

Union Calendar No. 282

107TH CONGRESS
2^D SESSION

H. R. 3253

[Report No. 107-471]

To amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2001

Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BILIRAKIS, Mr. RODRIGUEZ, Mr. BUYER, and Mr. STEARNS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 16, 2002

Additional sponsors: Mr. COOKSEY, Mr. FERGUSON, Mr. FILNER, Mr. UDALL of New Mexico, Ms. BERKLEY, Mr. SHOWS, Mr. SIMPSON, Mr. JEFF MILLER of Florida, and Mrs. DAVIS of California

MAY 16, 2002

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 November 8, 2001]

A BILL

To amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in 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 “Department of Veterans*
5 *Affairs Emergency Preparedness Research, Education, and*
6 *Bio-Terrorism Prevention Act of 2002”.*

7 **SEC. 2. ESTABLISHMENT OF EMERGENCY MEDICAL PRE-**
8 **PAREDNESS CENTERS.**

9 *(a) IN GENERAL.—Subchapter II of chapter 73 of title*
10 *38, United States Code, is amended by adding at the end*
11 *the following new section:*

12 **“§ 7325. Medical emergency preparedness centers**

13 *“(a) ESTABLISHMENT OF CENTERS.—(1) The Sec-*
14 *retary shall establish at least four medical emergency pre-*
15 *paredness centers in accordance with this section. Each such*
16 *center shall be established at a Department medical center*
17 *and shall be staffed by Department employees.*

18 *“(2) The Under Secretary for Health shall be respon-*
19 *sible for supervising the operation of the centers established*
20 *pursuant to this section. The Under Secretary shall provide*
21 *for ongoing evaluation of the centers and their compliance*
22 *with the requirements of this section.*

23 *“(3) The Under Secretary shall carry out the Under*
24 *Secretary’s functions under paragraph (2) in consultation*

1 *with the Assistant Secretary for Veterans Affairs with re-*
2 *sponsibility for operations, preparedness, and security.*

3 “(b) *MISSION.—The mission of the centers shall be—*

4 “(1) *to carry out research on and develop meth-*
5 *ods of detection, diagnosis, vaccination, protection,*
6 *and treatment for chemical, biological, and radio-*
7 *logical threats to the public health and safety;*

8 “(2) *to provide education, training, and advice*
9 *to health-care professionals, including health-care pro-*
10 *fessionals outside the Veterans Health Administration;*
11 *and*

12 “(3) *to provide contingent rapid response labora-*
13 *tory assistance and other assistance to local health*
14 *care authorities in the event of a national emergency.*

15 “(c) *CENTER DIRECTORS.—Each center shall have a*
16 *Director with (1) expertise in managing organizations that*
17 *deal with threats referred to in subsection (b), (2) expertise*
18 *in providing care to populations exposed to toxic sub-*
19 *stances, or (3) significant research experience in those fields.*

20 “(d) *SELECTION OF CENTERS.—(1) The Secretary*
21 *shall select the sites for the centers on the basis of a competi-*
22 *tive selection process and a finding under paragraph (2).*
23 *The centers selected shall be located in different regions of*
24 *the Nation, and any such center may be a consortium of*
25 *efforts of more than one medical center. At least one of the*

1 *centers shall be established to concentrate on chemical*
2 *threats, at least one shall be established to concentrate on*
3 *biological threats, and at least one shall be established to*
4 *concentrate on radiological threats.*

5 “(2) *The finding referred to in paragraph (1) with re-*
6 *spect to a proposal for designation of a site as a location*
7 *of a center under this section is a finding by the Secretary,*
8 *upon the recommendations of the Under Secretary for*
9 *Health and the Assistant Secretary with responsibility for*
10 *operations, preparedness, and security, that the facility or*
11 *facilities submitting the proposal have developed (or may*
12 *reasonably be anticipated to develop) each of the following:*

13 “(A) *An arrangement with a qualifying medical*
14 *school and a qualifying school of public health (or a*
15 *consortium of such schools) under which physicians*
16 *and other persons in the health field receive education*
17 *and training through the participating Department*
18 *medical centers so as to provide those persons with*
19 *training in the diagnosis and treatment of illnesses*
20 *induced by exposures to toxins, including chemical*
21 *and biological substances and nuclear ionizing radi-*
22 *ation.*

23 “(B) *An arrangement with an accredited grad-*
24 *uate program of epidemiology under which students*
25 *receive education and training in epidemiology*

1 *through the participating Department facilities so as*
2 *to provide such students with training in the epide-*
3 *miology of contagious and infectious diseases and*
4 *chemical and radiation poisoning in an exposed pop-*
5 *ulation.*

6 *“(C) An arrangement under which nursing, so-*
7 *cial work, counseling, or allied health personnel and*
8 *students receive training and education in recog-*
9 *nizing and caring for conditions associated with ex-*
10 *posures to toxins through the participating Depart-*
11 *ment facilities.*

