

107TH CONGRESS
1ST SESSION

H. R. 3447

AN ACT

To amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Department of Veterans Affairs Health Care Programs
 6 Enhancement Act of 2001”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.

TITLE I—ENHANCEMENT OF NURSE RECRUITMENT AND
RETENTION AUTHORITIES

Subtitle A—Recruitment Authorities

- Sec. 101. Enhancement of employee incentive scholarship program.
- Sec. 102. Enhancement of education debt reduction program.
- Sec. 103. Report on requests for waivers of pay reductions for reemployed annuitants to fill nurse positions.

Subtitle B—Retention Authorities

- Sec. 121. Additional pay for Saturday tours of duty for additional health care professionals in the Veterans Health Administration.
- Sec. 122. Unused sick leave included in annuity computation of registered nurses within the Veterans Health Administration.
- Sec. 123. Evaluation of Department of Veterans Affairs nurse managed clinics.
- Sec. 124. Staffing levels for operations of medical facilities.
- Sec. 125. Annual report on use of authorities to enhance retention of experienced nurses.
- Sec. 126. Report on mandatory overtime for nurses and nursing assistants in Department of Veterans Affairs facilities.

Subtitle C—Other Authorities

- Sec. 131. Organizational responsibility of the Director of the Nursing Service.
- Sec. 132. Computation of annuity for part-time service performed by certain health-care professionals before April 7, 1986.
- Sec. 133. Modification of nurse locality pay authorities.

Subtitle D—National Commission on VA Nursing

- Sec. 141. Establishment of Commission.
- Sec. 142. Duties of Commission.
- Sec. 143. Reports.
- Sec. 144. Powers.
- Sec. 145. Personnel matters.

Sec. 146. Termination of Commission.

TITLE II—OTHER MATTERS

Sec. 201. Authority for Secretary of Veterans Affairs to provide service dogs for veterans with certain disabilities.

Sec. 202. Management of health care for certain low-income veterans.

Sec. 203. Maintenance of capacity for specialized treatment and rehabilitative needs of disabled veterans.

Sec. 204. Program for provision of chiropractic care and services to veterans.

Sec. 205. Funds for field offices of the Office of Research Compliance and Assurance.

Sec. 206. Major medical facility construction.

Sec. 207. Sense of Congress on special telephone services for veterans.

Sec. 208. Recodification of bereavement counseling authority and certain other health-related authorities.

Sec. 209. Extension of expiring collections authorities.

Sec. 210. Personal emergency response system for veterans with service-connected disabilities.

Sec. 211. One-year extension of eligibility for health care of veterans who served in Southwest Asia during the Persian Gulf War.

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

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

7 **TITLE I—ENHANCEMENT OF** 8 **NURSE RECRUITMENT AND** 9 **RETENTION AUTHORITIES**

10 **Subtitle A—Recruitment** 11 **Authorities**

12 **SEC. 101. ENHANCEMENT OF EMPLOYEE INCENTIVE** 13 **SCHOLARSHIP PROGRAM.**

14 (a) PERMANENT AUTHORITY.—(1) Section 7676 is
15 repealed.

1 (2) The table of sections at the beginning of chapter
2 76 is amended by striking the item relating to section
3 7676.

4 (b) MINIMUM PERIOD OF DEPARTMENT EMPLOY-
5 MENT FOR ELIGIBILITY.—Section 7672(b) is amended by
6 striking “2 years” and inserting “one year”.

7 (c) SCHOLARSHIP AMOUNT.—Subsection (b) of sec-
8 tion 7673 is amended—

9 (1) in paragraph (1), by striking “for any 1
10 year” and inserting “for the equivalent of one year
11 of full-time coursework”; and

12 (2) by striking paragraph (2) and inserting the
13 following new paragraph (2):

14 “(2) in the case of a participant in the Program
15 who is a part-time student, shall bear the same ratio
16 to the amount that would be paid under paragraph
17 (1) if the participant were a full-time student in the
18 course of education or training being pursued by the
19 participant as the coursework carried by the partici-
20 pant to full-time coursework in that course of edu-
21 cation or training.”.

22 (d) LIMITATION ON PAYMENT.—Subsection (c) of
23 section 7673 is amended to read as follows:

24 “(c) LIMITATIONS ON PERIOD OF PAYMENT.—(1)
25 The maximum number of school years for which a scholar-

1 ship may be paid under subsection (a) to a participant
2 in the Program shall be six school years.

3 “(2) A participant in the Program may not receive
4 a scholarship under subsection (a) for more than the
5 equivalent of three years of full-time coursework.”

6 (e) FULL-TIME COURSEWORK.—Section 7673 is fur-
7 ther amended by adding at the end the following new sub-
8 section:

9 “(e) FULL-TIME COURSEWORK.—For purposes of
10 this section, full-time coursework shall consist of the fol-
11 lowing:

12 “(1) In the case of undergraduate coursework,
13 30 semester hours per undergraduate school year.

14 “(2) In the case of graduate coursework, 18 se-
15 mester hours per graduate school year.”

16 (f) ANNUAL ADJUSTMENT OF MAXIMUM SCHOLAR-
17 SHIP AMOUNT.—Section 7631 is amended—

18 (1) in subsection (a)(1), by striking “and the
19 maximum Selected Reserve member stipend
20 amount” and inserting “the maximum Selected Re-
21 serve member stipend amount, the maximum em-
22 ployee incentive scholarship amount,”; and

23 (2) in subsection (b)—

24 (A) by redesignating paragraph (4) as
25 paragraph (6); and

1 (B) by inserting after paragraph (3) the
2 following new paragraph (4):

3 “(4) The term ‘maximum employee incentive
4 scholarship amount’ means the maximum amount of
5 the scholarship payable to a participant in the De-
6 partment of Veterans Affairs Employee Incentive
7 Scholarship Program under subchapter VI of this
8 chapter, as specified in section 7673(b)(1) of this
9 title and as previously adjusted (if at all) in accord-
10 ance with this section.”.

11 (g) TECHNICAL AMENDMENTS.—Section 7631(b) is
12 further amended by striking “this subsection” each place
13 it appears and inserting “this section”.

14 **SEC. 102. ENHANCEMENT OF EDUCATION DEBT REDUC-**
15 **TION PROGRAM.**

16 (a) PERMANENT AUTHORITY.—(1) Section 7684 is
17 repealed.

18 (2) The table of sections at the beginning of chapter
19 76 is amended by striking the item relating to section
20 7684.

21 (b) ELIGIBLE INDIVIDUALS.—Subsection (a)(1) of
22 section 7682 is amended—

23 (1) by striking “under an appointment under
24 section 7402(b) of this title in a position” and in-
25 serting “in a position (as determined by the Sec-

1 retary) providing direct-patient care services or serv-
2 ices incident to direct-patient care services”; and

3 (2) by striking “(as determined by the Sec-
4 retary)” and inserting “(as so determined)”.

