

***In the Senate of the United States,***

*June 11, 2014.*

*Resolved*, That the bill from the House of Representatives (H.R. 3230) entitled “An Act making continuing appropriations during a Government shutdown to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period.”, do pass with the following

**AMENDMENTS:**

Strike all after the enacting clause, and insert in lieu thereof:

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

2       (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*  
3 *erans’ Access to Care through Choice, Accountability, and*  
4 *Transparency Act of 2014”.*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—IMPROVEMENT OF SCHEDULING SYSTEM FOR HEALTH CARE APPOINTMENTS*

- Sec. 101. Independent assessment of the scheduling of appointments and other health care management processes of the Department of Veterans Affairs.*
- Sec. 102. Technology task force on review of scheduling system and software of the Department of Veterans Affairs.*

*TITLE II—TRAINING AND HIRING OF HEALTH CARE STAFF*

- Sec. 201. Treatment of staffing shortage and biannual report on staffing of medical facilities of the Department of Veterans Affairs.*
- Sec. 202. Clinic management training for managers and health care providers of the Department of Veterans Affairs.*
- Sec. 203. Use of unobligated amounts to hire additional health care providers for the Veterans Health Administration.*

*TITLE III—IMPROVEMENT OF ACCESS TO CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS*

- Sec. 301. Expanded availability of hospital care and medical services for veterans through the use of contracts.*
- Sec. 302. Transfer of authority for payments for hospital care, medical services, and other health care from non-Department providers to the Chief Business Office of the Veterans Health Administration of the Department.*
- Sec. 303. Enhancement of collaboration between Department of Veterans Affairs and Indian Health Service.*
- Sec. 304. Enhancement of collaboration between Department of Veterans Affairs and Native Hawaiian health care systems.*
- Sec. 305. Sense of Congress on prompt payment by Department of Veterans Affairs.*

*TITLE IV—HEALTH CARE ADMINISTRATIVE MATTERS*

- Sec. 401. Improvement of access of veterans to mobile vet centers of the Department of Veterans Affairs.*
- Sec. 402. Commission on construction projects of the Department of Veterans Affairs.*
- Sec. 403. Commission on Access to Care.*
- Sec. 404. Improved performance metrics for health care provided by Department of Veterans Affairs.*
- Sec. 405. Improved transparency concerning health care provided by Department of Veterans Affairs.*
- Sec. 406. Information for veterans on the credentials of Department of Veterans Affairs physicians.*
- Sec. 407. Information in annual budget of the President on hospital care and medical services furnished through expanded use of contracts for such care.*
- Sec. 408. Prohibition on falsification of data concerning wait times and quality measures at Department of Veterans Affairs.*
- Sec. 409. Removal of Senior Executive Service employees of the Department of Veterans Affairs for performance.*

*TITLE V—HEALTH CARE RELATED TO SEXUAL TRAUMA*

*Sec. 501. Expansion of eligibility for sexual trauma counseling and treatment to veterans on inactive duty training.*

*Sec. 502. Provision of counseling and treatment for sexual trauma by the Department of Veterans Affairs to members of the Armed Forces.*

*Sec. 503. Reports on military sexual trauma.*

*TITLE VI—MAJOR MEDICAL FACILITY LEASES*

*Sec. 601. Authorization of major medical facility leases.*

*Sec. 602. Budgetary treatment of Department of Veterans Affairs major medical facilities leases.*

*TITLE VII—VETERANS BENEFITS MATTERS*

*Sec. 701. Expansion of Marine Gunnery Sergeant John David Fry Scholarship.*

*Sec. 702. Approval of courses of education provided by public institutions of higher learning for purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance conditional on in-State tuition rate for veterans.*

*TITLE VIII—APPROPRIATION AND EMERGENCY DESIGNATIONS*

*Sec. 801. Appropriation of emergency amounts.*

*Sec. 802. Emergency designations.*

1 **TITLE I—IMPROVEMENT OF**  
 2 **SCHEDULING SYSTEM FOR**  
 3 **HEALTH CARE APPOINT-**  
 4 **MENTS**

5 **SEC. 101. INDEPENDENT ASSESSMENT OF THE SCHED-**  
 6 **ULING OF APPOINTMENTS AND OTHER**  
 7 **HEALTH CARE MANAGEMENT PROCESSES OF**  
 8 **THE DEPARTMENT OF VETERANS AFFAIRS.**

9 (a) *INDEPENDENT ASSESSMENT.—*

10 (1) *ASSESSMENT.—Not later than 30 days after*  
 11 *the date of the enactment of this Act, the Secretary of*  
 12 *Veterans Affairs shall enter into a contract with an*  
 13 *independent third party to assess the following:*

1           (A) *The process at each medical facility of*  
2 *the Department of Veterans Affairs for sched-*  
3 *uling appointments for veterans to receive hos-*  
4 *pital care, medical services, or other health care*  
5 *from the Department.*

6           (B) *The staffing level and productivity of*  
7 *each medical facility of the Department, includ-*  
8 *ing the following:*

9                   (i) *The case load of each health care*  
10 *provider of the Department.*

11                   (ii) *The time spent by each health care*  
12 *provider of the Department on matters other*  
13 *than the case load of such health care pro-*  
14 *vider, including time spent by such health*  
15 *care provider as follows:*

16                           (I) *At a medical facility that is*  
17 *affiliated with the Department.*

18                           (II) *Conducting research.*

19                           (III) *Training or overseeing other*  
20 *health care professionals of the Depart-*  
21 *ment.*

22           (C) *The organization, processes, and tools*  
23 *used by the Department to support clinical docu-*  
24 *mentation and the subsequent coding of inpa-*  
25 *tient services.*

1           (D) *The purchasing, distribution, and use*  
2 *of pharmaceuticals, medical and surgical sup-*  
3 *plies, and medical devices by the Department,*  
4 *including the following:*

5           (i) *The prices paid for, standardiza-*  
6 *tion of, and use by the Department of the*  
7 *following:*

8           (I) *High-cost pharmaceuticals.*

9           (II) *Medical and surgical sup-*  
10 *plies.*

11          (III) *Medical devices.*

12          (ii) *The use by the Department of*  
13 *group purchasing arrangements to purchase*  
14 *pharmaceuticals, medical and surgical sup-*  
15 *plies, medical devices, and health care re-*  
16 *lated services.*

17          (iii) *The strategy used by the Depart-*  
18 *ment to distribute pharmaceuticals, medical*  
19 *and surgical supplies, and medical devices*  
20 *to Veterans Integrated Service Networks and*  
21 *medical facilities of the Department.*

22          (E) *The performance of the Department in*  
23 *paying amounts owed to third parties and col-*  
24 *lecting amounts owed to the Department with re-*  
25 *spect to hospital care, medical services, and other*

1           *health care, including any recommendations of*  
2           *the independent third party as follows:*

3                     *(i) To avoid the payment of penalties*  
4                     *to vendors.*

5                     *(ii) To increase the collection of*  
6                     *amounts owed to the Department for hos-*  
7                     *pital care, medical services, or other health*  
8                     *care provided by the Department for which*  
9                     *reimbursement from a third party is au-*  
10                    *thorized.*

11                    *(iii) To increase the collection of any*  
12                    *other amounts owed to the Department.*

13           (2) *ELEMENTS OF SCHEDULING ASSESSMENT.—*

14           *In carrying out the assessment required by paragraph*  
15           *(1)(A), the independent third party shall do the fol-*  
16           *lowing:*

17                    *(A) Review all training materials per-*  
18                    *taining to scheduling of appointments at each*  
19                    *medical facility of the Department.*

20                    *(B) Assess whether all employees of the De-*  
21                    *partment conducting tasks related to scheduling*  
22                    *are properly trained for conducting such tasks.*

23                    *(C) Assess whether changes in the technology*  
24                    *or system used in scheduling appointments are*  
25                    *necessary to limit access to the system to only*

1           *those employees that have been properly trained*  
2           *in conducting such tasks.*

3           *(D) Assess whether health care providers of*  
4           *the Department are making changes to their*  
5           *schedules that hinder the ability of employees*  
6           *conducting such tasks to perform such tasks.*

7           *(E) Assess whether the establishment of a*  
8           *centralized call center throughout the Depart-*  
9           *ment for scheduling appointments at medical fa-*  
10          *ilities of the Department would improve the*  
11          *process of scheduling such appointments.*

12          *(F) Assess whether booking templates for*  
13          *each medical facility or clinic of the Department*  
14          *would improve the process of scheduling such ap-*  
15          *pointments.*

16          *(G) Recommend any actions to be taken by*  
17          *the Department to improve the process for sched-*  
18          *uling such appointments, including the fol-*  
19          *lowing:*

20                  *(i) Changes in training materials pro-*  
21                  *vided to employees of the Department with*  
22                  *respect to conducting tasks related to sched-*  
23                  *uling such appointments.*

1           (ii) *Changes in monitoring and assess-*  
2           *ment conducted by the Department of wait*  
3           *times of veterans for such appointments.*

4           (iii) *Changes in the system used to*  
5           *schedule such appointments, including*  
6           *changes to improve how the Department—*

7                   (I) *measures wait times of vet-*  
8                   *erans for such appointments;*

9                   (II) *monitors the availability of*  
10                  *health care providers of the Depart-*  
11                  *ment; and*

12                  (III) *provides veterans the ability*  
13                  *to schedule such appointments.*

14           (iv) *Such other actions as the inde-*  
15           *pendent third party considers appropriate.*

16           (3) *TIMING.—The independent third party car-*  
17           *rying out the assessment required by paragraph (1)*  
18           *shall complete such assessment not later than 180*  
19           *days after entering into the contract described in such*  
20           *paragraph.*

21           (b) *REPORT.—*

22                   (1) *IN GENERAL.—Not later than 90 days after*  
23                   *the date on which the independent third party com-*  
24                   *pletes the assessment under this section, the Secretary*  
25                   *shall submit to the Committee on Veterans' Affairs of*



1 *the Senate and the Committee on Veterans' Affairs of*  
2 *the House of Representatives a report on the results*  
3 *of such assessment.*

4 (2) *PUBLICATION.*—*Not later than 30 days after*  
5 *submitting the report under paragraph (1), the Sec-*  
6 *retary shall publish such report in the Federal Reg-*  
7 *ister and on an Internet website of the Department*  
8 *accessible to the public.*

9 **SEC. 102. TECHNOLOGY TASK FORCE ON REVIEW OF SCHED-**  
10 **ULING SYSTEM AND SOFTWARE OF THE DE-**  
11 **PARTMENT OF VETERANS AFFAIRS.**

12 (a) *TASK FORCE REVIEW.*—

13 (1) *IN GENERAL.*—*The Secretary of Veterans Af-*  
14 *airs shall, through the use of a technology task force,*  
15 *conduct a review of the needs of the Department of*  
16 *Veterans Affairs with respect to the scheduling system*  
17 *and scheduling software of the Department of Vet-*  
18 *erans Affairs that is used by the Department to sched-*  
19 *ule appointments for veterans for hospital care, med-*  
20 *ical services, and other health care from the Depart-*  
21 *ment.*

22 (2) *AGREEMENT.*—

23 (A) *IN GENERAL.*—*The Secretary shall seek*  
24 *to enter into an agreement with a technology or-*

1            *ganization or technology organizations to carry*  
2            *out the review required by paragraph (1).*

3            (B) *PROHIBITION ON USE OF FUNDS.*—No  
4            *Federal funds may be used to assist the tech-*  
5            *nology organization or technology organizations*  
6            *under subparagraph (A) in carrying out the re-*  
7            *view required by paragraph (1).*

8            (b) *REPORT.*—

9            (1) *IN GENERAL.*—Not later than 45 days after  
10           *the date of the enactment of this Act, the technology*  
11           *task force required under subsection (a)(1) shall sub-*  
12           *mit to the Secretary, the Committee on Veterans’ Af-*  
13           *airs of the Senate, and the Committee on Veterans’*  
14           *Affairs of the House of Representatives a report set-*  
15           *ting forth the findings and recommendations of the*  
16           *technology task force regarding the needs of the De-*  
17           *partment with respect to the scheduling system and*  
18           *scheduling software of the Department described in*  
19           *such subsection.*

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

22           (A) *Proposals for specific actions to be*  
23           *taken by the Department to improve the sched-*  
24           *uling system and scheduling software of the De-*  
25           *partment described in subsection (a)(1).*

1                   (B) A determination as to whether an exist-  
2                   ing off-the-shelf system would—

3                   (i) meet the needs of the Department to  
4                   schedule appointments for veterans for hos-  
5                   pital care, medical services, and other  
6                   health care from the Department; and

7                   (ii) improve the access of veterans to  
8                   such care and services.

9                   (3) *PUBLICATION.*—Not later than 30 days after  
10                  the receipt of the report required by paragraph (1),  
11                  the Secretary shall publish such report in the *Federal*  
12                  *Register* and on an Internet website of the Depart-  
13                  ment accessible to the public.

14                  (c) *IMPLEMENTATION OF TASK FORCE RECOMMENDA-*  
15                  *TIONS.*—Not later than one year after the receipt of the re-  
16                  port required by subsection (b)(1), the Secretary shall im-  
17                  plement the recommendations set forth in such report that  
18                  the Secretary considers are feasible, advisable, and cost-ef-  
19                  fective.