12 *“(D) The ability to attract scientists who have*
13 *made significant contributions to the development of*
14 *innovative approaches to the detection, diagnosis, vac-*
15 *ination, protection, or treatment of persons exposed*
16 *to chemical, biological, or radiological substances.*

17 *“(3) For purposes of paragraph (2)(A)—*

18 *“(A) a qualifying medical school is an accredited*
19 *medical school that provides education and training*
20 *in toxicology and environmental health hazards and*
21 *with which one or more of the participating Depart-*
22 *ment medical centers is affiliated; and*

23 *“(B) a qualifying school of public health is an*
24 *accredited school of public health that provides edu-*
25 *cation and training in toxicology and environmental*

1 *health hazards and with which one or more of the*
2 *participating Department medical centers is affili-*
3 *ated.*

4 “(e) *FUNDING.—(1) Amounts appropriated for the ac-*
5 *tivities of the centers shall be appropriated separately from*
6 *amounts appropriated for the Department for medical care.*

7 “(2) *There are authorized to be appropriated for the*
8 *centers under this section \$20,000,000 for each of fiscal*
9 *years 2003 through 2007.*

10 “(3) *In addition to funds appropriated for a fiscal*
11 *year pursuant to the authorization of appropriations in*
12 *paragraph (2), the Under Secretary for Health shall allo-*
13 *cate to such centers from other funds appropriated for that*
14 *fiscal year generally for the Department of Veterans Affairs*
15 *medical care account and the Department of Veterans Af-*
16 *fairs medical and prosthetics research account such*
17 *amounts as the Under Secretary for Health determines ap-*
18 *propriate to carry out the purposes of this section. Any de-*
19 *termination by the Under Secretary under the preceding*
20 *sentence shall be made in consultation with the Assistant*
21 *Secretary with responsibility for operations, preparedness,*
22 *and security.*

23 “(f) *RESEARCH ACTIVITIES.—Each center shall con-*
24 *duct research on improved medical preparedness to protect*
25 *the Nation from threats in the area of that center’s exper-*

1 *tise. Each center may seek research funds from public and*
2 *private sources for such purpose.*

3 “(g) *PEER REVIEW PANEL.—(1) In order to provide*
4 *advice to assist the Secretary and the Under Secretary for*
5 *Health to carry out their responsibilities under this section,*
6 *the Under Secretary shall establish a peer review panel to*
7 *assess the scientific and clinical merit of proposals that are*
8 *submitted to the Secretary for the designation of centers*
9 *under this section. The peer review shall be established in*
10 *consultation with the Assistant Secretary with responsi-*
11 *bility for operations, preparedness, and security.*

12 “(2) *The peer review panel shall include experts in the*
13 *fields of toxicological research, bio-hazards management*
14 *education and training, radiology, clinical care of patients*
15 *exposed to such hazards, and other persons as determined*
16 *appropriate by the Secretary. Members of the panel shall*
17 *serve as consultants to the Department.*

18 “(3) *The panel shall review each proposal submitted*
19 *to the panel by the officials referred to in paragraph (1)*
20 *and shall submit to the Under Secretary for Health its*
21 *views on the relative scientific and clinical merit of each*
22 *such proposal. The panel shall specifically determine with*
23 *respect to each such proposal whether that proposal is*
24 *among those proposals which have met the highest competi-*
25 *tive standards of scientific and clinical merit.*

1 “(4) *The panel shall not be subject to the Federal Advi-*
2 *sory Committee Act (5 U.S.C. App.).*

3 “(h) *RESEARCH PRODUCTS.—(1) The Under Secretary*
4 *for Health and the Assistant Secretary with responsibility*
5 *for operations, preparedness, and security shall ensure that*
6 *information produced by the research, education and train-*
7 *ing, and clinical activities of centers established under this*
8 *section is made available, as appropriate, to health-care*
9 *providers in the United States. Dissemination of such infor-*
10 *mation shall be made through publications, through pro-*
11 *grams of continuing medical and related education pro-*
12 *vided through regional medical education centers under*
13 *subchapter VI of chapter 74 of this title, and through other*
14 *means. Such programs of continuing medical education*
15 *shall receive priority in the award of funding.*

16 “(2) *The Secretary shall ensure that the work of the*
17 *centers is conducted in close coordination with other Fed-*
18 *eral departments and agencies and that research products*
19 *or other information of the centers shall be coordinated and*
20 *shared with other Federal departments and agencies.*

21 “(i) *ASSISTANCE TO OTHER AGENCIES.—The Sec-*
22 *retary may provide assistance requested by appropriate*
23 *Federal, State, and local civil and criminal authorities in*
24 *investigations, inquiries, and data analyses as necessary to*

1 *protect the public safety and prevent or obviate biological,*
 2 *chemical, or radiological threats.*

3 “(j) *DETAIL OF EMPLOYEES FROM OTHER AGEN-*
 4 *CIES.—Upon approval by the Secretary, the Director of a*
 5 *center may request the temporary assignment or detail to*
 6 *the center, on a nonreimbursable basis, of employees from*
 7 *other Departments and agencies of the United States who*
 8 *have expertise that would further the mission of the center.*
 9 *Any such employee may be so assigned or detailed on a*
 10 *nonreimbursable basis pursuant to such a request. The du-*
 11 *ration of any such assignment or detail shall be subject to*
 12 *approval by the Office of Personnel Management.”.*

13 (b) *CLERICAL AMENDMENT.—The table of sections at*
 14 *the beginning of such chapter is amended by inserting after*
 15 *the item relating to section 7324 the following new item:*
 “7325. Medical emergency preparedness centers.”.

