

Calendar No. 1034

110TH CONGRESS
2D SESSION

S. 2969

[Report No. 110–473]

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2008

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

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. AKAKA, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, 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. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Medical Per-
3 sonnel Recruitment and Retention Act of 2008”.

4 **SEC. 2. ENHANCEMENT OF AUTHORITIES FOR RETENTION**
5 **OF MEDICAL PROFESSIONALS.**

6 (a) ~~SECRETARIAL AUTHORITY TO EXTEND TITLE 38~~
7 ~~STATUS TO ADDITIONAL POSITIONS.—~~

8 ~~(1) IN GENERAL.—~~Paragraph ~~(3)~~ of section
9 7401 of title 38, United States Code, is amended by
10 striking “and blind rehabilitation outpatient special-
11 ists.” and inserting the following: “blind rehabilita-
12 tion outpatient specialists, and such other classes of
13 health care occupations as the Secretary considers
14 necessary for the recruitment and retention needs of
15 the Department subject to the following require-
16 ments:

17 “(A) Not later than 45 days before the
18 Secretary appoints any personnel for a class of
19 health care occupations that is not specifically
20 listed in this paragraph, the Secretary shall
21 submit to the Committee on Veterans’ Affairs
22 of the Senate, the Committee on Veterans’ Af-
23 fairs of the House of Representatives, and the
24 Office of Management and Budget notice of
25 such appointment.

1 “(B) Before submitting notice under sub-
 2 paragraph (A), the Secretary shall solicit com-
 3 ments from any labor organization representing
 4 employees in such class and include such com-
 5 ments in such notice.”.

6 ~~(2) APPOINTMENT OF NURSE ASSISTANTS.—~~
 7 Such paragraph is further amended by inserting
 8 “nurse assistants,” after “licensed practical or voca-
 9 tional nurses,”.

10 ~~(b) PROBATIONARY PERIODS FOR NURSES.—~~Section
 11 7403(b) of such title is amended—

12 ~~(1)~~ in paragraph ~~(1)~~, by striking “Appoint-
 13 ments” and inserting “Except as otherwise provided
 14 in this subsection, appointments”;

15 ~~(2)~~ by redesignating paragraph ~~(2)~~ as para-
 16 graph ~~(4)~~; and

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

19 “~~(2)~~ An appointment of a nurse under this chapter,
 20 whether on a full-time basis or a part-time basis, shall be
 21 for a probationary period ending upon the completion by
 22 the person so appointed of 4,180 hours of work pursuant
 23 to such appointment.

24 “~~(3)~~ An appointment described in subsection (a) on
 25 a part-time basis of a person who has previously served

1 on a full-time basis for the probationary period for the
 2 position concerned shall be without a probationary pe-
 3 riod.”.

4 (c) PROHIBITION ON TEMPORARY PART-TIME NURSE
 5 APPOINTMENTS IN EXCESS OF 4,180 HOURS.—Section
 6 7405(f)(2) of such title is amended by inserting after
 7 “year” the following: “, except that a part-time appoint-
 8 ment of a nurse shall not exceed 4,180 hours”.

9 (d) WAIVER OF OFFSET FROM PAY FOR CERTAIN
 10 REEMPLOYED ANNUITANTS.—

11 (1) IN GENERAL.—Section 7405 of such title is
 12 amended by adding at the end the following:

13 “(g)(1) The Secretary may waive the application of
 14 sections 8344 and 8468 of title 5 (relating to annuities
 15 and pay on reemployment) or any other similar provision
 16 of law under a Government retirement system on a case-
 17 by-case basis for an annuitant reemployed on a temporary
 18 basis under the authority of subsection (a) in a position
 19 described under paragraph (1) of that subsection.

20 “(2) An annuitant to whom a waiver under para-
 21 graph (1) is in effect shall not be considered an employee
 22 for purposes of any Government retirement system.

23 “(3) An annuitant to whom a waiver under para-
 24 graph (1) is in effect shall be subject to the provisions
 25 of chapter 71 of title 5 (including all labor authority and

1 labor representative collective bargaining agreements) ap-
 2 plicable to the position to which appointed.

3 ~~“(4) In this subsection:~~

4 ~~“(A) The term ‘annuitant’ means an annuitant~~
 5 ~~under a Government retirement system.~~

6 ~~“(B) The term ‘employee’ has the meaning~~
 7 ~~under section 2105 of title 5.~~

8 ~~“(C) The term ‘Government retirement system’~~
 9 ~~means a retirement system established by law for~~
 10 ~~employees of the Government of the United States.”.~~

11 ~~(2) EFFECTIVE DATE.—The amendment made~~
 12 ~~by paragraph (1) shall take effect on the date that~~
 13 ~~is six months after the date of the enactment of this~~
 14 ~~Act, and shall apply to pay periods beginning on or~~
 15 ~~after such effective date.~~

16 ~~(c) MINIMUM RATE OF BASIC PAY FOR APPOINTEES~~
 17 ~~TO THE OFFICE OF THE UNDER SECRETARY FOR~~
 18 ~~HEALTH SET TO LOWEST RATE OF BASIC PAY PAYABLE~~
 19 ~~FOR A SENIOR EXECUTIVE SERVICE POSITION.—~~

20 ~~(1) IN GENERAL.—Section 7404(a) of such title~~
 21 ~~is amended—~~

22 ~~(A) by striking “The annual” and insert-~~
 23 ~~ing “(1) The annual”;~~

24 ~~(B) by striking “The pay” and inserting~~
 25 ~~the following:~~

1 ~~“(2) The pay”;~~

2 (C) by striking “under the preceding sen-
3 tence” and inserting “under paragraph (1)”;
4 and

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

6 ~~“(3) The minimum rate of basic pay for a position
7 to which an Executive order applies under paragraph (1)
8 and is not described by paragraph (2) may not be less
9 than the lowest rate of basic pay payable for a Senior Ex-
10 ecutive Service position under section 5382 of title 5.”.~~

11 (2) EFFECTIVE DATE.—The amendments made
12 by paragraph (1) shall take effect on the first day
13 of the first pay period beginning after the day that
14 is 180 days after the date of the enactment of this
15 Act.

16 (f) COMPARABILITY PAY PROGRAM FOR APPOINTEES
17 TO THE OFFICE OF THE UNDER SECRETARY FOR
18 HEALTH.—Section 7410 of such title is amended—

19 (1) by striking “The Secretary may” and in-
20 serting “(a) IN GENERAL.—The Secretary may”;
21 and

22 (2) by adding at the end the following new sub-
23 section:

24 ~~“(b) COMPARABILITY PAY FOR APPOINTEES TO THE
25 OFFICE OF THE UNDER SECRETARY FOR HEALTH.—(1)~~

1 The Secretary may authorize the Under Secretary for
2 Health to provide comparability pay of not more than
3 \$100,000 per year to individuals of the Veterans Health
4 Administration appointed under section 7306 of this title
5 who are not physicians or dentists to achieve annual pay
6 levels for such individuals that are comparable with annual
7 pay levels of individuals with similar positions in the pri-
8 vate sector.

9 “(2) Comparability pay under paragraph (1) for an
10 individual is in addition to all other pay, awards, and per-
11 formance bonuses paid to such individual under this title.

12 “(3) Except as provided in paragraph (4), com-
13 parability pay under paragraph (1) for an individual shall
14 be considered basic pay for all purposes, including retire-
15 ment benefits under chapters 83 and 84 of title 5, and
16 other benefits.

17 “(4) Comparability pay under paragraph (1) for an
18 individual shall not be considered basic pay for purposes
19 of adverse actions under subchapter V of this chapter.

20 “(5) Comparability pay under paragraph (1) may not
21 be awarded to an individual in an amount that would re-
22 sult in an aggregate amount of pay (including bonuses and
23 awards) received by such individual in a year under this
24 title that is greater than the annual pay of the Presi-
25 dent.”.

1 ~~(g)~~ SPECIAL INCENTIVE PAY FOR DEPARTMENT
 2 PHARMACIST EXECUTIVES.—Section 7410 of such title,
 3 as amended by subsection ~~(f)~~, is further amended by add-
 4 ing at the end the following new subsection:

5 ~~“(e)~~ SPECIAL INCENTIVE PAY FOR DEPARTMENT
 6 PHARMACIST EXECUTIVES.—~~(1)~~ In order to recruit and
 7 retain highly qualified Department pharmacist executives,
 8 the Secretary may authorize the Under Secretary for
 9 Health to pay special incentive pay of not more than
 10 \$40,000 per year to an individual of the Veterans Health
 11 Administration who is a pharmacist executive.

12 ~~“(2)~~ In determining whether and how much special
 13 pay to provide to such individual, the Under Secretary
 14 shall consider the following:

15 ~~“(A)~~ The grade and step of the position of the
 16 individual.

17 ~~“(B)~~ The scope and complexity of the position
 18 of the individual.

19 ~~“(C)~~ The personal qualifications of the indi-
 20 vidual.

21 ~~“(D)~~ The characteristics of the labor market
 22 concerned.

23 ~~“(E)~~ Such other factors as the Secretary con-
 24 siders appropriate.

