tuition and fees for such aca-*
18 *demic year.*

19 “(c) *MAXIMUM AMOUNT OF ASSISTANCE.*—(1) *The*
20 *total amount of assistance provided under the scholarship*
21 *program for an academic year to an individual who is a*
22 *full-time student may not exceed \$15,000.*

23 “(2) *In the case of an individual who is a part-time*
24 *student, the total amount of assistance provided under the*
25 *scholarship program shall bear the same ratio to the*
26 *amount that would be paid under paragraph (1) if the par-*

1 *ticipant were a full-time student in the program of study*
 2 *being pursued by the individual as the coursework carried*
 3 *by the individual to full-time coursework in that program*
 4 *of study.*

5 “(3) *The total amount of assistance provided to an in-*
 6 *dividual under the scholarship program may not exceed*
 7 *\$45,000.*

8 “(d) *MAXIMUM DURATION OF ASSISTANCE.—Finan-*
 9 *cial assistance may not be provided to an individual under*
 10 *the scholarship program for more than six academic years.*

11 **“§ 7504. Agreement**

12 “*An agreement between the Secretary and a partici-*
 13 *part in the scholarship program under this chapter shall*
 14 *be in writing, shall be signed by the participant, and shall*
 15 *include—*

16 “(1) *the Secretary’s agreement to provide the*
 17 *participant with financial assistance as authorized*
 18 *under this chapter;*

19 “(2) *the participant’s agreement—*

20 “(A) *to accept such financial assistance;*

21 “(B) *to maintain enrollment and attend-*
 22 *ance in the program of study described in section*
 23 *7501(a)(1) of this title;*

24 “(C) *while enrolled in such program, to*
 25 *maintain an acceptable level of academic stand-*

1 ing (as determined by the educational institution
2 offering such program under regulations pre-
3 scribed by the Secretary); and

4 “(D) after completion of the program, to
5 serve as a full-time employee in the Department
6 for a period of three years, to be served within
7 the first six years after the participant has com-
8 pleted such program and received a degree or
9 certificate described in section 7501(a)(1) of this
10 title; and

11 “(3) any other terms and conditions that the
12 Secretary considers appropriate for carrying out this
13 chapter.

14 **“§ 7505. Repayment for failure to satisfy requirements**
15 **of agreement**

16 “(a) *IN GENERAL.*—An individual who receives edu-
17 cational assistance under the scholarship program under
18 this chapter shall repay to the Secretary an amount equal
19 to the unearned portion of such assistance if the individual
20 fails to satisfy the requirements of the agreement entered
21 into under section 7504 of this title, except in circumstances
22 authorized by the Secretary.

23 “(b) *AMOUNT OF REPAYMENT.*—The Secretary shall
24 establish, by regulations, procedures for determining the
25 amount of the repayment required under this section and

1 *the circumstances under which an exception to the required*
 2 *repayment may be granted.*

3 “(c) *WAIVER OR SUSPENSION OF COMPLIANCE.—The*
 4 *Secretary shall prescribe regulations providing for the*
 5 *waiver or suspension of any obligation of an individual for*
 6 *service or payment under this chapter (or an agreement*
 7 *under this chapter) whenever—*

8 “(1) *noncompliance by the individual is due to*
 9 *circumstances beyond the control of the individual; or*

10 “(2) *the Secretary determines that the waiver or*
 11 *suspension of compliance is in the best interest of the*
 12 *United States.*

13 “(d) *OBLIGATION AS DEBT TO UNITED STATES.—An*
 14 *obligation to repay the Secretary under this section is, for*
 15 *all purposes, a debt owed the United States. A discharge*
 16 *in bankruptcy under title 11 does not discharge a person*
 17 *from such debt if the discharge order is entered less than*
 18 *five years after the date of the termination of the agreement*
 19 *or contract on which the debt is based.”.*

20 (b) *CLERICAL AMENDMENTS.—The tables of chapters*
 21 *at the beginning of title 38, and of part V, are each amend-*
 22 *ed by inserting after the item relating to chapter 74 the*
 23 *following new item:*

 “75. *Visual Impairment and Orientation and Mobility Professionals*
 Educational Assistance Program 7501”.

1 (c) *IMPLEMENTATION.*—*The Secretary of Veterans Af-*
2 *fairs shall implement chapter 75 of title 38, United States*
3 *Code, as added by subsection (a), not later than 6 months*
4 *after the date of the enactment of this Act.*

5 **SEC. 303. DEMONSTRATION PROJECTS ON ALTERNATIVES**
6 **FOR EXPANDING CARE FOR VETERANS IN**
7 **RURAL AREAS.**

8 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
9 *may, through the Director of the Office of Rural Health,*
10 *carry out demonstration projects to examine the feasibility*
11 *and advisability of alternatives for expanding care for vet-*
12 *erans in rural areas, which may include the following:*

13 (1) *Establishing a partnership between the De-*
14 *partment of Veterans Affairs and the Centers for*
15 *Medicare and Medicaid Services of the Department of*
16 *Health and Human Services to coordinate care for*
17 *veterans in rural areas at critical access hospitals (as*
18 *designated or certified under section 1820 of the So-*
19 *cial Security Act (42 U.S.C. 1395i-4)).*

20 (2) *Establishing a partnership between the De-*
21 *partment of Veterans Affairs and the Department of*
22 *Health and Human Services to coordinate care for*
23 *veterans in rural areas at community health centers.*

1 (3) *Expanding coordination between the Depart-*
2 *ment of Veterans Affairs and the Indian Health Serv-*
3 *ice to expand care for Indian veterans.*

4 (b) *GEOGRAPHIC DISTRIBUTION.*—*The Secretary shall*
5 *ensure that the demonstration projects carried out under*
6 *subsection (a) are located at facilities that are geographi-*
7 *cally distributed throughout the United States.*

8 (c) *REPORT.*—*Not later than 2 years after the date of*
9 *the enactment of this Act, the Secretary shall submit a re-*
10 *port on the results of the demonstration projects carried out*
11 *under subsection (a) to—*

12 (1) *the Committee on Veterans' Affairs and the*
13 *Committee on Appropriations of the Senate; and*

14 (2) *the Committee on Veterans' Affairs and the*
15 *Committee on Appropriations of the House of Rep-*
16 *resentatives.*

17 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
18 *authorized to be appropriated to carry out this section*
19 *\$5,000,000 for fiscal year 2010 and each fiscal year there-*
20 *after.*

1 **SEC. 304. PROGRAM ON READJUSTMENT AND MENTAL**
2 **HEALTH CARE SERVICES FOR VETERANS WHO**
3 **SERVED IN OPERATION ENDURING FREEDOM**
4 **AND OPERATION IRAQI FREEDOM.**

5 (a) *PROGRAM REQUIRED.*—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Veterans Affairs shall establish a program to provide—

8 (1) *to veterans of Operation Enduring Freedom*
9 *and Operation Iraqi Freedom, particularly veterans*
10 *who served in such operations while in the National*
11 *Guard and the Reserves—*

12 (A) *peer outreach services;*

13 (B) *peer support services;*

14 (C) *readjustment counseling and services de-*
15 *scribed in section 1712A of title 38, United*
16 *States Code; and*

17 (D) *mental health services; and*

18 (2) *to members of the immediate family of vet-*
19 *erans described in paragraph (1), during the 3-year*
20 *period beginning on the date of the return of such vet-*
21 *erans from deployment in Operation Enduring Free-*
22 *dom or Operation Iraqi Freedom, education, support,*
23 *counseling, and mental health services to assist in—*

24 (A) *the readjustment of such veterans to ci-*
25 *vilian life;*

1 (B) *in the case such veterans have an in-*
2 *jury or illness incurred during such deployment,*
3 *the recovery of such veterans from such injury or*
4 *illness; and*

5 (C) *the readjustment of the family following*
6 *the return of such veterans.*

7 (b) *CONTRACTS WITH COMMUNITY MENTAL HEALTH*
8 *CENTERS AND OTHER QUALIFIED ENTITIES.—In carrying*
9 *out the program required by subsection (a), the Secretary*
10 *may contract with community mental health centers and*
11 *other qualified entities to provide the services required by*
12 *such subsection only in areas the Secretary determines are*
13 *not adequately served by other health care facilities or vet*
14 *centers of the Department of Veterans Affairs. Such con-*
15 *tracts shall require each contracting community health cen-*
16 *ter or entity—*

17 (1) *to the extent practicable, to use telehealth*
18 *services for the delivery of services required by sub-*
19 *section (a);*

20 (2) *to the extent practicable, to employ veterans*
21 *trained under subsection (c) in the provision of serv-*
22 *ices covered by that subsection;*

23 (3) *to participate in the training program con-*
24 *ducted in accordance with subsection (d);*

1 (4) to comply with applicable protocols of the
2 Department before incurring any liability on behalf
3 of the Department for the provision of services re-
4 quired by subsection (a);

5 (5) for each veteran for whom a community
6 mental health center or other qualified entity provides
7 mental health services under such contract, to provide
8 the Department with such clinical summary informa-
9 tion as the Secretary shall require;

10 (6) to submit annual reports to the Secretary
11 containing, with respect to the program required by
12 subsection (a) and for the last full calendar year end-
13 ing before the submittal of such report—

14 (A) the number of the veterans served, vet-
15 erans diagnosed, and courses of treatment pro-
16 vided to veterans as part of the program required
17 by subsection (a); and

18 (B) demographic information for such serv-
19 ices, diagnoses, and courses of treatment; and

20 (7) to meet such other requirements as the Sec-
21 retary shall require.

22 (c) TRAINING OF VETERANS FOR PROVISION OF PEER-
23 OUTREACH AND PEER-SUPPORT SERVICES.—In carrying
24 out the program required by subsection (a), the Secretary
25 shall contract with a national not-for-profit mental health

1 organization to carry out a national program of training
 2 for veterans described in subsection (a) to provide the serv-
 3 ices described in subparagraphs (A) and (B) of paragraph
 4 (1) of such subsection.

5 (d) *TRAINING OF CLINICIANS FOR PROVISION OF*
 6 *SERVICES.*—The Secretary shall conduct a training pro-
 7 gram for clinicians of community mental health centers or
 8 entities that have contracts with the Secretary under sub-
 9 section (b) to ensure that such clinicians can provide the
 10 services required by subsection (a) in a manner that—

11 (1) recognizes factors that are unique to the expe-
 12 rience of veterans who served on active duty in Oper-
 13 ation Enduring Freedom or Operation Iraqi Freedom
 14 (including their combat and military training experi-
 15 ences); and

16 (2) uses best practices and technologies.

17 (e) *VET CENTER DEFINED.*—In this section, the term
 18 “vet center” means a center for readjustment counseling
 19 and related mental health services for veterans under section
 20 1712A of title 38, United States Code.

21 **SEC. 305. TRAVEL REIMBURSEMENT FOR VETERANS RE-**
 22 **CEIVING TREATMENT AT FACILITIES OF THE**
 23 **DEPARTMENT OF VETERANS AFFAIRS.**

24 (a) *ENHANCEMENT OF ALLOWANCE BASED UPON*
 25 *MILEAGE TRAVELED.*—Section 111 is amended—

1 (1) in subsection (a), by striking “traveled,” and
2 inserting “(at a rate of 41.5 cents per mile),”; and

3 (2) by amending subsection (g) to read as fol-
4 lows:

5 “(g)(1) Beginning one year after the date of the enact-
6 ment of the Caregivers and Veterans Omnibus Health Serv-
7 ices Act of 2010, the Secretary may adjust the mileage rate
8 described in subsection (a) to be equal to the mileage reim-
9 bursement rate for the use of privately owned vehicles by
10 Government employees on official business (when a Govern-
11 ment vehicle is available), as prescribed by the Adminis-
12 trator of General Services under section 5707(b) of title 5.

13 “(2) If an adjustment in the mileage rate under para-
14 graph (1) results in a lower mileage rate than the mileage
15 rate otherwise specified in subsection (a), the Secretary
16 shall, not later than 60 days before the date of the imple-
17 mentation of the mileage rate as so adjusted, submit to Con-
18 gress a written report setting forth the adjustment in the
19 mileage rate under this subsection, together with a justifica-
20 tion for the decision to make the adjustment in the mileage
21 rate under this subsection.”.

22 (b) *COVERAGE OF COST OF TRANSPORTATION BY*
23 *AIR.*—Subsection (a) of section 111, as amended by sub-
24 section (a)(1), is further amended by inserting after the first
25 sentence the following new sentence: “Actual necessary ex-

1 *pense of travel includes the reasonable costs of airfare if*
2 *travel by air is the only practical way to reach a Depart-*
3 *ment facility.”.*

4 *(c) ELIMINATION OF LIMITATION BASED ON MAXIMUM*
5 *ANNUAL RATE OF PENSION.—Subsection (b)(1)(D)(i) of*
6 *such section is amended by inserting “who is not traveling*
7 *by air and” before “whose annual”.*

8 *(d) DETERMINATION OF PRACTICALITY.—Subsection*
9 *(b) of such section is amended by adding at the end the*
10 *following new paragraph:*

11 *“(4) In determining for purposes of subsection (a)*
12 *whether travel by air is the only practical way for a veteran*
13 *to reach a Department facility, the Secretary shall consider*
14 *the medical condition of the veteran and any other impedi-*
15 *ments to the use of ground transportation by the veteran.”.*

16 *(e) NO EXPANSION OF ELIGIBILITY FOR BENEFICIARY*
17 *TRAVEL.—The amendments made by subsections (b) and*
18 *(d) of this section may not be construed as expanding or*
19 *otherwise modifying eligibility for payments or allowances*
20 *for beneficiary travel under section 111 of title 38, United*
21 *States Code, as in effect on the day before the date of the*
22 *enactment of this Act.*

23 *(f) CLARIFICATION OF RELATION TO PUBLIC TRANS-*
24 *PORTATION IN VETERANS HEALTH ADMINISTRATION HAND-*
25 *BOOK.—Not later than 30 days after the date of the enact-*

1 *ment of this Act, the Secretary of Veterans Affairs shall re-*
2 *vis* *the Veterans Health Administration Handbook to clar-*
3 *ify that an allowance for travel based on mileage paid*
4 *under section 111(a) of title 38, United States Code, may*
5 *exceed the cost of such travel by public transportation re-*
6 *gardless of medical necessity.*

7 **SEC. 306. PILOT PROGRAM ON INCENTIVES FOR PHYSI-**
8 **CIANS WHO ASSUME INPATIENT RESPON-**
9 **SIBILITIES AT COMMUNITY HOSPITALS IN**
10 **HEALTH PROFESSIONAL SHORTAGE AREAS.**

11 *(a) PILOT PROGRAM REQUIRED.—The Secretary of*
12 *Veterans Affairs shall carry out a pilot program to assess*
13 *the feasibility and advisability of each of the following:*

14 *(1) The provision of financial incentives to eligi-*
15 *ble physicians who obtain and maintain inpatient*
16 *privileges at community hospitals in health profes-*
17 *sional shortage areas in order to facilitate the provi-*
18 *sion by such physicians of primary care and mental*
19 *health services to veterans at such hospitals.*

20 *(2) The collection of payments from third-party*
21 *providers for care provided by eligible physicians to*
22 *nonveterans while discharging inpatient responsibil-*
23 *ities at community hospitals in the course of exer-*
24 *cising the privileges described in paragraph (1).*

1 (b) *ELIGIBLE PHYSICIANS.*—For purposes of this sec-
2 tion, an eligible physician is a primary care or mental
3 health physician employed by the Department of Veterans
4 Affairs on a full-time basis.