16 **SEC. 3. ESTABLISHMENT OF EMERGENCY MEDICAL EDU-**
 17 **CATION PROGRAM.**

18 (a) *IN GENERAL.—(1) Subchapter II of chapter 73 of*
 19 *title 38, United States Code, is amended by adding after*
 20 *section 7325, as added by section 2(a), the following new*
 21 *section:*

22 **“§ 7326. Emergency health and medical education:**
 23 ***joint program with Department of Defense***

24 “(a) *JOINT EDUCATION PROGRAM.—The Secretary*
 25 *and the Secretary of Defense shall carry out a joint pro-*

1 *gram to develop and disseminate a series of model education*
2 *and training programs on the medical responses to the con-*
3 *sequences of terrorist activities. The Secretaries shall enter*
4 *into an agreement for a partnership to implement the joint*
5 *program.*

6 “(b) *IMPLEMENTING ENTITIES.*—*Within the Depart-*
7 *ment of Veterans Affairs, the joint program shall be carried*
8 *out through the Under Secretary for Health, in consultation*
9 *with the Assistant Secretary of Veterans Affairs with re-*
10 *sponsibility for operations, preparedness, and security.*
11 *Within the Department of Defense, the joint program shall*
12 *be carried out through the F. Edward Hébert School of Med-*
13 *icine of the Uniformed Services University of the Health*
14 *Sciences.*

15 “(c) *CONTENT OF PROGRAMS.*—*The education and*
16 *training programs developed under the joint program shall*
17 *be based on programs established at the F. Edward Hébert*
18 *School of Medicine and shall include, at a minimum, train-*
19 *ing for health care professionals in the following:*

20 “(1) *Recognition of chemical, biological, and ra-*
21 *diological agents that may be used in terrorist activi-*
22 *ties.*

23 “(2) *Identification of the potential symptoms of*
24 *those agents.*

1 “(3) *Understanding of the potential long-term*
2 *health consequences, including psychological effects,*
3 *resulting from exposure to those agents.*

4 “(4) *Emergency treatment for exposure to those*
5 *agents.*

6 “(5) *An appropriate course of followup treat-*
7 *ment, supportive care, and referral.*

8 “(6) *Actions that can be taken while providing*
9 *care for exposure to those agents to protect against*
10 *contamination.*

11 “(7) *Information on how to seek consultative*
12 *support and to report suspected or actual use of those*
13 *agents.*

14 “(d) *POTENTIAL TRAINEES.—In designing the edu-*
15 *cation and training programs under this section, the Secre-*
16 *taries shall ensure that different programs are designed for*
17 *health-care professionals at various levels. The programs*
18 *shall be designed to be disseminated to health professions*
19 *students, graduate health and medical education trainees,*
20 *and health practitioners in a variety of fields.*

21 “(e) *CONSULTATION.—In establishing the joint edu-*
22 *cation and training program under this section, the two*
23 *Secretaries shall consult with appropriate representatives*
24 *of accrediting, certifying, and coordinating organizations*
25 *in the field of health professions education.”.*

1 (2) *The table of sections at the beginning of such chap-*
2 *ter is amended by inserting after the item relating to section*
3 *7325, as added by section 2(b), the following new item:*

*“7326. Emergency health and medical education: joint program with Department
of Defense.”.*

4 (b) *EFFECTIVE DATE.*—*The Secretary of Veterans Af-*
5 *fairs and the Secretary of Defense shall implement section*
6 *7326 of title 38, United States Code, as added by subsection*
7 *(a), not later than the end of the 90-day period beginning*
8 *on the date of the enactment of this Act.*

9 **SEC. 4. INCREASE IN NUMBER OF ASSISTANT SECRETARIES**
10 **OF VETERANS AFFAIRS.**

11 (a) *INCREASE.*—*Subsection (a) of section 308 of title*
12 *38, United States Code, is amended by striking “six” in*
13 *the first sentence and inserting “seven”.*

14 (b) *FUNCTIONS.*—*subsection (b) of such section is*
15 *amended by adding at the end the following new paragraph:*

16 *“(11) Operations, preparedness, security, and*
17 *law enforcement functions.”.*

18 (c) *CONFORMING AMENDMENT.*—*Section 5315 of title*
19 *5, United States Code, is amended by striking “(6)” after*
20 *“Assistant Secretaries, Department of Veterans Affairs”*
21 *and inserting “(7)”.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.”.

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