1 “(3) Special incentive pay under paragraph (1) for
 2 an individual is in addition to all other pay (including
 3 basic pay) and allowances to which the individual is enti-
 4 tled.

5 “(4) Except as provided in paragraph (5), special in-
 6 centive pay under paragraph (1) for an individual shall
 7 be considered basic pay for all purposes, including retire-
 8 ment benefits under chapters 83 and 84 of title 5, and
 9 other benefits.

10 “(5) Special incentive pay under paragraph (1) for
 11 an individual shall not be considered basic pay for pur-
 12 poses of adverse actions under subchapter V of this chap-
 13 ter.

14 “(6) Special incentive pay under paragraph (1) may
 15 not be awarded to an individual in an amount that would
 16 result in an aggregate amount of pay (including bonuses
 17 and awards) received by such individual in a year under
 18 this title that is greater than the annual pay of the Presi-
 19 dent.”.

20 (h) PAY FOR PHYSICIANS AND DENTISTS.—

21 (1) NON-FOREIGN COST OF LIVING ADJUST-
 22 MENT ALLOWANCE.—Section 7431(b) of such title is
 23 amended by adding at the end the following:

24 “(5) The non-foreign cost of living adjustment
 25 allowance authorized under section 5941 of title 5

1 for physicians and dentists whose pay is set under
 2 this section shall be determined as a percentage of
 3 base pay only.”.

4 ~~(2) MARKET PAY DETERMINATIONS FOR PHYSI-~~
 5 ~~CIANS AND DENTISTS IN ADMINISTRATIVE OR EXEC-~~
 6 ~~UTIVE LEADERSHIP POSITIONS.—~~Section
 7 7431(c)(4)(B)(i) of such title is amended by adding
 8 at the end the following: “The Secretary may ex-
 9 empt physicians and dentists occupying administra-
 10 tive or executive leadership positions from the re-
 11 quirements of the previous sentence.”.

12 ~~(3) EXCEPTION TO PROHIBITION ON REDUC-~~
 13 ~~TION OF MARKET PAY.—~~Section 7431(c)(7) of such
 14 title is amended by striking “concerned.” and insert-
 15 ing “concerned, unless there is a change in board
 16 certification or reduction of privileges.”.

17 ~~(i) ADJUSTMENT OF PAY CAP FOR NURSES.—~~Sec-
 18 tion 7451(c)(2) of such title is amended by striking “title
 19 5” and inserting “title 5 or the level of GS-15 as pre-
 20 scribed under section 5332 of such title, whichever is
 21 greater”.

22 ~~(j) EXEMPTION FOR CERTIFIED REGISTERED NURSE~~
 23 ~~ANESTHETISTS FROM LIMITATION ON AUTHORIZED COM-~~
 24 ~~PETITIVE PAY.—~~Section 7451(c)(2) of such title is further
 25 amended by adding at the end the following new sentence:

1 “The maximum rate of basic pay for a grade for the posi-
 2 tion of certified registered nurse anesthetist pursuant to
 3 an adjustment under subsection (d) may exceed the max-
 4 imum rate otherwise provided in the preceding sentence.”.

5 (k) LOCALITY PAY SCALE COMPUTATIONS.—

6 (1) EDUCATION, TRAINING, AND SUPPORT FOR
 7 FACILITY DIRECTORS IN WAGE SURVEYS.—Section
 8 7451(d)(3) of such title is amended by adding at the
 9 end the following new subparagraph:

10 “(F) The Under Secretary for Health shall provide
 11 appropriate education, training, and support to directors
 12 of Department health-care facilities in the conduct and use
 13 of surveys under this paragraph.”.

14 (2) INFORMATION ON METHODOLOGY USED IN
 15 WAGE SURVEYS.—Section 7451(e)(4) of such title is
 16 amended—

17 (A) by redesignating subparagraph (D) as
 18 subparagraph (E); and

19 (B) by inserting after subparagraph (C)
 20 the following new subparagraph (D):

21 “(D) In any case in which the director conducts
 22 such a wage survey during the period covered by the
 23 report and makes adjustment in rates of basic pay
 24 applicable to one or more covered positions at the fa-

1 eility, information on the methodology used in mak-
 2 ing such adjustment or adjustments.”.

3 ~~(3) DISCLOSURE OF INFORMATION TO PERSONS~~
 4 ~~IN COVERED POSITIONS.~~—Section 7451(e) of such
 5 title is further amended by adding at the end the
 6 following new paragraph:

7 “(6)(A) Upon the request of an individual described
 8 in subparagraph (B) for a report provided under para-
 9 graph (4) with respect to a Department health-care facil-
 10 ity, the Under Secretary for Health or the director of such
 11 facility shall provide to the individual the most current re-
 12 port for such facility provided under such paragraph.

13 “(B) An individual described in this subparagraph
 14 is—

15 “(i) an individual in a covered position at a De-
 16 partment health-care facility; or

17 “(ii) a representative of the labor organization
 18 representing that individual who is designated by
 19 that individual to make the request.”.

20 ~~(4) INCREASED LIMITATION ON SPECIAL PAY FOR~~
 21 ~~NURSE EXECUTIVES.~~—Section 7452(g)(2) of such title is
 22 amended by striking “\$25,000” and inserting
 23 “\$100,000”.

24 ~~(m) ELIGIBILITY OF PART-TIME NURSES FOR ADDI-~~
 25 ~~TIONAL NURSE PAY.~~—

1 (1) IN GENERAL.—Section 7453 of such title is
2 amended—

3 (A) in subsection (a), by striking “a
4 nurse” and inserting “a full-time nurse or part-
5 time nurse”;

6 (B) in subsection (b)—

7 (i) in the first sentence—

8 (I) by striking “on a tour of
9 duty”;

10 (II) by striking “on such tour”;
11 and

12 (III) by striking “of such tour”
13 and inserting “of such service”; and

14 (ii) in the second sentence, by striking
15 “of such tour” and inserting “of such serv-
16 ice”;

17 (C) in subsection (c)—

18 (i) by striking “on a tour of duty”;

19 and

20 (ii) by striking “on such tour”; and

21 (D) in subsection (e)—

22 (i) in paragraph (1), by striking
23 “eight hours in a day” and inserting
24 “eight consecutive hours”; and

(ii) in paragraph (5)(A), by striking
“tour of duty” and inserting “period of
service”.

(2) EXCLUSION OF APPLICATION OF ADDITIONAL NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EMPLOYEES.—Section 7454(b)(3) of such title is amended to read as follows:

8 “(3) Employees appointed under section 7408 of this
9 title performing service on a tour of duty, any part of
10 which is within the period commencing at midnight Friday
11 and ending at midnight Sunday, shall receive additional
12 pay in addition to the rate of basic pay provided such em-
13 ployees for each hour of service on such tour at a rate
14 equal to 25 percent of such employee’s hourly rate of basic
15 pay.”.

(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS FROM LIMITATION ON INCREASE IN RATES OF BASIC PAY.—Section 7455(e)(1) of such title is amended by inserting after “nurse anesthetists,” the following: “licensed practical nurses, licensed vocational nurses, and nursing positions otherwise covered by title 5,”.

22 **SEC. 3. LIMITATIONS ON OVERTIME DUTY, WEEKEND DUTY,**
23 **AND ALTERNATIVE WORK SCHEDULES FOR**
24 **NURSES.**

25 ~~(a) OVERTIME DUTY.—~~

1 (1) IN GENERAL.—Subchapter IV of chapter 74
 2 of title 38, United States Code, is amended by add-
 3 ing at the end the following new section:

4 **“§ 7459. Nurses: special rules for overtime duty**

5 “(a) LIMITATION.—Except as provided in subsection
 6 (e), the Secretary may not require a nurse to work more
 7 than 40 hours (or 24 hours if such nurse is covered under
 8 section 7456) in an administrative work week or more
 9 than eight consecutive hours (or 12 hours if such nurse
 10 is covered under section 7456 or 7456A).

11 “(b) VOLUNTARY OVERTIME.—(1) A nurse may on
 12 a voluntary basis elect to work hours otherwise prohibited
 13 by subsection (a).

14 “(2) The refusal of a nurse to work hours prohibited
 15 by subsection (a) shall not be grounds to discriminate
 16 (within the meaning of section 704(a) of the Civil Rights
 17 Act of 1964 (42 U.S.C. 2000e-3(a))) against the nurse,
 18 dismissal or discharge of the nurse, or any other adverse
 19 personnel action against the nurse.

20 “(c) OVERTIME UNDER EMERGENCY CIR-
 21 CUMSTANCES.—(1) Subject to paragraph (2), the Sec-
 22 retary may require a nurse to work hours otherwise pro-
 23 hibited by subsection (a) if—

1 “(A) the work is a consequence of an emer-
 2 gency that could not have been reasonably antici-
 3 pated;

4 “(B) the emergency is non-recurring and is not
 5 caused by or aggravated by the inattention of the
 6 Secretary or lack of reasonable contingency planning
 7 by the Secretary;

8 “(C) the Secretary has exhausted all good faith,
 9 reasonable attempts to obtain voluntary workers;

10 “(D) the nurse has critical skills and expertise
 11 that are required for the work; and

12 “(E) the work involves work for which the
 13 standard of care for a patient assignment requires
 14 continuity of care through completion of a case,
 15 treatment, or procedure.