5 (c) *DURATION OF PROGRAM.*—The pilot program shall
6 be carried out during the 3-year period beginning on the
7 date of the commencement of the pilot program.

8 (d) *LOCATIONS.*—

9 (1) *IN GENERAL.*—The pilot program shall be
10 carried out at not less than five community hospitals
11 in each of not less than two Veterans Integrated Serv-
12 ices Networks. The hospitals shall be selected by the
13 Secretary using the results of the survey required
14 under subsection (e).

15 (2) *QUALIFYING COMMUNITY HOSPITALS.*—A
16 community hospital may be selected by the Secretary
17 as a location for the pilot program if—

18 (A) the hospital is located in a health pro-
19 fessional shortage area; and

20 (B) the number of eligible physicians will-
21 ing to assume inpatient responsibilities at the
22 hospital (as determined using the result of the
23 survey) is sufficient for purposes of the pilot pro-
24 gram.

1 (e) *SURVEY OF PHYSICIAN INTEREST IN PARTICIPA-*
2 *TION.—*

3 (1) *IN GENERAL.—Not later than 120 days after*
4 *the date of the enactment of this Act, the Secretary*
5 *shall conduct a survey of eligible physicians to deter-*
6 *mine the extent of the interest of such physicians in*
7 *participating in the pilot program.*

8 (2) *ELEMENTS.—The survey shall disclose the*
9 *type, amount, and nature of the financial incentives*
10 *to be provided under subsection (h) to physicians par-*
11 *ticipating in the pilot program.*

12 (f) *PHYSICIAN PARTICIPATION.—*

13 (1) *IN GENERAL.—The Secretary shall select*
14 *physicians for participation in the pilot program*
15 *from among eligible physicians who—*

16 (A) *express interest in participating in the*
17 *pilot program in the survey conducted under*
18 *subsection (e);*

19 (B) *are in good standing with the Depart-*
20 *ment; and*

21 (C) *primarily have clinical responsibilities*
22 *with the Department.*

23 (2) *VOLUNTARY PARTICIPATION.—Participation*
24 *in the pilot program shall be voluntary. Nothing in*
25 *this section shall be construed to require a physician*

1 *working for the Department to assume inpatient re-*
2 *responsibilities at a community hospital unless other-*
3 *wise required as a term or condition of employment*
4 *with the Department.*

5 *(g) ASSUMPTION OF INPATIENT PHYSICIAN RESPON-*
6 *SIBILITIES.—*

7 *(1) IN GENERAL.—Each eligible physician se-*
8 *lected for participation in the pilot program shall as-*
9 *sume and maintain inpatient responsibilities, includ-*
10 *ing inpatient responsibilities with respect to non-*
11 *veterans, at one or more community hospitals selected*
12 *by the Secretary for participation in the pilot pro-*
13 *gram under subsection (d).*

14 *(2) COVERAGE UNDER FEDERAL TORT CLAIMS*
15 *ACT.—If an eligible physician participating in the*
16 *pilot program carries out on-call responsibilities at a*
17 *community hospital where privileges to practice at*
18 *such hospital are conditioned upon the provision of*
19 *services to individuals who are not veterans while the*
20 *physician is on call for such hospital, the provision*
21 *of such services by the physician shall be considered*
22 *an action within the scope of the physician's office or*
23 *employment for purposes of chapter 171 of title 28,*
24 *United States Code (commonly referred to as the*
25 *“Federal Tort Claims Act”).*

1 (h) *COMPENSATION.*—

2 (1) *IN GENERAL.*—*The Secretary shall provide*
3 *each eligible physician participating in the pilot pro-*
4 *gram with such compensation (including pay and*
5 *other appropriate compensation) as the Secretary*
6 *considers appropriate to compensate such physician*
7 *for the discharge of any inpatient responsibilities by*
8 *such physician at a community hospital for which*
9 *such physician would not otherwise be compensated*
10 *by the Department as a full-time employee of the De-*
11 *partment.*

12 (2) *WRITTEN AGREEMENT.*—*The amount of any*
13 *compensation to be provided a physician under the*
14 *pilot program shall be specified in a written agree-*
15 *ment entered into by the Secretary and the physician*
16 *for purposes of the pilot program.*

17 (3) *TREATMENT OF COMPENSATION.*—*The Sec-*
18 *retary shall consult with the Director of the Office of*
19 *Personnel Management on the inclusion of a provi-*
20 *sion in the written agreement required under para-*
21 *graph (2) that describes the treatment under Federal*
22 *law of any compensation provided a physician under*
23 *the pilot program, including treatment for purposes*
24 *of retirement under the civil service laws.*

1 (i) *COLLECTIONS FROM THIRD PARTIES.*—*In car-*
2 *rying out the pilot program for the purpose described in*
3 *subsection (a)(2), the Secretary shall implement a variety*
4 *and range of requirements and mechanisms for the collec-*
5 *tion from third-party payors of amounts to reimburse the*
6 *Department for health care services provided to nonveterans*
7 *under the pilot program by eligible physicians discharging*
8 *inpatient responsibilities under the pilot program.*

9 (j) *REPORT.*—*Not later than 1 year after the date of*
10 *the enactment of this Act and annually thereafter, the Sec-*
11 *retary shall submit to Congress a report on the pilot pro-*
12 *gram, including the following:*

13 (1) *The findings of the Secretary with respect to*
14 *the pilot program.*

15 (2) *The number of veterans and nonveterans pro-*
16 *vided inpatient care by physicians participating in*
17 *the pilot program.*

18 (3) *The amounts payable and collected under*
19 *subsection (i).*

20 (k) *DEFINITIONS.*—*In this section:*

21 (1) *HEALTH PROFESSIONAL SHORTAGE AREA.*—
22 *The term “health professional shortage area” has the*
23 *meaning given the term in section 332(a) of the Pub-*
24 *lic Health Service Act (42 U.S.C. 254e(a)).*

1 (2) *INPATIENT RESPONSIBILITIES.*—*The term*
 2 *“inpatient responsibilities” means on-call responsibil-*
 3 *ities customarily required of a physician by a com-*
 4 *munity hospital as a condition of granting privileges*
 5 *to the physician to practice in the hospital.*

6 **SEC. 307. GRANTS FOR VETERANS SERVICE ORGANIZA-**
 7 **TIONS FOR TRANSPORTATION OF HIGHLY**
 8 **RURAL VETERANS.**

9 (a) *GRANTS AUTHORIZED.*—

10 (1) *IN GENERAL.*—*The Secretary of Veterans Af-*
 11 *fairs shall establish a grant program to provide inno-*
 12 *vative transportation options to veterans in highly*
 13 *rural areas.*

14 (2) *ELIGIBLE RECIPIENTS.*—*The following may*
 15 *be awarded a grant under this section:*

16 (A) *State veterans service agencies.*

17 (B) *Veterans service organizations.*

18 (3) *USE OF FUNDS.*—*A State veterans service*
 19 *agency or veterans service organization awarded a*
 20 *grant under this section may use the grant amount*
 21 *to—*

22 (A) *assist veterans in highly rural areas to*
 23 *travel to Department of Veterans Affairs medical*
 24 *centers; and*

1 (B) otherwise assist in providing transpor-
2 tation in connection with the provision of med-
3 ical care to veterans in highly rural areas.

4 (4) *MAXIMUM AMOUNT.*—The amount of a grant
5 under this section may not exceed \$50,000.

6 (5) *NO MATCHING REQUIREMENT.*—The recipient
7 of a grant under this section shall not be required to
8 provide matching funds as a condition for receiving
9 such grant.

10 (b) *REGULATIONS.*—The Secretary shall prescribe reg-
11 ulations for—

12 (1) evaluating grant applications under this sec-
13 tion; and

14 (2) otherwise administering the program estab-
15 lished by this section.

16 (c) *DEFINITIONS.*—In this section:

17 (1) *HIGHLY RURAL.*—The term “highly rural”,
18 in the case of an area, means that the area consists
19 of a county or counties having a population of less
20 than seven persons per square mile.

21 (2) *VETERANS SERVICE ORGANIZATION.*—The
22 term “veterans service organization” means any orga-
23 nization recognized by the Secretary of Veterans Af-
24 fairs for the representation of veterans under section
25 5902 of title 38, United States Code.

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated \$3,000,000 for each of fiscal*
 3 *years 2010 through 2014 to carry out this section.*

4 **SEC. 308. MODIFICATION OF ELIGIBILITY FOR PARTICIPA-**
 5 **TION IN PILOT PROGRAM OF ENHANCED CON-**
 6 **TRACT CARE AUTHORITY FOR HEALTH CARE**
 7 **NEEDS OF CERTAIN VETERANS.**

8 *Subsection (b) of section 403 of the Veterans’ Mental*
 9 *Health and other Care Improvements Act of 2008 (Public*
 10 *Law 110–387; 122 Stat. 4125; 38 U.S.C. 1703 note) is*
 11 *amended to read as follows:*

12 “(b) *COVERED VETERANS.*—*For purposes of the pilot*
 13 *program under this section, a covered veteran is any vet-*
 14 *eran who—*

15 “(1) *is—*

16 “(A) *enrolled in the system of patient en-*
 17 *rollment established under section 1705(a) of*
 18 *title 38, United States Code, as of the date of the*
 19 *commencement of the pilot program under sub-*
 20 *section (a)(2); or*

21 “(B) *eligible for health care under section*
 22 *1710(e)(3) of such title; and*

23 “(2) *resides in a location that is—*

24 “(A) *more than 60 minutes driving distance*
 25 *from the nearest Department health care facility*

1 *providing primary care services, if the veteran is*
 2 *seeking such services;*

3 “(B) *more than 120 minutes driving dis-*
 4 *tance from the nearest Department health care*
 5 *facility providing acute hospital care, if the vet-*
 6 *eran is seeking such care; or*

7 “(C) *more than 240 minutes driving dis-*
 8 *tance from the nearest Department health care*
 9 *facility providing tertiary care, if the veteran is*
 10 *seeking such care.”.*

11 ***TITLE IV—MENTAL HEALTH***
 12 ***CARE MATTERS***

13 ***SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED***
 14 ***FORCES WHO SERVE IN OPERATION ENDUR-***
 15 ***ING FREEDOM OR OPERATION IRAQI FREE-***
 16 ***DOM FOR COUNSELING AND SERVICES***
 17 ***THROUGH READJUSTMENT COUNSELING***
 18 ***SERVICE.***

19 *(a) IN GENERAL.—Any member of the Armed Forces,*
 20 *including a member of the National Guard or Reserve, who*
 21 *serves on active duty in the Armed Forces in Operation*
 22 *Enduring Freedom or Operation Iraqi Freedom is eligible*
 23 *for readjustment counseling and related mental health serv-*
 24 *ices under section 1712A of title 38, United States Code,*

1 *through the Readjustment Counseling Service of the Vet-*
 2 *erans Health Administration.*

3 **(b) NO REQUIREMENT FOR CURRENT ACTIVE DUTY**
 4 *SERVICE.*—*A member of the Armed Forces who meets the*
 5 *requirements for eligibility for counseling and services*
 6 *under subsection (a) is entitled to counseling and services*
 7 *under that subsection regardless of whether or not the mem-*
 8 *ber is currently on active duty in the Armed Forces at the*
 9 *time of receipt of counseling and services under that sub-*
 10 *section.*

11 **(c) REGULATIONS.**—*The eligibility of members of the*
 12 *Armed Forces for counseling and services under subsection*
 13 *(a) shall be subject to such regulations as the Secretary of*
 14 *Defense and the Secretary of Veterans Affairs shall jointly*
 15 *prescribe for purposes of this section.*

16 **(d) SUBJECT TO AVAILABILITY OF APPROPRIATIONS.**—
 17 *The provision of counseling and services under subsection*
 18 *(a) shall be subject to the availability of appropriations for*
 19 *such purpose.*

20 **SEC. 402. RESTORATION OF AUTHORITY OF READJUST-**
 21 **MENT COUNSELING SERVICE TO PROVIDE RE-**
 22 **FERRAL AND OTHER ASSISTANCE UPON RE-**
 23 **QUEST TO FORMER MEMBERS OF THE ARMED**
 24 **FORCES NOT AUTHORIZED COUNSELING.**

25 *Section 1712A is amended—*

1 (1) *by redesignating subsections (c) through (f)*
2 *as subsections (d) through (g), respectively; and*