1 **TITLE II—TRAINING AND HIRING**  
2 **OF HEALTH CARE STAFF**

3 **SEC. 201. TREATMENT OF STAFFING SHORTAGE AND BIAN-**  
4 **NUAL REPORT ON STAFFING OF MEDICAL FA-**  
5 **CILITIES OF THE DEPARTMENT OF VETERANS**  
6 **AFFAIRS.**

7 *(a) STAFFING SHORTAGE.—*

8 *(1) IN GENERAL.—Not later than 180 days after*  
9 *the date of the enactment of this Act, and not later*  
10 *than September 30 each year thereafter, the Inspector*  
11 *General of the Department of Veterans Affairs shall*  
12 *determine, and the Secretary of Veterans Affairs shall*  
13 *publish in the Federal Register, the five occupations*  
14 *of health care providers of the Department of Veterans*  
15 *Affairs for which there is the largest staffing shortage*  
16 *throughout the Department.*

17 *(2) RECRUITMENT AND APPOINTMENT.—Notwith-*  
18 *standing sections 3304 and 3309 through 3318 of title*  
19 *5, United States Code, the Secretary may, upon a de-*  
20 *termination by the Inspector General under para-*  
21 *graph (1) that there is a staffing shortage throughout*  
22 *the Department with respect to a particular occupa-*  
23 *tion of health care provider, recruit and directly ap-*  
24 *point highly qualified health care providers to serve*

1 *as health care providers in that particular occupation*  
2 *for the Department.*

3 (3) *PRIORITY IN HEALTH PROFESSIONALS EDU-*  
4 *CATIONAL ASSISTANCE PROGRAM TO CERTAIN PRO-*  
5 *VIDERS.—Section 7612(b)(5) of title 38, United*  
6 *States Code, is amended—*

7 (A) *in subparagraph (A), by striking “and”*  
8 *at the end;*

9 (B) *by redesignating subparagraph (B) as*  
10 *subparagraph (C); and*

11 (C) *by inserting after subparagraph (A) the*  
12 *following new subparagraph (B):*

13 “(B) *shall give priority to applicants pursuing*  
14 *a course of education or training towards a career in*  
15 *an occupation for which the Secretary has, in the*  
16 *most current determination published in the Federal*  
17 *Register pursuant to section 201(a)(1) of the Vet-*  
18 *erans’ Access to Care through Choice, Accountability,*  
19 *and Transparency Act of 2014, determined that there*  
20 *is one of the largest staffing shortages throughout the*  
21 *Department with respect to such occupation; and”.*

22 (b) *REPORTS.—*

23 (1) *IN GENERAL.—Not later than 180 days after*  
24 *the date of the enactment of this Act, and not later*  
25 *than December 31 of each even numbered year there-*

1     *after until 2024, the Secretary of Veterans Affairs*  
2     *shall submit to the Committee on Veterans' Affairs of*  
3     *the Senate and the Committee on Veterans' Affairs of*  
4     *the House of Representatives a report assessing the*  
5     *staffing of each medical facility of the Department of*  
6     *Veterans Affairs.*

7             (2) *ELEMENTS.—Each report submitted under*  
8     *paragraph (1) shall include the following:*

9                     (A) *The results of a system-wide assessment*  
10     *of all medical facilities of the Department to en-*  
11     *sure the following:*

12                             (i) *Appropriate staffing levels for*  
13     *health care providers to meet the goals of the*  
14     *Secretary for timely access to care for vet-*  
15     *erans.*

16                             (ii) *Appropriate staffing levels for sup-*  
17     *port personnel, including clerks.*

18                             (iii) *Appropriate sizes for clinical pan-*  
19     *els.*

20                             (iv) *Appropriate numbers of full-time*  
21     *staff, or full-time equivalents, dedicated to*  
22     *direct care of patients.*

23                             (v) *Appropriate physical plant space*  
24     *to meet the capacity needs of the Depart-*  
25     *ment in that area.*

1                   (vi) *Such other factors as the Secretary*  
2                   *considers necessary.*

3                   (B) *A plan for addressing any issues identi-*  
4                   *fied in the assessment described in subparagraph*  
5                   *(A), including a timeline for addressing such*  
6                   *issues.*

7                   (C) *A list of the current wait times and*  
8                   *workload levels for the following clinics in each*  
9                   *medical facility:*

10                   (i) *Mental health.*

11                   (ii) *Primary care.*

12                   (iii) *Gastroenterology.*

13                   (iv) *Women's health.*

14                   (v) *Such other clinics as the Secretary*  
15                   *considers appropriate.*

16                   (D) *A description of the results of the most*  
17                   *current determination of the Inspector General*  
18                   *under paragraph (1) of subsection (a) and a*  
19                   *plan to use direct appointment authority under*  
20                   *paragraph (2) of such subsection to fill staffing*  
21                   *shortages, including recommendations for im-*  
22                   *proving the speed at which the credentialing and*  
23                   *privileging process can be conducted.*

1           (E) *The current staffing models of the De-*  
2 *partment for the following clinics, including rec-*  
3 *ommendations for changes to such models:*

4                   (i) *Mental health.*

5                   (ii) *Primary care.*

6                   (iii) *Gastroenterology.*

7                   (iv) *Women’s health.*

8                   (v) *Such other clinics as the Secretary*  
9 *considers appropriate.*

10           (F) *A detailed analysis of succession plan-*  
11 *ning at medical facilities of the Department, in-*  
12 *cluding the following:*

13                   (i) *The number of positions in medical*  
14 *facilities throughout the Department that*  
15 *are not filled by a permanent employee.*

16                   (ii) *The length of time each position*  
17 *described in clause (i) remained vacant or*  
18 *filled by a temporary or acting employee.*

19                   (iii) *A description of any barriers to*  
20 *filling the positions described in clause (i).*

21                   (iv) *A plan for filling any positions*  
22 *that are vacant or filled by a temporary or*  
23 *acting employee for more than 180 days.*



1                   (v) *A plan for handling emergency cir-*  
2                   *cumstances, such as administrative leave or*  
3                   *sudden medical leave for senior officials.*

4                   (G) *The number of health care providers of*  
5                   *the Department who have been removed from*  
6                   *their positions, have retired, or have left their*  
7                   *positions for another reason, disaggregated by*  
8                   *provider type, during the two-year period pre-*  
9                   *ceding the submittal of the report.*

10                  (H) *Of the health care providers specified in*  
11                  *subparagraph (G) who have been removed from*  
12                  *their positions, the following:*

13                         (i) *The number of such health care pro-*  
14                         *viders who were reassigned to other posi-*  
15                         *tions in the Department.*

16                         (ii) *The number of such health care*  
17                         *providers who left the Department.*

18                         (iii) *The number of such health care*  
19                         *providers who left the Department and were*  
20                         *subsequently rehired by the Department.*

21 **SEC. 202. CLINIC MANAGEMENT TRAINING FOR MANAGERS**  
22 **AND HEALTH CARE PROVIDERS OF THE DE-**  
23 **PARTMENT OF VETERANS AFFAIRS.**

24                  (a) *CLINIC MANAGEMENT TRAINING PROGRAM.—*

1           (1) *IN GENERAL.*—Not later than 180 days after  
2     the date of the enactment of this Act, the Secretary of  
3     Veterans Affairs shall commence a clinic management  
4     training program to provide in-person, standardized  
5     education on health care management to all managers  
6     of, and health care providers at, medical facilities of  
7     the Department of Veterans Affairs.

8           (2) *ELEMENTS.*—The clinic management train-  
9     ing program required by paragraph (1) shall include  
10    the following:

11           (A) *Training on how to manage the sched-*  
12    *ules of health care providers of the Department,*  
13    *including the following:*

14           (i) *Maintaining such schedules in a*  
15    *manner that allows appointments to be*  
16    *booked at least eight weeks in advance.*

17           (ii) *Proper planning procedures for va-*  
18    *cation, leave, and graduate medical edu-*  
19    *cation training schedules.*

20           (B) *Training on the appropriate number of*  
21    *appointments that a health care provider should*  
22    *conduct on a daily basis, based on specialty.*

23           (C) *Training on how to determine whether*  
24    *there are enough available appointment slots to*  
25    *manage demand for different appointment types*

1           *and mechanisms for alerting management of in-*  
2           *sufficient slots.*

3           *(D) Training on how to properly use the*  
4           *appointment scheduling system of the Depart-*  
5           *ment, including any new scheduling system im-*  
6           *plemented by the Department.*

7           *(E) Training on how to optimize the use of*  
8           *technology, including the following:*

9                   *(i) Telemedicine.*

10                   *(ii) Electronic mail.*

11                   *(iii) Text messaging.*

12                   *(iv) Such other technologies as speci-*  
13                   *fied by the Secretary.*

14           *(F) Training on how to properly use phys-*  
15           *ical plant space at medical facilities of the De-*  
16           *partment to ensure efficient flow and privacy for*  
17           *patients and staff.*

18           *(3) SUNSET.—The clinic management training*  
19           *program required by paragraph (1) shall terminate*  
20           *on the date that is two years after the date on which*  
21           *the Secretary commences such program.*

22           *(b) TRAINING MATERIALS.—*

23                   *(1) IN GENERAL.—After the termination of the*  
24                   *clinic management training program required by*  
25                   *subsection (a), the Secretary shall provide training*

1 *materials on health care management to each of the*  
2 *following employees of the Department upon the com-*  
3 *mencement of employment of such employee:*

4 (A) *Any manager of a medical facility of*  
5 *the Department.*

6 (B) *Any health care provider at a medical*  
7 *facility of the Department.*

8 (C) *Such other employees of the Department*  
9 *as the Secretary considers appropriate.*

10 (2) *UPDATE.*—*The Secretary shall regularly up-*  
11 *date the training materials required under paragraph*  
12 *(1).*

13 **SEC. 203. USE OF UNOBLIGATED AMOUNTS TO HIRE ADDI-**  
14 **TIONAL HEALTH CARE PROVIDERS FOR THE**  
15 **VETERANS HEALTH ADMINISTRATION.**

16 (a) *IN GENERAL.*—*At the end of each of fiscal years*  
17 *2014 and 2015, all covered amounts shall be made available*  
18 *to the Secretary of Veterans Affairs to hire additional health*  
19 *care providers for the Veterans Health Administration of*  
20 *the Department of Veterans Affairs, or to carry out any*  
21 *provision of this Act or the amendments made by this Act,*  
22 *and shall remain available until expended.*

23 (b) *PRIORITY IN HIRING.*—*The Secretary shall*  
24 *prioritize hiring additional health care providers under*  
25 *subsection (a) at medical facilities of the Department and*

1 *in geographic areas in which the Secretary identifies the*  
 2 *greatest shortage of health care providers.*

3 (c) *COVERED AMOUNTS DEFINED.*—*In this section, the*  
 4 *term “covered amounts” means amounts—*

5 (1) *that are made available to the Veterans*  
 6 *Health Administration of the Department for an ap-*  
 7 *propriations account—*

8 (A) *under the heading “MEDICAL SERV-*  
 9 *ICES”;*

10 (B) *under the heading “MEDICAL SUPPORT*  
 11 *AND COMPLIANCE”;* *or*

12 (C) *under the heading “MEDICAL FACILI-*  
 13 *TIES”;* *and*

14 (2) *that are unobligated at the end of the appli-*  
 15 *cable fiscal year.*

16 ***TITLE III—IMPROVEMENT OF AC-***  
 17 ***CESS TO CARE FROM NON-DE-***  
 18 ***PARTMENT OF VETERANS AF-***  
 19 ***FAIRS PROVIDERS***

20 ***SEC. 301. EXPANDED AVAILABILITY OF HOSPITAL CARE***  
 21 ***AND MEDICAL SERVICES FOR VETERANS***  
 22 ***THROUGH THE USE OF CONTRACTS.***

23 (a) *EXPANSION OF AVAILABLE CARE AND SERVICES.*—

24 (1) *FURNISHING OF CARE.*—

1           (A) *IN GENERAL.*—Hospital care and med-  
2           ical services under chapter 17 of title 38, United  
3           States Code, shall be furnished to an eligible vet-  
4           eran described in subsection (b), at the election  
5           of such veteran, through contracts authorized  
6           under subsection (d), or any other law adminis-  
7           tered by the Secretary of Veterans Affairs, with  
8           entities specified in subparagraph (B) for the  
9           furnishing of such care and services to veterans.

10           (B) *ENTITIES SPECIFIED.*—The entities  
11           specified in this subparagraph are the following:

12           (i) Any health care provider that is  
13           participating in the Medicare program  
14           under title XVIII of the Social Security Act  
15           (42 U.S.C. 1395 et seq.).

16           (ii) Any Federally-qualified health cen-  
17           ter (as defined in section 1905(l)(2)(B) of  
18           the Social Security Act (42 U.S.C.  
19           1396d(l)(2)(B))).

20           (iii) The Department of Defense.

21           (iv) The Indian Health Service.

22           (2) *CHOICE OF PROVIDER.*—An eligible veteran  
23           who elects to receive care and services under this sec-  
24           tion may select the provider of such care and services  
25           from among any source of provider of such care and

1 *services through an entity specified in paragraph*  
2 *(1)(B) that is accessible to the veteran.*

3 *(3) COORDINATION OF CARE AND SERVICES.—*

4 *The Secretary shall coordinate, through the Non-VA*  
5 *Care Coordination Program of the Department of Vet-*  
6 *erans Affairs, the furnishing of care and services*  
7 *under this section to eligible veterans, including by*  
8 *ensuring that an eligible veteran receives an appoint-*  
9 *ment for such care and services within the current*  
10 *wait-time goals of the Veterans Health Administra-*  
11 *tion for the furnishing of hospital care and medical*  
12 *services.*

13 *(b) ELIGIBLE VETERANS.—A veteran is an eligible vet-*  
14 *eran for purposes of this section if—*

15 *(1)(A) the veteran is enrolled in the patient en-*  
16 *rollment system of the Department of Veterans Affairs*  
17 *established and operated under section 1705 of title*  
18 *38, United States Code; or*

19 *(B) the veteran is enrolled in such system, has*  
20 *not received hospital care or medical services from the*  
21 *Department, and has contacted the Department seek-*  
22 *ing an initial appointment from the Department for*  
23 *the receipt of such care or services; and*

24 *(2) the veteran—*

1           (A)(i) attempts, or has attempted under  
2 paragraph (1)(B), to schedule an appointment  
3 for the receipt of hospital care or medical serv-  
4 ices under chapter 17 of title 38, United States  
5 Code, but is unable to schedule an appointment  
6 within the current wait-time goals of the Vet-  
7 erans Health Administration for the furnishing  
8 of such care or services; and

9           (ii) elects, and is authorized, to be furnished  
10 such care or services pursuant to subsection  
11 (c)(2);

12           (B) resides more than 40 miles from the  
13 nearest medical facility of the Department, in-  
14 cluding a community-based outpatient clinic,  
15 that is closest to the residence of the veteran; or

16           (C) resides—

17           (i) in a State without a medical facil-  
18 ity of the Department that provides—

19                   (I) hospital care;

20                   (II) emergency medical services;

21                   and

22                   (III) surgical care rated by the  
23 Secretary as having a surgical com-  
24 plexity of standard; and



1                   (ii) more than 20 miles from a medical  
2                   facility of the Department described in  
3                   clause (i).