16 “(2) A nurse may not be required to work hours
 17 under this subsection after the requirement for a direct
 18 role by the nurse in responding to medical needs resulting
 19 from the emergency ends.

20 “(d) NURSE DEFINED.—In this section, the term
 21 ‘nurse’ includes the following;

22 “(1) A registered nurse.

23 “(2) A licensed practical or vocational nurse.

24 “(3) A nurse assistant appointed under this
 25 chapter or title 5.

1 “(4) Any other nurse position designated by the
2 Secretary for purposes of this section.”.

3 ~~(2) CLERICAL AMENDMENT.~~—The table of sec-
4 tions at the beginning of chapter 74 of such title is
5 amended by inserting after the item relating to sec-
6 tion 7458 the following new item:

“7459: Nurses: special rules for overtime duty.”.

7 ~~(b) WEEKEND DUTY.~~—Section 7456 of such title is
8 amended—

9 (1) in subsection (a) by striking “regularly
10 scheduled 12-hour tour of duty” and inserting
11 “scheduled 12-hour periods of service”;

12 (2) in subsection (b)—

13 (A) in paragraph (2), by striking “service
14 performed as part of a regularly scheduled 12-
15 hour tour of duty” and inserting “any service
16 performed”; and

17 (B) in paragraph (3)—

18 (i) in subparagraph (A), by striking
19 “regularly scheduled two 12-hour tours of
20 duty” and inserting “scheduled 12-hour
21 period of service”;

22 (ii) in subparagraph (B), by striking
23 “regularly scheduled two 12-hour tour of
24 duty” and inserting “scheduled 12-hour
25 period of service”; and

- 1 (iii) in subparagraph (C), by striking
 2 “regularly scheduled two 12-hour tours of
 3 duty” and inserting “scheduled two 12-
 4 hour periods of service”;
 5 (3) by striking subsection (c); and
 6 (4) by redesignating subsection (d) as (c).

7 (c) ALTERNATE WORK SCHEDULES.—

8 (1) IN GENERAL.—Section 7456A(b)(1)(A) of
 9 such title is amended by striking “three regularly
 10 scheduled” and all that follows through the period at
 11 the end and inserting “six regularly scheduled 12-
 12 hour periods of service within a pay period shall be
 13 considered for all purposes to have worked a full 80-
 14 hour pay period.”.

15 (2) CONFORMING AMENDMENTS.—Section
 16 7456A(b) of such title is amended—

17 (A) in the subsection heading, by striking
 18 “36/40” and inserting “72/80”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking
 21 “40-hour basic work week” and inserting
 22 “80-hour pay period”;

23 (ii) in subparagraph (B), by striking
 24 “regularly scheduled 36-hour tour of duty
 25 within the work week” and inserting

1 “scheduled 72-hour period of service within
2 the bi-weekly pay period”;

3 (iii) in subparagraph (C)—

4 (I) in clause (i), by striking “reg-
5 ularly scheduled 36-hour tour of duty
6 within an administrative work week”
7 and inserting “scheduled 72-hour pe-
8 riod of service within an administra-
9 tive pay period”;

10 (II) in clause (ii), by striking
11 “regularly scheduled 12-hour tour of
12 duty” and inserting “scheduled 12-
13 hour period of service”; and

14 (III) in clause (iii), by striking
15 “regularly scheduled 36-hour tour of
16 duty work week” and inserting
17 “scheduled 72-hour period of service
18 pay period”; and

19 (iv) in subparagraph (D), by striking
20 “regularly scheduled 12-hour tour of duty”
21 and inserting “scheduled 12-hour period of
22 service”; and

23 (C) in paragraph (3), by striking “regu-
24 larly scheduled 12-hour tour of duty” and in-
25 serting “scheduled 12-hour period of service”.

1 **SEC. 4. IMPROVEMENTS TO CERTAIN EDUCATIONAL AS-**
 2 **SISTANCE PROGRAMS.**

3 (a) **REINSTATEMENT OF HEALTH PROFESSIONALS**
 4 **EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—**

5 (1) **IN GENERAL.**—Section 7618 of title 38,
 6 United States Code, is amended by striking “Decem-
 7 ber 31, 1998” and inserting “December 31, 2013”.

8 (2) **EXPANSION OF ELIGIBILITY REQUIRE-**
 9 **MENTS.**—Paragraph (2) of section 7612(b) of such
 10 title is amended by striking “(under section” and all
 11 that follows through the period at the end and in-
 12 serting the following: “as an appointee under para-
 13 graph (1) or (3) of section 7401 of this title.”.

14 (b) **IMPROVEMENTS TO EDUCATION DEBT REDUC-**
 15 **TION PROGRAM.—**

16 (1) **INCLUSION OF EMPLOYEE RETENTION AS**
 17 **PURPOSE OF PROGRAM.**—Section 7681(a)(2) of such
 18 title is amended by inserting “and retention” after
 19 “recruitment” the first time it appears.

20 (2) **ELIGIBILITY.**—Section 7682 of such title is
 21 amended—

22 (A) in subsection (a)(1), by striking “a re-
 23 cently appointed” and inserting “an”; and

24 (B) by striking subsection (c).

25 (3) **MAXIMUM AMOUNTS OF ASSISTANCE.**—Sec-
 26 tion 7683(d)(1) of such title is amended—

1 (A) by striking “\$44,000” and inserting
2 “\$60,000”; and

3 (B) by striking “\$10,000” and inserting
4 “\$12,000”.

5 (e) LOAN REPAYMENT PROGRAM FOR CLINICAL RE-
6 SEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

7 (1) IN GENERAL.—The Secretary of Veterans
8 Affairs may, in consultation with the Secretary of
9 Health and Human Services, utilize the authorities
10 available in section 487E of the Public Health Serv-
11 ice Act (42 U.S.C. 288–5) for the repayment of the
12 principal and interest of educational loans of appro-
13 priately qualified health professionals who are from
14 disadvantaged backgrounds in order to secure clin-
15 ical research by such professionals for the Veterans
16 Health Administration.

17 (2) LIMITATIONS.—The exercise by the Sec-
18 retary of Veterans Affairs of the authorities referred
19 to in paragraph (1) shall be subject to the conditions
20 and limitations specified in paragraphs (2) and (3)
21 of section 487E(a) of the Public Health Service Act
22 (42 U.S.C. 288–5(2) and (3)).

23 (3) FUNDING.—Amounts for the repayment of
24 principal and interest of educational loans under this
25 subsection shall be derived from amounts available

1 to the Secretary of Veterans for the Veterans Health
 2 Administration for Medical Services.

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
 5 *erans Health Care Authorization Act of 2008”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—DEPARTMENT PERSONNEL MATTERS

Sec. 101. Enhancement of authorities for retention of medical professionals.

*Sec. 102. Limitations on overtime duty, weekend duty, and alternative work
 schedules for nurses.*

Sec. 103. Improvements to certain educational assistance programs.

*Sec. 104. Standards for appointment and practice of physicians in Department
 of Veterans Affairs medical facilities.*

TITLE II—HEALTH CARE MATTERS

*Sec. 201. Repeal of sunset on inclusion of noninstitutional extended care services
 in definition of medical services.*

Sec. 202. Extensions of certain authorities.

*Sec. 203. Permanent authority for provision of hospital care, medical services,
 and nursing home care to veterans who participated in certain
 chemical and biological testing conducted by the Department of
 Defense.*

Sec. 204. Repeal of certain annual reporting requirements.

Sec. 205. Modifications to annual Gulf War research report.

Sec. 206. Payment for care furnished to CHAMPVA beneficiaries.

*Sec. 207. Payor provisions for care furnished to certain children of Vietnam vet-
 erans.*

Sec. 208. Disclosures from certain medical records.

*Sec. 209. Disclosure to Secretary of health-plan contract information and Social
 Security number of certain veterans receiving care.*

Sec. 210. Enhancement of quality assurance.

Sec. 211. Reports on improvements to Department health care quality assurance.