3 (2) *by inserting after subsection (b) the following*
4 *new subsection (c):*

5 “(c) *Upon receipt of a request for counseling under this*
6 *section from any individual who has been discharged or re-*
7 *leased from active military, naval, or air service but who*
8 *is not otherwise eligible for such counseling, the Secretary*
9 *shall—*

10 “(1) *provide referral services to assist such indi-*
11 *vidual, to the maximum extent practicable, in obtain-*
12 *ing mental health care and services from sources out-*
13 *side the Department; and*

14 “(2) *if pertinent, advise such individual of such*
15 *individual’s rights to apply to the appropriate mili-*
16 *tary, naval, or air service, and to the Department, for*
17 *review of such individual’s discharge or release from*
18 *such service.”.*

19 **SEC. 403. STUDY ON SUICIDES AMONG VETERANS.**

20 (a) *STUDY REQUIRED.—The Secretary of Veterans Af-*
21 *fairs shall conduct a study to determine the number of vet-*
22 *erans who died by suicide between January 1, 1999, and*
23 *the date of the enactment of this Act.*

1 (b) *COORDINATION.*—*In carrying out the study under*
 2 *subsection (a) the Secretary of Veterans Affairs shall coordi-*
 3 *nate with—*

4 (1) *the Secretary of Defense;*

5 (2) *veterans service organizations;*

6 (3) *the Centers for Disease Control and Preven-*
 7 *tion; and*

8 (4) *State public health offices and veterans agen-*
 9 *cies.*

10 (c) *REPORT TO CONGRESS.*—*The Secretary of Veterans*
 11 *Affairs shall submit to the Committee on Veterans' Affairs*
 12 *of the Senate and the Committee on Veterans' Affairs of*
 13 *the House of Representatives a report on the study required*
 14 *under subsection (a) and the findings of the Secretary.*

15 (d) *VETERANS SERVICE ORGANIZATION DEFINED.*—*In*
 16 *this section, the term “veterans service organization” means*
 17 *any organization recognized by the Secretary for the rep-*
 18 *resentation of veterans under section 5902 of title 38,*
 19 *United States Code.*

20 **TITLE V—OTHER HEALTH CARE**
 21 **MATTERS**

22 **SEC. 501. REPEAL OF CERTAIN ANNUAL REPORTING RE-**
 23 **QUIREMENTS.**

24 (a) *NURSE PAY REPORT.*—*Section 7451 is amended—*

25 (1) *by striking subsection (f); and*

1 **SEC. 504. DISCLOSURE OF PATIENT TREATMENT INFORMA-**
 2 **TION FROM MEDICAL RECORDS OF PATIENTS**
 3 **LACKING DECISIONMAKING CAPACITY.**

4 *Section 7332(b)(2) is amended by adding at the end*
 5 *the following new subparagraph:*

6 *“(F)(i) To a representative of a patient who*
 7 *lacks decision-making capacity, when a practitioner*
 8 *deems the content of the given record necessary for*
 9 *that representative to make an informed decision re-*
 10 *garding the patient’s treatment.*

11 *“(ii) In this subparagraph, the term ‘representa-*
 12 *tive’ means an individual, organization, or other*
 13 *body authorized under section 7331 of this title and*
 14 *its implementing regulations to give informed consent*
 15 *on behalf of a patient who lacks decision-making ca-*
 16 *capacity.”.*

17 **SEC. 505. ENHANCEMENT OF QUALITY MANAGEMENT.**

18 *(a) ENHANCEMENT OF QUALITY MANAGEMENT*
 19 *THROUGH QUALITY MANAGEMENT OFFICERS.—*

20 *(1) IN GENERAL.—Subchapter II of chapter 73 is*
 21 *amended by inserting after section 7311 the following*
 22 *new section:*

23 **“§ 7311A. Quality management officers**

24 *“(a) NATIONAL QUALITY MANAGEMENT OFFICER.—(1)*
 25 *The Under Secretary for Health shall designate an official*
 26 *of the Veterans Health Administration to act as the prin-*

1 *cipal quality management officer for the quality-assurance*
2 *program required by section 7311 of this title. The official*
3 *so designated may be known as the ‘National Quality Man-*
4 *agement Officer of the Veterans Health Administration’ (in*
5 *this section referred to as the ‘National Quality Manage-*
6 *ment Officer’).*

7 “(2) *The National Quality Management Officer shall*
8 *report directly to the Under Secretary for Health in the*
9 *discharge of responsibilities and duties of the Officer under*
10 *this section.*

11 “(3) *The National Quality Management Officer shall*
12 *be the official within the Veterans Health Administration*
13 *who is principally responsible for the quality-assurance*
14 *program referred to in paragraph (1). In carrying out that*
15 *responsibility, the Officer shall be responsible for the fol-*
16 *lowing:*

17 “(A) *Establishing and enforcing the require-*
18 *ments of the program referred to in paragraph (1).*

19 “(B) *Developing an aggregate quality metric*
20 *from existing data sources, such as the Inpatient*
21 *Evaluation Center of the Department, the National*
22 *Surgical Quality Improvement Program, and the Ex-*
23 *ternal Peer Review Program of the Veterans Health*
24 *Administration, that could be used to assess reliably*
25 *the quality of care provided at individual Depart-*

1 *ment medical centers and associated community*
2 *based outpatient clinics.*

3 *“(C) Ensuring that existing measures of quality,*
4 *including measures from the Inpatient Evaluation*
5 *Center, the National Surgical Quality Improvement*
6 *Program, System-Wide Ongoing Assessment and Re-*
7 *view reports of the Department, and Combined As-*
8 *essment Program reviews of the Office of Inspector*
9 *General of the Department, are monitored routinely*
10 *and analyzed in a manner that ensures the timely de-*
11 *tection of quality of care issues.*

12 *“(D) Encouraging research and development in*
13 *the area of quality metrics for the purposes of improv-*
14 *ing how the Department measures quality in indi-*
15 *vidual facilities.*

16 *“(E) Carrying out such other responsibilities*
17 *and duties relating to quality management in the*
18 *Veterans Health Administration as the Under Sec-*
19 *retary for Health shall specify.*

20 *“(4) The requirements under paragraph (3) shall in-*
21 *clude requirements regarding the following:*

22 *“(A) A confidential system for the submittal of*
23 *reports by Veterans Health Administration personnel*
24 *regarding quality management at Department facili-*
25 *ties.*

1 “(B) *Mechanisms for the peer review of the ac-*
2 *tions of individuals appointed in the Veterans Health*
3 *Administration in the position of physician.*

4 “(b) *QUALITY MANAGEMENT OFFICERS FOR VISNS.—*

5 *(1) The Regional Director of each Veterans Integrated Serv-*
6 *ices Network shall appoint an official of the Network to act*
7 *as the quality management officer of the Network.*

8 “(2) *The quality management officer for a Veterans*
9 *Integrated Services Network shall report to the Regional Di-*
10 *rector of the Veterans Integrated Services Network, and to*
11 *the National Quality Management Officer, regarding the*
12 *discharge of the responsibilities and duties of the officer*
13 *under this section.*

14 “(3) *The quality management officer for a Veterans*
15 *Integrated Services Network shall—*

16 “(A) *direct the quality management office in the*
17 *Network; and*

18 “(B) *coordinate, monitor, and oversee the quality*
19 *management programs and activities of the Adminis-*
20 *tration medical facilities in the Network in order to*
21 *ensure the thorough and uniform discharge of quality*
22 *management requirements under such programs and*
23 *activities throughout such facilities.*

24 “(c) *QUALITY MANAGEMENT OFFICERS FOR MEDICAL*

25 *FACILITIES.—(1) The director of each Veterans Health Ad-*

1 *ministration medical facility shall appoint a quality man-*
2 *agement officer for that facility.*

3 “(2) *The quality management officer for a facility*
4 *shall report directly to the director of the facility, and to*
5 *the quality management officer of the Veterans Integrated*
6 *Services Network in which the facility is located, regarding*
7 *the discharge of the responsibilities and duties of the quality*
8 *management officer under this section.*

9 “(3) *The quality management officer for a facility*
10 *shall be responsible for designing, disseminating, and im-*
11 *plementing quality management programs and activities*
12 *for the facility that meet the requirements established by*
13 *the National Quality Management Officer under subsection*
14 *(a).*

15 “(d) *AUTHORIZATION OF APPROPRIATIONS.—(1) Ex-*
16 *cept as provided in paragraph (2), there are authorized to*
17 *be appropriated such sums as may be necessary to carry*
18 *out this section.*

19 “(2) *There is authorized to be appropriated to carry*
20 *out the provisions of subparagraphs (B), (C), and (D) of*
21 *subsection (a)(3), \$25,000,000 for the two-year period of fis-*
22 *cal years beginning after the date of the enactment of this*
23 *section.”.*

24 (2) *CLERICAL AMENDMENT.—The table of sec-*
25 *tions at the beginning of chapter 73 is amended by*

1 *inserting after the item relating to section 7311 the*
 2 *following new item:*

 “7311A. *Quality management officers.*”.

3 *(b) REPORTS ON QUALITY CONCERNS UNDER QUAL-*
 4 *ITY-ASSURANCE PROGRAM.—Section 7311(b) is amended by*
 5 *adding at the end the following new paragraph:*

6 “(4) *As part of the quality-assurance program, the*
 7 *Under Secretary for Health shall establish mechanisms*
 8 *through which employees of Veterans Health Administra-*
 9 *tion facilities may submit reports, on a confidential basis,*
 10 *on matters relating to quality of care in Veterans Health*
 11 *Administration facilities to the quality management offi-*
 12 *cers of such facilities under section 7311A(c) of this title.*
 13 *The mechanisms shall provide for the prompt and thorough*
 14 *review of any reports so submitted by the receiving offi-*
 15 *cials.*”.

16 *(c) REVIEW OF CURRENT HEALTH CARE QUALITY*
 17 *SAFEGUARDS.—*

18 *(1) IN GENERAL.—The Secretary of Veterans Af-*
 19 *airs shall conduct a comprehensive review of all cur-*
 20 *rent policies and protocols of the Department of Vet-*
 21 *erans Affairs for maintaining health care quality and*
 22 *patient safety at Department medical facilities. The*
 23 *review shall include a review and assessment of the*
 24 *National Surgical Quality Improvement Program, in-*
 25 *cluding an assessment of—*

1 (A) *the efficacy of the quality indicators*
2 *under the program;*

3 (B) *the efficacy of the data collection meth-*
4 *ods under the program;*

5 (C) *the efficacy of the frequency with which*
6 *regular data analyses are performed under the*
7 *program; and*

8 (D) *the extent to which the resources allo-*
9 *cated to the program are adequate to fulfill the*
10 *stated function of the program.*

11 (2) *REPORT.—Not later than 60 days after the*
12 *date of the enactment of this Act, the Secretary shall*
13 *submit to Congress a report on the review conducted*
14 *under paragraph (1), including the findings of the*
15 *Secretary as a result of the review and such rec-*
16 *ommendations as the Secretary considers appropriate*
17 *in light of the review.*

18 **SEC. 506. PILOT PROGRAM ON USE OF COMMUNITY-BASED**
19 **ORGANIZATIONS AND LOCAL AND STATE**
20 **GOVERNMENT ENTITIES TO ENSURE THAT**
21 **VETERANS RECEIVE CARE AND BENEFITS**
22 **FOR WHICH THEY ARE ELIGIBLE.**

23 (a) *PILOT PROGRAM REQUIRED.—The Secretary of*
24 *Veterans Affairs shall carry out a pilot program to assess*

1 *the feasibility and advisability of using community-based*
2 *organizations and local and State government entities—*

3 (1) *to increase the coordination of community,*
4 *local, State, and Federal providers of health care and*
5 *benefits for veterans to assist veterans who are*
6 *transitioning from military service to civilian life in*
7 *such transition;*

8 (2) *to increase the availability of high quality*
9 *medical and mental health services to veterans*
10 *transitioning from military service to civilian life;*

11 (3) *to provide assistance to families of veterans*
12 *who are transitioning from military service to civil-*
13 *ian life to help such families adjust to such transi-*
14 *tion; and*

15 (4) *to provide outreach to veterans and their*
16 *families to inform them about the availability of ben-*
17 *efits and connect them with appropriate care and*
18 *benefit programs.*

19 (b) *DURATION OF PROGRAM.—The pilot program shall*
20 *be carried out during the 2-year period beginning on the*
21 *date that is 180 days after the date of the enactment of*
22 *this Act.*

23 (c) *PROGRAM LOCATIONS.—*

1 (1) *IN GENERAL.*—*The pilot program shall be*
2 *carried out at five locations selected by the Secretary*
3 *for purposes of the pilot program.*

4 (2) *CONSIDERATIONS.*—*In selecting locations for*
5 *the pilot program, the Secretary shall consider the ad-*
6 *visability of selecting locations in—*

7 (A) *rural areas;*

8 (B) *areas with populations that have a high*
9 *proportion of minority group representation;*

10 (C) *areas with populations that have a high*
11 *proportion of individuals who have limited ac-*
12 *cess to health care; and*

13 (D) *areas that are not in close proximity to*
14 *an active duty military installation.*

15 (d) *GRANTS.*—*The Secretary shall carry out the pilot*
16 *program through the award of grants to community-based*
17 *organizations and local and State government entities.*

18 (e) *SELECTION OF GRANT RECIPIENTS.*—

19 (1) *IN GENERAL.*—*A community-based organiza-*
20 *tion or local or State government entity seeking a*
21 *grant under the pilot program shall submit to the*
22 *Secretary an application therefor in such form and in*
23 *such manner as the Secretary considers appropriate.*

24 (2) *ELEMENTS.*—*Each application submitted*
25 *under paragraph (1) shall include the following:*

1 (A) *A description of the consultations, if*
2 *any, with the Department of Veterans Affairs in*
3 *the development of the proposal under the appli-*
4 *cation.*