4           (c) *ELECTION AND AUTHORIZATION.*—

5                   (1) *IN GENERAL.*—*If the Secretary confirms that*  
6                   *an appointment for an eligible veteran described in*  
7                   *subsection (b)(2)(A) for the receipt of hospital care or*  
8                   *medical services under chapter 17 of title 38, United*  
9                   *States Code, is unavailable within the current wait-*  
10                   *time goals of the Department for the furnishing of*  
11                   *such care or services, the Secretary shall, at the elec-*  
12                   *tion of the eligible veteran—*

13                   (A) *place such eligible veteran on an elec-*  
14                   *tronic waiting list described in paragraph (2)*  
15                   *for such an appointment; or*

16                   (B)(i) *authorize that such care and services*  
17                   *be furnished to the eligible veteran under this*  
18                   *section for a period of time specified by the Sec-*  
19                   *retary; and*

20                   (ii) *send a letter to the eligible veteran de-*  
21                   *scribing the care and services the eligible veteran*  
22                   *is eligible to receive under this section.*

23                   (2) *ELECTRONIC WAITING LIST.*—*The electronic*  
24                   *waiting list described in this paragraph shall be*  
25                   *maintained by the Department and allow access by*

1 *each eligible veteran via [www.myhealth.va.gov](http://www.myhealth.va.gov) or any*  
2 *successor website for the following purposes:*

3 *(A) To determine the place of such eligible*  
4 *veteran on the waiting list.*

5 *(B) To determine the average length of time*  
6 *an individual spends on the waiting list,*  
7 *disaggregated by medical facility of the Depart-*  
8 *ment and type of care or service needed, for pur-*  
9 *poses of allowing such eligible veteran to make*  
10 *an informed election under paragraph (1).*

11 *(d) CARE AND SERVICES THROUGH CONTRACTS.—*

12 *(1) IN GENERAL.—The Secretary shall enter into*  
13 *contracts with health care providers that are partici-*  
14 *pating in the Medicare program under title XVIII of*  
15 *the Social Security Act (42 U.S.C. 1395 et seq.) to*  
16 *furnish care and services to eligible veterans under*  
17 *this section.*

18 *(2) RATES AND REIMBURSEMENT.—*

19 *(A) IN GENERAL.—In entering into a con-*  
20 *tract under this subsection, the Secretary shall—*

21 *(i) negotiate rates for the furnishing of*  
22 *care and services under this section; and*

23 *(ii) reimburse the health care provider*  
24 *for such care and services at the rates nego-*

1           *tiated pursuant to clause (i) as provided in*  
2           *such contract.*

3           *(B) LIMIT ON RATES.—*

4                     *(i) IN GENERAL.—Except as provided*  
5                     *in clause (ii), rates negotiated under sub-*  
6                     *paragraph (A)(i) shall not be more than the*  
7                     *rates paid by the United States to a pro-*  
8                     *vider of services (as defined in section*  
9                     *1861(u) of the Social Security Act (42*  
10                    *U.S.C. 1395x(u))) or a supplier (as defined*  
11                    *in section 1861(d) of such Act (42 U.S.C.*  
12                    *1395x(d))) under the Medicare program*  
13                    *under title XVIII of the Social Security Act*  
14                    *(42 U.S.C. 1395 et seq.) for the same care*  
15                    *and services.*

16                    *(ii) EXCEPTION.—The Secretary may*  
17                    *negotiate a rate that is more than the rate*  
18                    *paid by the United States as described in*  
19                    *clause (i) with respect to the furnishing of*  
20                    *care or services under this section to an eli-*  
21                    *gible veteran if the Secretary determines*  
22                    *that there is no health care provider that*  
23                    *will provide such care or services to such el-*  
24                    *igible veteran at the rate required under*  
25                    *such clause—*

1                   (I) *within the current wait-time*  
2                   *goals of the Veterans Health Adminis-*  
3                   *tration for the furnishing of such care*  
4                   *or services; and*

5                   (II) *at a location not more than*  
6                   *40 miles from the residence of such eli-*  
7                   *gible veteran.*

8                   (C) *LIMIT ON COLLECTION.—For the fur-*  
9                   *nishing of care and services pursuant to a con-*  
10                  *tract under this section, a health care provider*  
11                  *may not collect any amount that is greater than*  
12                  *the rate negotiated pursuant to subparagraph*  
13                  *(A)(i).*

14                  (3) *INFORMATION ON POLICIES AND PROCE-*  
15                  *DURES.—The Secretary shall provide to any health*  
16                  *care provider with which the Secretary has entered*  
17                  *into a contract under paragraph (1) the following:*

18                       (A) *Information on applicable policies and*  
19                       *procedures for submitting bills or claims for au-*  
20                       *thorized care and services furnished to eligible*  
21                       *veterans under this section.*

22                       (B) *Access to a telephone hotline main-*  
23                       *tained by the Department that such health care*  
24                       *provider may call for information on the fol-*  
25                       *lowing:*

1                   (i) *Procedures for furnishing care and*  
2                   *services under this section.*

3                   (ii) *Procedures for submitting bills or*  
4                   *claims for authorized care and services fur-*  
5                   *nished to eligible veterans under this section*  
6                   *and being reimbursed for furnishing such*  
7                   *care and services.*

8                   (iii) *Whether particular care or serv-*  
9                   *ices under this section are authorized, and*  
10                  *the procedures for authorization of such care*  
11                  *or services.*

12                  (e) *CHOICE CARD.—*

13                  (1) *IN GENERAL.—For purposes of receiving care*  
14                  *and services under this section, the Secretary shall*  
15                  *issue to each eligible veteran a card that the eligible*  
16                  *veteran shall present to a health care provider that is*  
17                  *eligible to furnish care and services under this section*  
18                  *before receiving such care and services.*

19                  (2) *NAME OF CARD.—Each card issued under*  
20                  *paragraph (1) shall be known as a “Choice Card”.*

21                  (3) *DETAILS OF CARD.—Each Choice Card*  
22                  *issued to an eligible veteran under paragraph (1)*  
23                  *shall include the following:*

24                         (A) *The name of the eligible veteran.*

1           (B) *An identification number for the eligi-*  
2           *ble veteran that is not the social security number*  
3           *of the eligible veteran.*

4           (C) *The contact information of an appro-*  
5           *priate office of the Department for health care*  
6           *providers to confirm that care and services under*  
7           *this section are authorized for the eligible vet-*  
8           *eran.*

9           (D) *Contact information and other relevant*  
10          *information for the submittal of claims or bills*  
11          *for the furnishing of care and services under this*  
12          *section.*

13          (E) *The following statement: “This card is*  
14          *for qualifying medical care outside the Depart-*  
15          *ment of Veterans Affairs. Please call the Depart-*  
16          *ment of Veterans Affairs phone number specified*  
17          *on this card to ensure that treatment has been*  
18          *authorized.”.*

19          (4) *INFORMATION ON USE OF CARD.*—*Upon*  
20          *issuing a Choice Card to an eligible veteran, the Sec-*  
21          *retary shall provide the eligible veteran with informa-*  
22          *tion clearly stating the circumstances under which the*  
23          *veteran may be eligible for care and services under*  
24          *this section.*

1       (f) *INFORMATION ON AVAILABILITY OF CARE.*—The  
2 Secretary shall provide information to a veteran about the  
3 availability of care and services under this section in the  
4 following circumstances:

5           (1) *When the veteran enrolls in the patient en-*  
6 *rollment system of the Department under section 1705*  
7 *of title 38, United States Code.*

8           (2) *When the veteran attempts to schedule an ap-*  
9 *pointment for the receipt of hospital care or medical*  
10 *services from the Department but is unable to sched-*  
11 *ule an appointment within the current wait-time*  
12 *goals of the Veterans Health Administration for deliv-*  
13 *ery of such care or services.*

14       (g) *PROVIDERS.*—*To be eligible to furnish care and*  
15 *services under this section, a health care provider must—*

16           (1) *maintain at least the same or similar creden-*  
17 *tials and licenses as those credentials and licenses*  
18 *that are required of health care providers of the De-*  
19 *partment, as determined by the Secretary for pur-*  
20 *poses of this section; and*

21           (2) *submit, not less frequently than once each*  
22 *year, verification of such licenses and credentials*  
23 *maintained by such health care provider.*

24       (h) *COST-SHARING.*—

1           (1) *IN GENERAL.*—*The Secretary shall require*  
2 *an eligible veteran to pay a copayment to the Depart-*  
3 *ment for the receipt of care and services under this*  
4 *section only if such eligible veteran would be required*  
5 *to pay such copayment for the receipt of such care*  
6 *and services at a medical facility of the Department.*

7           (2) *LIMITATION.*—*The copayment required under*  
8 *paragraph (1) shall not be greater than the copay-*  
9 *ment required of such eligible veteran by the Depart-*  
10 *ment for the receipt of such care and services at a*  
11 *medical facility of the Department.*

12       (i) *CLAIMS PROCESSING SYSTEM.*—

13           (1) *IN GENERAL.*—*The Secretary shall provide*  
14 *for an efficient nationwide system for processing and*  
15 *paying bills or claims for authorized care and services*  
16 *furnished to eligible veterans under this section.*

17           (2) *REGULATIONS.*—*Not later than 90 days after*  
18 *the date of the enactment of this Act, the Secretary of*  
19 *Veterans Affairs shall prescribe regulations for the*  
20 *implementation of such system.*

21           (3) *OVERSIGHT.*—*The Chief Business Office of*  
22 *the Veterans Health Administration shall oversee the*  
23 *implementation and maintenance of such system.*

24           (4) *ACCURACY OF PAYMENT.*—



1           (A) *IN GENERAL.*—*The Secretary shall en-*  
2           *sure that such system meets such goals for accu-*  
3           *racy of payment as the Secretary shall specify*  
4           *for purposes of this section.*

5           (B) *ANNUAL REPORT.*—

6           (i) *IN GENERAL.*—*Not later than one*  
7           *year after the date of the enactment of this*  
8           *Act, and annually thereafter until the ter-*  
9           *mination date specified in subsection (n),*  
10          *the Secretary shall submit to the Committee*  
11          *on Veterans' Affairs of the Senate and the*  
12          *Committee on Veterans' Affairs of the House*  
13          *of Representatives a report on the goals for*  
14          *accuracy of such system.*

15          (ii) *ELEMENTS.*—*Each report required*  
16          *by clause (i) shall include the following:*

17                  (I) *A description of the goals for*  
18                  *accuracy for such system specified by*  
19                  *the Secretary under subparagraph (A).*

20                  (II) *An assessment of the success*  
21                  *of the Department in meeting such*  
22                  *goals during the year preceding the*  
23                  *submittal of the report.*

24          (j) *MEDICAL RECORDS.*—*The Secretary shall ensure*  
25          *that any health care provider that furnishes care and serv-*

1 ices under this section to an eligible veteran submits to the  
2 Department any medical record related to the care and  
3 services provided to such eligible veteran by such health care  
4 provider for inclusion in the electronic medical record of  
5 such eligible veteran maintained by the Department upon  
6 the completion of the provision of such care and services  
7 to such eligible veteran.

8       (k) *TRACKING OF MISSED APPOINTMENTS.*—The Sec-  
9 retary shall implement a mechanism to track any missed  
10 appointments for care and services under this section by  
11 eligible veterans to ensure that the Department does not pay  
12 for such care and services that were not furnished to an  
13 eligible veteran.

14       (l) *IMPLEMENTATION.*—Not later than 90 days after  
15 the date of the enactment of this Act, the Secretary shall  
16 prescribe interim final regulations on the implementation  
17 of this section and publish such regulations in the Federal  
18 Register.

19       (m) *INSPECTOR GENERAL REPORT.*—Not later than  
20 540 days after the publication of the interim final regula-  
21 tions under subsection (l), the Inspector General of the De-  
22 partment shall submit to the Secretary a report on the re-  
23 sults of an audit of the care and services furnished under  
24 this section to ensure the accuracy and timeliness of pay-  
25 ments by the Department for the cost of such care and serv-

1 ices, including any findings and recommendations of the  
2 Inspector General.

3 (n) *TERMINATION.*—The requirement of the Secretary  
4 to furnish care and services under this section terminates  
5 on the date that is two years after the date on which the  
6 Secretary publishes the interim final regulations under sub-  
7 section (l).

8 (o) *REPORTS.*—

9 (1) *INITIAL REPORT.*—Not later than 90 days  
10 after the publication of the interim final regulations  
11 under subsection (l), the Secretary shall submit to the  
12 Committee on Veterans' Affairs of the Senate and the  
13 Committee on Veterans' Affairs of the House of Rep-  
14 resentatives a report on the furnishing of care and  
15 services under this section that includes the following:

16 (A) The number of eligible veterans who  
17 have received care and services under this sec-  
18 tion.

19 (B) A description of the type of care and  
20 services furnished to eligible veterans under this  
21 section.

22 (2) *FINAL REPORT.*—Not later than 540 days  
23 after the publication of the interim final regulations  
24 under subsection (l), the Secretary shall submit to the  
25 Committee on Veterans' Affairs of the Senate and the

1        *Committee on Veterans' Affairs of the House of Rep-*  
2        *resentatives a report on the furnishing of care and*  
3        *services under this section that includes the following:*

4                *(A) The total number of eligible veterans*  
5                *who have received care and services under this*  
6                *section, disaggregated by—*

7                        *(i) eligible veterans described in sub-*  
8                        *section (b)(2)(A); and*

9                        *(ii) eligible veterans described in sub-*  
10                        *section (b)(2)(B).*

11                *(B) A description of the type of care and*  
12                *services furnished to eligible veterans under this*  
13                *section.*

14                *(C) An accounting of the total cost of fur-*  
15                *nishing care and services to eligible veterans*  
16                *under this section.*

17                *(D) The results of a survey of eligible vet-*  
18                *erans who have received care or services under*  
19                *this section on the satisfaction of such eligible*  
20                *veterans with the care or services received by*  
21                *such eligible veterans under this section.*

22                *(E) An assessment of the effect of furnishing*  
23                *care and services under this section on wait*  
24                *times for an appointment for the receipt of hos-*

1            *pital care and medical services from the Depart-*  
2            *ment.*

3            *(F) An assessment of the feasibility and ad-*  
4            *visability of continuing furnishing care and*  
5            *services under this section after the termination*  
6            *date specified in subsection (n).*

7            *(p) RULES OF CONSTRUCTION.—*

8            *(1) NO MODIFICATION OF CONTRACTS.—Nothing*  
9            *in this section shall be construed to require the Sec-*  
10           *retary to renegotiate contracts for the furnishing of*  
11           *hospital care or medical services to veterans entered*  
12           *into by the Department before the date of the enact-*  
13           *ment of this Act.*

14           *(2) FILLING AND PAYING FOR PRESCRIPTION*  
15           *MEDICATIONS.—Nothing in this section shall be con-*  
16           *strued to alter the process of the Department for fill-*  
17           *ing and paying for prescription medications.*

18           **SEC. 302. TRANSFER OF AUTHORITY FOR PAYMENTS FOR**  
19           **HOSPITAL CARE, MEDICAL SERVICES, AND**  
20           **OTHER HEALTH CARE FROM NON-DEPART-**  
21           **MENT PROVIDERS TO THE CHIEF BUSINESS**  
22           **OFFICE OF THE VETERANS HEALTH ADMINIS-**  
23           **TRATION OF THE DEPARTMENT.**

24           *(a) TRANSFER OF AUTHORITY.—*

1           (1) *IN GENERAL.*—Effective on October 1, 2014,  
2           the Secretary of Veterans Affairs shall transfer the au-  
3           thority to pay for hospital care, medical services, and  
4           other health care through non-Department providers  
5           to the Chief Business Office of the Veterans Health  
6           Administration of the Department of Veterans Affairs  
7           from the Veterans Integrated Service Networks and  
8           medical centers of the Department of Veterans Affairs.

9           (2) *MANNER OF CARE.*—The Chief Business Of-  
10          fice shall work in consultation with the Office of Clin-  
11          ical Operations and Management of the Department  
12          of Veterans Affairs to ensure that care and services  
13          described in paragraph (1) are provided in a manner  
14          that is clinically appropriate and effective.

15          (3) *NO DELAY IN PAYMENT.*—The transfer of au-  
16          thority under paragraph (1) shall be carried out in  
17          a manner that does not delay or impede any payment  
18          by the Department for hospital care, medical services,  
19          or other health care provided through a non-Depart-  
20          ment provider under the laws administered by the  
21          Secretary.