*Sec. 212. Pilot program on training and certification for family caregiver per-
 sonal care attendants for veterans and members of the Armed
 Forces with traumatic brain injury.*

*Sec. 213. Pilot program on provision of respite care to members of the Armed
 Forces and veterans with traumatic brain injury by students in
 graduate programs of education related to mental health or reha-
 bilitation.*

*Sec. 214. Pilot program on use of community-based organizations and local and
 State government entities to ensure that veterans receive care
 and benefits for which they are eligible.*

- Sec. 215. Specialized residential care and rehabilitation for certain veterans.*
- Sec. 216. Exemption from copayment requirement for veterans receiving hospice care.*
- Sec. 217. Repeal of limitation on authority to conduct widespread HIV testing program.*
- Sec. 218. Authority to disclose medical records to third party for collection of charges for provision of certain care.*
- Sec. 219. Expanded study on the health impact of Project Shipboard Hazard and Defense.*
- Sec. 220. Use of non-Department facilities for rehabilitation of individuals with traumatic brain injury.*
- Sec. 221. Inclusion of federally recognized tribal organizations in certain programs for State veterans homes.*
- Sec. 222. Extension of pilot program on caregiver assistance services.*
- Sec. 223. Pilot program on provision of dental insurance plans to veterans and survivors and dependents of veterans.*

TITLE III—WOMEN VETERANS HEALTH CARE

- Sec. 301. Report on barriers to receipt of health care for women veterans.*
- Sec. 302. Plan to improve provision of health care services to women veterans.*
- Sec. 303. Independent study on health consequences of women veterans of military service in Operation Iraqi Freedom and Operation Enduring Freedom.*
- Sec. 304. Training and certification for mental health care providers on care for veterans suffering from sexual trauma.*
- Sec. 305. Pilot program on counseling in retreat settings for women veterans newly separated from service in the Armed Forces.*
- Sec. 306. Report on full-time women veterans program managers at medical centers.*
- Sec. 307. Service on certain advisory committees of women recently separated from service in the Armed Forces.*
- Sec. 308. Pilot program on subsidies for child care for certain veterans receiving health care.*
- Sec. 309. Care for newborn children of women veterans receiving maternity care.*

TITLE IV—MENTAL HEALTH CARE

- Sec. 401. Eligibility of members of the Armed Forces who serve in Operation Iraqi Freedom or Operation Enduring Freedom for counseling and services through Readjustment Counseling Service.*
- Sec. 402. Restoration of authority of Readjustment Counseling Service to provide referral and other assistance upon request to former members of the Armed Forces not authorized counseling.*
- Sec. 403. Study on suicides among veterans.*
- Sec. 404. Transfer of funds to Secretary of Health and Human Services for Graduate Psychology Education program.*

TITLE V—HOMELESS VETERANS

- Sec. 501. Pilot program on financial support for entities that coordinate the provision of supportive services to formerly homeless veterans residing on certain military property.*
- Sec. 502. Pilot program on financial support of entities that coordinate the provision of supportive services to formerly homeless veterans residing in permanent housing.*

- Sec. 503. Pilot program on financial support of entities that provide outreach to inform certain veterans about pension benefits.*
- Sec. 504. Pilot program on financial support of entities that provide transportation assistance, child care assistance, and clothing assistance to veterans entitled to a rehabilitation program.*
- Sec. 505. Assessment of pilot programs.*
- Sec. 506. Increased authorization of appropriations for comprehensive service programs.*

TITLE VI—NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

- Sec. 601. General authorities on establishment of corporations.*
- Sec. 602. Clarification of purposes of corporations.*
- Sec. 603. Modification of requirements for boards of directors of corporations.*
- Sec. 604. Clarification of powers of corporations.*
- Sec. 605. Redesignation of section 7364A of title 38, United States Code.*
- Sec. 606. Improved accountability and oversight of corporations.*
- Sec. 607. Repeal of sunset.*

TITLE VII—CONSTRUCTION

- Sec. 701. Authorization of fiscal year 2009 major medical facility projects.*
- Sec. 702. Extension of authorization for Department of Veterans Affairs Medical Center, New Orleans, Louisiana, major medical facility construction project already authorized.*
- Sec. 703. Authorization of fiscal year 2009 major medical facility leases.*
- Sec. 704. Authorization of appropriations.*
- Sec. 705. Increase in threshold for major medical facility leases requiring Congressional approval.*
- Sec. 706. Conveyance of certain non-Federal land by City of Aurora, Colorado, to Secretary of Veterans Affairs for construction of veterans medical facility.*

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Expansion of authority for Department of Veterans Affairs police officers.*
- Sec. 802. Uniform allowance for Department of Veterans Affairs police officers.*
- Sec. 803. Conditions for treatment of veterans, their surviving spouses, and their children as adjudicated mentally incompetent for certain purposes.*

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 of*
 4 *an amendment or repeal to a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

***TITLE I—DEPARTMENT
PERSONNEL MATTERS***

SEC. 101. ENHANCEMENT OF AUTHORITIES FOR RETENTION OF MEDICAL PROFESSIONALS.

(a) SECRETARIAL AUTHORITY TO EXTEND TITLE 38 STATUS TO ADDITIONAL POSITIONS.—

(1) IN GENERAL.—Paragraph (3) of section 7401 is amended by striking “and blind rehabilitation outpatient specialists.” and inserting the following: “blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

“(A) Not later than 45 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate, the Committee on Veterans’ Affairs of the House of Representatives, and the Office of Management and Budget notice of such appointment.

“(B) Before submitting notice under subparagraph (A), the Secretary shall solicit comments from any labor organization representing

1 *employees in such class and include such com-*
 2 *ments in such notice.”.*

3 (2) *APPOINTMENT OF NURSE ASSISTANTS.*—*Such*
 4 *paragraph is further amended by inserting “nurse as-*
 5 *stants,” after “licensed practical or vocational*
 6 *nurses,”.*

7 (b) *PROBATIONARY PERIODS FOR REGISTERED*
 8 *NURSES.*—*Section 7403(b) is amended—*

9 (1) *in paragraph (1), by striking “Appoint-*
 10 *ments” and inserting “Except as otherwise provided*
 11 *in this subsection, appointments”;*

12 (2) *by redesignating paragraph (2) as para-*
 13 *graph (4); and*

14 (3) *by inserting after paragraph (1) the fol-*
 15 *lowing new paragraphs:*

16 “(2) *An appointment of a registered nurse under this*
 17 *chapter, whether on a full-time basis or a part-time basis,*
 18 *shall be for a probationary period ending upon the comple-*
 19 *tion by the person so appointed of a number of hours of*
 20 *work pursuant to such appointment that the Secretary con-*
 21 *siders appropriate for such appointment but not more than*
 22 *4,180 hours.*

23 “(3) *An appointment described in subsection (a) on*
 24 *a part-time basis of a person who has previously served on*

1 *a full-time basis for the probationary period for the position*
 2 *concerned shall be without a probationary period.”.*

3 *(c) PROHIBITION ON TEMPORARY PART-TIME REG-*
 4 *ISTERED NURSE APPOINTMENTS IN EXCESS OF 4,180*
 5 *HOURS.—Section 7405 is amended by adding at the end*
 6 *the following new subsection:*

7 *“(g)(1) Employment of a registered nurse on a tem-*
 8 *porary part-time basis under subsection (a)(1) shall be for*
 9 *a probationary period ending upon the completion by the*
 10 *person so employed of a number of hours of work pursuant*
 11 *to such employment that the Secretary considers appro-*
 12 *priate for such employment but not more than 4,180 hours.*

13 *“(2) Upon completion by a registered nurse of the pro-*
 14 *bationary period described in paragraph (1)—*

15 *“(A) the employment of such nurse shall—*

16 *“(i) no longer be considered temporary; and*

17 *“(ii) be considered an appointment de-*
 18 *scribed in section 7403(a) of this title; and*

19 *“(B) the nurse shall be considered to have served*
 20 *the probationary period required by section 7403(b).”.*

21 *(d) WAIVER OF OFFSET FROM PAY FOR CERTAIN RE-*
 22 *EMPLOYED ANNUITANTS.—*

23 *(1) IN GENERAL.—Section 7405, as amended by*
 24 *subsection (c), is further amended by adding at the*
 25 *end the following new subsection:*

1 “(h)(1) *The Secretary may waive the application of*
 2 *sections 8344 and 8468 of title 5 (relating to annuities and*
 3 *pay on reemployment) or any other similar provision of*
 4 *law under a Government retirement system on a case-by-*
 5 *case basis for an annuitant reemployed on a temporary*
 6 *basis under the authority of subsection (a) in a position*
 7 *described under paragraph (1) of that subsection.*

8 “(2) *An annuitant to whom a waiver under paragraph*
 9 *(1) is in effect shall not be considered an employee for pur-*
 10 *poses of any Government retirement system.*

11 “(3) *An annuitant to whom a waiver under paragraph*
 12 *(1) is in effect shall be subject to the provisions of chapter*
 13 *71 of title 5 (including all labor authority and labor rep-*
 14 *resentative collective bargaining agreements) applicable to*
 15 *the position to which appointed.*

16 “(4) *In this subsection:*

17 “(A) *The term ‘annuitant’ means an annuitant*
 18 *under a Government retirement system.*

19 “(B) *The term ‘employee’ has the meaning under*
 20 *section 2105 of title 5.*

21 “(C) *The term ‘Government retirement system’*
 22 *means a retirement system established by law for em-*
 23 *ployees of the Government of the United States.”.*

24 (2) *EFFECTIVE DATE.—The amendment made by*
 25 *paragraph (1) shall take effect on the date that is six*

1 *months after the date of the enactment of this Act,*
 2 *and shall apply to pay periods beginning on or after*
 3 *such effective date.*

4 *(e) RATE OF BASIC PAY FOR APPOINTEES TO THE OF-*
 5 *FICE OF THE UNDER SECRETARY FOR HEALTH SET TO*
 6 *RATE OF BASIC PAY FOR SENIOR EXECUTIVE SERVICE PO-*
 7 *SITIONS.—*