5 (c) MAXIMUM DEBT REDUCTION AMOUNT.—Section
6 7683(d)(1) is amended—

7 (1) by striking “for a year”; and

8 (2) by striking “exceed—” and all that follows
9 through the end of the paragraph and inserting “ex-
10 ceed \$44,000 over a total of five years of participa-
11 tion in the Program, of which not more than
12 \$10,000 of such payments may be made in each of
13 the fourth and fifth years of participation in the
14 Program.”.

15 (d) ANNUAL ADJUSTMENT OF MAXIMUM DEBT RE-
16 DUCTION PAYMENTS AMOUNT.—(1) Section 7631, as
17 amended by section 101(f) of this Act, is further
18 amended—

19 (A) in subsection (a)(1), by inserting before the
20 period at the end of the first sentence the following:
21 “and the maximum education debt reduction pay-
22 ments amount”; and

23 (B) in subsection (b), by inserting after para-
24 graph (4) the following new paragraph (5):

1 “(5) The term ‘maximum education debt reduc-
2 tion payments amount’ means the maximum amount
3 of education debt reduction payments payable to a
4 participant in the Department of Veterans Affairs
5 Education Debt Reduction Program under sub-
6 chapter VII of this chapter, as specified in section
7 7683(d)(1) of this title and as previously adjusted
8 (if at all) in accordance with this section.”.

9 (2) Notwithstanding section 7631(a)(1) of title 38,
10 United States Code, as amended by paragraph (1), the
11 Secretary of Veterans Affairs shall not increase the max-
12 imum education debt reduction payments amount under
13 that section in calendar year 2002.

14 (e) TEMPORARY EXPANSION OF INDIVIDUALS ELIGI-
15 BLE FOR PARTICIPATION IN PROGRAM.—(1) Notwith-
16 standing section 7682(e) of title 38, United States Code,
17 the Secretary of Veterans Affairs may treat a covered indi-
18 vidual as being a recently appointed employee in the Vet-
19 erans Health Administration under section 7682(a) of
20 that title for purposes of eligibility in the Education Debt
21 Reduction Program if the Secretary determines that the
22 participation of the individual in the Program under this
23 subsection would further the purposes of the Program.

24 (2) For purposes of this subsection, a covered indi-
25 vidual is any individual otherwise described by section

1 7682(a) of title 38, United States Code, as in effect on
2 the day before the date of the enactment of this Act,
3 who—

4 (A) was appointed as an employee in a position
5 described in paragraph (1) of that section, as so in
6 effect, between January 1, 1999, and December 31,
7 2001; and

8 (B) is an employee in such position, or in an-
9 other position described in paragraph (1) of that
10 section, as so in effect, at the time of application for
11 treatment as a covered individual under this sub-
12 section.

13 (3) The Secretary shall make determinations regard-
14 ing the exercise of the authority in this subsection on a
15 case-by-case basis.

16 (4) The Secretary may not exercise the authority in
17 this subsection after June 30, 2002. The expiration of the
18 authority in this subsection shall not affect the treatment
19 of an individual under this subsection before that date as
20 a covered individual for purposes of eligibility in the Edu-
21 cation Debt Reduction Program.

22 (5) In this subsection, the term “Education Debt Re-
23 duction Program” means the Department of Veterans Af-
24 fairs Education Debt Reduction Program under sub-
25 chapter VII of chapter 76 of title 38, United States Code.

1 **SEC. 103. REPORT ON REQUESTS FOR WAIVERS OF PAY RE-**
2 **DUCTIONS FOR REEMPLOYED ANNUITANTS**
3 **TO FILL NURSE POSITIONS.**

4 (a) REPORT.—Not later than March 28 of each of
5 2002 and 2003, the Secretary of Veterans Affairs shall
6 submit to the Committees on Veterans' Affairs of the Sen-
7 ate and the House of Representatives and to the National
8 Commission on VA Nursing established under subtitle D
9 a report describing each request of the Secretary, during
10 the fiscal year preceding such report, to the Director of
11 the Office of Personnel Management for the following:

12 (1) A waiver under subsection (i)(1)(A) of sec-
13 tion 8344 of title 5, United States Code, of the pro-
14 visions of such section in order to meet requirements
15 of the Department of Veterans Affairs for appoint-
16 ments to nurse positions in the Veterans Health Ad-
17 ministration.

18 (2) A waiver under subsection (f)(1)(A) of sec-
19 tion 8468 of title 5, United States Code, of the pro-
20 visions of such section in order to meet requirements
21 of the Department for appointments to such posi-
22 tions.

23 (3) A grant of authority under subsection
24 (i)(1)(B) of section 8344 of title 5, United States
25 Code, for the waiver of the provisions of such section

1 in order to meet requirements of the Department for
2 appointments to such positions.

3 (4) A grant of authority under subsection
4 (f)(1)(B) of section 8468 of title 5, United States
5 Code, for the waiver of the provisions of such section
6 in order to meet requirements of the Department for
7 appointments to such positions.

8 (b) INFORMATION ON RESPONSES TO REQUESTS.—
9 The report under subsection (a) shall specify for each re-
10 quest covered by the report—

11 (1) the response of the Director to such re-
12 quest; and

13 (2) if such request was granted, whether or not
14 the waiver or authority, as the case may be, assisted
15 the Secretary in meeting requirements of the De-
16 partment for appointments to nurse positions in the
17 Veterans Health Administration.

18 **Subtitle B—Retention Authorities**

19 **SEC. 121. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY** 20 **FOR ADDITIONAL HEALTH CARE PROFES-** 21 **SIONALS IN THE VETERANS HEALTH ADMIN-** 22 **ISTRATION.**

23 (a) IN GENERAL.—Section 7454(b) is amended—

24 (1) by inserting “(1)” after “(b)”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) Health care professionals employed in positions
4 referred to in paragraph (1) shall be entitled to additional
5 pay on the same basis as provided for nurses in section
6 7453(c) of this title.”.

7 (b) APPLICABILITY.—The amendments made by sub-
8 section (a) shall apply with respect to pay periods begin-
9 ning on or after the date of the enactment of this Act.

10 **SEC. 122. UNUSED SICK LEAVE INCLUDED IN ANNUITY**
11 **COMPUTATION OF REGISTERED NURSES**
12 **WITHIN THE VETERANS HEALTH ADMINIS-**
13 **TRATION.**

14 (a) ANNUITY COMPUTATION.—Section 8415 of title
15 5, United States Code, is amended by adding at the end
16 the following new subsection:

17 “(i) In computing an annuity under this subchapter,
18 the total service of an employee who retires from the posi-
19 tion of a registered nurse with the Veterans Health Ad-
20 ministration on an immediate annuity, or dies while em-
21 ployed in that position leaving any survivor entitled to an
22 annuity, includes the days of unused sick leave to the cred-
23 it of that employee under a formal leave system, except
24 that such days shall not be counted in determining average
25 pay or annuity eligibility under this subchapter.”.

