

Union Calendar No. 167

113TH CONGRESS
1ST SESSION

H. R. 1804

[Report No. 113–227]

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress semiannual reports on the cost of foreign travel made by employees of the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. HUELSKAMP introduced the following bill; which was referred to the Committee on Veterans' Affairs

SEPTEMBER 25, 2013

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 26, 2013]

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress semi-annual reports on the cost of foreign travel made by employees of 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 “Veterans Accountability*
 5 *Act of 2013”.*

6 **SEC. 2. SEMIANNUAL REPORTS TO CONGRESS ON COST OF**
 7 **CERTAIN TRAVEL.**

8 *(a) IN GENERAL.—Subchapter I of chapter 5 of title*
 9 *38, United States Code, is amended by adding at the end*
 10 *the following new section:*

11 **“§ 518. Semiannual reports to Congress on cost of cer-**
 12 **tain travel**

13 *“(a) SEMIANNUAL REPORTS.—Not later than June 30,*
 14 *2014, and not later than 60 days after each 180-day period*
 15 *thereafter, the Secretary shall submit to the Committee on*
 16 *Veterans’ Affairs of the House of Representatives and the*
 17 *Committee on Veterans’ Affairs of the Senate a semiannual*
 18 *report on covered travel made during the 180-day period*
 19 *covered by the report.*

20 *“(b) MATTERS INCLUDED.—Each report under sub-*
 21 *section (a) shall include the following:*

22 *“(1) With respect to each instance of covered*
 23 *travel made during the period covered by the report—*

24 *“(A) the purpose of such travel;*

25 *“(B) the destination;*

1 “(C) the name and title of each employee
2 included on such travel;

3 “(D) the duration of such travel;

4 “(E) the total cost to the Department of
5 such travel; and

6 “(F) with respect to covered travel described
7 in subsection (d)(2), the identity of the person or
8 entity that paid or reimbursed for such travel.

9 “(2) The final costs to the Department with re-
10 spect to all covered travel made during the period cov-
11 ered by the report, including costs relating to—

12 “(A) transportation, including fares for
13 travel by air, rail, bus, ferry, cruise ship, taxi,
14 mass transit, or other mode of transportation;

15 “(B) expenses or reimbursements relating to
16 operating and maintaining a car, including the
17 costs of fuel and mileage;

18 “(C) passport and visa fees;

19 “(D) lodging;

20 “(E) per diem payments;

21 “(F) baggage charges;

22 “(G) computer rental fees;

23 “(H) rental of halls, auditoriums, or other
24 spaces;

25 “(I) entertainment;

1 “(J) contractors;

2 “(K) registration fees; and

3 “(L) promotional items.

4 “(c) *DUPLICATIVE INFORMATION*.—Each report under
5 subsection (a) shall include the information described in
6 subsection (b) regardless of whether such information is also
7 included in a report under section 517 of this title.

8 “(d) *COVERED TRAVEL DEFINED*.—In this section, the
9 term ‘covered travel’ means travel made by an employee of
10 the Department of Veterans Affairs, including an employee
11 who is stationed in a foreign country, on official business
12 to any of the following locations:

13 “(1) If the Department or other element of the
14 Federal Government pays for such travel, a location
15 outside of—

16 “(A) the several States;

17 “(B) the District of Columbia;

18 “(C) a territory, commonwealth, or posses-
19 sion of the United States;

20 “(D) Indian lands (as defined in section
21 4(4) of the Indian Gaming Regulatory Act (25
22 U.S.C. 2703(4))); or

23 “(E) the territorial waters of the United
24 States.

1 “(2) *If any person or entity other than the Fed-*
 2 *eral Government pays (or reimburses) for such travel,*
 3 *any location, regardless of whether the location is in-*
 4 *side or outside of the United States.”.*

5 (b) *CLERICAL AMENDMENT.—The table of sections at*
 6 *the beginning of such chapter is amended by adding after*
 7 *the item relating to section 517 the following new item:*

“518. Semiannual reports to Congress on cost of certain travel.”.

8 **SEC. 3. REPORT OF INFECTIOUS DISEASE AT MEDICAL FA-**
 9 **CILITIES OF DEPARTMENT OF VETERANS AF-**
 10 **FAIRS.**

11 (a) *IN GENERAL.—Section 7311 of title 38, United*
 12 *States Code, is amended by adding at the end the following*
 13 *new subsection:*

14 “(f)(1) *The Secretary shall report to the appropriate*
 15 *entity each case of a notifiable infectious disease or condi-*
 16 *tion that is diagnosed at a medical facility of the Depart-*
 17 *ment of Veterans Affairs in accordance with the laws of the*
 18 *State in which the facility is located.*

19 “(2) *In addition to reporting each case of a notifiable*
 20 *infectious disease or condition at a medical facility of the*
 21 *Department pursuant to paragraph (1), the Secretary shall*
 22 *report each such case that is classified as a health-care-asso-*
 23 *ciated infection sentinel event to the accrediting organiza-*
 24 *tion of such facility.*

