

107TH CONGRESS
2^D SESSION

S. 2132

To amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2002

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities 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,*

1 **SECTION 1. MEDICAL EMERGENCY PREPAREDNESS CEN-**
2 **TERS IN VETERANS HEALTH ADMINISTRA-**
3 **TION.**

4 (a) IN GENERAL.—(1) Subchapter II of chapter 73
5 of title 38, United States Code, is amended by inserting
6 after section 7320 the following new section:

7 **“§ 7320A. Medical emergency preparedness centers**

8 “(a) The Secretary shall establish and maintain with-
9 in the Veterans Health Administration four centers for re-
10 search and activities on medical emergency preparedness.

11 “(b) The purposes of each center established under
12 subsection (a) shall be as follows:

13 “(1) To carry out research on the detection, di-
14 agnosis, prevention, and treatment of injuries, dis-
15 eases, and illnesses arising from the use of chemical,
16 biological, radiological, or incendiary or other explo-
17 sive weapons or devices, including the development
18 of methods for the detection, diagnosis, prevention,
19 and treatment of such injuries, diseases, and ill-
20 nesses.

21 “(2) To provide to health-care professionals in
22 the Veterans Health Administration education,
23 training, and advice on the treatment of the medical
24 consequences of the use of chemical, biological, radi-
25 ological, or incendiary or other explosive weapons or
26 devices.

1 “(3) Upon the direction of the Secretary, to
2 provide education, training, and advice described in
3 paragraph (2) to health-care professionals outside
4 the Department through the National Disaster Med-
5 ical System or through interagency agreements en-
6 tered into by the Secretary for that purpose.

7 “(4) In the event of a national emergency, to
8 provide such laboratory, epidemiological, medical, or
9 other assistance as the Secretary considers appro-
10 prium to Federal, State, and local health care agen-
11 cies and personnel involved in or responding to the
12 national emergency.

13 “(c)(1) Each center established under subsection (a)
14 shall be established at an existing Department medical
15 center, whether at the Department medical center alone
16 or at a Department medical center acting as part of a
17 consortium of Department medical centers for purposes
18 of this section.

19 “(2) The Secretary shall select the sites for the cen-
20 ters from among competitive proposals that are submitted
21 by Department medical centers seeking to be sites for such
22 centers.

23 “(3) The Secretary may not select a Department
24 medical center as the site of a center unless the proposal

1 of the Department medical center under paragraph (2)
2 provides for—

3 “(A) an arrangement with an accredited affili-
4 ated medical school and an accredited affiliated
5 school of public health (or a consortium of such
6 schools) under which physicians and other health
7 care personnel of such schools receive education and
8 training through the Department medical center;

9 “(B) an arrangement with an accredited grad-
10 uate program of epidemiology under which students
11 of the program receive education and training in epi-
12 demiology through the Department medical center;
13 and

14 “(C) the capability to attract scientists who
15 have made significant contributions to innovative ap-
16 proaches to the detection, diagnosis, prevention, and
17 treatment of injuries, diseases, and illnesses arising
18 from the use of chemical, biological, radiological, or
19 incendiary or other explosive weapons or devices.

20 “(4) In selecting sites for the centers, the Secretary
21 shall—

22 “(A) utilize a peer review panel (consisting of
23 members with appropriate scientific and clinical ex-
24 pertise) to evaluate proposals submitted under para-
25 graph (2) for scientific and clinical merit; and

1 “(B) to the maximum extent practicable, ensure
2 the geographic dispersal of the sites throughout the
3 United States.

4 “(d)(1) Each center established under subsection (a)
5 shall be administered jointly by the offices within the De-
6 partment that are responsible for directing research and
7 for directing medical emergency preparedness.

8 “(2) The Secretary and the heads of the agencies con-
9 cerned shall take appropriate actions to ensure that the
10 work of each center is carried out—

11 “(A) in close coordination with the Department
12 of Defense, Department of Health and Human Serv-
13 ices, Office of Homeland Security, and other depart-
14 ments, agencies, and elements of the Federal Gov-
15 ernment charged with coordination of plans for
16 United States homeland security; and

17 “(B) in accordance with any applicable rec-
18 ommendations of any joint interagency advisory
19 groups or committees designated to coordinate Fed-
20 eral research on weapons of mass destruction.

21 “(e)(1) Each center established under subsection (a)
22 shall be staffed by officers and employees of the Depart-
23 ment.

24 “(2) Subject to the approval of the head of the de-
25 partment or agency concerned and the Director of the Of-

1 fice of Personnel Management, an officer or employee of
2 another department or agency of the Federal Government
3 may be detailed to a center if the detail will assist the
4 center in carrying out activities under this section. Any
5 detail under this paragraph shall be on a non-reimbursable
6 basis.

7 “(f) In addition to any other activities under this sec-
8 tion, a center established under subsection (a) may, upon
9 the request of the agency concerned and with the approval
10 of the Secretary, provide assistance to Federal, State, and
11 local agencies (including criminal and civil investigative
12 agencies) engaged in investigations or inquiries intended
13 to protect the public safety or health or otherwise obviate
14 threats of the use of a chemical, biological, radiological,
15 or incendiary or other explosive weapon or device.