1 (b) DEPOSIT NOT REQUIRED.—Section 8422(d) of
2 such title is amended—

3 (1) by inserting “(1)” before “Under such regu-
4 lations”; and

5 (2) by adding at the end the following:

6 “(2) Deposit may not be required for days of unused
7 sick leave credited under section 8415(i).”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect 60 days after the date of the
10 enactment of this Act and shall apply to individuals who
11 separate from service on or after that effective date.

12 **SEC. 123. EVALUATION OF DEPARTMENT OF VETERANS AF-**
13 **FAIRS NURSE MANAGED CLINICS.**

14 (a) EVALUATION.—The Secretary of Veterans Affairs
15 shall carry out an evaluation of the efficacy of the nurse
16 managed health care clinics of the Department of Vet-
17 erans Affairs. The Secretary shall complete the evaluation
18 not later than 18 months after the date of the enactment
19 of this Act.

20 (b) CLINICS TO BE EVALUATED.—(1) In carrying
21 out the evaluation under subsection (a), the Secretary
22 shall consider nurse managed health care clinics, including
23 primary care clinics and geriatric care clinics, located in
24 three different geographic service areas of the Depart-
25 ment.

1 (2) If there are not nurse managed health care clinics
2 located in three different geographic service areas as of
3 the commencement of the evaluation, the Secretary
4 shall—

5 (A) establish nurse managed health care clinics
6 in additional geographic service areas such that
7 there are nurse managed health care clinics in three
8 different geographic service areas for purposes of the
9 evaluation; and

10 (B) include such clinics, as so established, in
11 the evaluation.

12 (c) MATTERS TO BE EVALUATED.—In carrying out
13 the evaluation under subsection (a), the Secretary shall
14 address the following:

15 (1) Patient satisfaction.

16 (2) Provider experiences.

17 (3) Cost of care.

18 (4) Access to care, including waiting time for
19 care.

20 (5) The functional status of patients receiving
21 care.

22 (6) Any other matters the Secretary considers
23 appropriate.

24 (d) REPORT.—Not later than 18 months after the
25 date of the enactment of this Act, the Secretary shall sub-

1 mit to the Committees on Veterans' Affairs of the Senate
2 and the House of Representatives a report on the evalua-
3 tion carried out under subsection (a). The report shall ad-
4 dress the matters specified in subsection (c) and include
5 any other information, and any recommendations, that the
6 Secretary considers appropriate. The Secretary shall pro-
7 vide a copy of the report to the National Commission on
8 VA Nursing established under subtitle D.

9 **SEC. 124. STAFFING LEVELS FOR OPERATIONS OF MEDICAL**
10 **FACILITIES.**

11 (a) IN GENERAL.—Section 8110(a) is amended—

12 (1) in paragraph (1), by inserting after “com-
13 plete care of patients,” in the fifth sentence the fol-
14 lowing: “and in a manner consistent with the poli-
15 cies of the Secretary on overtime,”; and

16 (2) in paragraph (2)—

17 (A) by inserting “, including the staffing
18 required to maintain such capacities,” after “all
19 Department medical facilities”;

20 (B) by striking “and to minimize” and in-
21 serting “, to minimize”; and

22 (C) by inserting before the period the fol-
23 lowing: “, and to ensure that eligible veterans
24 are provided such care and services in an ap-
25 propriate manner”.

1 (b) NATIONWIDE POLICY ON STAFFING.—Paragraph
2 (3) of that section is amended—

3 (1) in subparagraph (A), by inserting “the ade-
4 quacy of staff levels for compliance with the policy
5 established under subparagraph (C),” after “regard-
6 ing”; and

7 (2) by inserting after subparagraph (B) the fol-
8 lowing new subparagraph:

9 “(C) The Secretary shall, in consultation with the
10 Under Secretary for Health, establish a nationwide policy
11 on the staffing of Department medical facilities in order
12 to ensure that such facilities have adequate staff for the
13 provision to veterans of appropriate, high-quality care and
14 services. The policy shall take into account the staffing
15 levels and mixture of staff skills required for the range
16 of care and services provided veterans in Department fa-
17 cilities.”.

18 **SEC. 125. ANNUAL REPORT ON USE OF AUTHORITIES TO**
19 **ENHANCE RETENTION OF EXPERIENCED**
20 **NURSES.**

21 (a) ANNUAL REPORT.—(1) Subchapter II of chapter
22 73 is amended by adding at the end the following new
23 section:

1 **“§ 7324. Annual report on use of authorities to en-**
2 **hance retention of experienced nurses**

3 “(a) ANNUAL REPORT.—Not later than January 31
4 each year, the Secretary, acting through the Under Sec-
5 retary for Health, shall submit to Congress a report on
6 the use during the preceding year of authorities for pur-
7 poses of retaining experienced nurses in the Veterans
8 Health Administration, as follows:

9 “(1) The authorities under chapter 76 of this
10 title.

11 “(2) The authority under VA Directive 5102.1,
12 relating to the Department of Veterans Affairs
13 nurse qualification standard, dated November 10,
14 1999, or any successor directive.

15 “(3) Any other authorities available to the Sec-
16 retary for those purposes.

17 “(b) REPORT ELEMENTS.—Each report under sub-
18 section (a) shall specify for the period covered by such re-
19 port, for each Department medical facility and for each
20 geographic service area of the Department, the following:

21 “(1) The number of waivers requested under
22 the authority referred to in subsection (a)(2), and
23 the number of waivers granted under that authority,
24 to promote to the Nurse II grade or Nurse III grade
25 under the Nurse Schedule under section 7404(b)(1)
26 of this title any nurse who has not completed a bac-

1 calaureate degree in nursing in a recognized school
 2 of nursing, set forth by age, race, and years of expe-
 3 rience of the individuals subject to such waiver re-
 4 quests and waivers, as the case may be.

5 “(2) The programs carried out to facilitate the
 6 use of nursing education programs by experienced
 7 nurses, including programs for flexible scheduling,
 8 scholarships, salary replacement pay, and on-site
 9 classes.”.

10 (2) The table of sections at the beginning of chapter
 11 73 is amended by inserting after the item relating to sec-
 12 tion 7323 the following new item:

 “7324. Annual report on use of authorities to enhance retention of experienced
 nurses.”.

13 (b) INITIAL REPORT.—The initial report required
 14 under section 7324 of title 38, United States Code, as
 15 added by subsection (a), shall be submitted to the Na-
 16 tional Commission on VA Nursing established under sub-
 17 title D as well as to Congress.

18 **SEC. 126. REPORT ON MANDATORY OVERTIME FOR NURSES**
 19 **AND NURSING ASSISTANTS IN DEPARTMENT**
 20 **OF VETERANS AFFAIRS FACILITIES.**

21 (a) REPORT.—Not later than 180 days after the date
 22 of the enactment of this Act, the Secretary of Veterans
 23 Affairs shall submit to the Committees on Veterans’ Af-
 24 fairs of the Senate and the House of Representatives and

1 to the National Commission on VA Nursing established
2 under subtitle D a report on the mandatory overtime re-
3 quired of licensed nurses and nursing assistants providing
4 direct patient care at Department of Veterans Affairs
5 medical facilities during 2001.