5 (B) *A plan to coordinate activities under*
6 *the pilot program, to the greatest extent possible,*
7 *with the local, State, and Federal providers of*
8 *services for veterans to reduce duplication of*
9 *services and to enhance the effect of such services.*

10 (f) *USE OF GRANT FUNDS.—The Secretary shall pre-*
11 *scribe appropriate uses of grant funds received under the*
12 *pilot program.*

13 (g) *REPORT ON PROGRAM.—*

14 (1) *IN GENERAL.—Not later than 180 days after*
15 *the completion of the pilot program, the Secretary*
16 *shall submit to Congress a report on the pilot pro-*
17 *gram.*

18 (2) *ELEMENTS.—The report required by para-*
19 *graph (1) shall include the following:*

20 (A) *The findings and conclusions of the Sec-*
21 *retary with respect to the pilot program.*

22 (B) *An assessment of the benefits to veterans*
23 *of the pilot program.*

1 (C) *The recommendations of the Secretary*
2 *as to the advisability of continuing the pilot pro-*
3 *gram.*

4 **SEC. 507. SPECIALIZED RESIDENTIAL CARE AND REHABILI-**
5 **TATION FOR CERTAIN VETERANS.**

6 *Section 1720 is amended by adding at the end the fol-*
7 *lowing new subsection:*

8 “(g) *The Secretary may contract with appropriate en-*
9 *tities to provide specialized residential care and rehabilita-*
10 *tion services to a veteran of Operation Enduring Freedom*
11 *or Operation Iraqi Freedom who the Secretary determines*
12 *suffers from a traumatic brain injury, has an accumulation*
13 *of deficits in activities of daily living and instrumental ac-*
14 *tivities of daily living, and because of these deficits, would*
15 *otherwise require admission to a nursing home even though*
16 *such care would generally exceed the veteran’s nursing*
17 *needs.”.*

18 **SEC. 508. EXPANDED STUDY ON THE HEALTH IMPACT OF**
19 **PROJECT SHIPBOARD HAZARD AND DEFENSE.**

20 (a) *IN GENERAL.*—*Not later than 90 days after the*
21 *date of the enactment of this Act, the Secretary of Veterans*
22 *Affairs shall enter into a contract with the Institute of Med-*
23 *icine of the National Academies to conduct an expanded*
24 *study on the health impact of Project Shipboard Hazard*
25 *and Defense (Project SHAD).*

1 **(b) COVERED VETERANS.**—*The study required by sub-*
 2 *section (a) shall include, to the extent practicable, all vet-*
 3 *erans who participated in Project Shipboard Hazard and*
 4 *Defense.*

5 **(c) USE OF EXISTING STUDIES.**—*The study required*
 6 *by subsection (a) may use results from the study covered*
 7 *in the report titled “Long-Term Health Effects of Participa-*
 8 *tion in Project SHAD” of the Institute of Medicine of the*
 9 *National Academies.*

10 **SEC. 509. USE OF NON-DEPARTMENT FACILITIES FOR REHA-**
 11 **BILITATION OF INDIVIDUALS WITH TRAU-**
 12 **MATIC BRAIN INJURY.**

13 *Section 1710E is amended—*

14 (1) *by redesignating subsection (b) as subsection*
 15 *(c);*

16 (2) *by inserting after subsection (a) the following*
 17 *new subsection (b):*

18 **“(b) COVERED INDIVIDUALS.**—*The care and services*
 19 *provided under subsection (a) shall be made available to*
 20 *an individual—*

21 *“(1) who is described in section 1710C(a) of this*
 22 *title; and*

23 *“(2)(A) to whom the Secretary is unable to pro-*
 24 *vide such treatment or services at the frequency or for*
 25 *the duration prescribed in such plan; or*

1 “(B) for whom the Secretary determines that it
2 is optimal with respect to the recovery and rehabilita-
3 tion for such individual.”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(d) *STANDARDS.*—The Secretary may not provide
7 treatment or services as described in subsection (a) at a
8 non-Department facility under such subsection unless such
9 facility maintains standards for the provision of such treat-
10 ment or services established by an independent, peer-re-
11 viewed organization that accredits specialized rehabilita-
12 tion programs for adults with traumatic brain injury.”.

13 **SEC. 510. PILOT PROGRAM ON PROVISION OF DENTAL IN-**
14 **SURANCE PLANS TO VETERANS AND SUR-**
15 **VIVORS AND DEPENDENTS OF VETERANS.**

16 (a) *PILOT PROGRAM REQUIRED.*—The Secretary of
17 Veterans Affairs shall carry out a pilot program to assess
18 the feasibility and advisability of providing a dental insur-
19 ance plan to veterans and survivors and dependents of vet-
20 erans described in subsection (b).

21 (b) *COVERED VETERANS AND SURVIVORS AND DE-*
22 *PENDENTS.*—The veterans and survivors and dependents of
23 veterans described in this subsection are as follows:

1 (1) *Any veteran who is enrolled in the system of*
2 *annual patient enrollment under section 1705 of title*
3 *38, United States Code.*

4 (2) *Any survivor or dependent of a veteran who*
5 *is eligible for medical care under section 1781 of such*
6 *title.*

7 (c) *DURATION OF PROGRAM.*—*The pilot program shall*
8 *be carried out during the 3-year period beginning on the*
9 *date that is 270 days after the date of the enactment of*
10 *this Act.*

11 (d) *LOCATIONS.*—*The pilot program shall be carried*
12 *out in such Veterans Integrated Services Networks as the*
13 *Secretary considers appropriate for purposes of the pilot*
14 *program.*

15 (e) *ADMINISTRATION.*—*The Secretary shall contract*
16 *with a dental insurer to administer the dental insurance*
17 *plan provided under the pilot program.*

18 (f) *BENEFITS.*—*The dental insurance plan under the*
19 *pilot program shall provide such benefits for dental care*
20 *and treatment as the Secretary considers appropriate for*
21 *the dental insurance plan, including diagnostic services,*
22 *preventative services, endodontics and other restorative*
23 *services, surgical services, and emergency services.*

24 (g) *ENROLLMENT.*—

1 (1) *VOLUNTARY.*—*Enrollment in the dental in-*
2 *surance plan under the pilot program shall be vol-*
3 *untary.*

4 (2) *MINIMUM PERIOD.*—*Enrollment in the dental*
5 *insurance plan shall be for such minimum period as*
6 *the Secretary shall prescribe for purposes of this sec-*
7 *tion.*

8 (h) *PREMIUMS.*—

9 (1) *IN GENERAL.*—*Premiums for coverage under*
10 *the dental insurance plan under the pilot program*
11 *shall be in such amount or amounts as the Secretary*
12 *shall prescribe to cover all costs associated with the*
13 *pilot program.*

14 (2) *ANNUAL ADJUSTMENT.*—*The Secretary shall*
15 *adjust the premiums payable under the pilot program*
16 *for coverage under the dental insurance plan on an*
17 *annual basis. Each individual covered by the dental*
18 *insurance plan at the time of such an adjustment*
19 *shall be notified of the amount and effective date of*
20 *such adjustment.*

21 (3) *RESPONSIBILITY FOR PAYMENT.*—*Each indi-*
22 *vidual covered by the dental insurance plan shall pay*
23 *the entire premium for coverage under the dental in-*
24 *surance plan, in addition to the full cost of any co-*
25 *payments.*

1 (i) *VOLUNTARY DISENROLLMENT.*—

2 (1) *IN GENERAL.*—*With respect to enrollment in*
3 *the dental insurance plan under the pilot program,*
4 *the Secretary shall—*

5 (A) *permit the voluntary disenrollment of*
6 *an individual in the dental insurance plan if the*
7 *disenrollment occurs during the 30-day period*
8 *beginning on the date of the enrollment of the in-*
9 *dividual in the dental insurance plan; and*

10 (B) *permit the voluntary disenrollment of*
11 *an individual in the dental insurance plan for*
12 *such circumstances as the Secretary shall pre-*
13 *scribe for purposes of this subsection, but only to*
14 *the extent such disenrollment does not jeopardize*
15 *the fiscal integrity of the dental insurance plan.*

16 (2) *ALLOWABLE CIRCUMSTANCES.*—*The cir-*
17 *cumstances prescribed under paragraph (1)(B) shall*
18 *include the following:*

19 (A) *If an individual enrolled in the dental*
20 *insurance plan relocates to a location outside the*
21 *jurisdiction of the dental insurance plan that*
22 *prevents use of the benefits under the dental in-*
23 *surance plan.*

24 (B) *If an individual enrolled in the dental*
25 *insurance plan is prevented by a serious medical*

1 *condition from being able to obtain benefits*
2 *under the dental insurance plan.*

3 *(C) Such other circumstances as the Sec-*
4 *retary shall prescribe for purposes of this sub-*
5 *section.*

6 *(3) ESTABLISHMENT OF PROCEDURES.—The*
7 *Secretary shall establish procedures for determina-*
8 *tions on the permissibility of voluntary*
9 *disenrollments under paragraph (1)(B). Such proce-*
10 *dures shall ensure timely determinations on the per-*
11 *missibility of such disenrollments.*

12 *(j) RELATIONSHIP TO DENTAL CARE PROVIDED BY*
13 *SECRETARY.—Nothing in this section shall affect the re-*
14 *sponsibility of the Secretary to provide dental care under*
15 *section 1712 of title 38, United States Code, and the partici-*
16 *pation of an individual in the dental insurance plan under*
17 *the pilot program shall not affect the individual's entitle-*
18 *ment to outpatient dental services and treatment, and re-*
19 *lated dental appliances, under that section.*

20 *(k) REGULATIONS.—The dental insurance plan under*
21 *the pilot program shall be administered under such regula-*
22 *tions as the Secretary shall prescribe.*

1 **SEC. 511. PROHIBITION ON COLLECTION OF COPAYMENTS**
 2 **FROM VETERANS WHO ARE CATASTROPH-**
 3 **ICALLY DISABLED.**

4 (a) *IN GENERAL.*—Subchapter III of chapter 17 is
 5 amended by adding at the end the following new section:

6 **“§1730A. Prohibition on collection of copayments**
 7 **from catastrophically disabled veterans**

8 “Notwithstanding subsections (f) and (g) of section
 9 1710 and section 1722A(a) of this title or any other provi-
 10 sion of law, the Secretary may not require a veteran who
 11 is catastrophically disabled, as defined by the Secretary, to
 12 make any copayment for the receipt of hospital care or med-
 13 ical services under the laws administered by the Sec-
 14 retary.”.

15 (b) *CLERICAL AMENDMENT.*—The table of sections at
 16 the beginning of chapter 17 is amended by inserting after
 17 the item relating to section 1730 the following new item:

“1730A. Prohibition on collection of copayments from catastrophically disabled
 veterans.”.

18 **SEC. 512. HIGHER PRIORITY STATUS FOR CERTAIN VET-**
 19 **ERANS WHO ARE MEDAL OF HONOR RECIPI-**
 20 **ENTS.**

21 Section 1705(a)(3) is amended by inserting “veterans
 22 who were awarded the medal of honor under section 3741,
 23 6241, or 8741 of title 10 or section 491 of title 14,” after
 24 “the Purple Heart,”.

1 **SEC. 513. HOSPITAL CARE, MEDICAL SERVICES, AND NURS-**
2 **ING HOME CARE FOR CERTAIN VIETNAM-ERA**
3 **VETERANS EXPOSED TO HERBICIDE AND VET-**
4 **ERANS OF THE PERSIAN GULF WAR.**

5 *Section 1710(e) is amended—*

6 *(1) in paragraph (3)—*

7 *(A) by striking “subsection (a)(2)(F)—”*
8 *and all that follows through “(C) in the case”*
9 *and inserting “subsection (a)(2)(F) in the case”;*
10 *and*

11 *(B) by redesignating clauses (i) and (ii) of*
12 *the former subparagraph (C) as subparagraphs*
13 *(A) and (B) of such paragraph (3) and by re-*
14 *aligning the margin of such new subparagraphs*
15 *two ems to the left; and*

16 *(2) in paragraph (1)(C)—*

17 *(A) by striking “paragraphs (2) and (3)”*
18 *and inserting “paragraph (2)”;* and

19 *(B) by inserting after “on active duty” the*
20 *following: “between August 2, 1990, and Novem-*
21 *ber 11, 1998.”.*

1 **SEC. 514. ESTABLISHMENT OF DIRECTOR OF PHYSICIAN AS-**
2 **SISTANT SERVICES IN VETERANS HEALTH AD-**
3 **MINISTRATION.**

4 (a) *IN GENERAL.*—Section 7306(a) is amended by
5 striking paragraph (9) and inserting the following new
6 paragraph (9):

7 “(9) *The Director of Physician Assistant Serv-*
8 *ices, who shall—*

9 “(A) *serve in a full-time capacity at the*
10 *Central Office of the Department;*

11 “(B) *be a qualified physician assistant; and*

12 “(C) *be responsible and report directly to*
13 *the Chief Patient Care Services Officer of the*
14 *Veterans Health Administration on all matters*
15 *relating to the education and training, employ-*
16 *ment, appropriate use, and optimal participa-*
17 *tion of physician assistants within the programs*
18 *and initiatives of the Administration.”.*

19 (b) *DEADLINE FOR IMPLEMENTATION.*—*The Secretary*
20 *of Veterans Affairs shall ensure that an individual is serv-*
21 *ing as the Director of Physician Assistant Services under*
22 *paragraph (9) of section 7306(a) of title 38, United States*
23 *Code, as amended by subsection (a), by not later than 120*
24 *days after the date of the enactment of this Act.*

1 **SEC. 515. COMMITTEE ON CARE OF VETERANS WITH TRAU-**
2 **MATIC BRAIN INJURY.**

3 (a) *ESTABLISHMENT OF COMMITTEE.*—Subchapter II
4 of chapter 73 is amended by inserting after section 7321
5 the following new section:

6 **“§ 7321A. Committee on Care of Veterans with Trau-**
7 **matic Brain Injury**

8 “(a) *ESTABLISHMENT.*—The Secretary shall establish
9 in the Veterans Health Administration a committee to be
10 known as the ‘Committee on Care of Veterans with Trau-
11 matic Brain Injury’. The Under Secretary for Health shall
12 appoint employees of the Department with expertise in the
13 care of veterans with traumatic brain injury to serve on
14 the committee.