1 “(3)(A) *If the Secretary fails to report a case of a*
2 *notifiable infectious disease or condition at a medical facil-*
3 *ity of the Department in accordance with State law pursu-*
4 *ant to paragraph (1), the Secretary shall—*

5 “(i) *take any remedial action required under the*
6 *laws of the State to correct such failure; and*

7 “(ii) *if the Secretary does not correct such fail-*
8 *ure pursuant to clause (i), pay to the State an*
9 *amount equal to the amount that a medical facility*
10 *not owned by the Federal Government that is located*
11 *in the same State would pay as a penalty to such*
12 *State for such failure.*

13 “(B) *The State may file a civil action against the Sec-*
14 *retary in the United States district court for the district*
15 *in which the medical facility is located to recover from the*
16 *United States the amount described in subparagraph*
17 *(A)(ii).*

18 “(C) *A civil action under subparagraph (B) may not*
19 *be commenced later than two years after the cause of action*
20 *accrues.*

21 “(4)(A) *In any case in which the Inspector General*
22 *of the Department suspects that a director of a Veterans*
23 *Integrated Service Network has failed to comply with an*
24 *applicable provision of this subsection, the Inspector Gen-*
25 *eral shall conduct an investigation to determine whether*

1 *such director failed to comply with an applicable provision*
2 *of this section.*

3 “(B) *If the Inspector General determines under sub-*
4 *paragraph (A) that a director has failed to comply with*
5 *a provision of this subsection, the Secretary shall suspend*
6 *such director for such period as the Secretary considers ap-*
7 *propriate under subchapter I or subchapter II of chapter*
8 *75 of title 5, as the case may be. In addition to such suspen-*
9 *sion, the Secretary may impose such other administrative*
10 *disciplinary action on the director as the Secretary con-*
11 *siders appropriate and for which the Secretary is otherwise*
12 *authorized.*

13 “(5) *The Secretary shall—*

14 “(A) *maintain records of each notifiable infec-*
15 *tious disease or condition reported pursuant to para-*
16 *graph (1); and*

17 “(B) *submit to the Committees on Veterans’ Af-*
18 *airs of the House of Representatives and the Senate*
19 *a notification of each such notifiable infectious dis-*
20 *ease or condition.*

21 “(6) *In this subsection, the term ‘notifiable infectious*
22 *disease or condition’ means any infectious disease or condi-*
23 *tion that is—*

24 “(A) *on the list of nationally notifiable diseases*
25 *or conditions published by the Council of State and*

1 *Territorial Epidemiologists and the Centers for Dis-*
 2 *ease Control and Prevention; or*

3 “(B) covered by a provision of law of a State
 4 *that requires the reporting of infectious diseases or*
 5 *conditions.”.*

6 (b) *EFFECTIVE DATE.*—*The reporting requirement*
 7 *under section 7311(f) of title 38, United States Code, as*
 8 *added by subsection (a), shall apply with respect to a case*
 9 *of a notifiable infectious disease or condition diagnosed at*
 10 *a medical facility of the Department of Veterans Affairs on*
 11 *or after the date that is 60 days after the date of the enact-*
 12 *ment of this Act.*

13 **SEC. 4. PROHIBITION OF VISUAL RECORDING WITHOUT IN-**
 14 **FORMED CONSENT.**

15 Section 7331 of title 38, United States Code, is amend-
 16 ed—

17 (1) by striking “The Secretary, upon” and in-
 18 serting “(a) *IN GENERAL.*—The Secretary, upon”;
 19 and

20 (2) by adding at the end the following new sub-
 21 section:

22 “(b) *VISUAL RECORDING.*—(1) *The Secretary shall*
 23 *prescribe regulations establishing procedures to ensure that,*
 24 *except as provided by paragraph (2), any visual recording*
 25 *made by the Secretary of a patient during the course of*

1 *furnishing care under this title is carried out only with the*
2 *full and informed consent of the patient or, in appropriate*
3 *cases, a representative thereof.*

4 “(2) *The Secretary may waive the requirement for in-*
5 *formed consent under paragraph (1) with respect to the vis-*
6 *ual recording of a patient if such recording is made—*

7 “(A) *pursuant to a determination by a physi-*
8 *cian or psychologist that such recording is medically*
9 *necessary or necessary for the safety of the patient;*

10 “(B) *pursuant to a warrant or order of a court*
11 *of competent jurisdiction; or*

12 “(C) *in a public setting where a person would*
13 *not have a reasonable expectation to privacy, such as*
14 *a waiting room or hallway, and such recording is for*
15 *general security purposes not particularized to the*
16 *patient.*

17 “(3) *In this subsection, the term ‘visual recording’*
18 *means the recording or transmission of images or video, but*
19 *does not include—*

20 “(A) *medical imaging, including such imaging*
21 *produced by radiographic procedures, nuclear medi-*
22 *cine, endoscopy, ultrasound, or other similar proce-*
23 *dures; or*

24 “(B) *images, video, and other clinical informa-*
25 *tion transmitted for the purposes of providing treat-*

1 *ment through telehealth and telemedicine tech-*
2 *nologies.”.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to submit to Congress semiannual reports on the cost of certain travel made by employees of the Department of Veterans Affairs, and for other purposes.”.

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