6 (b) MANDATORY OVERTIME.—For purposes of the
7 report under subsection (a), mandatory overtime shall con-
8 sist of any period in which a nurse or nursing assistant
9 is mandated or otherwise required, whether directly or in-
10 directly, to work or be in on-duty status in excess of—

- 11 (1) a scheduled workshift or duty period;
- 12 (2) 12 hours in any 24-hour period; or
- 13 (3) 80 hours in any period of 14 consecutive
14 days.

15 (c) ELEMENTS.—The report under subsection (a)
16 shall include the following:

- 17 (1) A description of the amount of mandatory
18 overtime described in that subsection at each De-
19 partment medical facility during the period covered
20 by the report.

- 21 (2) A description of the mechanisms employed
22 by the Secretary to monitor overtime of the nurses
23 and nursing assistants referred to in that subsection.

- 24 (3) An assessment of the effects of the manda-
25 tory overtime of such nurses and nursing assistants

1 on patient care, including any reported association
2 with medical errors.

3 (4) Recommendations regarding mechanisms
4 for preventing mandatory overtime in other than
5 emergency situations by such nurses and nursing as-
6 sistants.

7 (5) Any other matters that the Secretary con-
8 siderers appropriate.

9 **Subtitle C—Other Authorities**

10 **SEC. 131. ORGANIZATIONAL RESPONSIBILITY OF THE DI-** 11 **RECTOR OF THE NURSING SERVICE.**

12 Section 7306(a)(5) is amended by inserting “, and
13 report directly to,” after “responsible to”.

14 **SEC. 132. COMPUTATION OF ANNUITY FOR PART-TIME** 15 **SERVICE PERFORMED BY CERTAIN HEALTH-** 16 **CARE PROFESSIONALS BEFORE APRIL 7, 1986.**

17 Section 7426 is amended by adding at the end the
18 following new subsection:

19 “(c) The provisions of subsection (b) shall not apply
20 to the part-time service before April 7, 1986, of a reg-
21 istered nurse, physician assistant, or expanded-function
22 dental auxiliary. In computing the annuity under the ap-
23 plicable provision of law specified in that subsection of an
24 individual covered by the preceding sentence, the service

1 described in that sentence shall be credited as full-time
2 service.”.

3 **SEC. 133. MODIFICATION OF NURSE LOCALITY PAY AU-**
4 **THORITIES.**

5 Section 7451 is amended—

6 (1) in subsection (d)(3)—

7 (A) in subparagraph (A), by striking “be-
8 ginning rates of” each place it appears;

9 (B) in subparagraph (B), by striking “be-
10 ginning rates of” the first place it appears; and

11 (C) in subparagraph (C)(i), by striking
12 “beginning rates of” each place it appears;

13 (2) in subsection (d)(4)—

14 (A) by striking “or at any other time that
15 an adjustment in rates of pay is scheduled to
16 take place under this subsection” in the first
17 sentence; and

18 (B) by striking the second sentence; and

19 (3) in subsection (e)(4)—

20 (A) in subparagraph (A), by striking
21 “grade in a”;

22 (B) in subparagraph (B)—

23 (i) by striking “grade of a”; and

24 (ii) by striking “that grade” and in-
25 serting “that position”; and

1 (C) in subparagraph (D), by striking
2 “grade of a”.

3 **Subtitle D—National Commission**
4 **on VA Nursing**

5 **SEC. 141. ESTABLISHMENT OF COMMISSION.**

6 (a) ESTABLISHMENT.—There is hereby established in
7 the Department of Veterans Affairs a commission to be
8 known as the “National Commission on VA Nursing”
9 (hereinafter in this subtitle referred to as the “Commis-
10 sion”).

11 (b) COMPOSITION.—The Commission shall be com-
12 posed of 12 members appointed by the Secretary of Vet-
13 erans Affairs as follows:

14 (1) At least two shall be recognized representa-
15 tives of employees (including nurses) of the Depart-
16 ment of Veterans Affairs.

17 (2) At least one shall be a representative of pro-
18 fessional associations of nurses of the Department or
19 similar organizations affiliated with the Depart-
20 ment’s health care practitioners.

21 (3) At least one shall be a nurse from a nursing
22 school affiliated with the Department of Veterans
23 Affairs.

24 (4) At least two shall be representatives of vet-
25 erans.

1 (5) At least one shall be an economist.

2 (6) The remainder shall be appointed in such
3 manner as the Secretary considers appropriate.

4 (c) CHAIR OF COMMISSION.—The Secretary of Vet-
5 erans Affairs shall designate one of the members of the
6 Commission to chair the Commission.

7 (d) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
8 bers shall be appointed for the life of the Commission. Any
9 vacancy in the Commission shall be filled in the same man-
10 ner as the original appointment.

11 (e) INITIAL ORGANIZATION REQUIREMENTS.—All ap-
12 pointments to the Commission shall be made not later
13 than 60 days after the date of the enactment of this Act.
14 The Commission shall convene its first meeting not later
15 than 60 days after the date as of which all members of
16 the Commission have been appointed.

17 **SEC. 142. DUTIES OF COMMISSION.**

18 (a) ASSESSMENT.—The Commission shall—

19 (1) consider legislative and organizational policy
20 changes to enhance the recruitment and retention of
21 nurses and other nursing personnel by the Depart-
22 ment of Veterans Affairs; and

23 (2) assess the future of the nursing profession
24 within the Department.

1 (b) RECOMMENDATIONS.—The Commission shall rec-
2 ommend legislative and organizational policy changes to
3 enhance the recruitment and retention of nurses and other
4 nursing personnel in the Department.

5 **SEC. 143. REPORTS.**

6 (a) COMMISSION REPORT.—The Commission shall,
7 not later than two years after the date of its first meeting,
8 submit to Congress and the Secretary of Veterans Affairs
9 a report on the Commission’s findings and recommenda-
10 tions.

11 (b) SECRETARY OF VETERANS AFFAIRS REPORT.—
12 Not later than 60 days after the date of the Commission’s
13 report under subsection (a), the Secretary shall submit to
14 Congress a report—

15 (1) providing the Secretary’s views on the Com-
16 mission’s findings and recommendations; and

17 (2) explaining what actions, if any, the Sec-
18 retary intends to take to implement the rec-
19 ommendations of the Commission and the Sec-
20 retary’s reasons for doing so.

21 **SEC. 144. POWERS.**

22 (a) HEARINGS.—The Commission or, at its direction,
23 any panel or member of the Commission, may, for the pur-
24 pose of carrying out the provisions of this subtitle, hold

1 hearings and take testimony to the extent that the Com-
2 mission or any member considers advisable.

3 (b) INFORMATION.—The Commission may secure di-
4 rectly from any Federal department or agency information
5 that the Commission considers necessary to enable the
6 Commission to carry out its responsibilities under this
7 subtitle.