8 *(1) IN GENERAL.—Section 7404(a) is amended—*

9 *(A) by striking “The annual” and inserting*
 10 *“(1) The annual”;*

11 *(B) by striking “The pay” and inserting the*
 12 *following:*

13 *“(2) The pay”;*

14 *(C) by striking “under the preceding sen-*
 15 *tence” and inserting “under paragraph (1)”;*
 16 *and*

17 *(D) by adding at the end the following new*
 18 *paragraph:*

19 *“(3) The rate of basic pay for a position to which an*
 20 *Executive order applies under paragraph (1) and is not de-*
 21 *scribed by paragraph (2) shall be set in accordance with*
 22 *section 5382 of title 5 as if such position were a Senior*
 23 *Executive Service position (as such term is defined in sec-*
 24 *tion 3132(a) of title 5).”.*

1 (2) *EFFECTIVE DATE.*—*The amendments made*
 2 *by paragraph (1) shall take effect on the first day of*
 3 *the first pay period beginning after the day that is*
 4 *180 days after the date of the enactment of this Act.*

5 (f) *COMPARABILITY PAY PROGRAM FOR APPOINTEES*
 6 *TO THE OFFICE OF THE UNDER SECRETARY FOR*
 7 *HEALTH.*—*Section 7410 is amended—*

8 (1) *by striking “The Secretary may” and insert-*
 9 *ing “(a) IN GENERAL.—The Secretary may”; and*

10 (2) *by adding at the end the following new sub-*
 11 *section:*

12 “(b) *COMPARABILITY PAY FOR APPOINTEES TO THE*
 13 *OFFICE OF THE UNDER SECRETARY FOR HEALTH.*—(1)
 14 *The Secretary may authorize the Under Secretary for*
 15 *Health to provide comparability pay of not more than*
 16 *\$100,000 per year to individuals of the Veterans Health Ad-*
 17 *ministration appointed under section 7306 of this title who*
 18 *are not physicians or dentists and to individuals who are*
 19 *appointed to Senior Executive Service positions (as such*
 20 *term is defined in section 3132(a) of title 5) to achieve an-*
 21 *nual pay levels for such individuals that are comparable*
 22 *with annual pay levels of individuals with similar posi-*
 23 *tions in the private sector.*

1 “(2) Comparability pay under paragraph (1) for an
2 individual is in addition to all other pay, awards, and per-
3 formance bonuses paid to such individual under this title.

4 “(3) Except as provided in paragraph (4), com-
5 parability pay under paragraph (1) for an individual shall
6 be considered basic pay for all purposes, including retire-
7 ment benefits under chapters 83 and 84 of title 5, and other
8 benefits.

9 “(4) Comparability pay under paragraph (1) for an
10 individual shall not be considered basic pay for purposes
11 of adverse actions under subchapter V of this chapter.

12 “(5) Comparability pay under paragraph (1) may not
13 be awarded to an individual in an amount that would re-
14 sult in an aggregate amount of pay (including bonuses and
15 awards) received by such individual in a year under this
16 title that is greater than the annual pay of the President.”.

17 (g) *SPECIAL INCENTIVE PAY FOR DEPARTMENT PHAR-*
18 *MACIST EXECUTIVES.*—Section 7410, as amended by sub-
19 section (f) of this section, is further amended by adding at
20 the end the following new subsection:

21 “(c) *SPECIAL INCENTIVE PAY FOR DEPARTMENT*
22 *PHARMACIST EXECUTIVES.*—(1) In order to recruit and re-
23 tain highly qualified Department pharmacist executives, the
24 Secretary may authorize the Under Secretary for Health
25 to pay special incentive pay of not more than \$40,000 per

1 *year to an individual of the Veterans Health Administra-*
 2 *tion who is a pharmacist executive.*

3 “(2) *In determining whether and how much special*
 4 *pay to provide to such individual, the Under Secretary*
 5 *shall consider the following:*

6 “(A) *The grade and step of the position of the in-*
 7 *dividual.*

8 “(B) *The scope and complexity of the position of*
 9 *the individual.*

10 “(C) *The personal qualifications of the indi-*
 11 *vidual.*

12 “(D) *The characteristics of the labor market con-*
 13 *cerned.*

14 “(E) *Such other factors as the Secretary con-*
 15 *siders appropriate.*

16 “(3) *Special incentive pay under paragraph (1) for*
 17 *an individual is in addition to all other pay (including*
 18 *basic pay) and allowances to which the individual is enti-*
 19 *tled.*

20 “(4) *Except as provided in paragraph (5), special in-*
 21 *centive pay under paragraph (1) for an individual shall*
 22 *be considered basic pay for all purposes, including retire-*
 23 *ment benefits under chapters 83 and 84 of title 5, and other*
 24 *benefits.*

1 “(5) *Special incentive pay under paragraph (1) for*
 2 *an individual shall not be considered basic pay for purposes*
 3 *of adverse actions under subchapter V of this chapter.*

4 “(6) *Special incentive pay under paragraph (1) may*
 5 *not be awarded to an individual in an amount that would*
 6 *result in an aggregate amount of pay (including bonuses*
 7 *and awards) received by such individual in a year under*
 8 *this title that is greater than the annual pay of the Presi-*
 9 *dent.”.*

10 *(h) PAY FOR PHYSICIANS AND DENTISTS.—*

11 *(1) NON-FOREIGN COST OF LIVING ADJUSTMENT*
 12 *ALLOWANCE.—Section 7431(b) is amended by adding*
 13 *at the end the following new paragraph:*

14 “(5) *The non-foreign cost of living adjustment*
 15 *allowance authorized under section 5941 of title 5 for*
 16 *physicians and dentists whose pay is set under this*
 17 *section shall be determined as a percentage of base*
 18 *pay only.”.*

19 *(2) MARKET PAY DETERMINATIONS FOR PHYSI-*
 20 *CANS AND DENTISTS IN ADMINISTRATIVE OR EXECU-*
 21 *TIVE LEADERSHIP POSITIONS.—Section*
 22 *7431(c)(4)(B)(i) is amended by adding at the end the*
 23 *following: “The Secretary may exempt physicians and*
 24 *dentists occupying administrative or executive leader-*

1 *ship positions from the requirements of the previous*
 2 *sentence.”.*

3 (3) *EXCEPTION TO PROHIBITION ON REDUCTION*
 4 *OF MARKET PAY.*—Section 7431(c)(7) is amended by
 5 *striking “concerned.” and inserting “concerned, un-*
 6 *less there is a change in board certification or reduc-*
 7 *tion of privileges.”.*

8 (i) *ADJUSTMENT OF PAY CAP FOR NURSES.*—Section
 9 7451(c)(2) is amended by striking “level V” and inserting
 10 “level IV”.

11 (j) *EXEMPTION FOR CERTIFIED REGISTERED NURSE*
 12 *ANESTHETISTS FROM LIMITATION ON AUTHORIZED COM-*
 13 *PETITIVE PAY.*—Section 7451(c)(2) is further amended by
 14 *adding at the end the following new sentence: “The max-*
 15 *imum rate of basic pay for a grade for the position of cer-*
 16 *tified registered nurse anesthetist pursuant to an adjust-*
 17 *ment under subsection (d) may exceed the maximum rate*
 18 *otherwise provided in the preceding sentence.”.*

19 (k) *LOCALITY PAY SCALE COMPUTATIONS.*—

20 (1) *EDUCATION, TRAINING, AND SUPPORT FOR*
 21 *FACILITY DIRECTORS IN WAGE SURVEYS.*—Section
 22 7451(d)(3) is amended by adding at the end the fol-
 23 *lowing new subparagraph:*

24 “(F) *The Under Secretary for Health shall provide ap-*
 25 *propriate education, training, and support to directors of*

1 *Department health care facilities in the conduct and use*
 2 *of surveys, including the use of third-party surveys, under*
 3 *this paragraph.”.*

4 (2) *INFORMATION ON METHODOLOGY USED IN*
 5 *WAGE SURVEYS.—Section 7451(e)(4) is amended—*

6 (A) *by redesignating subparagraph (D) as*
 7 *subparagraph (E); and*

8 (B) *by inserting after subparagraph (C) the*
 9 *following new subparagraph (D):*

10 “(D) *In any case in which the director conducts*
 11 *such a wage survey during the period covered by the*
 12 *report and makes adjustment in rates of basic pay*
 13 *applicable to one or more covered positions at the fa-*
 14 *cility, information on the methodology used in mak-*
 15 *ing such adjustment or adjustments.”.*

16 (3) *DISCLOSURE OF INFORMATION TO PERSONS*
 17 *IN COVERED POSITIONS.—Section 7451(e), as amend-*
 18 *ed by paragraph (2) of this subsection, is further*
 19 *amended by adding at the end the following new*
 20 *paragraph:*

21 “(6)(A) *Upon the request of an individual described*
 22 *in subparagraph (B) for a report provided under para-*
 23 *graph (4) with respect to a Department health-care facility,*
 24 *the Under Secretary for Health or the director of such facil-*