22          (b) *BUDGETARY EFFECT.*—The Secretary shall, for  
23          each fiscal year that begins after the date of the enactment  
24          of this Act—

1           (1) *include in the budget for the Chief Business*  
2           *Office of the Veterans Health Administration amounts*  
3           *to pay for hospital care, medical services, and other*  
4           *health care provided through non-Department pro-*  
5           *viders, including any amounts necessary to carry out*  
6           *the transfer of authority to pay for such care and*  
7           *services under subsection (a), including any increase*  
8           *in staff; and*

9           (2) *not include in the budget of each Veterans*  
10          *Integrated Service Network and medical center of the*  
11          *Department amounts to pay for such care and serv-*  
12          *ices.*

13 **SEC. 303. ENHANCEMENT OF COLLABORATION BETWEEN**  
14                                    **DEPARTMENT OF VETERANS AFFAIRS AND IN-**  
15                                    **DIAN HEALTH SERVICE.**

16          (a) *OUTREACH TO TRIBAL-RUN MEDICAL FACILI-*  
17          *TIES.—The Secretary of Veterans Affairs shall, in consulta-*  
18          *tion with the Director of the Indian Health Service, conduct*  
19          *outreach to each medical facility operated by an Indian*  
20          *tribe or tribal organization through a contract or compact*  
21          *with the Indian Health Service under the Indian Self-De-*  
22          *termination and Education Assistance Act (25 U.S.C. 450*  
23          *et seq.) to raise awareness of the ability of such facilities,*  
24          *Indian tribes, and tribal organizations to enter into agree-*  
25          *ments with the Department of Veterans Affairs under which*

1 *the Secretary reimburses such facilities, Indian tribes, or*  
2 *tribal organizations, as the case may be, for health care pro-*  
3 *vided to veterans eligible for health care at such facilities.*

4       **(b) METRICS FOR MEMORANDUM OF UNDERSTANDING**  
5 *PERFORMANCE.*—*The Secretary of Veterans Affairs shall*  
6 *implement performance metrics for assessing the perform-*  
7 *ance by the Department of Veterans Affairs and the Indian*  
8 *Health Service under the memorandum of understanding*  
9 *entitled “Memorandum of Understanding between the De-*  
10 *partment of Veterans Affairs (VA) and the Indian Health*  
11 *Service (IHS)” in increasing access to health care, improv-*  
12 *ing quality and coordination of health care, promoting ef-*  
13 *fective patient-centered collaboration and partnerships be-*  
14 *tween the Department and the Service, and ensuring health-*  
15 *promotion and disease-prevention services are appro-*  
16 *priately funded and available for beneficiaries under both*  
17 *health care systems.*

18       **(c) REPORT.**—*Not later than 180 days after the date*  
19 *of the enactment of this Act, the Secretary of Veterans Af-*  
20 *airs and the Director of the Indian Health Service shall*  
21 *jointly submit to Congress a report on the feasibility and*  
22 *advisability of the following:*

23               **(1)** *Entering into agreements for the reimburse-*  
24 *ment by the Secretary of the costs of direct care serv-*  
25 *ices provided through organizations receiving*



1     *amounts pursuant to grants made or contracts en-*  
2     *tered into under section 503 of the Indian Health*  
3     *Care Improvement Act (25 U.S.C. 1653) to veterans*  
4     *who are otherwise eligible to receive health care from*  
5     *such organizations.*

6             *(2) Including the reimbursement of the costs of*  
7     *direct care services provided to veterans who are not*  
8     *Indians in agreements between the Department and*  
9     *the following:*

10             *(A) The Indian Health Service.*

11             *(B) An Indian tribe or tribal organization*  
12     *operating a medical facility through a contract*  
13     *or compact with the Indian Health Service*  
14     *under the Indian Self-Determination and Edu-*  
15     *cation Assistance Act (25 U.S.C. 450 et seq.).*

16             *(C) A medical facility of the Indian Health*  
17     *Service.*

18     *(d) DEFINITIONS.—In this section:*

19             *(1) INDIAN.—The terms “Indian” and “Indian*  
20     *tribe” have the meanings given those terms in section*  
21     *4 of the Indian Health Care Improvement Act (25*  
22     *U.S.C. 1603).*

23             *(2) MEDICAL FACILITY OF THE INDIAN HEALTH*  
24     *SERVICE.—The term “medical facility of the Indian*  
25     *Health Service” includes a facility operated by an In-*

1        *dian tribe or tribal organization through a contract*  
2        *or compact with the Indian Health Service under the*  
3        *Indian Self-Determination and Education Assistance*  
4        *Act (25 U.S.C. 450 et seq.).*

5            (3) *TRIBAL ORGANIZATION.*—*The term “tribal*  
6        *organization” has the meaning given the term in sec-*  
7        *tion 4 of the Indian Self-Determination and Edu-*  
8        *cation Assistance Act (25 U.S.C. 450b).*

9        **SEC. 304. ENHANCEMENT OF COLLABORATION BETWEEN**  
10                            **DEPARTMENT OF VETERANS AFFAIRS AND**  
11                            **NATIVE HAWAIIAN HEALTH CARE SYSTEMS.**

12            (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*  
13        *shall, in consultation with Papa Ola Lokahi and such other*  
14        *organizations involved in the delivery of health care to Na-*  
15        *tive Hawaiians as the Secretary considers appropriate,*  
16        *enter into contracts or agreements with Native Hawaiian*  
17        *health care systems that are in receipt of funds from the*  
18        *Secretary of Health and Human Services pursuant to*  
19        *grants awarded or contracts entered into under section 6(a)*  
20        *of the Native Hawaiian Health Care Improvement Act (42*  
21        *U.S.C. 11705(a)) for the reimbursement of direct care serv-*  
22        *ices provided to eligible veterans as specified in such con-*  
23        *tracts or agreements.*

24            (b) *DEFINITIONS.*—*In this section, the terms “Native*  
25        *Hawaiian”, “Native Hawaiian health care system”, and*

1 “*Papa Ola Lokahi*” have the meanings given those terms  
 2 in section 12 of the Native Hawaiian Health Care Improve-  
 3 ment Act (42 U.S.C. 11711).

4 **SEC. 305. SENSE OF CONGRESS ON PROMPT PAYMENT BY**  
 5 **DEPARTMENT OF VETERANS AFFAIRS.**

6 *It is the sense of Congress that the Secretary of Vet-*  
 7 *erans Affairs shall comply with section 1315 of title 5, Code*  
 8 *of Federal Regulations (commonly known as the “prompt*  
 9 *payment rule”), or any corresponding similar regulation*  
 10 *or ruling, in paying for health care pursuant to contracts*  
 11 *entered into with non-Department of Veterans Affairs pro-*  
 12 *viders to provide health care under the laws administered*  
 13 *by the Secretary.*

14 **TITLE IV—HEALTH CARE**  
 15 **ADMINISTRATIVE MATTERS**

16 **SEC. 401. IMPROVEMENT OF ACCESS OF VETERANS TO MO-**  
 17 **BILE VET CENTERS OF THE DEPARTMENT OF**  
 18 **VETERANS AFFAIRS.**

19 (a) *IMPROVEMENT OF ACCESS.—*

20 (1) *IN GENERAL.—The Secretary of Veterans Af-*  
 21 *fairs shall improve the access of veterans to telemedi-*  
 22 *cine and other health care through the use of mobile*  
 23 *vet centers of the Department of Veterans Affairs by*  
 24 *providing standardized requirements for the operation*  
 25 *of such centers.*

1           (2) *REQUIREMENTS.*—*The standardized require-*  
2           *ments required by paragraph (1) shall include the fol-*  
3           *lowing:*

4                   (A) *The number of days each mobile vet*  
5                   *center of the Department is expected to travel per*  
6                   *year.*

7                   (B) *The number of locations each center is*  
8                   *expected to visit per year.*

9                   (C) *The number of appointments each cen-*  
10                  *ter is expected to conduct per year.*

11                  (D) *The method and timing of notifications*  
12                  *given by each center to individuals in the area*  
13                  *to which such center is traveling, including noti-*  
14                  *fications informing veterans of the availability*  
15                  *to schedule appointments at the center.*

16           (3) *USE OF TELEMEDICINE.*—*The Secretary*  
17           *shall ensure that each mobile vet center of the Depart-*  
18           *ment has the capability to provide telemedicine serv-*  
19           *ices.*

20           (b) *REPORTS.*—*Not later than one year after the date*  
21           *of the enactment of this Act, and not later than September*  
22           *30 each year thereafter, the Secretary of Veterans Affairs*  
23           *shall submit to the Committee on Veterans' Affairs of the*  
24           *Senate and the Committee on Veterans' Affairs of the House*  
25           *of Representatives a report on the following:*

1           (1) *The use of mobile vet centers to provide tele-*  
2 *medicine services to veterans during the year pre-*  
3 *ceding the submittal of the report, including the fol-*  
4 *lowing:*

5                   (A) *The number of days each mobile vet*  
6 *center was open to provide such services.*

7                   (B) *The number of days each mobile vet*  
8 *center traveled to a location other than the head-*  
9 *quarters of the mobile vet center to provide such*  
10 *services.*

11                   (C) *The number of appointments each cen-*  
12 *ter conducted to provide such services on average*  
13 *per month and in total during such year.*

14           (2) *An analysis of the effectiveness of using mo-*  
15 *bile vet centers to provide health care services to vet-*  
16 *erans through the use of telemedicine.*

17           (3) *Any recommendations for an increase in the*  
18 *number of mobile vet centers of the Department.*

19           (4) *Any recommendations for an increase in the*  
20 *telemedicine capabilities of each mobile vet center.*

21           (5) *The feasibility and advisability of using tem-*  
22 *porary health care providers, including locum tenens,*  
23 *to provide direct health care services to veterans at*  
24 *mobile vet centers.*

1           (6) *Such other recommendations on improvement*  
2           *of the use of mobile vet centers by the Department as*  
3           *the Secretary considers appropriate.*

4 **SEC. 402. COMMISSION ON CONSTRUCTION PROJECTS OF**  
5           **THE DEPARTMENT OF VETERANS AFFAIRS.**

6           (a) *ESTABLISHMENT OF COMMISSION.—*

7           (1) *ESTABLISHMENT.—There is established an*  
8           *Independent Commission on Department of Veterans*  
9           *Affairs Construction Projects (in this section referred*  
10           *to as the “Commission”).*

11           (2) *MEMBERSHIP.—*

12           (A) *VOTING MEMBERS.—The Commission*  
13           *shall be composed of 10 voting members as fol-*  
14           *lows:*

15                   (i) *Three members to be appointed by*  
16                   *the President from among members of the*  
17                   *National Academy of Engineering who are*  
18                   *nominated under subparagraph (B).*

19                   (ii) *Three members to be appointed by*  
20                   *the President from among members of the*  
21                   *National Institute of Building Sciences who*  
22                   *are nominated under subparagraph (B).*

23                   (iii) *Four members to be appointed by*  
24                   *the President from among veterans enrolled*  
25                   *in the patient enrollment system of the De-*

1            *partment of Veterans Affairs under section*  
2            *1705 of title 38, United States Code, who*  
3            *are nominated under subparagraph (B).*

4            *(B) NOMINATION OF VOTING MEMBERS.—*

5            *The majority leader of the Senate, the minority*  
6            *leader of the Senate, the speaker of the House of*  
7            *Representatives, and the minority leader of the*  
8            *House of Representatives shall jointly nominate*  
9            *not less than 24 individuals to be considered by*  
10           *the President for appointment under subpara-*  
11           *graph (A).*

12           *(C) NONVOTING MEMBERS.—The Commis-*  
13           *sion shall be composed of the following nonvoting*  
14           *members:*

15           *(i) The Comptroller General of the*  
16           *United States, or designee.*

17           *(ii) The Secretary of Veterans Affairs,*  
18           *or designee.*

19           *(iii) The Inspector General of the De-*  
20           *partment of Veterans Affairs, or designee.*

21           *(D) DATE OF APPOINTMENT OF MEM-*  
22           *BERS.—The appointments of the members of the*  
23           *Commission under subparagraph (A) shall be*  
24           *made not later than 14 days after the date of the*  
25           *enactment of this Act.*

1           (3) *PERIOD OF APPOINTMENT; VACANCIES.*—  
2           *Members shall be appointed for the life of the Com-*  
3           *mission. Any vacancy in the Commission shall not af-*  
4           *fect its powers, but shall be filled in the same manner*  
5           *as the original appointment.*

6           (4) *INITIAL MEETING.*—*Not later than five days*  
7           *after the date on which all members of the Commis-*  
8           *sion have been appointed, the Commission shall hold*  
9           *its first meeting.*

10          (5) *MEETINGS.*—*The Commission shall meet at*  
11          *the call of the Chairperson.*

12          (6) *QUORUM.*—*A majority of the members of the*  
13          *Commission shall constitute a quorum, but a lesser*  
14          *number of members may hold hearings.*

15          (7) *CHAIRPERSON AND VICE CHAIRPERSON.*—*The*  
16          *Commission shall select a Chairperson and Vice*  
17          *Chairperson from among its members.*

18          (b) *DUTIES OF COMMISSION.*—

19               (1) *REVIEW.*—*The Commission shall review cur-*  
20               *rent construction and maintenance projects and the*  
21               *medical facility leasing program of the Department of*  
22               *Veterans Affairs to identify any problems experienced*  
23               *by the Department in carrying out such projects and*  
24               *program.*

25               (2) *REPORTS.*—



1           (A) *COMMISSION REPORT.*—Not later than  
2           120 days after the date of the enactment of this  
3           Act, the Commission shall submit to the Sec-  
4           retary of Veterans Affairs, the Committee on Vet-  
5           erans' Affairs of the Senate, and the Committee  
6           on Veterans' Affairs of the House of Representa-  
7           tives a report setting forth recommendations, if  
8           any, for improving the manner in which the Sec-  
9           retary carries out the projects and program spec-  
10          ified in paragraph (1).

11           (B) *DEPARTMENT REPORT.*—Not later than  
12          60 days after the submittal of the report under  
13          subparagraph (A), the Secretary of Veterans Af-  
14          fairs shall 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 the feasibility and advisability of im-  
18          plementing the recommendations of the Commis-  
19          sion, if any, included in the report submitted  
20          under such subparagraph, including a timeline  
21          for the implementation of such recommendations.