8 **SEC. 145. PERSONNEL MATTERS.**

9 (a) PAY OF MEMBERS.—Members of the Commission
10 shall serve without pay by reason of their work on the
11 Commission.

12 (b) TRAVEL EXPENSES.—The members of the Com-
13 mission shall be allowed travel expenses, including per
14 diem in lieu of subsistence, at rates authorized for employ-
15 ees of agencies under subchapter I of chapter 57 of title
16 5, United States Code, while away from their homes or
17 regular places of business in the performance of services
18 for the Commission.

19 (c) STAFF.—(1) The Secretary may, without regard
20 to the provisions of title 5, United States Code, governing
21 appointments in the competitive service, appoint a staff
22 director and such additional personnel as may be nec-
23 essary to enable the Commission to perform its duties.

24 (2) The Secretary may fix the pay of the staff direc-
25 tor and other personnel appointed under paragraph (1)

1 without regard to the provisions of chapter 51 and sub-
2 chapter III of chapter 53 of title 5, United States Code,
3 relating to classification of positions and General Schedule
4 pay rates, except that the rate of pay fixed under this
5 paragraph for the staff director may not exceed the rate
6 payable for level V of the Executive Schedule under section
7 5316 of such title and the rate of pay for other personnel
8 may not exceed the maximum rate payable for grade GS-
9 15 of the General Schedule.

10 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon
11 request of the Secretary, the head of any Federal depart-
12 ment or agency may detail, on a nonreimbursable basis,
13 any personnel of that department or agency to the Com-
14 mission to assist it in carrying out its duties.

15 **SEC. 146. TERMINATION OF COMMISSION.**

16 The Commission shall terminate 90 days after the
17 date of the submission of its report under section 143(a).

18 **TITLE II—OTHER MATTERS**

19 **SEC. 201. AUTHORITY FOR SECRETARY OF VETERANS AF-**
20 **FAIRS TO PROVIDE SERVICE DOGS FOR VET-**
21 **ERANS WITH CERTAIN DISABILITIES.**

22 (a) **AUTHORITY.**—Section 1714 is amended—

23 (1) in subsection (b)—

24 (A) by striking “seeing-eye or” the first
25 place it appears;

1 (B) by striking “who are entitled to dis-
2 ability compensation” and inserting “who are
3 enrolled under section 1705 of this title”;

4 (C) by striking “, and may pay” and all
5 that follows through “such seeing-eye or guide
6 dogs”; and

7 (D) by striking “handicap” and inserting
8 “disability”; and

9 (2) by adding at the end the following new sub-
10 sections:

11 “(c) The Secretary may, in accordance with the pri-
12 ority specified in section 1705 of this title, provide—

13 “(1) service dogs trained for the aid of the
14 hearing impaired to veterans who are hearing im-
15 paired and are enrolled under section 1705 of this
16 title; and

17 “(2) service dogs trained for the aid of persons
18 with spinal cord injury or dysfunction or other
19 chronic impairment that substantially limits mobility
20 to veterans with such injury, dysfunction, or impair-
21 ment who are enrolled under section 1705 of this
22 title.

23 “(d) In the case of a veteran provided a dog under
24 subsection (b) or (c), the Secretary may pay travel and
25 incidental expenses for that veteran under the terms and

1 conditions set forth in section 111 of this title to and from
2 the veteran's home for expenses incurred in becoming ad-
3 justed to the dog.”.

4 (b) CLERICAL AMENDMENTS.—(1) The heading for
5 such section is amended to read as follows:

6 **“§ 1714. Fitting and training in use of prosthetic ap-
7 pliances; guide dogs; service dogs”.**

8 (2) The item relating to such section in the table of
9 sections at the beginning of chapter 17 is amended to read
10 as follows:

“1714. Fitting and training in use of prosthetic appliances; guide dogs; service
dogs.”.

11 **SEC. 202. MANAGEMENT OF HEALTH CARE FOR CERTAIN
12 LOW-INCOME VETERANS.**

13 (a) PRIORITY OF ENROLLMENT IN PATIENT EN-
14 ROLLMENT SYSTEM.—Section 1705(a) is amended by
15 striking paragraph (7) and inserting the following new
16 paragraphs:

17 “(7) Veterans described in section 1710(a)(3)
18 of this title who are eligible for treatment as a low-
19 income family under section 3(b) of the United
20 States Housing Act of 1937 (42 U.S.C. 1437a(b))
21 for the area in which such veterans reside, regard-
22 less of whether such veterans are treated as single
23 person families under paragraph (3)(A) of such sec-

1 tion 3(b) or as families under paragraph (3)(B) of
2 such section 3(b).

3 “(8) Veterans described in section 1710(a)(3)
4 of this title who are not covered by paragraph (7).”.

5 (b) REDUCED COPAYMENTS FOR CARE.—Subsection
6 (f) of section 1710 is amended—

7 (1) in paragraph (1), by inserting “or (4)”
8 after “paragraph (2)”;

9 (2) by redesignating paragraph (4) as para-
10 graph (5); and

11 (3) by inserting after paragraph (3) the fol-
12 lowing new paragraph (4):

13 “(4) In the case of a veteran covered by this sub-
14 section who is also described by section 1705(a)(7) of this
15 title, the amount for which the veteran shall be liable to
16 the United States for hospital care under this subsection
17 shall be an amount equal to 20 percent of the total amount
18 for which the veteran would otherwise be liable for such
19 care under subparagraphs (2)(B) and (3)(A) but for this
20 paragraph.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on October 1, 2002.

1 **SEC. 203. MAINTENANCE OF CAPACITY FOR SPECIALIZED**
2 **TREATMENT AND REHABILITATIVE NEEDS OF**
3 **DISABLED VETERANS.**

4 (a) MAINTENANCE OF CAPACITY ON A GEOGRAPHIC
5 SERVICE AREA BASIS.—Section 1706(b) is amended—

6 (1) in paragraph (1)—

7 (A) in the first sentence, by inserting
8 “(and each geographic service area of the Vet-
9 erans Health Administration)” after “ensure
10 that the Department”; and

11 (B) in clause (B), by inserting “(and each
12 geographic service area of the Veterans Health
13 Administration)” after “overall capacity of the
14 Department”;

15 (2) by redesignating paragraphs (2) and (3) as
16 paragraphs (5) and (6), respectively; and

17 (3) by inserting after paragraph (1) the fol-
18 lowing new paragraphs;

19 “(2) For purposes of paragraph (1), the capacity of
20 the Department (and each geographic service area of the
21 Veterans Health Administration) to provide for the spe-
22 cialized treatment and rehabilitative needs of disabled vet-
23 erans (including veterans with spinal cord dysfunction,
24 traumatic brain injury, blindness, prosthetics and sensory
25 aids, and mental illness) within distinct programs or facili-
26 ties shall be measured for seriously mentally ill veterans

1 as follows (with all such data to be provided by geographic
2 service area and totaled nationally):

3 “(A) For mental health intensive community-
4 based care, the number of discrete intensive care
5 teams constituted to provide such intensive services
6 to seriously mentally ill veterans and the number of
7 veterans provided such care.