1 *ity shall provide to the individual the most current report*
 2 *for such facility provided under such paragraph.*

3 “(B) *An individual described in this subparagraph*
 4 *is—*

5 “(i) *an individual in a covered position at a De-*
 6 *partment health-care facility; or*

7 “(ii) *a representative of the labor organization*
 8 *representing that individual who is designated by*
 9 *that individual to make the request.”.*

10 (l) *INCREASED LIMITATION ON SPECIAL PAY FOR*
 11 *NURSE EXECUTIVES.—Section 7452(g)(2) is amended by*
 12 *striking “\$25,000” and inserting “\$100,000”.*

13 (m) *ELIGIBILITY OF PART-TIME NURSES FOR ADDI-*
 14 *TIONAL NURSE PAY.—*

15 (1) *IN GENERAL.—Section 7453 is amended—*

16 (A) *in subsection (a), by striking “a nurse”*
 17 *and inserting “a full-time nurse or part-time*
 18 *nurse”;*

19 (B) *in subsection (b)—*

20 (i) *in the first sentence—*

21 (I) *by striking “on a tour of*
 22 *duty”;*

23 (II) *by striking “service on such*
 24 *tour” and inserting “such service”;*
 25 *and*

1 (III) by striking “of such tour”

2 and inserting “of such service”; and

3 (ii) in the second sentence, by striking

4 “of such tour” and inserting “of such serv-
5 ice”;

6 (C) in subsection (c)—

7 (i) by striking “on a tour of duty”;

8 and

9 (ii) by striking “service on such tour”

10 and inserting “such service”; and

11 (D) in subsection (e)—

12 (i) in paragraph (1), by striking

13 “eight hours in a day” and inserting “eight
14 consecutive hours”; and

15 (ii) in paragraph (5)(A), by striking

16 “tour of duty” and inserting “period of
17 service”.

18 (2) *EXCLUSION OF APPLICATION OF ADDITIONAL*

19 *NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EM-*

20 *PLOYEES.—Paragraph (3) of section 7454(b) is*

21 *amended to read as follows:*

22 “(3) *Employees appointed under section 7408 of this*

23 *title performing service on a tour of duty, any part of which*

24 *is within the period commencing at midnight Friday and*

25 *ending at midnight Sunday, shall receive additional pay*

1 *in addition to the rate of basic pay provided such employees*
 2 *for each hour of service on such tour at a rate equal to*
 3 *25 percent of such employee's hourly rate of basic pay.”.*

4 *(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS*
 5 *FROM LIMITATION ON INCREASE IN RATES OF BASIC*
 6 *PAY.—Section 7455(c)(1) is amended by inserting after*
 7 *“nurse anesthetists,” the following: “licensed practical*
 8 *nurses, licensed vocational nurses, and nursing positions*
 9 *otherwise covered by title 5,”.*

10 **SEC. 102. LIMITATIONS ON OVERTIME DUTY, WEEKEND**
 11 **DUTY, AND ALTERNATIVE WORK SCHEDULES**
 12 **FOR NURSES.**

13 *(a) OVERTIME DUTY.—*

14 *(1) IN GENERAL.—Subchapter IV of chapter 74*
 15 *is amended by adding at the end the following new*
 16 *section:*

17 **“§ 7459. Nursing staff: special rules for overtime duty**

18 *“(a) LIMITATION.—Except as provided in subsection*
 19 *(c), the Secretary may not require nursing staff to work*
 20 *more than 40 hours (or 24 hours if such staff is covered*
 21 *under section 7456 of this title) in an administrative work*
 22 *week or more than eight consecutive hours (or 12 hours if*
 23 *such staff is covered under section 7456 or 7456A of this*
 24 *title).*

1 “(b) *VOLUNTARY OVERTIME.*—(1) *Nursing staff may*
 2 *on a voluntary basis elect to work hours otherwise prohib-*
 3 *ited by subsection (a).*

4 “(2) *The refusal of nursing staff to work hours prohib-*
 5 *ited by subsection (a) shall not be grounds to discriminate*
 6 *(within the meaning of section 704(a) of the Civil Rights*
 7 *Act of 1964 (42 U.S.C. 2000e-3(a))) against the staff, dis-*
 8 *missal or discharge of the staff, or any other adverse per-*
 9 *sonnel action against the staff.*

10 “(c) *OVERTIME UNDER EMERGENCY CIR-*
 11 *CUMSTANCES.*—(1) *Subject to paragraph (2), the Secretary*
 12 *may require nursing staff to work hours otherwise prohib-*
 13 *ited by subsection (a) if—*

14 “(A) *the work is a consequence of an emergency*
 15 *that could not have been reasonably anticipated;*

16 “(B) *the emergency is non-recurring and is not*
 17 *caused by or aggravated by the inattention of the Sec-*
 18 *retary or lack of reasonable contingency planning by*
 19 *the Secretary;*

20 “(C) *the Secretary has exhausted all good faith,*
 21 *reasonable attempts to obtain voluntary workers;*

22 “(D) *the nurse staff have critical skills and ex-*
 23 *pertise that are required for the work; and*

24 “(E) *the work involves work for which the stand-*
 25 *ard of care for a patient assignment requires con-*

1 *tinuity of care through completion of a case, treat-*
 2 *ment, or procedure.*

3 *“(2) Nursing staff may not be required to work hours*
 4 *under this subsection after the requirement for a direct role*
 5 *by the staff in responding to medical needs resulting from*
 6 *the emergency ends.*

7 *“(d) NURSING STAFF DEFINED.—In this section, the*
 8 *term ‘nursing staff’ includes the following;*

9 *“(1) A registered nurse.*

10 *“(2) A licensed practical or vocational nurse.*

11 *“(3) A nurse assistant appointed under this*
 12 *chapter or title 5.*

13 *“(4) Any other nurse position designated by the*
 14 *Secretary for purposes of this section.”.*

15 *(2) CLERICAL AMENDMENT.—The table of sec-*
 16 *tions at the beginning of chapter 74 is amended by*
 17 *inserting after the item relating to section 7458 the*
 18 *following new item:*

“7459. Nursing staff: special rules for overtime duty.”.

19 *(b) WEEKEND DUTY.—Section 7456 is amended—*

20 *(1) by striking subsection (c); and*

21 *(2) by redesignating subsection (d) as subsection*
 22 *(c).*

23 *(c) ALTERNATE WORK SCHEDULES.—*

24 *(1) IN GENERAL.—Section 7456A(b)(1)(A) is*
 25 *amended by striking “three regularly scheduled” and*

1 *all that follows through the period at the end and in-*
 2 *serting “six regularly scheduled 12-hour periods of*
 3 *service within a pay period shall be considered for all*
 4 *purposes to have worked a full 80-hour pay period.”.*

5 (2) CONFORMING AMENDMENTS.—Section
 6 7456A(b) is amended—

7 (A) in the subsection heading, by striking
 8 “36/40” and inserting “72/80”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking
 11 “40-hour basic work week” and inserting
 12 “80-hour pay period”;

13 (ii) in subparagraph (B), by striking
 14 “regularly scheduled 36-hour tour of duty
 15 within the work week” and inserting
 16 “scheduled 72-hour period of service within
 17 the bi-weekly pay period”;

18 (iii) in subparagraph (C)—

19 (I) in clause (i), by striking “reg-
 20 ularly scheduled 36-hour tour of duty
 21 within an administrative work week”
 22 and inserting “scheduled 72-hour pe-
 23 riod of service within an administra-
 24 tive pay period”;

1 (II) in clause (ii), by striking
 2 “regularly scheduled 12-hour tour of
 3 duty” and inserting “scheduled 12-
 4 hour period of service”; and

5 (III) in clause (iii), by striking
 6 “regularly scheduled 36-hour tour of
 7 duty work week” and inserting “sched-
 8 uled 72-hour period of service pay pe-
 9 riod”; and

10 (iv) in subparagraph (D), by striking
 11 “regularly scheduled 12-hour tour of duty”
 12 and inserting “scheduled 12-hour period of
 13 service”; and

14 (C) in paragraph (3), by striking “regu-
 15 larly scheduled 12-hour tour of duty” and insert-
 16 ing “scheduled 12-hour period of service”.

17 **SEC. 103. IMPROVEMENTS TO CERTAIN EDUCATIONAL AS-**
 18 **SISTANCE PROGRAMS.**

19 (a) **REINSTATEMENT OF HEALTH PROFESSIONALS**
 20 **EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—**

21 (1) **IN GENERAL.**—Section 7618 is amended by
 22 striking “December 31, 1998” and inserting “Decem-
 23 ber 31, 2013”.

24 (2) **EXPANSION OF ELIGIBILITY REQUIRE-**
 25 **MENTS.**—Section 7612(b)(2) is amended by striking

1 “(under section” and all that follows through “or vo-
 2 cational nurse.” and inserting the following: “as an
 3 appointee under paragraph (1) or (3) of section 7401
 4 of this title.”.

5 (b) *IMPROVEMENTS TO EDUCATION DEBT REDUCTION*
 6 *PROGRAM.*—

7 (1) *INCLUSION OF EMPLOYEE RETENTION AS*
 8 *PURPOSE OF PROGRAM.*—Section 7681(a)(2) is
 9 amended by inserting “and retention” after “recruit-
 10 ment” the first time it appears.