22          (c) *POWERS OF COMMISSION.*—

23           (1) *HEARINGS.*—The Commission may hold such  
24          hearings, sit and act at such times and places, take

1 *such testimony, and receive such evidence as the Com-*  
2 *mission considers advisable to carry out this section.*

3 (2) *INFORMATION FROM FEDERAL AGENCIES.—*

4 *The Commission may secure directly from any Fed-*  
5 *eral agency such information as the Commission con-*  
6 *siders necessary to carry out this section. Upon re-*  
7 *quest of the Chairperson of the Commission, the head*  
8 *of such agency shall furnish such information to the*  
9 *Commission.*

10 (d) *COMMISSION PERSONNEL MATTERS.—*

11 (1) *COMPENSATION OF MEMBERS.—Each mem-*  
12 *ber of the Commission who is not an officer or em-*  
13 *ployee of the Federal Government shall be com-*  
14 *pensated at a rate equal to the daily equivalent of the*  
15 *annual rate of basic pay prescribed for level IV of the*  
16 *Executive Schedule under section 5315 of title 5,*  
17 *United States Code, for each day (including travel*  
18 *time) during which such member is engaged in the*  
19 *performance of the duties of the Commission. All*  
20 *members of the Commission who are officers or em-*  
21 *ployees of the United States shall serve without com-*  
22 *ensation in addition to that received for their serv-*  
23 *ices as officers or employees of the United States.*

24 (2) *TRAVEL EXPENSES.—The members of the*  
25 *Commission shall be allowed travel expenses, includ-*

1     *ing per diem in lieu of subsistence, at rates author-*  
2     *ized for employees of agencies under subchapter I of*  
3     *chapter 57 of title 5, United States Code, while away*  
4     *from their homes or regular places of business in the*  
5     *performance of services for the Commission.*

6             (3) *STAFF.—*

7                     (A) *IN GENERAL.—The Chairperson of the*  
8                     *Commission may, without regard to the civil*  
9                     *service laws and regulations, appoint and termi-*  
10                    *nate an executive director and such other addi-*  
11                    *tional personnel as may be necessary to enable*  
12                    *the Commission to perform its duties. The em-*  
13                    *ployment of an executive director shall be subject*  
14                    *to confirmation by the Commission.*

15                    (B) *COMPENSATION.—The Chairperson of*  
16                    *the Commission may fix the compensation of the*  
17                    *executive director and other personnel without*  
18                    *regard to chapter 51 and subchapter III of chap-*  
19                    *ter 53 of title 5, United States Code, relating to*  
20                    *classification of positions and General Schedule*  
21                    *pay rates, except that the rate of pay for the ex-*  
22                    *ecutive director and other personnel may not ex-*  
23                    *ceed the rate payable for level V of the Executive*  
24                    *Schedule under section 5316 of such title.*

1           (4) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any  
2           *Federal Government employee may be detailed to the*  
3           *Commission without reimbursement, and such detail*  
4           *shall be without interruption or loss of civil service*  
5           *status or privilege.*

6           (5) *PROCUREMENT OF TEMPORARY AND INTER-*  
7           *MITTENT SERVICES.*—The Chairperson of the Com-  
8           *mission may procure temporary and intermittent*  
9           *services under section 3109(b) of title 5, United States*  
10          *Code, at rates for individuals that do not exceed the*  
11          *daily equivalent of the annual rate of basic pay pre-*  
12          *scribed for level V of the Executive Schedule under*  
13          *section 5316 of such title.*

14          (e) *TERMINATION OF COMMISSION.*—The Commission  
15          *shall terminate 30 days after the date on which the Com-*  
16          *mission submits its report under subsection (b)(2)(A).*

17          **SEC. 403. COMMISSION ON ACCESS TO CARE.**

18          (a) *ESTABLISHMENT OF COMMISSION.*—

19                 (1) *IN GENERAL.*—There is established the Com-  
20                 *mission on Access to Care (in this section referred to*  
21                 *as the “Commission”) to examine the access of vet-*  
22                 *erans to health care from the Department of Veterans*  
23                 *Affairs and strategically examine how best to organize*  
24                 *the Veterans Health Administration, locate health*  
25                 *care resources, and deliver health care to veterans*

1 *during the 10- to 20-year period beginning on the*  
2 *date of the enactment of this Act.*

3 (2) *MEMBERSHIP.*—

4 (A) *VOTING MEMBERS.*—*The Commission*  
5 *shall be composed of 10 voting members who are*  
6 *appointed by the President as follows:*

7 (i) *At least two members who represent*  
8 *an organization recognized by the Secretary*  
9 *of Veterans Affairs for the representation of*  
10 *veterans under section 5902 of title 38,*  
11 *United States Code.*

12 (ii) *At least one member from among*  
13 *persons who have experience as senior man-*  
14 *agement for a private integrated health care*  
15 *system with an annual gross revenue of*  
16 *more than \$50,000,000.*

17 (iii) *At least one member from among*  
18 *persons who are familiar with government*  
19 *health care systems, including those systems*  
20 *of the Department of Defense, the Indian*  
21 *Health Service, and Federally-qualified*  
22 *health centers (as defined in section*  
23 *1905(l)(2)(B) of the Social Security Act (42*  
24 *U.S.C. 1396d(l)(2)(B))).*

1           (iv) *At least two members from among*  
2 *persons who are familiar with the Veterans*  
3 *Health Administration but are not current*  
4 *employees of the Veterans Health Adminis-*  
5 *tration.*

6           (v) *At least two members from among*  
7 *persons who are veterans or eligible for hos-*  
8 *pital care, medical services, or other health*  
9 *care under the laws administered by the*  
10 *Secretary of Veterans Affairs.*

11 *(B) NONVOTING MEMBERS.—*

12           (i) *IN GENERAL.—In addition to mem-*  
13 *bers appointed under subparagraph (A), the*  
14 *Commission shall be composed of 10 non-*  
15 *voting members who are appointed by the*  
16 *President as follows:*

17           (I) *At least two members who rep-*  
18 *resent an organization recognized by*  
19 *the Secretary of Veterans Affairs for*  
20 *the representation of veterans under*  
21 *section 5902 of title 38, United States*  
22 *Code.*

23           (II) *At least one member from*  
24 *among persons who have experience as*  
25 *senior management for a private inte-*

1 *grated health care system with an an-*  
2 *nuual gross revenue of more than*  
3 *\$50,000,000.*

4 *(III) At least one member from*  
5 *among persons who are familiar with*  
6 *government health care systems, in-*  
7 *cluding those systems of the Depart-*  
8 *ment of Defense, the Indian Health*  
9 *Service, and Federally-qualified health*  
10 *centers (as defined in section*  
11 *1905(l)(2)(B) of the Social Security*  
12 *Act (42 U.S.C. 1396d(l)(2)(B))).*

13 *(IV) At least two members from*  
14 *among persons who are familiar with*  
15 *the Veterans Health Administration*  
16 *but are not current employees of the*  
17 *Veterans Health Administration.*

18 *(V) At least two members from*  
19 *among persons who are veterans or eli-*  
20 *gible for hospital care, medical services,*  
21 *or other health care under the laws ad-*  
22 *ministered by the Secretary of Veterans*  
23 *Affairs.*

24 *(ii) ADDITIONAL NONVOTING MEM-*  
25 *BERS.—In addition to members appointed*

1           *under subparagraph (A) and clause (i), the*  
2           *Commission shall be composed of the fol-*  
3           *lowing nonvoting members:*

4                     *(I) The Comptroller General of the*  
5                     *United States, or designee.*

6                     *(II) The Inspector General of the*  
7                     *Department of Veterans Affairs, or des-*  
8                     *ignee.*

9                     *(C) DATE.—The appointments of members*  
10           *of the Commission shall be made not later than*  
11           *60 days after the date of the enactment of this*  
12           *Act.*

13                    *(3) PERIOD OF APPOINTMENT; VACANCIES.—*  
14           *Members shall be appointed for the life of the Com-*  
15           *mission. Any vacancy in the Commission shall not af-*  
16           *fect its powers, but shall be filled in the same manner*  
17           *as the original appointment.*

18                    *(4) INITIAL MEETING.—Not later than 15 days*  
19           *after the date on which seven voting members of the*  
20           *Commission have been appointed, the Commission*  
21           *shall hold its first meeting.*

22                    *(5) MEETINGS.—The Commission shall meet at*  
23           *the call of the Chairperson.*



1           (6) *QUORUM.*—A majority of the members of the  
2           *Commission shall constitute a quorum, but a lesser*  
3           *number of members may hold hearings.*

4           (7) *CHAIRPERSON AND VICE CHAIRPERSON.*—The  
5           *Commission shall select a Chairperson and Vice*  
6           *Chairperson from among its members.*

7           (b) *DUTIES OF COMMISSION.*—

8           (1) *EVALUATION AND ASSESSMENT.*—The *Com-*  
9           *mission shall undertake a comprehensive evaluation*  
10           *and assessment of access to health care at the Depart-*  
11           *ment of Veterans Affairs.*

12           (2) *MATTERS EVALUATED AND ASSESSED.*—The  
13           *matters evaluated and assessed by the Commission*  
14           *shall include the following:*

15                   (A) *The appropriateness of current stand-*  
16                   *ards of the Department of Veterans Affairs con-*  
17                   *cerning access to health care.*

18                   (B) *The measurement of such standards.*

19                   (C) *The appropriateness of performance*  
20                   *standards and incentives in relation to stand-*  
21                   *ards described in subparagraph (A).*

22                   (D) *Staffing levels throughout the Veterans*  
23                   *Health Administration and whether they are suf-*  
24                   *ficient to meet current demand for health care*  
25                   *from the Administration.*

1           (E) *The results of the assessment conducted*  
2           *by an independent third party under section*  
3           *101(a), including any data or recommendations*  
4           *included in such assessment.*

5           (3) *REPORTS.*—*The Commission shall submit to*  
6           *the President, through the Secretary of Veterans Af-*  
7           *airs, reports as follows:*

8                   (A) *Not later than 90 days after the date of*  
9                   *the initial meeting of the Commission, an in-*  
10                  *terim report on—*

11                           (i) *the findings of the Commission with*  
12                           *respect to the evaluation and assessment re-*  
13                           *quired by this subsection; and*

14                           (ii) *such recommendations as the Com-*  
15                           *mission may have for legislative or admin-*  
16                           *istrative action to improve access to health*  
17                           *care through the Veterans Health Adminis-*  
18                           *tration.*

19                   (B) *Not later than 180 days after the date*  
20                   *of the initial meeting of the Commission, a final*  
21                   *report on—*

22                           (i) *the findings of the Commission with*  
23                           *respect to the evaluation and assessment re-*  
24                           *quired by this subsection; and*

1                   (ii) such recommendations as the Com-  
2                   mission may have for legislative or admin-  
3                   istrative action to improve access to health  
4                   care through the Veterans Health Adminis-  
5                   tration.

6           (c) *POWERS OF THE COMMISSION.*—

7                   (1) *HEARINGS.*—*The Commission may hold such*  
8                   *hearings, sit and act at such times and places, take*  
9                   *such testimony, and receive such evidence as the Com-*  
10                   *mission considers advisable to carry out this section.*

11                   (2) *INFORMATION FROM FEDERAL AGENCIES.*—  
12                   *The Commission may secure directly from any Fed-*  
13                   *eral department or agency such information as the*  
14                   *Commission considers necessary to carry out this sec-*  
15                   *tion. Upon request of the Chairperson of the Commis-*  
16                   *sion, the head of such department or agency shall fur-*  
17                   *nish such information to the Commission.*

18           (d) *COMMISSION PERSONNEL MATTERS.*—

19                   (1) *COMPENSATION OF MEMBERS.*—*Each mem-*  
20                   *ber of the Commission who is not an officer or em-*  
21                   *ployee of the Federal Government shall be com-*  
22                   *pensated at a rate equal to the daily equivalent of the*  
23                   *annual rate of basic pay prescribed for level IV of the*  
24                   *Executive Schedule under section 5315 of title 5,*  
25                   *United States Code, for each day (including travel*

1 *time) during which such member is engaged in the*  
2 *performance of the duties of the Commission. All*  
3 *members of the Commission who are officers or em-*  
4 *ployees of the United States shall serve without com-*  
5 *penetration in addition to that received for their serv-*  
6 *ices as officers or employees of the United States.*

7 (2) *TRAVEL EXPENSES.—The members of the*  
8 *Commission shall be allowed travel expenses, includ-*  
9 *ing per diem in lieu of subsistence, at rates author-*  
10 *ized for employees of agencies under subchapter I of*  
11 *chapter 57 of title 5, United States Code, while away*  
12 *from their homes or regular places of business in the*  
13 *performance of services for the Commission.*

14 (3) *STAFF.—*

15 (A) *IN GENERAL.—The Chairperson of the*  
16 *Commission may, without regard to the civil*  
17 *service laws and regulations, appoint and termi-*  
18 *nate an executive director and such other addi-*  
19 *tional personnel as may be necessary to enable*  
20 *the Commission to perform its duties. The em-*  
21 *ployment of an executive director shall be subject*  
22 *to confirmation by the Commission.*

23 (B) *COMPENSATION.—The Chairperson of*  
24 *the Commission may fix the compensation of the*  
25 *executive director and other personnel without*

1           *regard to chapter 51 and subchapter III of chap-*  
2           *ter 53 of title 5, United States Code, relating to*  
3           *classification of positions and General Schedule*  
4           *pay rates, except that the rate of pay for the ex-*  
5           *ecutive director and other personnel may not ex-*  
6           *ceed the rate payable for level V of the Executive*  
7           *Schedule under section 5316 of such title.*

8           (4) *DETAIL OF GOVERNMENT EMPLOYEES.—Any*  
9           *Federal Government employee may be detailed to the*  
10          *Commission without reimbursement, and such detail*  
11          *shall be without interruption or loss of civil service*  
12          *status or privilege.*

13          (5) *PROCUREMENT OF TEMPORARY AND INTER-*  
14          *MITTENT SERVICES.—The Chairperson of the Com-*  
15          *mission may procure temporary and intermittent*  
16          *services under section 3109(b) of title 5, United States*  
17          *Code, at rates for individuals that do not exceed the*  
18          *daily equivalent of the annual rate of basic pay pre-*  
19          *scribed for level V of the Executive Schedule under*  
20          *section 5316 of such title.*

21          (e) *TERMINATION OF THE COMMISSION.—The Com-*  
22          *mission shall terminate 30 days after the date on which*  
23          *the Commission submits its report under subsection*  
24          *(b)(3)(B).*

1       (f) *FUNDING.*—*The Secretary of Veterans Affairs shall*  
2 *make available to the Commission from amounts appro-*  
3 *priated or otherwise made available to the Secretary such*  
4 *amounts as the Secretary and the Chairperson of the Com-*  
5 *mission jointly consider appropriate for the Commission to*  
6 *perform its duties under this section.*

7       (g) *EXECUTIVE ACTION.*—

8           (1) *ACTION ON RECOMMENDATIONS.*—*The Presi-*  
9 *dent shall require the Secretary of Veterans Affairs*  
10 *and such other heads of relevant Federal departments*  
11 *and agencies to implement each recommendation set*  
12 *forth in a report submitted under subsection (b)(3)*  
13 *that the President—*

14                   (A) *considers feasible and advisable; and*

15                   (B) *determines can be implemented without*  
16 *further legislative action.*

17           (2) *REPORTS.*—*Not later than 60 days after the*  
18 *date on which the President receives a report under*  
19 *subsection (b)(3), the President shall submit to the*  
20 *Committee on Veterans' Affairs of the Senate and the*  
21 *Committee on Veterans' Affairs of the House of Rep-*  
22 *resentatives and such other committees of Congress as*  
23 *the President considers appropriate a report setting*  
24 *forth the following:*

1           (A) *An assessment of the feasibility and ad-*  
2           *visability of each recommendation contained in*  
3           *the report received by the President.*

4           (B) *For each recommendation assessed as*  
5           *feasible and advisable under subparagraph (A)*  
6           *the following:*

7                   (i) *Whether such recommendation re-*  
8                   *quires legislative action.*

9                   (ii) *If such recommendation requires*  
10                  *legislative action, a recommendation con-*  
11                  *cerning such legislative action.*

12                  (iii) *A description of any administra-*  
13                  *tive action already taken to carry out such*  
14                  *recommendation.*

15                  (iv) *A description of any administra-*  
16                  *tive action the President intends to be taken*  
17                  *to carry out such recommendation and by*  
18                  *whom.*

19 **SEC. 404. IMPROVED PERFORMANCE METRICS FOR HEALTH**  
20 **CARE PROVIDED BY DEPARTMENT OF VET-**  
21 **ERANS AFFAIRS.**

22           (a) *PROHIBITION ON USE OF SCHEDULING AND WAIT-*  
23 *TIME METRICS IN DETERMINATION OF PERFORMANCE*  
24 *AWARDS.—The Secretary of Veterans Affairs shall ensure*  
25 *that scheduling and wait-time metrics or goals are not used*

1 *as factors in determining the performance of the following*  
2 *employees for purposes of determining whether to pay per-*  
3 *formance awards to such employees:*

