

112TH CONGRESS
1ST SESSION

H. R. 2470

To improve the electronic health information systems and capabilities of the Department of Defense and the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2011

Mr. DONNELLY of Indiana introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the electronic health information systems and capabilities of the Department of Defense and the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring
5 Servicemembers’ Electronic Records’ Viability Act” or the
6 “E-SERV Act”.

1 **SEC. 2. DEPARTMENT OF DEFENSE-DEPARTMENT OF VET-**
2 **ERANS AFFAIRS INTERAGENCY PROGRAM OF-**
3 **FICE.**

4 (a) **PURPOSE OF OFFICE.**—Section 1635(b)(2)(A) of
5 the Wounded Warrior Act (title XVI of Public Law 110–
6 181; 10 U.S.C. 1071 note) is amended to read as follows:

7 “(A) To—

8 “(i) act as a single point of account-
9 ability and authority for the Department of
10 Defense and the Department of Veterans
11 Affairs in the rapid development and im-
12 plementation of electronic health record
13 systems or capabilities that allow for full
14 interoperability of personal health care in-
15 formation between the Department of De-
16 fense and the Department of Veterans Af-
17 fairs; and

18 “(ii) be the single program office of
19 the Department of Defense and the De-
20 partment of Veterans Affairs that is re-
21 sponsible for the development, implementa-
22 tion, and sustainment of all electronic
23 health record systems and capabilities.”.

24 (b) **LEADERSHIP OF OFFICE.**—Section 1635(c) of
25 such Act is amended by adding at the end the following:

26 “(6) **SUPERVISION OF DIRECTOR.**—

1 “(A) Except as provided by subparagraph
2 (B), the Director shall report directly to the
3 Secretary of Defense and the Secretary of Vet-
4 erans Affairs without the interposition of any
5 other supervising official. Each Secretary shall
6 be responsible for one-half of any performance
7 review of the Director.

8 “(B) The Secretaries may jointly delegate
9 supervision described in subparagraph (A) to an
10 official of the Department of Defense and to an
11 official of the Department of Veterans Affairs
12 at a level not lower than Deputy Secretary.”.

13 (c) FUNCTION.—Section 1635(d) of such Act is
14 amended to read as follows:

15 “(d) FUNCTION.—

16 “(1) IN GENERAL.—The function of the Office
17 shall be to develop, implement, and sustain elec-
18 tronic health record systems and capabilities for the
19 Department of Defense and the Department of Vet-
20 erans Affairs. Such systems shall—

21 “(A) allow for full interoperability of per-
22 sonal health care information between the De-
23 partments;

1 “(B) to the extent practicable, consist of a
2 seamless, integrated process that addresses the
3 unique needs of each Department; and

4 “(C) ensure that health records comply
5 with applicable interoperability standards, im-
6 plementation specifications, and certification
7 criteria (including for the reporting of quality
8 measures) of the Federal Government.

9 “(2) SOLE RESPONSIBLE OFFICE.—The Office
10 shall—

11 “(A) be the only office of the Department
12 of Defense and the Department of Veterans Af-
13 fairs responsible for electronic health record ca-
14 pabilities, including any such capabilities exist-
15 ing before January 16, 2008; and

16 “(B) represent each Department to other
17 departments and agencies of the Federal Gov-
18 ernment and to Congress with respect to activi-
19 ties regarding the electronic health record sys-
20 tems capabilities of the Departments.

21 “(3) PROGRAMMING AND BUDGETING AUTHOR-
22 ITY.—

23 “(A) The Office shall carry out planning,
24 programming, budgeting, and execution activi-
25 ties required to carry out the functions de-

1 scribed in paragraph (1), including activities re-
2 lated to the design, development, testing, acqui-
3 sition, implementation, and sustainment of elec-
4 tronic health record systems and capabilities.

5 “(B) In the budget materials submitted to
6 the President by the Secretary of Defense and
7 the Secretary of Veterans Affairs in connection
8 with the submission to Congress, pursuant to
9 section 1105 of title 31, United States Code, of
10 the budget for fiscal year 2013, and each subse-
11 quent fiscal year, each Secretary shall ensure
12 that the Office is listed as a separate, dedicated
13 budget line.”.

14 (d) STAFF.—Section 1635(g) of such Act is amended
15 by adding at the end the following:

16 “(3) SUPERVISION.—Personnel assigned to the
17 Office under paragraph (1) and other personnel of
18 the Department of Defense and the Department of
19 Veterans Affairs who are assigned to electronic
20 health record initiatives shall be under the direction
21 of the Director.

22 “(4) REQUEST FOR RESOURCES.—The Sec-
23 retary of Defense and the Secretary of Veterans Af-
24 fairs shall furnish to the Director resources re-

1 requested by the Director to carry out this section, to
2 the extent practicable.”.

3 (e) CONFORMING AMENDMENT.—Section 1635 of
4 such Act is amended by striking “subsection (d)” and in-
5 serting “subsection (d)(1)” each place it appears.

6 (f) IMPLEMENTATION.—Of the funds authorized to
7 be appropriated for each of fiscal years 2012 and 2013
8 to carry out the interagency program office of the Depart-
9 ment of Defense and the Department of Veterans Affairs
10 established under section 1635 of the Wounded Warrior
11 Act (title XVI of Public Law 110–181; 10 U.S.C. 1071
12 note), not more than 10 percent may be obligated or ex-
13 pended until the date on which the Secretary of Defense
14 and the Secretary of Veterans Affairs jointly certify to
15 Congress that the amendments made by subsections (a)
16 through (d) have been implemented.

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