8 “(B) For opioid substitution programs, the
9 number of patients treated annually and the
10 amounts expended.

11 “(C) For dual-diagnosis patients, the number
12 treated annually and the amounts expended.

13 “(D) For substance-use disorder programs—

14 “(i) the number of beds (whether hospital,
15 nursing home, or other designated beds) em-
16 ployed and the average bed occupancy of such
17 beds;

18 “(ii) the percentage of unique patients ad-
19 mitted directly to outpatient care during the fis-
20 cal year who had two or more additional visits
21 to specialized outpatient care within 30 days of
22 their first visit, with a comparison from 1996
23 until the date of the report;

24 “(iii) the percentage of unique inpatients
25 with substance-use disorder diagnoses treated

1 during the fiscal year who had one or more spe-
2 cialized clinic visits within three days of their
3 index discharge, with a comparison from 1996
4 until the date of the report;

5 “(iv) the percentage of unique outpatients
6 seen in a facility or geographic service area dur-
7 ing the fiscal year who had one or more special-
8 ized clinic visits, with a comparison from 1996
9 until the date of the report; and

10 “(v) the rate of recidivism of patients at
11 each specialized clinic in each geographic serv-
12 ice area of the Veterans Health Administration.

13 “(E) For mental health programs, the number
14 and type of staff that are available at each facility
15 to provide specialized mental health treatment, in-
16 cluding satellite clinics, outpatient programs, and
17 community-based outpatient clinics, with a compari-
18 son from 1996 to the date of the report.

19 “(F) The number of such clinics providing men-
20 tal health care, the number and type of mental
21 health staff at each such clinic, and the type of men-
22 tal health programs at each such clinic.

23 “(G) The total amounts expended for mental
24 health during the fiscal year.

1 “(3) For purposes of paragraph (1), the capacity of
2 the Department (and each geographic service area of the
3 Veterans Health Administration) to provide for the spe-
4 cialized treatment and rehabilitative needs of disabled vet-
5 erans within distinct programs or facilities shall be meas-
6 ured for veterans with spinal cord dysfunction, traumatic
7 brain injury, blindness, or prosthetics and sensory aids as
8 follows (with all such data to be provided by geographic
9 service area and totaled nationally):

10 “(A) For spinal cord injury and dysfunction
11 specialized centers and for blind rehabilitation spe-
12 cialized centers, the number of staffed beds and the
13 number of full-time equivalent employees assigned to
14 provide care at such centers.

15 “(B) For prosthetics and sensory aids, the an-
16 nual amount expended.

17 “(C) For traumatic brain injury, the number of
18 patients treated annually and the amounts expended.

19 “(4) In carrying out paragraph (1), the Secretary
20 may not use patient outcome data as a substitute for, or
21 the equivalent of, compliance with the requirement under
22 that paragraph for maintenance of capacity.”.

23 (b) EXTENSION OF ANNUAL REPORT REQUIRE-
24 MENT.—Paragraph (5) of such section, as so redesignated,
25 is amended—

1 (1) by inserting “(A)” before “Not later than”;

2 (2) by striking “April 1, 1999, April 1, 2000,
3 and April 1, 2001” and inserting “April 1 of each
4 year through 2004”;

5 (3) by adding at the end of subparagraph (A),
6 as designated by paragraph (1), the following new
7 sentence: “Each such report shall include informa-
8 tion on recidivism rates associated with substance-
9 use disorder treatment.”; and

10 (4) by adding at the end of such paragraph the
11 following new subparagraphs:

12 “(B) In preparing each report under subparagraph
13 (A), the Secretary shall use standardized data and data
14 definitions.

15 “(C) Each report under subparagraph (A) shall be
16 audited by the Inspector General of the Department, who
17 shall submit to Congress a certification as to the accuracy
18 of each such report.”.

19 **SEC. 204. PROGRAM FOR PROVISION OF CHIROPRACTIC**
20 **CARE AND SERVICES TO VETERANS.**

21 (a) **REQUIREMENT FOR PROGRAM.**—Subject to the
22 provisions of this section, the Secretary of Veterans Af-
23 fairs shall carry out a program to provide chiropractic care
24 and services to veterans through Department of Veterans
25 Affairs medical centers and clinics.

1 (b) ELIGIBLE VETERANS.—Veterans eligible to re-
2 ceive chiropractic care and services under the program are
3 veterans who are enrolled in the system of patient enroll-
4 ment under section 1705 of title 38, United States Code.

5 (c) LOCATION OF PROGRAM.—The program shall be
6 carried out at sites designated by the Secretary for pur-
7 poses of the program. The Secretary shall designate at
8 least one site for such program in each geographic service
9 area of the Veterans Health Administration. The sites so
10 designated shall be medical centers and clinics located in
11 urban areas and in rural areas.

12 (d) CARE AND SERVICES AVAILABLE.—The chiro-
13 practic care and services available under the program shall
14 include a variety of chiropractic care and services for
15 neuro-musculoskeletal conditions, including subluxation
16 complex.

17 (e) OTHER ADMINISTRATIVE MATTERS.—(1) The
18 Secretary shall carry out the program through personal
19 service contracts and by appointment of licensed chiro-
20 practors in Department medical centers and clinics.

21 (2) As part of the program, the Secretary shall pro-
22 vide training and materials relating to chiropractic care
23 and services to Department health care providers assigned
24 to primary care teams for the purpose of familiarizing

1 such providers with the benefits of chiropractic care and
2 services.

3 (f) REGULATIONS.—The Secretary shall prescribe
4 regulations to carry out this section.

5 (g) CHIROPRACTIC ADVISORY COMMITTEE.—(1) The
6 Secretary shall establish an advisory committee to provide
7 direct assistance and advice to the Secretary in the devel-
8 opment and implementation of the chiropractic health pro-
9 gram.

10 (2) The membership of the advisory committee shall
11 include members of the chiropractic care profession and
12 such other members as the Secretary considers appro-
13 priate.

14 (3) Matters on which the advisory committee shall as-
15 sist and advise the Secretary shall include the following:

16 (A) Protocols governing referral to chiroprac-
17 tors.

18 (B) Protocols governing direct access to chiro-
19 practice care.

20 (C) Protocols governing scope of practice of
21 chiropractic practitioners.

22 (D) Definition of services to be provided.

23 (E) Such other matters the Secretary deter-
24 mines to be appropriate.

1 (4) The advisory committee shall cease to exist on
2 December 31, 2004.

3 **SEC. 205. FUNDS FOR FIELD OFFICES OF THE OFFICE OF**
4 **RESEARCH COMPLIANCE AND ASSURANCE.**

5 (a) IN GENERAL.—Section 7303 is amended by add-
6 ing at the end the following new subsection:

7 “(e) Amounts for the activities of the field offices of
8 the Office of Research Compliance and Assurance of the
9 Department shall be derived from amounts appropriated
10 for the Veterans Health Administration for Medical Care
11 (rather than from amounts appropriated for the Veterans
12 Health Administration for Medical and Prosthetic Re-
13 search).”.