11 (2) *ELIGIBILITY.*—Section 7682 is amended—

12 (A) in subsection (a)(1), by striking “a re-
 13 cently appointed” and inserting “an”; and

14 (B) by striking subsection (c).

15 (3) *MAXIMUM AMOUNTS OF ASSISTANCE.*—Sec-
 16 tion 7683(d)(1) is amended—

17 (A) by striking “\$44,000” and inserting
 18 “\$60,000”; and

19 (B) by striking “\$10,000” and inserting
 20 “\$12,000”.

21 (c) *LOAN REPAYMENT PROGRAM FOR CLINICAL RE-*
 22 *SEARCHERS FROM DISADVANTAGED BACKGROUNDS.*—

23 (1) *IN GENERAL.*—The Secretary of Veterans Af-
 24 fairs may, in consultation with the Secretary of
 25 Health and Human Services, utilize the authorities

1 *available in section 487E of the Public Health Service*
 2 *Act (42 U.S.C. 288–5) for the repayment of the prin-*
 3 *cipal and interest of educational loans of appro-*
 4 *priately qualified health professionals who are from*
 5 *disadvantaged backgrounds in order to secure clinical*
 6 *research by such professionals for the Veterans Health*
 7 *Administration.*

8 (2) *LIMITATIONS.—The exercise by the Secretary*
 9 *of Veterans Affairs of the authorities referred to in*
 10 *paragraph (1) shall be subject to the conditions and*
 11 *limitations specified in paragraphs (2) and (3) of sec-*
 12 *tion 487E(a) of the Public Health Service Act (42*
 13 *U.S.C. 288–5(2) and (3)).*

14 (3) *FUNDING.—Amounts for the repayment of*
 15 *principal and interest of educational loans under this*
 16 *subsection shall be derived from amounts available to*
 17 *the Secretary of Veterans for the Veterans Health Ad-*
 18 *ministration for Medical Services.*

19 **SEC. 104. STANDARDS FOR APPOINTMENT AND PRACTICE**
 20 **OF PHYSICIANS IN DEPARTMENT OF VET-**
 21 **ERANS AFFAIRS MEDICAL FACILITIES.**

22 (a) *STANDARDS.—*

23 (1) *IN GENERAL.—Subchapter I of chapter 74 is*
 24 *amended by inserting after section 7402 the following*
 25 *new section:*

1 **“§ 7402A. Appointment and practice of physicians:**
 2 **standards**

3 “(a) *IN GENERAL.*—*The Secretary shall, acting*
 4 *through the Under Secretary for Health, prescribe stand-*
 5 *ards to be met by individuals in order to qualify for ap-*
 6 *pointment in the Veterans Health Administration in the*
 7 *position of physician and to practice as a physician in*
 8 *medical facilities of the Administration. The standards*
 9 *shall incorporate the requirements of this section.*

10 “(b) *DISCLOSURE OF CERTAIN INFORMATION BEFORE*
 11 *APPOINTMENT.*—*Each individual seeking appointment in*
 12 *the Veterans Health Administration in the position of phy-*
 13 *sician shall do the following:*

14 “(1) *Provide the Secretary a full and complete*
 15 *explanation of the following:*

16 “(A) *Each lawsuit, civil action, or other*
 17 *claim (whether open or closed) brought against*
 18 *the individual for medical malpractice or neg-*
 19 *ligence (other than a lawsuit, action, or claim*
 20 *closed without any judgment against or payment*
 21 *by or on behalf of the individual).*

22 “(B) *Each payment made by or on behalf*
 23 *of the individual to settle any lawsuit, action, or*
 24 *claim covered by subparagraph (A).*

1 “(C) *Each investigation or disciplinary ac-*
2 *tion taken against the individual relating to the*
3 *individual’s performance as a physician.*

4 “(2) *Submit a written request and authorization*
5 *to the State licensing board of each State in which the*
6 *individual holds or has held a license to practice med-*
7 *icine to disclose to the Secretary any information in*
8 *the records of such State on the following:*

9 “(A) *Each lawsuit, civil action, or other*
10 *claim brought against the individual for medical*
11 *malpractice or negligence covered by paragraph*
12 *(1)(A) that occurred in such State.*

13 “(B) *Each payment made by or on behalf*
14 *of the individual to settle any lawsuit, action, or*
15 *claim covered by subparagraph (A).*

16 “(C) *Each medical malpractice judgment*
17 *against the individual by the courts or adminis-*
18 *trative agencies or bodies of such State.*

19 “(D) *Each disciplinary action taken or*
20 *under consideration against the individual by*
21 *an administrative agency or body of such State.*

22 “(E) *Any change in the status of the license*
23 *to practice medicine issued the individual by*
24 *such State, including any voluntary or nondis-*

1 *ciplinary surrendering of such license by the in-*
 2 *dividual.*

3 “(F) *Any open investigation of the indi-*
 4 *vidual by an administrative agency or body of*
 5 *such State, or any outstanding allegation*
 6 *against the individual before such an adminis-*
 7 *trative agency or body.*

8 “(G) *Any written notification by the State*
 9 *to the individual of potential termination of a li-*
 10 *cense for cause or otherwise.*

11 “(c) *DISCLOSURE OF CERTAIN INFORMATION FOL-*
 12 *LOWING APPOINTMENT.—(1) Each individual appointed in*
 13 *the Veterans Health Administration in the position of phy-*
 14 *sician after the date of the enactment of this section shall,*
 15 *as a condition of service under the appointment, disclose*
 16 *to the Secretary, not later than 30 days after the occurrence*
 17 *of such event, the following:*

18 “(A) *A judgment against the individual for med-*
 19 *ical malpractice or negligence.*

20 “(B) *A payment made by or on behalf of the in-*
 21 *dividual to settle any lawsuit, action, or claim dis-*
 22 *closed under paragraph (1) or (2) of subsection (b).*

23 “(C) *Any disposition of or material change in a*
 24 *matter disclosed under paragraph (1) or (2) of sub-*
 25 *section (b).*

1 “(2) *Each individual appointed in the Veterans*
 2 *Health Administration in the position of physician as of*
 3 *the date of the enactment of this section shall do the fol-*
 4 *lowing:*

5 “(A) *Not later than the end of the 60-day period*
 6 *beginning on the date of the enactment of that Act*
 7 *and as a condition of service under the appointment*
 8 *after the end of that period, submit the request and*
 9 *authorization described in subsection (b)(2).*

10 “(B) *Agree, as a condition of service under the*
 11 *appointment, to disclose to the Secretary, not later*
 12 *than 30 days after the occurrence of such event, the*
 13 *following:*

14 “(i) *A judgment against the individual for*
 15 *medical malpractice or negligence.*

16 “(ii) *A payment made by or on behalf of the*
 17 *individual to settle any lawsuit, action, or claim*
 18 *disclosed pursuant to subparagraph (A) or under*
 19 *this subparagraph.*

20 “(iii) *Any disposition of or material change*
 21 *in a matter disclosed pursuant to subparagraph*
 22 *(A) or under this subparagraph.*

23 “(3) *Each individual appointed in the Veterans*
 24 *Health Administration in the position of physician shall,*
 25 *as part of the biennial review of the performance of the phy-*

1 sician under the appointment, submit the request and au-
 2 thorization described in subsection (b)(2). The requirement
 3 of this paragraph is in addition to the requirements of
 4 paragraph (1) or (2), as applicable.

5 “(d) *INVESTIGATION OF DISCLOSED MATTERS.—*(1)
 6 *The Director of the Veterans Integrated Services Network*
 7 *(VISN) in which an individual is seeking appointment in*
 8 *the Veterans Health Administration in the position of phy-*
 9 *sician shall perform an investigation (in such manner as*
 10 *the standards required by this section shall specify) of each*
 11 *matter disclosed under subsection (b) with respect to the in-*
 12 *dividual.*

13 “(2) *The Director of the Veterans Integrated Services*
 14 *Network in which an individual is appointed in the Vet-*
 15 *erans Health Administration in the position of physician*
 16 *shall perform an investigation (in a manner so specified)*
 17 *of each matter disclosed under subsection (c) with respect*
 18 *to the individual.*

19 “(3) *The results of each investigation performed under*
 20 *this subsection shall be fully documented.*

21 “(e) *APPROVAL OF APPOINTMENTS BY DIRECTORS OF*
 22 *VISNs.—*(1) *An individual may not be appointed in the*
 23 *Veterans Health Administration in the position of physi-*
 24 *cian without the approval of the Director of the Veterans*

1 *Integrated Services Network in which the individual will*
 2 *first serve under the appointment.*

3 “(2) *In approving the appointment under this sub-*
 4 *section of an individual for whom any matters have been*
 5 *disclosed under subsection (b), a Director shall—*

6 “(A) *certify in writing the completion of the per-*
 7 *formance of the investigation under subsection (d)(1)*
 8 *of each such matter, including the results of such in-*
 9 *vestigation; and*

10 “(B) *provide a written justification why any*
 11 *matters raised in the course of such investigation do*
 12 *not disqualify the individual from appointment.*

13 “(f) *ENROLLMENT OF PHYSICIANS WITH PRACTICE*
 14 *PRIVILEGES IN PROACTIVE DISCLOSURE SERVICE.—Each*
 15 *medical facility of the Department at which physicians are*
 16 *extended the privileges of practice shall enroll each physi-*
 17 *cian extended such privileges in the Proactive Disclosure*
 18 *Service of the National Practitioner Data Bank.*

19 “(g) *ENCOURAGING HIRING OF PHYSICIANS WITH*
 20 *BOARD CERTIFICATION.—(1) The Secretary shall, for each*
 21 *performance contract with a Director of a Veterans Inte-*
 22 *grated Services Network (VISN), include in such contract*
 23 *a provision that encourages such director to hire physicians*
 24 *who are board eligible or board certified in the specialty*
 25 *in which the physicians will practice.*

1 “(2) *The Secretary may determine the nature and*
 2 *manner of the provision described in paragraph (1).’’*

3 (2) *CLERICAL AMENDMENT.—The table of sec-*
 4 *tions at the beginning of chapter 74 is amended by*
 5 *inserting after the item relating to section 7402 the*
 6 *following new item:*

“7402A. Appointment and practice of physicians: standards.”.