15 “(b) *RESPONSIBILITIES OF COMMITTEE.*—The com-
16 mittee shall assess, and carry out a continuing assessment
17 of, the capability of the Veterans Health Administration to
18 meet effectively the treatment and rehabilitation needs of
19 veterans with traumatic brain injury. In carrying out that
20 responsibility, the committee shall—

21 “(1) evaluate the care provided to such veterans
22 through the Veterans Health Administration;

23 “(2) identify systemwide problems in caring for
24 such veterans in facilities of the Veterans Health Ad-
25 ministration;

1 “(3) identify specific facilities within the Vet-
2 erans Health Administration at which program en-
3 richment is needed to improve treatment and reha-
4 bilitation of such veterans; and

5 “(4) identify model programs which the com-
6 mittee considers to have been successful in the treat-
7 ment and rehabilitation of such veterans and which
8 should be implemented more widely in or through fa-
9 cilities of the Veterans Health Administration.

10 “(c) *ADVICE AND RECOMMENDATIONS.*—The com-
11 mittee shall—

12 “(1) advise the Under Secretary regarding the
13 development of policies for the care and rehabilitation
14 of veterans with traumatic brain injury; and

15 “(2) make recommendations to the Under Sec-
16 retary—

17 “(A) for improving programs of care of such
18 veterans at specific facilities and throughout the
19 Veterans Health Administration;

20 “(B) for establishing special programs of
21 education and training relevant to the care of
22 such veterans for employees of the Veterans
23 Health Administration;

24 “(C) regarding research needs and priorities
25 relevant to the care of such veterans; and

1 “(D) regarding the appropriate allocation
2 of resources for all such activities.

3 “(d) ANNUAL REPORT.—Not later than June 1, 2010,
4 and each year thereafter, the Secretary shall submit to the
5 Committee on Veterans’ Affairs of the Senate and the Com-
6 mittee on Veterans’ Affairs of the House of Representatives
7 a report on the implementation of this section. Each such
8 report shall include the following for the calendar year pre-
9 ceding the year in which the report is submitted:

10 “(1) A list of the members of the committee.

11 “(2) The assessment of the Under Secretary for
12 Health, after review of the findings of the committee,
13 regarding the capability of the Veterans Health Ad-
14 ministration, on a systemwide and facility-by-facility
15 basis, to meet effectively the treatment and rehabilita-
16 tion needs of veterans with traumatic brain injury.

17 “(3) The plans of the committee for further as-
18 sessments.

19 “(4) The findings and recommendations made by
20 the committee to the Under Secretary for Health and
21 the views of the Under Secretary on such findings and
22 recommendations.

23 “(5) A description of the steps taken, plans made
24 (and a timetable for the execution of such plans), and
25 resources to be applied toward improving the capa-

1 *bility of the Veterans Health Administration to meet*
 2 *effectively the treatment and rehabilitation needs of*
 3 *veterans with traumatic brain injury.”.*

4 *(b) CLERICAL AMENDMENT.—The table of sections at*
 5 *the beginning of chapter 73 is amended by inserting after*
 6 *the item relating to section 7321 the following new item:*
 “7321A. Committee on Care of Veterans with Traumatic Brain Injury.”.

7 **SEC. 516. INCREASE IN AMOUNT AVAILABLE TO DISABLED**
 8 **VETERANS FOR IMPROVEMENTS AND STRUC-**
 9 **TURAL ALTERATIONS FURNISHED AS PART**
 10 **OF HOME HEALTH SERVICES.**

11 *(a) INCREASE.—Section 1717(a)(2) is amended by*
 12 *striking subparagraphs (A) and (B) and inserting the fol-*
 13 *lowing:*

14 *“(A) in the case of medical services furnished*
 15 *under section 1710(a)(1) of this title, or for a dis-*
 16 *ability described in section 1710(a)(2)(C) of this*
 17 *title—*

18 *“(i) in the case of a veteran who first ap-*
 19 *plies for benefits under this paragraph before the*
 20 *date of the Caregivers and Veterans Omnibus*
 21 *Health Services Act of 2010, \$4,100; or*

22 *“(ii) in the case of a veteran who first ap-*
 23 *plies for benefits under this paragraph on or*
 24 *after the date of the Caregivers and Veterans*

1 *Omnibus Health Services Act of 2010, \$6,800;*
 2 *and*

3 “(B) *in the case of medical services furnished*
 4 *under any other provision of section 1710(a) of this*
 5 *title—*

6 “(i) *in the case of a veteran who first ap-*
 7 *plies for benefits under this paragraph before the*
 8 *date of the Caregivers and Veterans Omnibus*
 9 *Health Services Act of 2010, \$1,200; or*

10 “(ii) *in the case of a veteran who first ap-*
 11 *plies for benefits under this paragraph on or*
 12 *after the date of the Caregivers and Veterans*
 13 *Omnibus Health Services Act of 2010, \$2,000.”.*

14 (b) *CONSTRUCTION.—A veteran who exhausts such vet-*
 15 *eran’s eligibility for benefits under section 1717(a)(2) of*
 16 *such title before the date of the enactment of this Act, is*
 17 *not entitled to additional benefits under such section by rea-*
 18 *son of the amendments made by subsection (a).*

19 **SEC. 517. EXTENSION OF STATUTORILY DEFINED COPAY-**
 20 **MENTS FOR CERTAIN VETERANS FOR HOS-**
 21 **PITAL CARE AND NURSING HOME CARE.**

22 *Subparagraph (B) of section 1710(f)(2) is amended to*
 23 *read as follows:*

24 “(B) *before September 30, 2012, an amount*
 25 *equal to \$10 for every day the veteran receives*

1 *hospital care and \$5 for every day the veteran*
 2 *receives nursing home care.”.*

3 **SEC. 518. EXTENSION OF AUTHORITY TO RECOVER COST OF**
 4 **CERTAIN CARE AND SERVICES FROM DIS-**
 5 **ABLED VETERANS WITH HEALTH-PLAN CON-**
 6 **TRACTS.**

7 *Subparagraph (E) of section 1729(a)(2) is amended*
 8 *to read as follows:*

9 “(E) for which care and services are fur-
 10 nished before October 1, 2012, under this chapter
 11 to a veteran who—

12 “(i) has a service-connected disability;
 13 and

14 “(ii) is entitled to care (or payment of
 15 the expenses of care) under a health-plan
 16 contract.”.

17 **TITLE VI—DEPARTMENT**
 18 **PERSONNEL MATTERS**

19 **SEC. 601. ENHANCEMENT OF AUTHORITIES FOR RETEN-**
 20 **TION OF MEDICAL PROFESSIONALS.**

21 (a) *SECRETARIAL AUTHORITY TO EXTEND TITLE 38*
 22 *STATUS TO ADDITIONAL POSITIONS.—*

23 (1) *IN GENERAL.—Paragraph (3) of section 7401*
 24 *is amended by striking “and blind rehabilitation out-*
 25 *patient specialists.” and inserting the following:*

1 *“blind rehabilitation outpatient specialists, and such*
2 *other classes of health care occupations as the Sec-*
3 *retary considers necessary for the recruitment and re-*
4 *tention needs of the Department subject to the fol-*
5 *lowing requirements:*

6 *“(A) Such other classes of health care occu-*
7 *pations—*

8 *“(i) are not occupations relating to ad-*
9 *ministrative, clerical, or physical plant*
10 *maintenance and protective services;*

11 *“(ii) that would otherwise receive basic*
12 *pay in accordance with the General Sched-*
13 *ule under section 5332 of title 5;*

14 *“(iii) provide, as determined by the*
15 *Secretary, direct patient care services or*
16 *services incident to direct patient services;*
17 *and*

18 *“(iv) would not otherwise be available*
19 *to provide medical care or treatment for*
20 *veterans.*

21 *“(B) Not later than 45 days before the Sec-*
22 *retary appoints any personnel for a class of*
23 *health care occupations that is not specifically*
24 *listed in this paragraph, the Secretary shall sub-*
25 *mit to the Committee on Veterans’ Affairs of the*

1 *Senate, the Committee on Veterans' Affairs of the*
 2 *House of Representatives, and the Office of Man-*
 3 *agement and Budget notice of such appointment.*

4 “(C) *Before submitting notice under sub-*
 5 *paragraph (B), the Secretary shall solicit com-*
 6 *ments from any labor organization representing*
 7 *employees in such class and include such com-*
 8 *ments in such notice.”.*

9 (2) *APPOINTMENT OF NURSE ASSISTANTS.—Such*
 10 *paragraph is further amended by inserting “nurse as-*
 11 *stants,” after “licensed practical or vocational*
 12 *nurses,”.*

13 (b) *PROBATIONARY PERIODS FOR REGISTERED*
 14 *NURSES.—Section 7403(b) is amended—*

15 (1) *in paragraph (1), by striking “Appoint-*
 16 *ments” and inserting “Except as otherwise provided*
 17 *in this subsection, appointments”;*

18 (2) *by redesignating paragraph (2) as para-*
 19 *graph (4); and*

20 (3) *by inserting after paragraph (1) the fol-*
 21 *lowing new paragraphs:*

22 “(2) *With respect to the appointment of a registered*
 23 *nurse under this chapter, paragraph (1) shall apply with*
 24 *respect to such appointment regardless of whether such ap-*
 25 *pointment is on a full-time basis or a part-time basis.*

1 “(3) *An appointment described in subsection (a) on*
 2 *a part-time basis of a person who has previously served on*
 3 *a full-time basis for the probationary period for the position*
 4 *concerned shall be without a probationary period.”.*

5 (c) *PROHIBITION ON TEMPORARY PART-TIME REG-*
 6 *ISTERED NURSE APPOINTMENTS IN EXCESS OF 2 YEARS.—*
 7 *Section 7405 is amended by adding at the end the following*
 8 *new subsection:*

9 “(g)(1) *Except as provided in paragraph (3), employ-*
 10 *ment of a registered nurse on a temporary part-time basis*
 11 *under subsection (a)(1) shall be for a probationary period*
 12 *of two years.*

13 “(2) *Except as provided in paragraph (3), upon com-*
 14 *pletion by a registered nurse of the probationary period de-*
 15 *scribed in paragraph (1)—*

16 “(A) *the employment of such nurse shall—*

17 “(i) *no longer be considered temporary; and*

18 “(ii) *be considered an appointment de-*
 19 *scribed in section 7403(a) of this title; and*

20 “(B) *the nurse shall be considered to have served*
 21 *the probationary period required by section 7403(b).*

22 “(3) *This subsection shall not apply to appointments*
 23 *made on a term limited basis of less than or equal to three*
 24 *years of—*

1 “(A) nurses with a part-time appointment re-
2 sulting from an academic affiliation or teaching posi-
3 tion in a nursing academy of the Department;

4 “(B) nurses appointed as a result of a specific
5 research proposal or grant; or

6 “(C) nurses who are not citizens of the United
7 States and appointed under section 7407(a) of this
8 title.”.

9 (d) *RATE OF BASIC PAY FOR APPOINTEES TO THE OF-*
10 *FICE OF THE UNDER SECRETARY FOR HEALTH SET TO*
11 *RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERVICE PO-*
12 *SITIONS.—*

13 (1) *IN GENERAL.—Section 7404(a) is amended—*

14 (A) by striking “The annual” and inserting
15 “(1) The annual”;

16 (B) by striking “The pay” and inserting the
17 following:

18 “(2) The pay”;

19 (C) by striking “under the preceding sen-
20 tence” and inserting “under paragraph (1)”;
21 and

22 (D) by adding at the end the following new
23 paragraph:

24 “(3)(A) The rate of basic pay for a position to which
25 an Executive order applies under paragraph (1) and is not

1 *described by paragraph (2) shall be set in accordance with*
2 *section 5382 of title 5 as if such position were a Senior*
3 *Executive Service position (as such term is defined in sec-*
4 *tion 3132(a) of title 5).*

5 “(B) *A rate of basic pay for a position may not be*
6 *set under subparagraph (A) in excess of—*

7 “(i) *in the case the position is not described in*
8 *clause (ii), the rate of basic pay payable for level III*
9 *of the Executive Schedule; or*

10 “(ii) *in the case that the position is covered by*
11 *a performance appraisal system that meets the certifi-*
12 *cation criteria established by regulation under section*
13 *5307(d) of title 5, the rate of basic pay payable for*
14 *level II of the Executive Schedule.*

15 “(C) *Notwithstanding the provisions of subsection (d)*
16 *of section 5307 of title 5, the Secretary may make any cer-*
17 *tification under that subsection instead of the Office of Per-*
18 *sonnel Management and without concurrence of the Office*
19 *of Management and Budget.”.*

20 (2) *EFFECTIVE DATE.—The amendments made*
21 *by paragraph (1) shall take effect on the first day of*
22 *the first pay period beginning after the day that is*
23 *180 days after the date of the enactment of this Act.*

24 (e) *SPECIAL INCENTIVE PAY FOR DEPARTMENT PHAR-*
25 *MACIST EXECUTIVES.—Section 7410 is amended—*

1 (1) by striking “The Secretary may” and insert-
2 ing the following:

3 “(a) *IN GENERAL.*—The Secretary may”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(b) *SPECIAL INCENTIVE PAY FOR DEPARTMENT*
7 *PHARMACIST EXECUTIVES.*—(1) *In order to recruit and re-*
8 *tain highly qualified Department pharmacist executives, the*
9 *Secretary may authorize the Under Secretary for Health*
10 *to pay special incentive pay of not more than \$40,000 per*
11 *year to an individual of the Veterans Health Administra-*
12 *tion who is a pharmacist executive.*

13 “(2) *In determining whether and how much special*
14 *pay to provide to such individual, the Under Secretary*
15 *shall consider the following:*