14 (b) APPLICABILITY TO FISCAL YEAR 2002.—In order
15 to carry out subsection (e) of section 7303 of title 38,
16 United States Code, as added by subsection (a), for fiscal
17 year 2002, the Secretary of Veterans Affairs shall transfer
18 such sums as necessary for that purpose from amounts
19 appropriated for the Veterans Health Administration for
20 Medical and Prosthetic Research for fiscal year 2002 to
21 amounts appropriated for the Veterans Health Adminis-
22 tration for Medical Care for that fiscal year.

23 **SEC. 206. MAJOR MEDICAL FACILITY CONSTRUCTION.**

24 (a) PROJECT AUTHORIZED.—The Secretary of Vet-
25 erans Affairs may carry out a major medical facility

1 project for the renovation from electrical fire of the De-
2 partment of Veterans Affairs Medical Center, Miami,
3 Florida, in an amount not to exceed \$28,300,000.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary of Veterans
6 Affairs for the Construction, Major Projects Account, for
7 fiscal year 2002, \$28,300,000 for the project authorized
8 by subsection (a).

9 (c) LIMITATION.—The project authorized by sub-
10 section (a) may only be carried out using—

11 (1) funds appropriated for fiscal year 2002 pur-
12 suant to the authorization of appropriations in sub-
13 section (b);

14 (2) funds appropriated for Construction, Major
15 Projects, for a fiscal year before fiscal year 2002
16 that remain available for obligation; and

17 (3) funds appropriated for Construction, Major
18 Projects, for fiscal year 2002 for a category of activ-
19 ity not specific to a project.

20 **SEC. 207. SENSE OF CONGRESS ON SPECIAL TELEPHONE**
21 **SERVICES FOR VETERANS.**

22 It is the sense of Congress that the Secretary of Vet-
23 erans Affairs should conduct an assessment of all special
24 telephone services for veterans (such as help lines and hot-
25 lines) that are provided by the Department of Veterans

1 Affairs and that any such assessment, if conducted, should
2 include assessment of the geographical coverage, avail-
3 ability, utilization, effectiveness, management, coordina-
4 tion, staffing, and cost of those services and should include
5 a survey of veterans to measure their satisfaction with cur-
6 rent special telephone services and the demand for addi-
7 tional services.

8 **SEC. 208. RECODIFICATION OF BEREAVEMENT COUN-**
9 **SELING AUTHORITY AND CERTAIN OTHER**
10 **HEALTH-RELATED AUTHORITIES.**

11 (a) STATUTORY REORGANIZATION.—Subchapter I of
12 chapter 17 is amended—

13 (1) in section 1701(6)—

14 (A) by striking subparagraph (B) and the
15 sentence following that subparagraph;

16 (B) by striking “services—” in the matter
17 preceding subparagraph (A) and inserting
18 “services, the following:”; and

19 (C) by striking subparagraph (A) and in-
20 serting the following:

21 “(A) Surgical services.

22 “(B) Dental services and appliances as de-
23 scribed in sections 1710 and 1712 of this title.

24 “(C) Optometric and podiatric services.

25 “(D) Preventive health services.

1 “(E) In the case of a person otherwise receiving
2 care or services under this chapter—

3 “(i) wheelchairs, artificial limbs, trusses,
4 and similar appliances;

5 “(ii) special clothing made necessary by
6 the wearing of prosthetic appliances; and

7 “(iii) such other supplies or services as the
8 Secretary determines to be reasonable and nec-
9 essary.

10 “(F) Travel and incidental expenses pursuant
11 to section 111 of this title.”; and

12 (2) in section 1707—

13 (A) by inserting “(a)” at the beginning of
14 the text of the section; and

15 (B) by adding at the end the following:

16 “(b) The Secretary may furnish sensori-neural aids
17 only in accordance with guidelines prescribed by the Sec-
18 retary.”.

19 (b) CONSOLIDATION OF PROVISIONS RELATING TO
20 PERSONS OTHER THAN VETERANS.—Such chapter is fur-
21 ther amended by adding at the end the following new sub-
22 chapter:

1 “SUBCHAPTER VIII—HEALTH CARE OF
2 PERSONS OTHER THAN VETERANS

3 **“§ 1782. Counseling, training, and mental health serv-**
4 **ices for immediate family members**

5 “(a) COUNSELING FOR FAMILY MEMBERS OF VET-
6 ERANS RECEIVING SERVICE-CONNECTED TREATMENT.—
7 In the case of a veteran who is receiving treatment for
8 a service-connected disability pursuant to paragraph (1)
9 or (2) of section 1710(a) of this title, the Secretary shall
10 provide to individuals described in subsection (c) such con-
11 sultation, professional counseling, training, and mental
12 health services as are necessary in connection with that
13 treatment.

14 “(b) COUNSELING FOR FAMILY MEMBERS OF VET-
15 ERANS RECEIVING NON-SERVICE-CONNECTED TREAT-
16 MENT.—In the case of a veteran who is eligible to receive
17 treatment for a non-service-connected disability under the
18 conditions described in paragraph (1), (2), or (3) of sec-
19 tion 1710(a) of this title, the Secretary may, in the discre-
20 tion of the Secretary, provide to individuals described in
21 subsection (c) such consultation, professional counseling,
22 training, and mental health services as are necessary in
23 connection with that treatment if—

24 “(1) those services were initiated during the
25 veteran’s hospitalization; and

1 “(2) the continued provision of those services
2 on an outpatient basis is essential to permit the dis-
3 charge of the veteran from the hospital.

4 “(c) ELIGIBLE INDIVIDUALS.—Individuals who may
5 be provided services under this subsection are—

6 “(1) the members of the immediate family or
7 the legal guardian of a veteran; or

8 “(2) the individual in whose household such vet-
9 eran certifies an intention to live.

10 “(d) TRAVEL AND TRANSPORTATION AUTHOR-
11 IZED.—Services provided under subsections (a) and (b)
12 may include, under the terms and conditions set forth in
13 section 111 of this title, travel and incidental expenses of
14 individuals described in subsection (c) in the case of any
15 of the following:

16 “(1) A veteran who is receiving care for a serv-
17 ice-connected disability.

18 “(2) A dependent or survivor receiving care
19 under the last sentence of section 1783(b) of this
20 title.

21 **“§ 1783. Bereavement counseling**

22 “(a) DEATHS OF VETERANS.—In the case of an indi-
23 vidual who was a recipient of services under section 1782
24 of this title at the time of the death of the veteran, the

1 Secretary may provide bereavement counseling to that in-
2 dividual in the case of a death—

3 “(1) that was unexpected; or

4 “(2) that occurred while the veteran was par-
5 ticipating in a hospice program (or a similar pro-
6 gram) conducted by the Secretary.

7 “(b) DEATHS IN ACTIVE SERVICE.—The Secretary
8 may provide bereavement counseling to an individual who
9 is a member of the immediate family of a member of the
10 Armed Forces who dies in the active military, naval, or
11 air service in the line of duty and under circumstances
12 not due to the person’s own misconduct.

