

107TH CONGRESS
2D SESSION

S. 2187

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2002

Mr. ROCKEFELLER (for himself and Mr. AKAKA) 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 authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, 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.**

4 This Act may be cited as the “Department of Vet-
5 erans Affairs Emergency Medical Care Act of 2002”.

1 **SEC. 2. AUTHORITY TO FURNISH HEALTH CARE DURING**
2 **MAJOR DISASTERS AND MEDICAL EMER-**
3 **GENCIES.**

4 (a) IN GENERAL.—(1) Subchapter II of chapter 17
5 of title 38, United States Code, is amended by inserting
6 after section 1711 the following new section:

7 **“§ 1711A. Care and services during major disasters**
8 **and medical emergencies**

9 “(a) During and immediately following a disaster or
10 emergency referred to in subsection (b), the Secretary may
11 furnish hospital care and medical services to individuals
12 responding to, involved in, or otherwise affected by such
13 disaster or emergency, as the case may be.

14 “(b) A disaster or emergency referred to in this sub-
15 section is any disaster or emergency as follows:

16 “(1) A major disaster or emergency declared by
17 the President under the Robert B. Stafford Disaster
18 Relief and Emergency Assistance Act (42 U.S.C.
19 5121 et seq.).

20 “(2) A disaster or emergency in which the Na-
21 tional Disaster Medical System is activated.

22 “(c) The Secretary may furnish care and services
23 under this section to veterans without regard to their en-
24 rollment in the system of annual patient enrollment under
25 section 1705 of this title.

1 “(d) The Secretary may give a higher priority to the
2 furnishing of care and services under this section than to
3 the furnishing of care and services to any other group of
4 persons eligible for care and services in medical facilities
5 of the Department with the exception of—

6 “(1) veterans with service-connected disabilities;
7 and

8 “(2) members of the Armed Forces on active
9 duty who are furnished health-care services under
10 section 8111A of this title.

11 “(e)(1) The cost of any care or services furnished
12 under this section to an officer or employee of a depart-
13 ment or agency of the Federal Government other than the
14 Department shall be reimbursed at such rates as may be
15 agreed upon by the Secretary and the head of such depart-
16 ment or agency based on the cost of the care or service
17 furnished.

18 “(2) Amounts received by the Department under this
19 subsection shall be credited to the funds allotted to the
20 Department facility that furnished the care or services
21 concerned.

22 “(f) Within 60 days of the commencement of a dis-
23 aster or emergency referred to in subsection (b) in which
24 the Secretary furnishes care and services under this sec-
25 tion (or as soon thereafter as is practicable), the Secretary

1 shall submit to the Committees on Veterans' Affairs of
2 the Senate and the House of Representatives a report on
3 the Secretary's allocation of facilities and personnel in
4 order to furnish such care and services.

5 “(g) The Secretary shall prescribe regulations gov-
6 erning the exercise of the authority of the Secretary under
7 this section.”.

8 (2) The table of sections at the beginning of that
9 chapter is amended by inserting after the item relating
10 to section 1711 the following new item:

“1711A. Care and services during major disasters and medical emergencies.”.

11 (b) EXCEPTION FROM REQUIREMENT FOR CHARGES
12 FOR EMERGENCY CARE.—Section 1711(b) of that title is
13 amended by striking “The Secretary” and inserting “Ex-
14 cept as provided in section 1711A of this title with respect
15 to a disaster or emergency covered by that section, the
16 Secretary”.

17 (c) MEMBERS OF THE ARMED FORCES.—Subsection
18 (a) of section 8111A of that title is amended to read as
19 follows:

20 “(a)(1) During and immediately following a period of
21 war, or a period of national emergency declared by the
22 President or Congress that involves the use of the Armed
23 Forces in armed conflict, the Secretary may furnish hos-
24 pital care, nursing home care, and medical services to
25 members of the Armed Forces on active duty.

1 “(2)(A) During and immediately following a disaster
2 or emergency referred to in subparagraph (B), the Sec-
3 retary may furnish hospital care and medical services to
4 members of the Armed Forces on active duty responding
5 to or involved in such disaster or emergency, as the case
6 may be.

7 “(B) A disaster or emergency referred to in this sub-
8 paragraph is any disaster or emergency follows:

9 “(i) A major disaster or emergency declared by
10 the President under the Robert B. Stafford Disaster
11 Relief and Emergency Assistance Act (42 U.S.C.
12 5121 et seq.).

13 “(ii) A disaster or emergency in which the Na-
14 tional Disaster Medical System is activated.

15 “(3) The Secretary may give a higher priority to the
16 furnishing of care and services under this section than to
17 the furnishing of care and services to any other group of
18 persons eligible for care and services in medical facilities
19 of the Department with the exception of veterans with
20 service-connected disabilities.

21 “(4) In this section, the terms ‘hospital care’, ‘nurs-
22 ing home care’, and ‘medical services’ have the meanings
23 given such terms by sections 1701(5), 101(28), and
24 1701(6) of this title, respectively.”.

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