16 “(A) *The grade and step of the position of the in-*
17 *dividual.*

18 “(B) *The scope and complexity of the position of*
19 *the individual.*

20 “(C) *The personal qualifications of the indi-*
21 *vidual.*

22 “(D) *The characteristics of the labor market con-*
23 *cerned.*

24 “(E) *Such other factors as the Secretary con-*
25 *siders appropriate.*

1 “(3) *Special incentive pay under paragraph (1) for*
 2 *an individual is in addition to all other pay (including*
 3 *basic pay) and allowances to which the individual is enti-*
 4 *tled.*

5 “(4) *Except as provided in paragraph (5), special in-*
 6 *centive pay under paragraph (1) for an individual shall*
 7 *be considered basic pay for all purposes, including retire-*
 8 *ment benefits under chapters 83 and 84 of title 5, and other*
 9 *benefits.*

10 “(5) *Special incentive pay under paragraph (1) for*
 11 *an individual shall not be considered basic pay for purposes*
 12 *of adverse actions under subchapter V of this chapter.*

13 “(6) *Special incentive pay under paragraph (1) may*
 14 *not be awarded to an individual in an amount that would*
 15 *result in an aggregate amount of pay (including bonuses*
 16 *and awards) received by such individual in a year under*
 17 *this title that is greater than the annual pay of the Presi-*
 18 *dent.”.*

19 (f) *PAY FOR PHYSICIANS AND DENTISTS.—*

20 (1) *NON-FOREIGN COST OF LIVING ADJUSTMENT*
 21 *ALLOWANCE.—Section 7431(b) is amended by adding*
 22 *at the end the following new paragraph:*

23 “(5) *The non-foreign cost of living adjustment*
 24 *allowance authorized under section 5941 of title 5 for*
 25 *physicians and dentists whose pay is set under this*

1 *section shall be determined as a percentage of base*
 2 *pay only.”.*

3 (2) *MARKET PAY DETERMINATIONS FOR PHYSI-*
 4 *CIANS AND DENTISTS IN ADMINISTRATIVE OR EXECU-*
 5 *TIVE LEADERSHIP POSITIONS.—Section*
 6 *7431(c)(4)(B)(i) is amended by adding at the end the*
 7 *following: “The Secretary may exempt physicians and*
 8 *dentists occupying administrative or executive leader-*
 9 *ship positions from the requirements of the previous*
 10 *sentence.”.*

11 (3) *EXCEPTION TO PROHIBITION ON REDUCTION*
 12 *OF MARKET PAY.—Section 7431(c)(7) is amended by*
 13 *striking “concerned.” and inserting “concerned, un-*
 14 *less there is a change in board certification or reduc-*
 15 *tion of privileges.”.*

16 (g) *ADJUSTMENT OF PAY CAP FOR NURSES.—Section*
 17 *7451(c)(2) is amended by striking “level V” and inserting*
 18 *“level IV”.*

19 (h) *EXEMPTION FOR CERTIFIED REGISTERED NURSE*
 20 *ANESTHETISTS FROM LIMITATION ON AUTHORIZED COM-*
 21 *PETITIVE PAY.—Section 7451(c)(2) is further amended by*
 22 *adding at the end the following new sentence: “The max-*
 23 *imum rate of basic pay for a grade for the position of cer-*
 24 *tified registered nurse anesthetist pursuant to an adjust-*

1 *ment under subsection (d) may exceed the maximum rate*
 2 *otherwise provided in the preceding sentence.”.*

3 (i) *INCREASED LIMITATION ON SPECIAL PAY FOR*
 4 *NURSE EXECUTIVES.—Section 7452(g)(2) is amended by*
 5 *striking “\$25,000” and inserting “\$100,000”.*

6 (j) *LOCALITY PAY SCALE COMPUTATIONS.—*

7 (1) *EDUCATION, TRAINING, AND SUPPORT FOR*
 8 *FACILITY DIRECTORS IN WAGE SURVEYS.—Section*
 9 *7451(d)(3) is amended by adding at the end the fol-*
 10 *lowing new subparagraph:*

11 *“(F) The Under Secretary for Health shall provide ap-*
 12 *propriate education, training, and support to directors of*
 13 *Department health care facilities in the conduct and use*
 14 *of surveys, including the use of third-party surveys, under*
 15 *this paragraph.”.*

16 (2) *INFORMATION ON METHODOLOGY USED IN*
 17 *WAGE SURVEYS.—Section 7451(e)(4) is amended—*

18 (A) *by redesignating subparagraph (D) as*
 19 *subparagraph (E); and*

20 (B) *by inserting after subparagraph (C) the*
 21 *following new subparagraph (D):*

22 *“(D) In any case in which the director conducts*
 23 *such a wage survey during the period covered by the*
 24 *report and makes adjustment in rates of basic pay*
 25 *applicable to one or more covered positions at the fa-*

1 *cility, information on the methodology used in mak-*
 2 *ing such adjustment or adjustments.”.*

3 (3) *DISCLOSURE OF INFORMATION TO PERSONS*
 4 *IN COVERED POSITIONS.*—*Section 7451(e), as amend-*
 5 *ed by paragraph (2) of this subsection, is further*
 6 *amended by adding at the end the following new*
 7 *paragraph:*

8 “(6)(A) *Upon the request of an individual described*
 9 *in subparagraph (B) for a report provided under para-*
 10 *graph (4) with respect to a Department health-care facility,*
 11 *the Under Secretary for Health or the director of such facil-*
 12 *ity shall provide to the individual the most current report*
 13 *for such facility provided under such paragraph.*

14 “(B) *An individual described in this subparagraph*
 15 *is—*

16 “(i) *an individual in a covered position at a De-*
 17 *partment health-care facility; or*

18 “(ii) *a representative of the labor organization*
 19 *representing that individual who is designated by*
 20 *that individual to make the request.”.*

21 (k) *ELIGIBILITY OF PART-TIME NURSES FOR ADDI-*
 22 *TIONAL NURSE PAY.*—

23 (1) *IN GENERAL.*—*Section 7453 is amended—*

1 (A) in subsection (a), by striking “a nurse”
2 and inserting “a full-time nurse or part-time
3 nurse”;

4 (B) in subsection (b)—

5 (i) in the first sentence—

6 (I) by striking “on a tour of
7 duty”;

8 (II) by striking “service on such
9 tour” and inserting “such service”;
10 and

11 (III) by striking “of such tour”
12 and inserting “of such service”; and

13 (ii) in the second sentence, by striking
14 “of such tour” and inserting “of such serv-
15 ice”;

16 (C) in subsection (c)—

17 (i) by striking “on a tour of duty”;

18 and

19 (ii) by striking “service on such tour”
20 and inserting “such service”; and

21 (D) in subsection (e)—

22 (i) in paragraph (1), by striking
23 “eight hours in a day” and inserting “eight
24 consecutive hours”; and

1 (ii) in paragraph (5)(A), by striking
2 “tour of duty” and inserting “period of
3 service”.

4 (2) *EXCLUSION OF APPLICATION OF ADDITIONAL*
5 *NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EM-*
6 *PLOYEES.—Paragraph (3) of section 7454(b) is*
7 *amended to read as follows:*

8 “*(3) Employees appointed under section 7408 of this*
9 *title performing service on a tour of duty, any part of which*
10 *is within the period commencing at midnight Friday and*
11 *ending at midnight Sunday, shall receive additional pay*
12 *in addition to the rate of basic pay provided such employees*
13 *for each hour of service on such tour at a rate equal to*
14 *25 percent of such employee’s hourly rate of basic pay.*”.

15 (l) *ENHANCED AUTHORITY TO INCREASE RATES OF*
16 *BASIC PAY TO OBTAIN OR RETAIN SERVICES OF CERTAIN*
17 *PERSONS.—Section 7455(c) is amended to read as follows:*

18 “*(c)(1) Subject to paragraph (2), the amount of any*
19 *increase under subsection (a) in the minimum rate for any*
20 *grade may not (except in the case of nurse anesthetists, li-*
21 *censed practical nurses, licensed vocational nurses, nursing*
22 *positions otherwise covered by title 5, pharmacists, and li-*
23 *censed physical therapists) exceed the maximum rate of*
24 *basic pay (excluding any locality-based comparability pay-*

1 *ment under section 5304 of title 5 or similar provision of*
 2 *law) for the grade or level by more than 30 percent.*

3 “(2) *No rate may be established under this section in*
 4 *excess of the rate of basic pay payable for level IV of the*
 5 *Executive Schedule.”.*

6 **SEC. 602. LIMITATIONS ON OVERTIME DUTY, WEEKEND**
 7 **DUTY, AND ALTERNATIVE WORK SCHEDULES**
 8 **FOR NURSES.**

9 (a) *OVERTIME DUTY.*—

10 (1) *IN GENERAL.*—*Subchapter IV of chapter 74*
 11 *is amended by adding at the end the following new*
 12 *section:*

13 **“§ 7459. Nursing staff: special rules for overtime duty**

14 “(a) *LIMITATION.*—*Except as provided in subsection*
 15 *(c), the Secretary may not require nursing staff to work*
 16 *more than 40 hours (or 24 hours if such staff is covered*
 17 *under section 7456 of this title) in an administrative work*
 18 *week or more than eight consecutive hours (or 12 hours if*
 19 *such staff is covered under section 7456 or 7456A of this*
 20 *title).*

21 “(b) *VOLUNTARY OVERTIME.*—(1) *Nursing staff may*
 22 *on a voluntary basis elect to work hours otherwise prohib-*
 23 *ited by subsection (a).*

24 “(2) *The refusal of nursing staff to work hours prohib-*
 25 *ited by subsection (a) shall not be grounds—*

1 “(A) to discriminate (within the meaning of sec-
2 tion 704(a) of the Civil Rights Act of 1964 (42 U.S.C.
3 2000e-3(a))) against the staff;

4 “(B) to dismiss or discharge the staff; or

5 “(C) for any other adverse personnel action
6 against the staff.

7 “(c) OVERTIME UNDER EMERGENCY CIR-
8 CUMSTANCES.—(1) Subject to paragraph (2), the Secretary
9 may require nursing staff to work hours otherwise prohib-
10 ited by subsection (a) if—

11 “(A) the work is a consequence of an emergency
12 that could not have been reasonably anticipated;

13 “(B) the emergency is non-recurring and is not
14 caused by or aggravated by the inattention of the Sec-
15 retary or lack of reasonable contingency planning by
16 the Secretary;

17 “(C) the Secretary has exhausted all good faith,
18 reasonable attempts to obtain voluntary workers;

19 “(D) the nurse staff have critical skills and ex-
20 pertise that are required for the work; and

21 “(E) the work involves work for which the stand-
22 ard of care for a patient assignment requires con-
23 tinuity of care through completion of a case, treat-
24 ment, or procedure.

1 “(2) *Nursing staff may not be required to work hours*
 2 *under this subsection after the requirement for a direct role*
 3 *by the staff in responding to medical needs resulting from*
 4 *the emergency ends.*

5 “(d) *NURSING STAFF DEFINED.*—*In this section, the*
 6 *term ‘nursing staff’ includes the following:*

7 “(1) *A registered nurse.*

8 “(2) *A licensed practical or vocational nurse.*

9 “(3) *A nurse assistant appointed under this*
 10 *chapter or title 5.*

11 “(4) *Any other nurse position designated by the*
 12 *Secretary for purposes of this section.”.*

13 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 14 *tions at the beginning of chapter 74 is amended by*
 15 *inserting after the item relating to section 7458 the*
 16 *following new item:*

“7459. *Nursing staff: special rules for overtime duty.*”.

17 (b) *WEEKEND DUTY.*—*Section 7456 is amended—*

18 (1) *by striking subsection (c); and*

19 (2) *by redesignating subsection (d) as subsection*
 20 *(c).*

21 (c) *ALTERNATE WORK SCHEDULES.*—

22 (1) *IN GENERAL.*—*Section 7456A(b)(1)(A) is*
 23 *amended by striking “three regularly scheduled” and*
 24 *all that follows through the period at the end and in-*
 25 *serting “six regularly scheduled 12-hour tours of duty*

1 *within a 14-day period shall be considered for all*
 2 *purposes to have worked a full 80-hour pay period.”.*

3 (2) *CONFORMING AMENDMENTS.—Section*
 4 *7456A(b) is amended—*

5 (A) *in the subsection heading, by striking*
 6 *“36/40” and inserting “72/80”;*

7 (B) *in paragraph (2)(A), by striking “40-*
 8 *hour basic work week” and inserting “80-hour*
 9 *pay period”; and*

10 (C) *in paragraph (3), by striking “regu-*
 11 *larly”.*

12 **SEC. 603. REAUTHORIZATION OF HEALTH PROFESSIONALS**
 13 **EDUCATIONAL ASSISTANCE SCHOLARSHIP**
 14 **PROGRAM.**

15 (a) *IN GENERAL.—Section 7618 is amended by strik-*
 16 *ing “December 31, 1998” and inserting “December 31,*
 17 *2014”.*

18 (b) *EXPANSION OF ELIGIBILITY REQUIREMENTS.—*
 19 *Section 7612(b)(2) is amended by striking “(under section”*
 20 *and all that follows through “or vocational nurse.” and in-*
 21 *serting the following: “as an appointee under paragraph*
 22 *(1) or (3) of section 7401 of this title.”.*

23 (c) *ADDITIONAL PROGRAM REQUIREMENTS.—Sub-*
 24 *chapter II of chapter 76, as amended by subsections (a) and*
 25 *(b), is further amended—*

1 (1) *by redesignating section 7618 as section*
2 7619; and

3 (2) *by inserting after section 7617 the following*
4 *new section:*

5 **“§ 7618. Additional program requirements**

6 “(a) *PROGRAM MODIFICATION.—Notwithstanding any*
7 *provision of this subchapter, the Secretary shall carry out*
8 *this subchapter after the date of the enactment of this sec-*
9 *tion by modifying the Scholarship Program in such a man-*
10 *ner that the program and hiring processes are designed to*
11 *fully employ Scholarship Program graduates as soon as*
12 *possible, if not immediately, upon graduation and comple-*
13 *tion of necessary certifications, and to actively assist and*
14 *monitor graduates to ensure certifications are obtained in*
15 *a minimal amount of time following graduation.*

16 “(b) *CLINICAL TOURS.—The Secretary shall require*
17 *participants in the Scholarship Program to perform clin-*
18 *ical tours in assignments or locations determined by the*
19 *Secretary while the participants are enrolled in the course*
20 *of education or training for which the scholarship is pro-*
21 *vided.*

22 “(c) *MENTORS.—The Secretary shall ensure that at the*
23 *commencement of the period of obligated service of a partic-*
24 *ipant in the Scholarship Program, the participant is as-*

1 *signed to a mentor who is employed in the same facility*
 2 *where the participant performs such service.”.*

3 (d) *CLERICAL AMENDMENT.*—*The table of sections at*
 4 *the beginning of chapter 76 is amended by striking the item*
 5 *relating to section 7618 and inserting the following new*
 6 *items:*

“7618. Additional program requirements.