13 “(c) BEREAVEMENT COUNSELING DEFINED.—For
14 purposes of this section, the term ‘bereavement counseling’
15 means such counseling services, for a limited period, as
16 the Secretary determines to be reasonable and necessary
17 to assist an individual with the emotional and psycho-
18 logical stress accompanying the death of another indi-
19 vidual.

20 **“§ 1784. Humanitarian care**

21 “The Secretary may furnish hospital care or medical
22 services as a humanitarian service in emergency cases, but
23 the Secretary shall charge for such care and services at
24 rates prescribed by the Secretary.”.

1 (c) TRANSFER OF CHAMPVA SECTION.—Section
2 1713 is—

3 (1) transferred to subchapter VIII of chapter
4 17 of title 38, United States Code, as added by sub-
5 section (b), and inserted after the subchapter head-
6 ing;

7 (2) redesignated as section 1781; and

8 (3) amended by adding at the end of subsection
9 (b) the following new sentence: “A dependent or sur-
10 vivor receiving care under the preceding sentence
11 shall be eligible for the same medical services as a
12 veteran, including services under sections 1782 and
13 1783 of this title.”.

14 (d) REPEAL OF RECODIFIED AUTHORITY.—Section
15 1711 is amended by striking subsection (b).

16 (e) CROSS REFERENCE AMENDMENTS.—Title 38,
17 United States Code, is further amended as follows:

18 (1) Section 103(d)(5)(B) is amended by strik-
19 ing “1713” and inserting “1781”.

20 (2) Sections 1701(5) is amended by striking
21 “1713(b)” in subparagraphs (B) and (C)(i) and in-
22 serting “1781(b)”.

23 (3) Section 1712A(b) is amended—

1 (A) in the last sentence of paragraph (1),
2 by striking “section 1711(b)” and inserting
3 “section 1784”; and

4 (A) in paragraph (2), by striking “section
5 1701(6)(B)” and inserting “sections 1782 and
6 1783”.

7 (4) Section 1729(f) is amended by striking
8 “section 1711(b)” and inserting “section 1784”.

9 (5) Section 1729A(b) is amended—

10 (A) by redesignating paragraph (7) as
11 paragraph (8); and

12 (B) by inserting after paragraph (6) the
13 following new paragraph (7):

14 “(7) Section 1784 of this title.”.

15 (6) Section 8111(g) is amended—

16 (A) in paragraph (4), by inserting “serv-
17 ices under sections 1782 and 1783 of this title”
18 after “of this title,”; and

19 (B) in paragraph (5), by striking “section
20 1711(b) or 1713” and inserting “section 1782,
21 1783, or 1784”.

22 (7) Section 8111A(a)(2) is amended by insert-
23 ing “, and the term ‘medical services’ includes serv-
24 ices under sections 1782 and 1783 of this title” be-
25 fore the period at the end.

1 (8) Section 8152(1) is amended by inserting
2 “services under sections 1782 and 1783 of this
3 title,” after “of this title),”.

4 (9) Sections 8502(b), 8520(a), and 8521 are
5 amended by striking “the last sentence of section
6 1713(b)” and inserting “the penultimate sentence of
7 section 1781(b)”.

8 (f) CLERICAL AMENDMENTS.—

9 (1) The table of sections at the beginning of
10 such chapter is amended—

11 (A) by striking the item relating to section
12 1707 and inserting the following:

“1707. Limitations.”;

13 (B) by striking the item relating to section
14 1713; and

15 (C) by adding at the end the following:

“SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

“1781. Medical care for survivors and dependents of certain veterans.

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

“1783. Bereavement counseling.

“1784. Humanitarian care.”.

16 (2) The heading for section 1707 is amended to
17 read as follows:

1 **“§ 1707. Limitations”.**

2 **SEC. 209. EXTENSION OF EXPIRING COLLECTIONS AU-**
3 **THORITIES.**

4 (a) HEALTH CARE COPAYMENTS.—Section
5 1710(f)(2)(B) is amended by striking “September 30,
6 2002” and inserting “September 30, 2007”.

7 (b) MEDICAL CARE COST RECOVERY.—Section
8 1729(a)(2)(E) is amended by striking “October 1, 2002”
9 and inserting “October 1, 2007”.

10 **SEC. 210. PERSONAL EMERGENCY RESPONSE SYSTEM FOR**
11 **VETERANS WITH SERVICE-CONNECTED DIS-**
12 **ABILITIES.**

13 (a) EVALUATION AND STUDY.—The Secretary of
14 Veterans Affairs shall carry out an evaluation and study
15 of the feasibility and desirability of providing a personal
16 emergency response system to veterans who have service-
17 connected disabilities. The evaluation and study shall be
18 commenced not later than 60 days after the date of the
19 enactment of this Act.

20 (b) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary shall submit
22 to the Committees on Veterans’ Affairs of the Senate and
23 House of Representatives a report on the evaluation and
24 study under subsection (a). The Secretary shall include
25 in the report the Secretary’s findings resulting from the
26 evaluation and study and the Secretary’s conclusion as to

1 whether the Department of Veterans Affairs should pro-
2 vide a personal emergency response system to veterans
3 with service-connected disabilities.

4 (c) AUTHORITY TO PROVIDE SYSTEM.—If the Sec-
5 retary concludes in the report under subsection (b) that
6 a personal emergency response system should be provided
7 by the Department of Veterans Affairs to veterans with
8 service-connected disabilities—

9 (1) the Secretary may provide such a system,
10 without charge, to any veteran with a service-con-
11 nected disability who is enrolled under section 1705
12 of title 38, United States Code, and who submits an
13 application for such a system under subsection (d);
14 and

15 (2) the Secretary may contract with one or
16 more vendors to furnish such a system.

17 (d) APPLICATION.—A personal emergency response
18 system may be provided to a veteran under subsection
19 (c)(1) only upon the submission by the veteran of an appli-
20 cation for the system. Any such application shall be in
21 such form and manner as the Secretary may require.

22 (e) DEFINITION.—For purposes of this section, the
23 term “personal emergency response system” means a
24 device—

1 (1) that can be activated by an individual who
2 is experiencing a medical emergency to notify appro-
3 priate emergency medical personnel that the indi-
4 vidual is experiencing a medical emergency; and

5 (2) that provides the individual's location
6 through a Global Positioning System indicator.

7 **SEC. 211. ONE-YEAR EXTENSION OF ELIGIBILITY FOR**
8 **HEALTH CARE OF VETERANS WHO SERVED IN**
9 **SOUTHWEST ASIA DURING THE PERSIAN**
10 **GULF WAR.**

11 Section 1710(e)(3)(B) is amended by striking “De-
12 cember 31, 2001” and inserting “December 31, 2002”.

 Passed the House of Representatives December 11,
2001.

Attest:

Clerk.

107TH CONGRESS
1ST SESSION

H. R. 3447

AN ACT

To amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.