4           (1) *Directors, associate directors, assistant direc-*  
5 *tors, deputy directors, chiefs of staff, and clinical*  
6 *leads of medical centers of the Department of Veterans*  
7 *Affairs.*

8           (2) *Directors, assistant directors, and quality*  
9 *management officers of Veterans Integrated Service*  
10 *Networks of the Department of Veterans Affairs.*

11 *(b) MODIFICATION OF PERFORMANCE PLANS.—*

12           (1) *IN GENERAL.—Not later than 30 days after*  
13 *the date of the enactment of this Act, the Secretary*  
14 *shall modify the performance plans of the directors of*  
15 *the medical centers of the Department and the direc-*  
16 *tors of the Veterans Integrated Service Networks to*  
17 *ensure that such plans are based on the quality of*  
18 *care received by veterans at the health care facilities*  
19 *under the jurisdictions of such directors.*

20           (2) *FACTORS.—In modifying performance plans*  
21 *under paragraph (1), the Secretary shall ensure that*  
22 *assessment of the quality of care provided at health*  
23 *care facilities under the jurisdiction of a director de-*  
24 *scribed in paragraph (1) includes consideration of the*  
25 *following:*



1           (A) *Recent reviews by the Joint Commission*  
2           *(formerly known as the “Joint Commission on*  
3           *Accreditation of Healthcare Organizations”)* of  
4           *such facilities.*

5           (B) *The number and nature of rec-*  
6           *ommendations concerning such facilities by the*  
7           *Inspector General of the Department in reviews*  
8           *conducted through the Combined Assessment Pro-*  
9           *gram (CAP), in the reviews by the Inspector*  
10           *General of community based outpatient clinics*  
11           *and primary care clinics, and in reviews con-*  
12           *ducted through the Office of Healthcare Inspec-*  
13           *tions during the two most recently completed fis-*  
14           *cal years.*

15           (C) *The number of recommendations de-*  
16           *scribed in subparagraph (B) that the Inspector*  
17           *General of the Department determines have not*  
18           *been carried out satisfactorily with respect to*  
19           *such facilities.*

20           (D) *Reviews of such facilities by the Com-*  
21           *mission on Accreditation of Rehabilitation Fa-*  
22           *ilities.*

23           (E) *The number and outcomes of adminis-*  
24           *trative investigation boards, root cause analysis,*  
25           *and peer reviews conducted at such facilities*

1           *during the fiscal year for which the assessment*  
2           *is being conducted.*

3           *(F) The effectiveness of any remedial ac-*  
4           *tions or plans resulting from any Inspector Gen-*  
5           *eral recommendations in the reviews and anal-*  
6           *yses described in subparagraphs (A) through (E).*

7           *(3) ADDITIONAL LEADERSHIP POSITIONS.—To*  
8           *the degree practicable, the Secretary shall assess the*  
9           *performance of other employees of the Department in*  
10          *leadership positions at Department medical centers,*  
11          *including associate directors, assistant directors, dep-*  
12          *uty directors, chiefs of staff, and clinical leads, and*  
13          *in Veterans Integrated Service Networks, including*  
14          *assistant directors and quality management officers,*  
15          *using factors and criteria similar to those used in the*  
16          *performance plans modified under paragraph (1).*

17          *(c) REMOVAL OF CERTAIN PERFORMANCE GOALS.—*  
18          *For each fiscal year that begins after the date of the enact-*  
19          *ment of this Act, the Secretary shall not include in the per-*  
20          *formance goals of any employee of a Veterans Integrated*  
21          *Service Network or medical center of the Department any*  
22          *performance goal that might disincentivize the payment of*  
23          *Department amounts to provide hospital care, medical serv-*  
24          *ices, or other health care through a non-Department pro-*  
25          *vider.*

1 **SEC. 405. IMPROVED TRANSPARENCY CONCERNING**  
2 **HEALTH CARE PROVIDED BY DEPARTMENT**  
3 **OF VETERANS AFFAIRS.**

4 (a) *PUBLICATION OF WAIT TIMES.—*

5 (1) *GOALS.—*

6 (A) *INITIAL.—Not later than 90 days after*  
7 *the date of the enactment of this Act, the Sec-*  
8 *retary of Veterans Affairs shall publish in the*  
9 *Federal Register, and on an Internet website ac-*  
10 *cessible to the public of each medical center of the*  
11 *Department of Veterans Affairs, the wait-time*  
12 *goals of the Department for the scheduling of an*  
13 *appointment by a veteran for the receipt of*  
14 *health care from the Department.*

15 (B) *SUBSEQUENT CHANGES.—*

16 (i) *IN GENERAL.—If the Secretary*  
17 *modifies the wait-time goals described in*  
18 *subparagraph (A), the Secretary shall pub-*  
19 *lish the new wait-times goals—*

20 (I) *on an Internet website acces-*  
21 *sible to the public of each medical cen-*  
22 *ter of the Department not later than 30*  
23 *days after such modification; and*

24 (II) *in the Federal Register not*  
25 *later than 90 days after such modifica-*  
26 *tion.*

1                   (ii) *EFFECTIVE DATE.*—Any modifica-  
2                   tion under clause (i) shall take effect on the  
3                   date of publication in the *Federal Register*.

4                   (C) *GOALS DESCRIBED.*—Wait-time goals  
5                   published under this paragraph shall include  
6                   goals for primary care appointments, specialty  
7                   care appointments, and appointments based on  
8                   the general severity of the condition of the vet-  
9                   eran.

10                  (2) *WAIT TIMES AT MEDICAL CENTERS OF THE*  
11                  *DEPARTMENT.*—Not later than one year after the date  
12                  of the enactment of this Act, the Secretary of Veterans  
13                  Affairs shall publish on an Internet website accessible  
14                  to the public of each medical center of the Department  
15                  the current wait time for an appointment for pri-  
16                  mary care and specialty care at the medical center.

17                  (b) *PUBLICLY AVAILABLE DATABASE OF PATIENT*  
18 *SAFETY, QUALITY OF CARE, AND OUTCOME MEASURES.*—

19                  (1) *IN GENERAL.*—Not later than 180 days after  
20                  the date of the enactment of this Act, the Secretary  
21                  shall develop and make available to the public a com-  
22                  prehensive database containing all applicable patient  
23                  safety, quality of care, and outcome measures for  
24                  health care provided by the Department that are  
25                  tracked by the Secretary.

1           (2) *UPDATE FREQUENCY.*—*The Secretary shall*  
2 *update the database required by paragraph (1) not*  
3 *less frequently than once each year.*

4           (3) *UNAVAILABLE MEASURES.*—*For all measures*  
5 *that the Secretary would otherwise publish in the*  
6 *database required by paragraph (1) but has not done*  
7 *so because such measures are not available, the Sec-*  
8 *retary shall publish notice in the database of the rea-*  
9 *son for such unavailability and a timeline for making*  
10 *such measures available in the database.*

11           (4) *ACCESSIBILITY.*—*The Secretary shall ensure*  
12 *that the database required by paragraph (1) is acces-*  
13 *sible to the public through the primary Internet*  
14 *website of the Department and through each primary*  
15 *Internet website of a Department medical center.*

16           (c) *HOSPITAL COMPARE WEBSITE OF DEPARTMENT*  
17 *OF HEALTH AND HUMAN SERVICES.*—

18           (1) *AGREEMENT REQUIRED.*—*Not later than 180*  
19 *days after the date of the enactment of this Act, the*  
20 *Secretary of Veterans Affairs shall enter into an*  
21 *agreement with the Secretary of Health and Human*  
22 *Services for the provision by the Secretary of Veterans*  
23 *Affairs of such information as the Secretary of Health*  
24 *and Human Services may require to report and make*  
25 *publicly available patient quality and outcome infor-*

1 *mation concerning Department of Veterans Affairs*  
2 *medical centers through the Hospital Compare Inter-*  
3 *net website of the Department of Health and Human*  
4 *Services or any successor Internet website.*

5 (2) *INFORMATION PROVIDED.—The information*  
6 *provided by the Secretary of Veterans Affairs to the*  
7 *Secretary of Health and Human Services under para-*  
8 *graph (1) shall include the following:*

9 (A) *Measures of timely and effective health*  
10 *care.*

11 (B) *Measures of readmissions, complications*  
12 *of death, including with respect to 30-day mor-*  
13 *tality rates and 30-day readmission rates, sur-*  
14 *gical complication measures, and health care re-*  
15 *lated infection measures.*

16 (C) *Survey data of patient experiences, in-*  
17 *cluding the Hospital Consumer Assessment of*  
18 *Healthcare Providers and Systems or any simi-*  
19 *lar successor survey developed by the Department*  
20 *of Health and Human Services.*

21 (D) *Any other measures required of or re-*  
22 *ported with respect to hospitals participating in*  
23 *the Medicare program under title XVIII of the*  
24 *Social Security Act (42 U.S.C. 1395 et seq.).*

1           (3) *UNAVAILABLE INFORMATION.*—For any ap-  
2           plicable metric collected by the Department of Vet-  
3           erans Affairs or required to be provided under para-  
4           graph (2) and withheld from or unavailable in the  
5           Hospital Compare Internet website, the Secretary of  
6           Veterans Affairs shall publish a notice in the Federal  
7           Register stating the reason why such metric was with-  
8           held from public disclosure and a timeline for making  
9           such metric available, if applicable.

10          (d) *COMPTROLLER GENERAL REVIEW OF PUBLICLY*  
11 *AVAILABLE SAFETY AND QUALITY METRICS.*—Not later  
12 than three years after the date of the enactment of this Act,  
13 the Comptroller General of the United States shall conduct  
14 a review of the safety and quality metrics made publicly  
15 available by the Secretary of Veterans Affairs under this  
16 section to assess the degree to which the Secretary is com-  
17 plying with the provisions of this section.

18 **SEC. 406. INFORMATION FOR VETERANS ON THE CREDEN-**  
19 **TIALS OF DEPARTMENT OF VETERANS AF-**  
20 **FAIRS PHYSICIANS.**

21          (a) *IMPROVEMENT OF “OUR PROVIDERS” INTERNET*  
22 *WEBSITE LINKS.*—

23           (1) *AVAILABILITY THROUGH DEPARTMENT OF*  
24 *VETERANS AFFAIRS HOMEPAGE.*—A link to the “Our  
25 *Providers” health care providers database of the De-*

1        *partment of Veterans Affairs, or any successor data-*  
2        *base, shall be available on and through the homepage*  
3        *of the Internet website of the Department that is ac-*  
4        *cessible to the public.*

5            (2) *INFORMATION ON LOCATION OF RESIDENCY*  
6        *TRAINING.—The Internet website of the Department*  
7        *that is accessible to the public shall include under the*  
8        *link to the “Our Providers” health care providers*  
9        *database of the Department, or any successor data-*  
10       *base, the location of residency training of each li-*  
11       *icensed physician of the Department.*

12           (3) *INFORMATION ON PHYSICIANS AT PAR-*  
13        *TICULAR FACILITIES.—The “Our Providers” health*  
14        *care providers database of the Department, or any*  
15        *successor database, shall identify whether each li-*  
16        *icensed physician of the Department is a physician in*  
17        *residency.*

18           (b) *INFORMATION ON CREDENTIALS OF PHYSICIANS*  
19        *FOR VETERANS UNDERGOING SURGICAL PROCEDURES.—*

20           (1) *IN GENERAL.—Each veteran who is under-*  
21        *going a surgical procedure by or through the Depart-*  
22        *ment shall be provided information on the credentials*  
23        *of the surgeon to be performing such procedure at*  
24        *such time in advance of the procedure as is appro-*



1        *appropriate to permit such veteran to evaluate such infor-*  
2        *mation.*

3            (2) *OTHER INDIVIDUALS.*—*If a veteran is unable*  
4        *to evaluate the information provided under para-*  
5        *graph (1) due to the health or mental competence of*  
6        *the veteran, such information shall be provided to an*  
7        *individual acting on behalf of the veteran.*

8        (c) *COMPTROLLER GENERAL REPORT AND PLAN.*—

9            (1) *REPORT.*—*Not later than two years after the*  
10       *date of the enactment of this Act, the Comptroller*  
11       *General of the United States shall submit to the Com-*  
12       *mittee on Veterans' Affairs of the Senate and the*  
13       *Committee on Veterans' Affairs of the House of Rep-*  
14       *resentatives a report setting forth an assessment by*  
15       *the Comptroller General of the following:*

16            (A) *The manner in which contractors under*  
17        *the Patient-Centered Community Care initiative*  
18        *of the Department perform oversight of the cre-*  
19        *denentials of physicians within the networks of*  
20        *such contractors under the initiative.*

21            (B) *The oversight by the Department of the*  
22        *contracts under the Patient-Centered Community*  
23        *Care initiative.*

24            (C) *The verification by the Department of*  
25        *the credentials and licenses of health care pro-*

1            *viders furnishing hospital care and medical serv-*  
2            *ices under section 301.*

3            (2) *PLAN.*—

4            (A) *IN GENERAL.*—*Not later than 30 days*  
5            *after the submittal of the report under para-*  
6            *graph (1), the Secretary shall—*

7            (i) *submit to the Comptroller General,*  
8            *the Committee on Veterans' Affairs of the*  
9            *Senate, and the Committee on Veterans' Af-*  
10           *airs of the House of Representatives a plan*  
11           *to address any findings and recommenda-*  
12           *tions of the Comptroller General included in*  
13           *such report; and*

14           (ii) *submit to the Committee on Vet-*  
15           *erans' Affairs of the Senate and the Com-*  
16           *mittee on Veterans' Affairs of the House of*  
17           *Representatives a request for additional*  
18           *amounts, if any, that may be necessary to*  
19           *carry out such plan.*

20           (B) *IMPLEMENTATION.*—*Not later than 90*  
21           *days after the submittal of the report under*  
22           *paragraph (1), the Secretary shall carry out such*  
23           *plan.*

1 **SEC. 407. INFORMATION IN ANNUAL BUDGET OF THE**  
2 **PRESIDENT ON HOSPITAL CARE AND MED-**  
3 **ICAL SERVICES FURNISHED THROUGH EX-**  
4 **PANDED USE OF CONTRACTS FOR SUCH**  
5 **CARE.**

6 *The materials on the Department of Veterans Affairs*  
7 *in the budget of the President for a fiscal year, as submitted*  
8 *to Congress pursuant to section 1105(a) of title 31, United*  
9 *States Code, shall set forth the following:*

10 (1) *The number of veterans who received hospital*  
11 *care and medical services under section 301 during*  
12 *the fiscal year preceding the fiscal year in which such*  
13 *budget is submitted.*

14 (2) *The amount expended by the Department on*  
15 *furnishing care and services under such section dur-*  
16 *ing the fiscal year preceding the fiscal year in which*  
17 *such budget is submitted.*

18 (3) *The amount requested in such budget for the*  
19 *costs of furnishing care and services under such sec-*  
20 *tion during the fiscal year covered by such budget, set*  
21 *forth in aggregate and by amounts for each account*  
22 *for which amounts are so requested.*

23 (4) *The number of veterans that the Department*  
24 *estimates will receive hospital care and medical serv-*  
25 *ices under such section during the fiscal years covered*  
26 *by the budget submission.*

1           (5) *The number of employees of the Department*  
2           *on paid administrative leave at any point during the*  
3           *fiscal year preceding the fiscal year in which such*  
4           *budget is submitted.*