“7619. Expiration of program.”.

7 **SEC. 604. LOAN REPAYMENT PROGRAM FOR CLINICAL RE-**
 8 **SEARCHERS FROM DISADVANTAGED BACK-**
 9 **GROUNDS.**

10 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
 11 *may, in consultation with the Secretary of Health and*
 12 *Human Services, use the authorities available in section*
 13 *487E of the Public Health Service Act (42 U.S.C. 288–5)*
 14 *for the repayment of the principal and interest of edu-*
 15 *cational loans of appropriately qualified health profes-*
 16 *sionals who are from disadvantaged backgrounds in order*
 17 *to secure clinical research by such professionals for the Vet-*
 18 *erans Health Administration.*

19 (b) *LIMITATIONS.*—*The exercise by the Secretary of*
 20 *Veterans Affairs of the authorities referred to in subsection*
 21 *(a) shall be subject to the conditions and limitations speci-*
 22 *fied in paragraphs (2) and (3) of section 487E(a) of the*
 23 *Public Health Service Act (42 U.S.C. 288–5(a)(2) and (3)).*

1 (c) *FUNDING.*—Amounts for the repayment of prin-
 2 cipal and interest of educational loans under this section
 3 shall be derived from amounts available to the Secretary
 4 of Veterans Affairs for the Veterans Health Administration
 5 for Medical Services.

6 **TITLE VII—HOMELESS**
 7 **VETERANS MATTERS**

8 **SEC. 701. PER DIEM GRANT PAYMENTS TO NONCON-**
 9 **FORMING ENTITIES.**

10 Section 2012 is amended by adding at the end the fol-
 11 lowing new subsection:

12 “(d) *PER DIEM PAYMENTS TO NONCONFORMING ENTI-*
 13 *TIES.*—(1) *The Secretary may make funds available for per*
 14 *diem payments under this section to the following grant*
 15 *recipients or eligible entities:*

16 “(A) *Grant recipients or eligible entities that—*

17 “(i) *meet each of the transitional and sup-*
 18 *portive services criteria prescribed by the Sec-*
 19 *retary pursuant to subsection (a)(1); and*

20 “(ii) *furnish services to homeless individ-*
 21 *uals, of which less than 75 percent are veterans.*

22 “(B) *Grant recipients or eligible entities that—*

23 “(i) *meet at least one, but not all, of the*
 24 *transitional and supportive services criteria pre-*

1 *scribed by the Secretary pursuant to subsection*
2 *(a)(1); and*

3 *“(i) furnish services to homeless individ-*
4 *uals, of which not less than 75 percent are vet-*
5 *erans.*

6 *“(C) Grant recipients or eligible entities that—*

7 *“(i) meet at least one, but not all, of the*
8 *transitional and supportive services criteria pre-*
9 *scribed by the Secretary pursuant to subsection*
10 *(a)(1); and*

11 *“(i) furnish services to homeless individ-*
12 *uals, of which less than 75 percent are veterans.*

13 *“(2) Notwithstanding subsection (a)(2), in providing*
14 *per diem payments under this subsection, the Secretary*
15 *shall determine the rate of such per diem payments in ac-*
16 *cordance with the following order of priority:*

17 *“(A) Grant recipients or eligible entities de-*
18 *scribed by paragraph (1)(A).*

19 *“(B) Grant recipients or eligible entities de-*
20 *scribed by paragraph (1)(B).*

21 *“(C) Grant recipients or eligible entities de-*
22 *scribed by paragraph (1)(C).*

23 *“(3) For purposes of this subsection, an eligible entity*
24 *is a nonprofit entity and may be an entity that is ineligible*
25 *to receive a grant under section 2011 of this title, but whom*

1 *the Secretary determines carries out the purposes described*
 2 *in that section.”.*

3 **TITLE VIII—NONPROFIT RE-**
 4 **SEARCH AND EDUCATION**
 5 **CORPORATIONS**

6 **SEC. 801. GENERAL AUTHORITIES ON ESTABLISHMENT OF**
 7 **CORPORATIONS.**

8 *(a) AUTHORIZATION OF MULTI-MEDICAL CENTER RE-*
 9 *SEARCH CORPORATIONS.—*

10 *(1) IN GENERAL.—Section 7361 is amended—*

11 *(A) by redesignating subsection (b) as sub-*
 12 *section (e); and*

13 *(B) by inserting after subsection (a) the fol-*
 14 *lowing new subsection (b):*

15 *“(b)(1) Subject to paragraph (2), a corporation estab-*
 16 *lished under this subchapter may facilitate the conduct of*
 17 *research, education, or both at more than one medical cen-*
 18 *ter. Such a corporation shall be known as a ‘multi-medical*
 19 *center research corporation’.*

20 *“(2) The board of directors of a multi-medical center*
 21 *research corporation under this subsection shall include the*
 22 *official at each Department medical center concerned who*
 23 *is, or who carries out the responsibilities of, the medical*
 24 *center director of such center as specified in section*
 25 *7363(a)(1)(A)(i) of this title.*

1 “(3) *In facilitating the conduct of research, education,*
 2 *or both at more than one Department medical center under*
 3 *this subchapter, a multi-medical center research corpora-*
 4 *tion may administer receipts and expenditures relating to*
 5 *such research, education, or both, as applicable, performed*
 6 *at the Department medical centers concerned.”.*

7 (2) *EXPANSION OF EXISTING CORPORATIONS TO*
 8 *MULTI-MEDICAL CENTER RESEARCH CORPORA-*
 9 *TIONS.—Such section is further amended by adding*
 10 *at the end the following new subsection:*

11 “(f) *A corporation established under this subchapter*
 12 *may act as a multi-medical center research corporation*
 13 *under this subchapter in accordance with subsection (b)*
 14 *if—*

15 “(1) *the board of directors of the corporation ap-*
 16 *proves a resolution permitting facilitation by the cor-*
 17 *poration of the conduct of research, education, or both*
 18 *at the other Department medical center or medical*
 19 *centers concerned; and*

20 “(2) *the Secretary approves the resolution of the*
 21 *corporation under paragraph (1).”.*

22 (b) *RESTATEMENT AND MODIFICATION OF AUTHORI-*
 23 *TIES ON APPLICABILITY OF STATE LAW.—*

24 (1) *IN GENERAL.—Section 7361 as amended by*
 25 *subsection (a) of this section, is further amended by*

1 *inserting after subsection (b) the following new sub-*
 2 *section (c):*

3 *“(c) Any corporation established under this subchapter*
 4 *shall be established in accordance with the nonprofit cor-*
 5 *poration laws of the State in which the applicable Depart-*
 6 *ment medical center is located and shall, to the extent not*
 7 *inconsistent with any Federal law, be subject to the laws*
 8 *of such State. In the case of any multi-medical center re-*
 9 *search corporation that facilitates the conduct of research,*
 10 *education, or both at Department medical centers located*
 11 *in different States, the corporation shall be established in*
 12 *accordance with the nonprofit corporation laws of the State*
 13 *in which one of such Department medical centers is lo-*
 14 *cated.”.*

15 (2) *CONFORMING AMENDMENT.—Section 7365 is*
 16 *repealed.*

17 (c) *CLARIFICATION OF STATUS OF CORPORATIONS.—*
 18 *Section 7361, as amended by this section, is further amend-*
 19 *ed—*

20 (1) *in subsection (a), by striking the second sen-*
 21 *tence; and*

22 (2) *by inserting after subsection (c) the following*
 23 *new subsection (d):*

24 *“(d)(1) Except as otherwise provided in this sub-*
 25 *chapter or under regulations prescribed by the Secretary,*

1 *any corporation established under this subchapter, and its*
 2 *officers, directors, and employees, shall be required to com-*
 3 *ply only with those Federal laws, regulations, and executive*
 4 *orders and directives that apply generally to private non-*
 5 *profit corporations.*

6 “(2) *A corporation under this subchapter is not—*

7 “(A) *owned or controlled by the United States;*

8 *or*

9 “(B) *an agency or instrumentality of the United*
 10 *States.”.*

11 *(d) REINSTATEMENT OF REQUIREMENT FOR 501(C)(3)*
 12 *STATUS OF CORPORATIONS.—Subsection (e) of section*
 13 *7361, as redesignated by subsection (a)(1), is further*
 14 *amended by inserting “section 501(c)(3) of” after “exempt*
 15 *from taxation under”.*

16 **SEC. 802. CLARIFICATION OF PURPOSES OF CORPORA-**
 17 **TIONS.**

18 *(a) CLARIFICATION OF PURPOSES.—Subsection (a) of*
 19 *section 7362 is amended in the first sentence—*

20 *(1) by striking “Any corporation” and all that*
 21 *follows through “facilitate” and inserting “A corpora-*
 22 *tion established under this subchapter shall be estab-*
 23 *lished to provide a flexible funding mechanism for the*
 24 *conduct of approved research and education at one or*

1 “(A)(i) the director (or directors of each De-
2 partment medical center, in the case of a multi-
3 medical center research corporation);

4 “(ii) the chief of staff; and

5 “(iii) as appropriate for the activities of
6 such corporation, the associate chief of staff for
7 research and the associate chief of staff for edu-
8 cation; or

9 “(B) in the case of a Department medical
10 center at which one or more of the positions re-
11 ferred to in subparagraph (A) do not exist, the
12 official or officials who are responsible for car-
13 rying out the responsibilities of such position or
14 positions at the Department medical center;
15 and”.

16 (b) *REQUIREMENTS FOR NON-DEPARTMENT BOARD*
17 *MEMBERS.*—Paragraph (2) of such section is amended—

18 (1) by inserting “not less than two” before
19 “members”; and

20 (2) by striking “and who” and all that follows
21 through the period at the end and inserting “and who
22 have backgrounds, or business, legal, financial, med-
23 ical, or scientific expertise, of benefit to the operations
24 of the corporation.”.

1 (c) *CONFLICTS OF INTEREST.*—Subsection (c) of sec-
 2 tion 7363 is amended by striking “, employed by, or have
 3 any other financial relationship with” and inserting “or
 4 employed by”.

5 **SEC. 804. CLARIFICATION OF POWERS OF CORPORATIONS.**

6 (a) *IN GENERAL.*—Section 7364 is amended to read
 7 as follows:

8 **“§ 7364. General powers**

9 “(a) *IN GENERAL.*—(1) A corporation established
 10 under this subchapter may, solely to carry out the purposes
 11 of this subchapter—

12 “(A) accept, administer, retain, and spend funds
 13 derived from gifts, contributions, grants, fees, reim-
 14 bursements, and bequests from individuals and public
 15 and private entities;

16 “(B) enter into contracts and agreements with
 17 individuals and public and private entities;

18 “(C) subject to paragraph (2), set fees for edu-
 19 cation and training facilitated under section 7362 of
 20 this title, and receive, retain, administer, and spend
 21 funds in furtherance of such education and training;

22 “(D) reimburse amounts to the applicable appro-
 23 priation account of the Department for the Office of
 24 General Counsel for any expenses of that Office in

1 *providing legal services attributable to research and*
2 *education agreements under this subchapter; and*

3 *“(E) employ such employees as the corporation*
4 *considers necessary for such purposes and fix the com-*
5 *ensation of such employees.*

6 *“(2) Fees charged pursuant to paragraph (1)(C) for*
7 *education and training described in that paragraph to in-*
8 *dividuals who are officers or employees of the Department*
9 *may not be paid for by any funds appropriated to the De-*
10 *partment.*

11 *“(3) Amounts reimbursed to the Office of General*
12 *Counsel under paragraph (1)(D) shall be available for use*
13 *by the Office of the General Counsel only for staff and train-*
14 *ing, and related travel, for the provision of legal services*
15 *described in that paragraph and shall remain available for*
16 *such use without fiscal year limitation.*

17 *“(b) TRANSFER AND ADMINISTRATION OF FUNDS.—(1)*
18 *Except as provided in paragraph (2), any funds received*
19 *by the Secretary for the conduct of research or education*
20 *at a Department medical center or centers, other than funds*
21 *appropriated to the Department, may be transferred to and*
22 *administered by a corporation established under this sub-*
23 *chapter for such purposes.*

24 *“(2) A Department medical center may reimburse the*
25 *corporation for all or a portion of the pay, benefits, or both*

1 of an employee of the corporation who is assigned to the
2 Department medical center if the assignment is carried out
3 pursuant to subchapter VI of chapter 33 of title 5.

4 “(3) A Department medical center may retain and use
5 funds provided to it by a corporation established under this
6 subchapter. Such funds shall be credited to the applicable
7 appropriation account of the Department and shall be
8 available, without fiscal year limitation, for the purposes
9 of that account.

10 “(c) RESEARCH PROJECTS.—Except for reasonable
11 and usual preliminary costs for project planning before its
12 approval, a corporation established under this subchapter
13 may not spend funds for a research project unless the project
14 is approved in accordance with procedures prescribed by
15 the Under Secretary for Health for research carried out
16 with Department funds. Such procedures shall include a
17 scientific review process.