16 “(g) Notwithstanding any other provision of law, each
17 center established under subsection (a) may, with the ap-
18 proval of the Secretary, solicit and accept contributions
19 of funds and other resources, including grants, for pur-
20 poses of the activities of such center under this section.”.

21 (2) The table of sections at the beginning of chapter
22 73 of title 38, United States Code, is amended by inserting
23 after the item relating to section 7320 the following new
24 item:

“7320A. Medical emergency preparedness centers.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—(1)

2 There is hereby authorized to be appropriated for the De-
3 partment of Veterans Affairs amounts for the centers es-
4 tablished under section 7320A of title 38, United States
5 Code (as added by subsection (a)), \$20,000,000 for each
6 of fiscal years 2003 through 2007.

7 (2) The amount authorized to be appropriated by
8 paragraph (1) is not authorized to be appropriated for the
9 Veterans Health Administration for Medical Care, but is
10 authorized to be appropriated for the Administration sepa-
11 rately and solely for purposes of the centers referred to
12 in that paragraph.

13 (3) Of the amount authorized to be appropriated by
14 paragraph (1) for a fiscal year, \$5,000,000 shall be avail-
15 able for such fiscal year for each center referred to in that
16 paragraph.

17 **SEC. 2. MODIFICATION OF AUTHORITIES ON RESEARCH**
18 **CORPORATIONS.**

19 (a) RESTATEMENT AND ENHANCEMENT OF AUTHOR-
20 ITY ON AVAILABILITY OF FUNDS.—Section 7362 of title
21 38, United States Code, is amended—

22 (1) by redesignating subsection (b) as sub-
23 section (c);

24 (2) by striking the second sentence of sub-
25 section (a); and

1 (3) by inserting after subsection (a) the fol-
 2 lowing new subsection (b):

3 “(b)(1) Any funds, other than funds appropriated for
 4 the Department, that are received by the Secretary for the
 5 conduct of research or education and training may be
 6 transferred to and administered by a corporation estab-
 7 lished under this subchapter for the purposes set forth in
 8 subsection (a).

9 “(2) Funds appropriated for the Department are
 10 available for the conduct of research or education and
 11 training by a corporation, but only pursuant to the terms
 12 of a contract or other agreement between the Department
 13 and such corporation that is entered into in accordance
 14 with applicable law and regulations.”.

15 (b) TREATMENT OF CORPORATIONS AS AFFILIATED
 16 INSTITUTIONS FOR SHARING OF HEALTH-CARE RE-
 17 SOURCES.—Section 8153(a)(3) of that title is amended—

18 (1) by redesignating subparagraphs (C), (D),
 19 and (E) as subsections (D), (E), and (F), respec-
 20 tively;

21 (2) by inserting after subparagraph (B) the fol-
 22 lowing new subparagraph (C):

23 “(C) If the health-care resource required is research
 24 or education and training (as that term is defined in sec-
 25 tion 7362(c) of this title) and is to be acquired from a

1 corporation established under subchapter IV of chapter 73
 2 of this title, the Secretary may make arrangements for
 3 acquisition of the resource without regard to any law or
 4 regulation (including any Executive order, circular, or
 5 other administrative policy) that would otherwise require
 6 the use of competitive procedures for acquiring the re-
 7 source.”;

8 (3) in subparagraph (D), as so redesignated, by
 9 striking “(A) or (B)” and inserting “(A), (B), or
 10 (C)”;

11 (4) in subparagraph (E), as so redesignated, by
 12 striking “(A)” and inserting “(A) or (B)”.

13 **SEC. 3. COVERAGE OF RESEARCH CORPORATION PER-**
 14 **SONNEL UNDER FEDERAL TORT CLAIMS ACT**
 15 **AND OTHER TORT CLAIMS LAWS.**

16 (a) IN GENERAL.—Subchapter IV of chapter 73 of
 17 title 38, United States Code, is amended by inserting after
 18 section 7364 the following new section:

19 **“§ 7364A. Coverage of employees under certain Fed-**
 20 **eral tort claims laws**

21 “(a) An employee of a corporation established under
 22 this subchapter who is described by subsection (b) shall
 23 be considered an employee of the government, or a medical
 24 care employee of the Veterans Health Administration, for
 25 purposes of the following provisions of law:

1 “(1) Section 1346(b) of title 28.

2 “(2) Chapter 171 of title 28.

3 “(3) Section 7316 of this title.

4 “(b) An employee described in this subsection is an
5 employee who—

6 “(1) has an appointment with the Department,
7 whether with or without compensation;

8 “(2) is directly or indirectly involved or engaged
9 in research or education and training that is ap-
10 proved in accordance with procedures established by
11 the Under Secretary for Health for research or edu-
12 cation and training carried out with Department
13 funds; and

14 “(3) performs such duties under the supervision
15 of Department personnel.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 73 of that title is amended
18 by inserting after the item relating to section 7364 the
19 following new item:

“7364A. Coverage of employees under certain Federal tort claims laws.”.

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