5 **SEC. 408. PROHIBITION ON FALSIFICATION OF DATA CON-**  
6                           **CERNING WAIT TIMES AND QUALITY MEAS-**  
7                           **URES AT DEPARTMENT OF VETERANS AF-**  
8                           **FAIRS.**

9           *Not later than 60 days after the date of the enactment*  
10          *of this Act, and in accordance with title 5, United States*  
11          *Code, the Secretary of Veterans Affairs shall establish poli-*  
12          *cies whereby any employee of the Department of Veterans*  
13          *Affairs who knowingly submits false data concerning wait*  
14          *times for health care or quality measures with respect to*  
15          *health care to another employee of the Department or know-*  
16          *ingly requires another employee of the Department to sub-*  
17          *mit false data concerning such wait times or quality meas-*  
18          *ures to another employee of the Department is subject to*  
19          *a penalty the Secretary considers appropriate after notice*  
20          *and an opportunity for a hearing, including civil penalties,*  
21          *unpaid suspensions, or termination.*

22 **SEC. 409. REMOVAL OF SENIOR EXECUTIVE SERVICE EM-**  
23                           **PLOYEES OF THE DEPARTMENT OF VET-**  
24                           **ERANS AFFAIRS FOR PERFORMANCE.**

25          *(a) REMOVAL OR TRANSFER.—*

1           (1) *IN GENERAL.*—Chapter 7 of title 38, United  
2       *States Code, is amended by adding at the end the fol-*  
3       *lowing new section:*

4       **“§ 713. Senior Executive Service: removal based on**  
5                               **performance**

6           “(a) *IN GENERAL.*—The Secretary may remove any  
7       *individual from the Senior Executive Service if the Sec-*  
8       *retary determines the performance of the individual war-*  
9       *rants such removal. If the Secretary so removes such an*  
10       *individual, the Secretary may—*

11                   “(1) *remove the individual from the civil service*  
12       *(as defined in section 2101 of title 5); or*

13                   “(2) *transfer the individual to a General Sched-*  
14       *ule position at any grade of the General Schedule for*  
15       *which the individual is qualified and that the Sec-*  
16       *retary determines is appropriate.*

17           “(b) *NOTICE TO CONGRESS.*—Not later than 30 days  
18       *after removing or transferring an individual from the Sen-*  
19       *ior Executive Service under subsection (a), the Secretary*  
20       *shall submit to the Committees on Veterans’ Affairs of the*  
21       *Senate and House of Representatives notice in writing of*  
22       *such removal or transfer and the reason for such removal*  
23       *or transfer.*

1       “(c) *PROCEDURE.*—(1) *The procedures under section*  
2 *7543 of title 5 shall not apply to a removal or transfer*  
3 *under this section.*

4       “(2)(A) *Subject to subparagraph (B), any removal or*  
5 *transfer under subsection (a) may be appealed to the Merit*  
6 *Systems Protection Board under section 7701 of title 5.*

7       “(B) *An appeal under subparagraph (A) of a removal*  
8 *or transfer may only be made if such appeal is made not*  
9 *later than 7 days after the date of such removal or transfer.*

10       “(d) *EXPEDITED REVIEW BY MERIT SYSTEMS PRO-*  
11 *TECTION BOARD.*—(1) *The Merit Systems Protection Board*  
12 *shall expedite any appeal under section 7701 of title 5 of*  
13 *a removal or transfer under subsection (a) and, in any such*  
14 *case, shall issue a decision not later than 21 days after the*  
15 *date of the appeal.*

16       “(2) *In any case in which the Merit Systems Protec-*  
17 *tion Board determines that it cannot issue a decision in*  
18 *accordance with the 21-day requirement under paragraph*  
19 *(1), the Merit Systems Protection Board shall submit to*  
20 *Congress a report that explains the reason why the Merit*  
21 *Systems Protection Board is unable to issue a decision in*  
22 *accordance with such requirement in such case.*

23       “(3) *There is authorized to be appropriated such sums*  
24 *as may be necessary for the Merit Systems Protection Board*  
25 *to expedite appeals under paragraph (1).*

1       “(4) *The Merit Systems Protection Board may not*  
2 *stay any personnel action taken under this section.*

3       “(5) *A person who appeals under section 7701 of title*  
4 *5 a removal under subsection (a)(1) may not receive any*  
5 *pay, awards, bonuses, incentives, allowances, differentials,*  
6 *student loan repayments, special payments, or benefits from*  
7 *the Secretary until the Merit Systems Protection Board has*  
8 *made a final decision on such appeal.*

9       “(6) *A decision made by the Merit Systems Protection*  
10 *Board with respect to a removal or transfer under sub-*  
11 *section (a) shall not be subject to any further appeal.”.*

12               (2) *CLERICAL AMENDMENT.—The table of sec-*  
13 *tions at the beginning of such chapter is amended by*  
14 *adding at the end the following new item:*

*“713. Senior Executive Service: removal based on performance.”.*

15       (b) *ESTABLISHMENT OF EXPEDITED REVIEW PROC-*  
16 *ESS.—*

17               (1) *IN GENERAL.—Not later than 30 days after*  
18 *the date of the enactment of this Act, the Merit Sys-*  
19 *tems Protection Board shall establish and put into ef-*  
20 *fect a process to conduct expedited reviews in accord-*  
21 *ance with section 713(d) of title 38, United States*  
22 *Code.*

23               (2) *INAPPLICABILITY OF CERTAIN REGULA-*  
24 *TIONS.—Section 1201.22 of title 5, Code of Federal*  
25 *Regulations, as in effect on the day before the date of*

1     *the enactment of this Act, shall not apply to expedited*  
2     *reviews carried out under section 713(d) of title 38,*  
3     *United States Code.*

4             (3) *REPORT BY MERIT SYSTEMS PROTECTION*  
5     *BOARD.—Not later than 30 days after the date of the*  
6     *enactment of this Act, the Merit Systems Protection*  
7     *Board shall submit to Congress a report on the ac-*  
8     *tions the Board plans to take to conduct expedited re-*  
9     *views under section 713(d) of title 38, United States*  
10    *Code, as added by subsection (a). Such report shall*  
11    *include a description of the resources the Board deter-*  
12    *mines will be necessary to conduct such reviews and*  
13    *a description of whether any resources will be nec-*  
14    *essary to conduct such reviews that were not available*  
15    *to the Board on the day before the date of the enact-*  
16    *ment of this Act.*

17             (c) *TEMPORARY EXEMPTION FROM CERTAIN LIMITA-*  
18    *TION ON INITIATION OF REMOVAL FROM SENIOR EXECU-*  
19    *TIVE SERVICE.—During the 120-day period beginning on*  
20    *the date of the enactment of this Act, an action to remove*  
21    *an individual from the Senior Executive Service at the De-*  
22    *partment of Veterans Affairs pursuant to section 713 of title*  
23    *38, United States Code, as added by subsection (a), or sec-*  
24    *tion 7543 of title 5, United States Code, may be initiated,*



1 *notwithstanding section 3592(b) of title 5, United States*  
2 *Code, or any other provision of law.*

3 (d) *CONSTRUCTION.*—*Nothing in this section or section*  
4 *713 of title 38, United States Code, as added by subsection*  
5 *(a), shall be construed to apply to an appeal of a removal,*  
6 *transfer, or other personnel action that was pending before*  
7 *the date of the enactment of this Act.*

8 **TITLE V—HEALTH CARE**  
9 **RELATED TO SEXUAL TRAUMA**

10 **SEC. 501. EXPANSION OF ELIGIBILITY FOR SEXUAL TRAUMA**

11 **COUNSELING AND TREATMENT TO VETERANS**

12 **ON INACTIVE DUTY TRAINING.**

13 *Section 1720D(a)(1) of title 38, United States Code,*  
14 *is amended by striking “or active duty for training” and*  
15 *inserting “, active duty for training, or inactive duty train-*  
16 *ing”.*

17 **SEC. 502. PROVISION OF COUNSELING AND TREATMENT**

18 **FOR SEXUAL TRAUMA BY THE DEPARTMENT**

19 **OF VETERANS AFFAIRS TO MEMBERS OF THE**

20 **ARMED FORCES.**

21 (a) *EXPANSION OF COVERAGE TO MEMBERS OF THE*  
22 *ARMED FORCES.*—*Subsection (a) of section 1720D of title*  
23 *38, United States Code, is amended—*

24 (1) *by redesignating paragraph (2) as para-*  
25 *graph (3);*

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

3           “(2)(A) *In operating the program required by para-*  
4 *graph (1), the Secretary may, in consultation with the Sec-*  
5 *retary of Defense, provide counseling and care and services*  
6 *to members of the Armed Forces (including members of the*  
7 *National Guard and Reserves) on active duty to overcome*  
8 *psychological trauma described in that paragraph.*

9           “(B) *A member described in subparagraph (A) shall*  
10 *not be required to obtain a referral before receiving coun-*  
11 *seling and care and services under this paragraph.”; and*

12           (3) in paragraph (3), as redesignated by para-  
13           graph (1)—

14           (A) by striking “a veteran” and inserting  
15           “an individual”; and

16           (B) by striking “that veteran” each place it  
17           appears and inserting “that individual”.

18           (b) *INFORMATION TO MEMBERS ON AVAILABILITY OF*  
19 *COUNSELING AND SERVICES.—Subsection (c) of such sec-*  
20 *tion is amended—*

21           (1) by striking “to veterans” each place it ap-  
22           pears; and

23           (2) in paragraph (3), by inserting “members of  
24           the Armed Forces and” before “individuals”.

1       (c) *INCLUSION OF MEMBERS IN REPORTS ON COUN-*  
 2 *SELING AND SERVICES.*—*Subsection (e) of such section is*  
 3 *amended—*

4           (1) *in the matter preceding paragraph (1), by*  
 5 *striking “to veterans”;*

6           (2) *in paragraph (2)—*

7               (A) *by striking “women veterans” and in-*  
 8 *serting “individuals”;* and

9               (B) *by striking “training under subsection*  
 10 *(d).” and inserting “training under subsection*  
 11 *(d), desegregated by—*

12                   “(A) *veterans;*

13                   “(B) *members of the Armed Forces (includ-*  
 14 *ing members of the National Guard and Re-*  
 15 *serves) on active duty; and*

16                   “(C) *for each of subparagraphs (A) and*  
 17 *(B)—*

18                       “(i) *men; and*

19                       “(ii) *women.”;*

20           (3) *in paragraph (4), by striking “veterans” and*  
 21 *inserting “individuals”;* and

22           (4) *in paragraph (5)—*

23               (A) *by striking “women veterans” and in-*  
 24 *serting “individuals” ; and*

1           (B) by inserting “, including specific rec-  
2           ommendations for individuals specified in sub-  
3           paragraphs (A), (B), and (C) of paragraph (2)”  
4           before the period at the end.

5           (d) *EFFECTIVE DATE.*—The amendments made by this  
6 section shall take effect on the date that is one year after  
7 the date of the enactment of this Act.

8 **SEC. 503. REPORTS ON MILITARY SEXUAL TRAUMA.**

9           (a) *REPORT ON SERVICES AVAILABLE FOR MILITARY*  
10 *SEXUAL TRAUMA IN THE DEPARTMENT OF VETERANS AF-*  
11 *FAIRS.*—Not later than 630 days after the date of the enact-  
12 ment of this Act, the Secretary of Veterans Affairs shall sub-  
13 mit to the Committee on Veterans’ Affairs of the Senate and  
14 the Committee on Veterans’ Affairs of the House of Rep-  
15 resentatives a report on the treatment and services available  
16 from the Department of Veterans Affairs for male veterans  
17 who experience military sexual trauma compared to such  
18 treatment and services available to female veterans who ex-  
19 perience military sexual trauma.

20           (b) *REPORTS ON TRANSITION OF MILITARY SEXUAL*  
21 *TRAUMA TREATMENT FROM DEPARTMENT OF DEFENSE TO*  
22 *DEPARTMENT OF VETERANS AFFAIRS.*—Not later than 630  
23 days after the date of the enactment of this Act, and annu-  
24 ally thereafter for five years, the Department of Veterans  
25 Affairs-Department of Defense Joint Executive Committee

1 *established by section 320(a) of title 38, United States Code,*  
2 *shall submit to the appropriate committees of Congress a*  
3 *report on military sexual trauma that includes the fol-*  
4 *lowing:*

5           (1) *The processes and procedures utilized by the*  
6 *Department of Veterans Affairs and the Department*  
7 *of Defense to facilitate transition of treatment of indi-*  
8 *viduals who have experienced military sexual trauma*  
9 *from treatment provided by the Department of De-*  
10 *fense to treatment provided by the Department of Vet-*  
11 *erans Affairs.*

12           (2) *A description and assessment of the collabo-*  
13 *ration between the Department of Veterans Affairs*  
14 *and the Department of Defense in assisting veterans*  
15 *in filing claims for disabilities related to military*  
16 *sexual trauma, including permitting veterans access*  
17 *to information and evidence necessary to develop or*  
18 *support such claims.*

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

20           (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*  
21 *The term “appropriate committees of Congress”*  
22 *means—*

23                   (A) *the Committee on Veterans’ Affairs and*  
24 *the Committee on Armed Services of the Senate;*  
25 *and*

1                   (B) *the Committee on Veterans' Affairs and*  
2                   *the Committee on Armed Services of the House*  
3                   *of Representatives.*

4                   (2) *MILITARY SEXUAL TRAUMA.*—*The term*  
5                   *“military sexual trauma” means psychological trauma,*  
6                   *which in the judgment of a mental health profes-*  
7                   *sional employed by the Department, resulted from a*  
8                   *physical assault of a sexual nature, battery of a sex-*  
9                   *ual nature, or sexual harassment which occurred*  
10                   *while the veteran was serving on active duty or active*  
11                   *duty for training.*

12                   (3) *SEXUAL HARASSMENT.*—*The term “sexual*  
13                   *harassment” means repeated, unsolicited verbal or*  
14                   *physical contact of a sexual nature which is threat-*  
15                   *ening in character.*

16                   (4) *SEXUAL TRAUMA.*—*The term “sexual trauma”*  
17                   *shall have the meaning given that term by the*  
18                   *Secretary of Veterans Affairs for purposes of this sec-*  
19                   *tion.*

20                   (d) *EFFECTIVE DATE.*—*This section shall take effect*  
21                   *on the date that is 270 days after the date of the enactment*  
22                   *of this Act.*

1           **TITLE VI—MAJOR MEDICAL**  
2                           **FACILITY LEASES**

3   **SEC. 601. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
4                           **LEASES.**

5           *The Secretary of Veterans Affairs may carry out the*  
6 *following major medical facility leases at the locations spec-*  
7 *ified, and in an amount for each lease not to exceed the*  
8 *amount shown for such location (not including any esti-*  
9 *mated cancellation costs):*

10                   (1) *For a clinical research and pharmacy coordi-*  
11 *nating center, Albuquerque, New Mexico, an amount*  
12 *not to exceed \$9,560,000.*

13                   (2) *For a community-based outpatient clinic,*  
14 *Brick, New Jersey, an amount not to exceed*  
15 *\$7,280,000.*

16                   (3) *For a new primary care and dental clinic*  
17 *annex, Charleston, South Carolina, an amount not to*  
18 *exceed \$7,070,250.*