18 “(d) EDUCATION ACTIVITIES.—Except for reasonable
19 and usual preliminary costs for activity planning before
20 its approval, a corporation established under this sub-
21 chapter may not spend funds for an education activity un-
22 less the activity is approved in accordance with procedures
23 prescribed by the Under Secretary for Health.

24 “(e) POLICIES AND PROCEDURES.—The Under Sec-
25 retary for Health may prescribe policies and procedures to

1 *guide the spending of funds by corporations established*
 2 *under this subchapter that are consistent with the purpose*
 3 *of such corporations as flexible funding mechanisms and*
 4 *with Federal and State laws and regulations, and executive*
 5 *orders, circulars, and directives that apply generally to the*
 6 *receipt and expenditure of funds by nonprofit organizations*
 7 *exempt from taxation under section 501(c)(3) of the Inter-*
 8 *nal Revenue Code of 1986.”.*

9 (b) *CONFORMING AMENDMENT.*—Section 7362(a), as
 10 amended by section 802(a)(1) of this Act, is further amend-
 11 ed by striking the last sentence.

12 **SEC. 805. REDESIGNATION OF SECTION 7364A OF TITLE 38,**
 13 **UNITED STATES CODE.**

14 (a) *REDESIGNATION.*—Section 7364A is redesignated
 15 as section 7365.

16 (b) *CLERICAL AMENDMENTS.*—The table of sections at
 17 the beginning of chapter 73 is amended—

18 (1) *by striking the item relating to section*
 19 *7364A; and*

20 (2) *by striking the item relating to section 7365*
 21 *and inserting the following new item:*

“7365. Coverage of employees under certain Federal tort claims laws.”.

1 **SEC. 806. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF**
2 **CORPORATIONS.**

3 (a) *ADDITIONAL INFORMATION IN ANNUAL RE-*
4 *PORTS.*—*Subsection (b) of section 7366 is amended to read*
5 *as follows:*

6 “(b)(1) *Each corporation shall submit to the Secretary*
7 *each year a report providing a detailed statement of the*
8 *operations, activities, and accomplishments of the corpora-*
9 *tion during that year.*

10 “(2)(A) *A corporation with revenues in excess of*
11 *\$500,000 for any year shall obtain an audit of the corpora-*
12 *tion for that year.*

13 “(B) *A corporation with annual revenues between*
14 *\$100,000 and \$500,000 shall obtain an audit of the cor-*
15 *poration at least once every three years.*

16 “(C) *Any audit under this paragraph shall be per-*
17 *formed by an independent auditor.*

18 “(3) *The corporation shall include in each report to*
19 *the Secretary under paragraph (1) the following:*

20 “(A) *The most recent audit of the corporation*
21 *under paragraph (2).*

22 “(B) *The most recent Internal Revenue Service*
23 *Form 990 ‘Return of Organization Exempt from In-*
24 *come Tax’ or equivalent and the applicable schedules*
25 *under such form.’.*

1 (b) *CONFLICT OF INTEREST POLICIES.*—Subsection (c)
2 of such section is amended to read as follows:

3 “(c) *Each director, officer, and employee of a corpora-*
4 *tion established under this subchapter shall be subject to a*
5 *conflict of interest policy adopted by that corporation.*”.

6 (c) *ESTABLISHMENT OF APPROPRIATE PAYEE RE-*
7 *PORTING THRESHOLD.*—Subsection (d)(3)(C) of such sec-
8 *tion is amended by striking “\$35,000” and inserting*
9 *“\$50,000”.*

10 ***TITLE IX—CONSTRUCTION AND***
11 ***NAMING MATTERS***

12 ***SEC. 901. AUTHORIZATION OF MEDICAL FACILITY***
13 ***PROJECTS.***

14 (a) *AUTHORIZATION OF FISCAL YEAR 2010 MAJOR*
15 *MEDICAL FACILITY PROJECTS.*—*The Secretary of Veterans*
16 *Affairs may carry out the following major medical facility*
17 *projects in fiscal year 2010, with each project to be carried*
18 *out in the amount specified for such project:*

19 (1) *Construction (including acquisition of land)*
20 *for the realignment of services and closure projects at*
21 *the Department of Veterans Affairs Medical Center in*
22 *Livermore, California, in an amount not to exceed*
23 *\$55,430,000.*

24 (2) *Construction (including acquisition of land)*
25 *for a new medical facility at the Department of Vet-*

1 *erans Affairs Medical Center in Louisville, Kentucky,*
 2 *in an amount not to exceed \$75,000,000.*

3 (3) *Construction (including acquisition of land)*
 4 *for a clinical expansion for a Mental Health Facility*
 5 *at the Department of Veterans Affairs Medical Center*
 6 *in Dallas, Texas, in an amount not to exceed*
 7 *\$15,640,000.*

8 (4) *Construction (including acquisition of land)*
 9 *for a replacement bed tower and clinical expansion at*
 10 *the Department of Veterans Affairs Medical Center in*
 11 *St. Louis, Missouri, in an amount not to exceed*
 12 *\$43,340,000.*

13 (b) *EXTENSION OF AUTHORIZATION FOR MAJOR MED-*
 14 *ICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AU-*
 15 *THORIZED.—The Secretary of Veterans Affairs may carry*
 16 *out the following major medical facility projects in fiscal*
 17 *year 2010, as follows with each project to be carried out*
 18 *in the amount specified for such project:*

19 (1) *Replacement of the existing Department of*
 20 *Veterans Affairs Medical Center in Denver, Colorado,*
 21 *in an amount not to exceed \$800,000,000.*

22 (2) *Construction of Outpatient and Inpatient*
 23 *Improvements in Bay Pines, Florida, in an amount*
 24 *not to exceed \$194,400,000.*

25 (c) *AUTHORIZATION OF APPROPRIATIONS.—*

1 (1) *AUTHORIZATION OF APPROPRIATIONS FOR*
2 *CONSTRUCTION.—There is authorized to be appro-*
3 *priated to the Secretary of Veterans Affairs for fiscal*
4 *year 2010, or the year in which funds are appro-*
5 *priated, for the Construction, Major Projects ac-*
6 *count—*

7 (A) *\$189,410,000 for the projects authorized*
8 *in subsection (a); and*

9 (B) *\$994,400,000 for the projects authorized*
10 *in subsection (b).*

11 (2) *LIMITATION.—The projects authorized in*
12 *subsections (a) and (b) may only be carried out*
13 *using—*

14 (A) *funds appropriated for fiscal year 2010*
15 *pursuant to the authorization of appropriations*
16 *in paragraph (1);*

17 (B) *funds available for Construction, Major*
18 *Projects for a fiscal year before fiscal year 2010*
19 *that remain available for obligation;*

20 (C) *funds available for Construction, Major*
21 *Projects for a fiscal year after fiscal year 2010*
22 *that remain available for obligation;*

23 (D) *funds appropriated for Construction,*
24 *Major Projects for fiscal year 2010 for a category*
25 *of activity not specific to a project;*

1 (E) funds appropriated for Construction,
 2 Major Projects for a fiscal year before 2010 for
 3 a category of activity not specific to a project;
 4 and

5 (F) funds appropriated for Construction,
 6 Major Projects for a fiscal year after 2010 for a
 7 category of activity not specific to a project.

8 **SEC. 902. DESIGNATION OF MERRIL LUNDMAN DEPART-**
 9 **MENT OF VETERANS AFFAIRS OUTPATIENT**
 10 **CLINIC, HAVRE, MONTANA.**

11 (a) *DESIGNATION.*—*The Department of Veterans Af-*
 12 *fairs outpatient clinic in Havre, Montana, shall after the*
 13 *date of the enactment of this Act be known and designated*
 14 *as the “Merril Lundman Department of Veterans Affairs*
 15 *Outpatient Clinic”.*

16 (b) *REFERENCES.*—*Any reference in any law, regula-*
 17 *tion, map, document, record, or other paper of the United*
 18 *States to the outpatient clinic referred to in subsection (a)*
 19 *shall be considered to be a reference to the Merrill Lundman*
 20 *Department of Veterans Affairs Outpatient Clinic.*

21 **SEC. 903. DESIGNATION OF WILLIAM C. TALLENT DEPART-**
 22 **MENT OF VETERANS AFFAIRS OUTPATIENT**
 23 **CLINIC, KNOXVILLE, TENNESSEE.**

24 (a) *DESIGNATION.*—*The Department of Veterans Af-*
 25 *fairs Outpatient Clinic in Knoxville, Tennessee, shall after*

1 *the date of the enactment of this Act be known and des-*
 2 *ignated as the “William C. Tallent Department of Veterans*
 3 *Affairs Outpatient Clinic”.*

4 (b) *REFERENCES.—Any reference in any law, regula-*
 5 *tion, map, document, record, or other paper of the United*
 6 *States to the outpatient clinic referred to in subsection (a)*
 7 *shall be considered to be a reference to the William C.*
 8 *Tallent Department of Veterans Affairs Outpatient Clinic.*

9 **SEC. 904. DESIGNATION OF MAX J. BEILKE DEPARTMENT OF**
 10 **VETERANS AFFAIRS OUTPATIENT CLINIC, AL-**
 11 **EXANDRIA, MINNESOTA.**

12 (a) *DESIGNATION.—The Department of Veterans Af-*
 13 *fairs outpatient clinic in Alexandria, Minnesota, shall after*
 14 *the date of the enactment of this Act be known and des-*
 15 *ignated as the “Max J. Beilke Department of Veterans Af-*
 16 *fairs Outpatient Clinic”.*

17 (b) *REFERENCES.—Any reference in any law, regula-*
 18 *tion, map, document, record, or other paper of the United*
 19 *States to the outpatient clinic referred to in subsection (a)*
 20 *shall be considered to be a reference to the Max J. Beilke*
 21 *Department of Veterans Affairs Outpatient Clinic.*

22 **TITLE X—OTHER MATTERS**

23 **SEC. 1001. EXPANSION OF AUTHORITY FOR DEPARTMENT**
 24 **OF VETERANS AFFAIRS POLICE OFFICERS.**

25 *Section 902 is amended—*

1 (1) *in subsection (a)—*

2 (A) *by amending paragraph (1) to read as*
3 *follows:*

4 “(1) *Employees of the Department who are Depart-*
5 *ment police officers shall, with respect to acts occurring on*
6 *Department property—*

7 “(A) *enforce Federal laws;*

8 “(B) *enforce the rules prescribed under section*
9 *901 of this title;*

10 “(C) *enforce traffic and motor vehicle laws of a*
11 *State or local government (by issuance of a citation*
12 *for violation of such laws) within the jurisdiction of*
13 *which such Department property is located as author-*
14 *ized by an express grant of authority under applica-*
15 *ble State or local law;*

16 “(D) *carry the appropriate Department-issued*
17 *weapons, including firearms, while off Department*
18 *property in an official capacity or while in an offi-*
19 *cial travel status;*

20 “(E) *conduct investigations, on and off Depart-*
21 *ment property, of offenses that may have been com-*
22 *mitted on property under the original jurisdiction of*
23 *Department, consistent with agreements or other con-*
24 *sultation with affected Federal, State, or local law en-*
25 *forcement agencies; and*

1 “(F) carry out, as needed and appropriate, the
2 duties described in subparagraphs (A) through (E)
3 when engaged in duties authorized by other Federal
4 statutes.”;

5 (B) by striking paragraph (2) and redesignig-
6 nating paragraph (3) as paragraph (2); and

7 (C) in paragraph (2), as redesignated by
8 subparagraph (B) of this paragraph, by insert-
9 ing “, and on any arrest warrant issued by com-
10 petent judicial authority” before the period; and

11 (2) by amending subsection (c) to read as fol-
12 lows:

13 “(c) The powers granted to Department police officers
14 designated under this section shall be exercised in accord-
15 ance with guidelines approved by the Secretary and the At-
16 torney General.”.

17 **SEC. 1002. UNIFORM ALLOWANCE FOR DEPARTMENT OF**
18 **VETERANS AFFAIRS POLICE OFFICERS.**

19 Section 903 is amended—

20 (1) by striking subsection (b) and inserting the
21 following new subsection (b):

22 “(b)(1) The amount of the allowance that the Secretary
23 may pay under this section is the lesser of—

24 “(A) the amount currently allowed as prescribed
25 by the Office of Personnel Management; or

1 gress) a report, the Secretary or other official shall submit
 2 to Congress (or such committee) a copy of the report in an
 3 electronic format.

4 “(b) *TREATMENT.*—The submission of a copy of a re-
 5 port in accordance with this section shall be treated as
 6 meeting any requirement of law to submit such report to
 7 Congress (or any committee of either chamber of Congress).

8 “(c) *REPORT DEFINED.*—For purposes of this section,
 9 the term ‘report’ includes any certification, notification, or
 10 other communication in writing.”.

11 (b) *TECHNICAL AND CLERICAL AMENDMENTS.*—The
 12 table of sections at the beginning of chapter 1 is amended—

13 (1) by striking the item relating to section 117;

14 and

15 (2) by adding at the end the following new items:

“117. Advance appropriations for certain medical care accounts.

“118. Reports to Congress: submission in electronic form.”.

16 **SEC. 1004. DETERMINATION OF BUDGETARY EFFECTS FOR**
 17 **PURPOSES OF COMPLIANCE WITH STATU-**
 18 **TORY PAY-AS-YOU-GO ACT OF 2010.**

19 The budgetary effects of this Act, for the purpose of
 20 complying with the Statutory Pay-As-You-Go Act of 2010,
 21 shall be determined by reference to the latest statement titled
 22 “Budgetary Effects of PAYGO Legislation” for this Act,
 23 submitted for printing in the Congressional Record by the
 24 Chairman of the House Budget Committee, provided that

- 1 *such statement has been submitted prior to the vote on pas-*
- 2 *sage.*

Attest:

Clerk.

S. 1963

AMENDMENT