19                   (4) *For the Cobb County community-based Out-*  
20 *patient Clinic, Cobb County, Georgia, an amount not*  
21 *to exceed \$6,409,000.*

22                   (5) *For the Leeward Outpatient Healthcare Ac-*  
23 *cess Center, Honolulu, Hawaii, including a co-located*  
24 *clinic with the Department of Defense and the co-locat-*  
25 *ion of the Honolulu Regional Office of the Veterans*

1 *Benefits Administration and the Capel Vet Center of*  
2 *the Department of Veterans Affairs, an amount not to*  
3 *exceed \$15,887,370.*

4 (6) *For a community-based outpatient clinic,*  
5 *Johnson County, Kansas, an amount not to exceed*  
6 *\$2,263,000.*

7 (7) *For a replacement community-based out-*  
8 *patient clinic, Lafayette, Louisiana, an amount not*  
9 *to exceed \$2,996,000.*

10 (8) *For a community-based outpatient clinic,*  
11 *Lake Charles, Louisiana, an amount not to exceed*  
12 *\$2,626,000.*

13 (9) *For outpatient clinic consolidation, New Port*  
14 *Riche, Florida, an amount not to exceed \$11,927,000.*

15 (10) *For an outpatient clinic, Ponce, Puerto*  
16 *Rico, an amount not to exceed \$11,535,000.*

17 (11) *For lease consolidation, San Antonio,*  
18 *Texas, an amount not to exceed \$19,426,000.*

19 (12) *For a community-based outpatient clinic,*  
20 *San Diego, California, an amount not to exceed*  
21 *\$11,946,100.*

22 (13) *For an outpatient clinic, Tyler, Texas, an*  
23 *amount not to exceed \$4,327,000.*



1           (14) *For the Arere Community Care Center,*  
2 *West Haven, Connecticut, an amount not to exceed*  
3 *\$4,883,000.*

4           (15) *For the Worcester community-based Out-*  
5 *patient Clinic, Worcester, Massachusetts, an amount*  
6 *not to exceed \$4,855,000.*

7           (16) *For the expansion of a community-based*  
8 *outpatient clinic, Cape Girardeau, Missouri, an*  
9 *amount not to exceed \$4,232,060.*

10          (17) *For a multi specialty clinic, Chattanooga,*  
11 *Tennessee, an amount not to exceed \$7,069,000.*

12          (18) *For the expansion of a community-based*  
13 *outpatient clinic, Chico, California, an amount not to*  
14 *exceed \$4,534,000.*

15          (19) *For a community-based outpatient clinic,*  
16 *Chula Vista, California, an amount not to exceed*  
17 *\$3,714,000.*

18          (20) *For a new research lease, Haines, Illinois,*  
19 *an amount not to exceed \$22,032,000.*

20          (21) *For a replacement research lease, Houston,*  
21 *Texas, an amount not to exceed \$6,142,000.*

22          (22) *For a community-based outpatient clinic,*  
23 *Lincoln, Nebraska, an amount not to exceed*  
24 *\$7,178,400.*

1           (23) *For a community-based outpatient clinic,*  
2 *Lubbock, Texas, an amount not to exceed \$8,554,000.*

3           (24) *For a community-based outpatient clinic*  
4 *consolidation, Myrtle Beach, South Carolina, an*  
5 *amount not to exceed \$8,022,000.*

6           (25) *For a community-based outpatient clinic,*  
7 *Phoenix, Arizona, an amount not to exceed*  
8 *\$20,757,000.*

9           (26) *For the expansion of a community-based*  
10 *outpatient clinic, Redding, California, an amount not*  
11 *to exceed \$8,154,000.*

12 **SEC. 602. BUDGETARY TREATMENT OF DEPARTMENT OF**  
13 **VETERANS AFFAIRS MAJOR MEDICAL FACILI-**  
14 **TIES LEASES.**

15 (a) *FINDINGS.*—*Congress finds the following:*

16           (1) *Title 31, United States Code, requires the De-*  
17 *partment of Veterans Affairs to record the full cost of*  
18 *its contractual obligation against funds available at*  
19 *the time a contract is executed.*

20           (2) *Office of Management and Budget Circular*  
21 *A–11 provides guidance to agencies in meeting the*  
22 *statutory requirements under title 31, United States*  
23 *Code, with respect to leases.*

24           (3) *For operating leases, Office of Management*  
25 *and Budget Circular A–11 requires the Department of*

1 *Veterans Affairs to record up-front budget authority*  
2 *in an “amount equal to total payments under the full*  
3 *term of the lease or [an] amount sufficient to cover*  
4 *first year lease payments plus cancellation costs”.*

5 *(b) REQUIREMENT FOR OBLIGATION OF FULL COST.—*

6 *(1) IN GENERAL.—Subject to the availability of*  
7 *appropriations provided in advance, in exercising the*  
8 *authority of the Secretary of Veterans Affairs to enter*  
9 *into leases provided in this Act, the Secretary shall*  
10 *record, pursuant to section 1501 of title 31, United*  
11 *States Code, as the full cost of the contractual obliga-*  
12 *tion at the time a contract is executed either—*

13 *(A) an amount equal to total payments*  
14 *under the full term of the lease; or*

15 *(B) if the lease specifies payments to be*  
16 *made in the event the lease is terminated before*  
17 *its full term, an amount sufficient to cover the*  
18 *first year lease payments plus the specified can-*  
19 *cellation costs.*

20 *(2) SELF-INSURING AUTHORITY.—The require-*  
21 *ments of paragraph (1) may be satisfied through the*  
22 *use of a self-insuring authority consistent with Office*  
23 *of Management and Budget Circular A–11.*

24 *(c) TRANSPARENCY.—*

1           (1) *COMPLIANCE.*—*Subsection (b) of section 8104*  
2 *of title 38, United States Code, is amended by adding*  
3 *at the end the following new paragraph:*

4           “(7) *In the case of a prospectus proposing fund-*  
5 *ing for a major medical facility lease, a detailed*  
6 *analysis of how the lease is expected to comply with*  
7 *Office of Management and Budget Circular A–11 and*  
8 *section 1341 of title 31 (commonly referred to as the*  
9 *‘Anti-Deficiency Act’). Any such analysis shall in-*  
10 *clude—*

11           “(A) *an analysis of the classification of the*  
12 *lease as a ‘lease-purchase’, ‘capital lease’, or ‘op-*  
13 *erating lease’ as those terms are defined in Office*  
14 *of Management and Budget Circular A–11;*

15           “(B) *an analysis of the obligation of budg-*  
16 *etary resources associated with the lease; and*

17           “(C) *an analysis of the methodology used in*  
18 *determining the asset cost, fair market value,*  
19 *and cancellation costs of the lease.”.*

20           (2) *SUBMITTAL TO CONGRESS.*—*Such section*  
21 *8104 is further amended by adding at the end the fol-*  
22 *lowing new subsection:*

23           “(h)(1) *Not less than 30 days before entering into a*  
24 *major medical facility lease, the Secretary shall submit to*

1 *the Committees on Veterans' Affairs of the Senate and the*  
2 *House of Representatives—*

3           “(A) *notice of the Secretary's intention to enter*  
4 *into the lease;*

5           “(B) *a detailed summary of the proposed lease;*

6           “(C) *a description and analysis of any dif-*  
7 *ferences between the prospectus submitted pursuant to*  
8 *subsection (b) and the proposed lease; and*

9           “(D) *a scoring analysis demonstrating that the*  
10 *proposed lease fully complies with Office of Manage-*  
11 *ment and Budget Circular A-11.*

12           “(2) *Each committee described in paragraph (1) shall*  
13 *ensure that any information submitted to the committee*  
14 *under such paragraph is treated by the committee with the*  
15 *same level of confidentiality as is required by law of the*  
16 *Secretary and subject to the same statutory penalties for*  
17 *unauthorized disclosure or use as the Secretary.*

18           “(3) *Not more than 30 days after entering into a major*  
19 *medical facility lease, the Secretary shall submit to each*  
20 *committee described in paragraph (1) a report on any ma-*  
21 *terial differences between the lease that was entered into and*  
22 *the proposed lease described under such paragraph, includ-*  
23 *ing how the lease that was entered into changes the pre-*  
24 *viously submitted scoring analysis described in subpara-*  
25 *graph (D) of such paragraph.”.*

1       (d) *RULE OF CONSTRUCTION.*—Nothing in this sec-  
 2 tion, or the amendments made by this section, shall be con-  
 3 strued to in any way relieve the Department of Veterans  
 4 Affairs from any statutory or regulatory obligations or re-  
 5 quirements existing prior to the enactment of this section  
 6 and such amendments.

7       **TITLE VII—VETERANS BENEFITS**  
 8                               **MATTERS**

9       **SEC. 701. EXPANSION OF MARINE GUNNERY SERGEANT**  
 10                               **JOHN DAVID FRY SCHOLARSHIP.**

11       (a) *EXPANSION OF ENTITLEMENT.*—Subsection (b)(9)  
 12 of section 3311 of title 38, United States Code, is amended  
 13 by inserting “or spouse” after “child”.

14       (b) *LIMITATION AND ELECTION ON CERTAIN BENE-*  
 15 *FITS.*—Subsection (f) of such section is amended—

16               (1) by redesignating paragraph (2) as para-  
 17 graph (4); and

18               (2) by inserting after paragraph (1) the fol-  
 19 lowing new paragraphs:

20               “(2) *LIMITATION.*—The entitlement of an indi-  
 21 vidual to assistance under subsection (a) pursuant to  
 22 paragraph (9) of subsection (b) because the individual  
 23 was a spouse of a person described in such paragraph  
 24 shall expire on the earlier of—

1           “(A) the date that is 15 years after the date  
2           on which the person died; and

3           “(B) the date on which the individual re-  
4           marries.

5           “(3) *ELECTION ON RECEIPT OF CERTAIN BENE-*  
6           *FITS.—A surviving spouse entitled to assistance under*  
7           *subsection (a) pursuant to paragraph (9) of sub-*  
8           *section (b) who is also entitled to educational assist-*  
9           *ance under chapter 35 of this title may not receive as-*  
10          *istance under both this section and such chapter, but*  
11          *shall make an irrevocable election (in such form and*  
12          *manner as the Secretary may prescribe) under which*  
13          *section or chapter to receive educational assistance.”.*

14          “(c) *CONFORMING AMENDMENT.—Section 3321(b)(4) of*  
15          *such title is amended—*

16                 (1) *by striking “an individual” and inserting “a*  
17                 *child”;* and

18                 (2) *by striking “such individual’s” each time it*  
19                 *appears and inserting “such child’s”.*

1 **SEC. 702. APPROVAL OF COURSES OF EDUCATION PRO-**  
2 **VIDED BY PUBLIC INSTITUTIONS OF HIGHER**  
3 **LEARNING FOR PURPOSES OF ALL-VOLUN-**  
4 **TEER FORCE EDUCATIONAL ASSISTANCE**  
5 **PROGRAM AND POST-9/11 EDUCATIONAL AS-**  
6 **SISTANCE CONDITIONAL ON IN-STATE TUI-**  
7 **TION RATE FOR VETERANS.**

8 (a) *IN GENERAL.*—Section 3679 of title 38, United  
9 States Code, is amended by adding at the end the following  
10 new subsection:

11 “(c)(1) Notwithstanding any other provision of this  
12 chapter and subject to paragraphs (3) through (6), the Sec-  
13 retary shall disapprove a course of education provided by  
14 a public institution of higher learning to a covered indi-  
15 vidual pursuing a course of education with educational as-  
16 sistance under chapter 30 or 33 of this title while living  
17 in the State in which the public institution of higher learn-  
18 ing is located if the institution charges tuition and fees for  
19 that course for the covered individual at a rate that is high-  
20 er than the rate the institution charges for tuition and fees  
21 for that course for residents of the State in which the insti-  
22 tution is located, regardless of the covered individual’s State  
23 of residence.

24 “(2) For purposes of this subsection, a covered indi-  
25 vidual is any individual as follows:



1           “(A) A veteran who was discharged or released  
2           from a period of not fewer than 90 days of service in  
3           the active military, naval, or air service less than  
4           three years before the date of enrollment in the course  
5           concerned.

6           “(B) An individual who is entitled to assistance  
7           under section 3311(b)(9) or 3319 of this title by vir-  
8           tue of such individual’s relationship to a veteran de-  
9           scribed in subparagraph (A).

10          “(3) If after enrollment in a course of education that  
11          is subject to disapproval under paragraph (1) by reason  
12          of paragraph (2)(A) or (2)(B) a covered individual pursues  
13          one or more courses of education at the same public institu-  
14          tion of higher learning while remaining continuously en-  
15          rolled (other than during regularly scheduled breaks between  
16          courses, semesters or terms) at that institution of higher  
17          learning, any course so pursued by the covered individual  
18          at that institution of higher learning while so continuously  
19          enrolled shall also be subject to disapproval under para-  
20          graph (1).

21          “(4) It shall not be grounds to disapprove a course of  
22          education under paragraph (1) if a public institution of  
23          higher learning requires a covered individual pursuing a  
24          course of education at the institution to demonstrate an in-  
25          tent, by means other than satisfying a physical presence

1 *requirement, to establish residency in the State in which*  
 2 *the institution is located, or to satisfy other requirements*  
 3 *not relating to the establishment of residency, in order to*  
 4 *be charged tuition and fees for that course at a rate that*  
 5 *is equal to or less than the rate the institution charges for*  
 6 *tuition and fees for that course for residents of the State.*

7       “(5) *The Secretary may waive such requirements of*  
 8 *paragraph (1) as the Secretary considers appropriate.*

9       “(6) *Disapproval under paragraph (1) shall apply*  
 10 *only with respect to educational assistance under chapters*  
 11 *30 and 33 of this title.”.*

12       **(b) EFFECTIVE DATE.**—*Subsection (c) of section 3679*  
 13 *of title 38, United States Code (as added by subsection (a)*  
 14 *of this section), shall apply with respect to educational as-*  
 15 *sistance provided for pursuit of programs of education dur-*  
 16 *ing academic terms that begin after July 1, 2015, through*  
 17 *courses of education that commence on or after that date.*

18 **TITLE           VIII—APPROPRIATION**  
 19 **AND EMERGENCY DESIGNA-**  
 20 **TIONS**

21 **SEC. 801. APPROPRIATION OF EMERGENCY AMOUNTS.**

22       *There is authorized to be appropriated, and is appro-*  
 23 *priated, to the Secretary of Veterans Affairs, out of any*  
 24 *funds in the Treasury not otherwise appropriated, for fiscal*

1 *years 2014, 2015, and 2016, such sums as may be necessary*  
2 *to carry out this Act.*

3 **SEC. 802. EMERGENCY DESIGNATIONS.**

4 *(a) IN GENERAL.—This Act is designated as an emer-*  
5 *gency requirement pursuant to section 4(g) of the Statutory*  
6 *Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).*

7 *(b) DESIGNATION IN SENATE.—In the Senate, this Act*  
8 *is designated as an emergency requirement pursuant to sec-*  
9 *tion 403(a) of S. Con. Res. 13 (111th Congress), the concur-*  
10 *rent resolution on the budget for fiscal year 2010.*

Amend the title so as to read: “To improve the access of veterans to medical services from the Department of Veterans Affairs, and for other purposes.”

Attest:

*Secretary.*

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 3230**

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**AMENDMENTS**