7 (b) *EFFECTIVE DATE AND APPLICABILITY.—*

8 (1) *EFFECTIVE DATE.—Except as provided in*
 9 *paragraphs (2) and (3), the amendments made by*
 10 *subsection (a) shall take effect on the date of the en-*
 11 *actment of this Act.*

12 (2) *APPLICABILITY OF CERTAIN REQUIREMENTS*
 13 *TO PHYSICIANS PRACTICING ON EFFECTIVE DATE.—In*
 14 *the case of an individual appointed to the Veterans*
 15 *Health Administration in the position of physician as*
 16 *of the date of the enactment of this Act, the require-*
 17 *ments of section 7402A(f) of title 38, United States*
 18 *Code, as added by subsection (a) of this section, shall*
 19 *take effect on the date that is 60 days after the date*
 20 *of the enactment of this Act.*

21 (3) *APPLICABILITY OF REQUIREMENTS RELATED*
 22 *TO HIRING OF PHYSICIANS WITH BOARD CERTIFI-*
 23 *CATION.—The requirement of section 7402A(g) of such*
 24 *title, as added by subsection (a), shall begin with the*
 25 *first cycle of performance contracts for directors of*

1 *Veterans Integrated Services Networks beginning after*
 2 *the date of the enactment of this Act.*

3 ***TITLE II—HEALTH CARE***
 4 ***MATTERS***

5 ***SEC. 201. REPEAL OF SUNSET ON INCLUSION OF NON-***
 6 ***INSTITUTIONAL EXTENDED CARE SERVICES***
 7 ***IN DEFINITION OF MEDICAL SERVICES.***

8 *Section 1701 is amended—*

9 *(1) by striking paragraph (10); and*

10 *(2) in paragraph (6)—*

11 *(A) by redesignating subparagraphs (E)*
 12 *and (F) as subparagraphs (F) and (G), respec-*
 13 *tively; and*

14 *(B) by inserting after subparagraph (D) the*
 15 *following new subparagraph (E):*

16 *“(E) Noninstitutional extended care serv-*
 17 *ices, including alternatives to institutional ex-*
 18 *tended care which the Secretary may furnish di-*
 19 *rectly, by contract, or through provision of case*
 20 *management by another provider or payor.”.*

21 ***SEC. 202. EXTENSIONS OF CERTAIN AUTHORITIES.***

22 *(a) NURSING HOME CARE.—Section 1710A(d) is*
 23 *amended by striking “December 31, 2008” and inserting*
 24 *“December 31, 2013”.*

1 (b) *RECOVERY AUDITS*.—Section 1703(d)(4) is amend-
 2 ed by striking “September 30, 2008” and inserting “Sep-
 3 tember 30, 2013”.

4 **SEC. 203. PERMANENT AUTHORITY FOR PROVISION OF HOS-**
 5 **PITAL CARE, MEDICAL SERVICES, AND NURS-**
 6 **ING HOME CARE TO VETERANS WHO PARTICI-**
 7 **PATED IN CERTAIN CHEMICAL AND BIOLOGI-**
 8 **CAL TESTING CONDUCTED BY THE DEPART-**
 9 **MENT OF DEFENSE.**

10 Section 1710(e)(3) is amended—

11 (1) in subparagraph (B), by adding “and” at
 12 the end;

13 (2) in subparagraph (C)(ii), by striking “; and”
 14 and inserting a period; and

15 (3) by striking subparagraph (D).

16 **SEC. 204. REPEAL OF CERTAIN ANNUAL REPORTING RE-**
 17 **QUIREMENTS.**

18 (a) *NURSE PAY REPORT*.—Section 7451 is amended—

19 (1) by striking subsection (f); and

20 (2) by redesignating subsection (g) as subsection
 21 (f).

22 (b) *LONG-TERM PLANNING REPORT*.—

23 (1) *IN GENERAL*.—Section 8107 is repealed.

1 (2) *CONFORMING AMENDMENT.*—*The table of sec-*
 2 *tions at the beginning of chapter 81 is amended by*
 3 *striking the item relating to section 8107.*

4 **SEC. 205. MODIFICATIONS TO ANNUAL GULF WAR RE-**
 5 **SEARCH REPORT.**

6 *Section 707(c)(1) of the Persian Gulf War Veterans’*
 7 *Health Status Act (title VII of Public Law 102–585; 38*
 8 *U.S.C. 527 note) is amended by striking “Not later than*
 9 *March 1 of each year” and inserting “Not later than July*
 10 *1, 2008, and July 1 of each of the five following years”.*

11 **SEC. 206. PAYMENT FOR CARE FURNISHED TO CHAMPVA**
 12 **BENEFICIARIES.**

13 *Section 1781 is amended at the end by adding the fol-*
 14 *lowing new subsection:*

15 *“(e) Payment by the Secretary under this section on*
 16 *behalf of a covered beneficiary for medical care shall con-*
 17 *stitute payment in full and extinguish any liability on the*
 18 *part of the beneficiary for that care.”.*

19 **SEC. 207. PAYOR PROVISIONS FOR CARE FURNISHED TO**
 20 **CERTAIN CHILDREN OF VIETNAM VETERANS.**

21 *(a) CHILDREN OF VIETNAM VETERANS BORN WITH*
 22 *SPINA BIFIDA.*—*Section 1803 is amended—*

23 *(1) by redesignating subsection (c) as subsection*
 24 *(d); and*

1 (2) by inserting after subsection (b) the following
2 new subsection (c):

3 “(c) Where payment by the Secretary under this sec-
4 tion is less than the amount of the charges billed, the health
5 care provider or agent of the health care provider may seek
6 payment for the difference between the amount billed and
7 the amount paid by the Secretary from a responsible third
8 party to the extent that the provider or agent thereof would
9 be eligible to receive payment for such care or services from
10 such third party, but—

11 “(1) the health care provider or agent for the
12 health care provider may not impose any additional
13 charge on the beneficiary who received the medical
14 care, or the family of such beneficiary, for any service
15 or item for which the Secretary has made payment
16 under this section;

17 “(2) the total amount of payment a provider or
18 agent of the provider may receive for care and serv-
19 ices furnished under this section may not exceed the
20 amount billed to the Secretary; and

21 “(3) the Secretary, upon request, shall disclose to
22 such third party information received for the purposes
23 of carrying out this section.”.

24 (b) *CHILDREN OF WOMEN VIETNAM VETERANS BORN*
25 *WITH BIRTH DEFECTS.*—Section 1813 is amended—

1 (1) by redesignating subsection (c) as subsection
2 (d); and

3 (2) by inserting after subsection (b) the following
4 new subsection (c):

5 “(c) *SEEKING PAYMENT FROM THIRD PARTIES.—*

6 *Where payment by the Secretary under this section is less*
7 *than the amount of the charges billed, the health care pro-*
8 *vider or agent of the health care provider may seek payment*
9 *for the difference between the amount billed and the amount*
10 *paid by the Secretary from a responsible third party to the*
11 *extent that the health care provider or agent thereof would*
12 *be eligible to receive payment for such care or services from*
13 *such third party, but—*

14 “(1) *the health care provider or agent for the*
15 *health care provider may not impose any additional*
16 *charge on the beneficiary who received medical care,*
17 *or the family of such beneficiary, for any service or*
18 *item for which the Secretary has made payment*
19 *under this section;*

20 “(2) *the total amount of payment a provider or*
21 *agent of the provider may receive for care and serv-*
22 *ices furnished under this section may not exceed the*
23 *amount billed to the Secretary; and*

1 “(3) the Secretary, upon request, shall disclose to
 2 such third party information received for the purposes
 3 of carrying out this section.”.

4 **SEC. 208. DISCLOSURES FROM CERTAIN MEDICAL**
 5 **RECORDS.**

6 Section 7332(b)(2) is amended by adding at the end
 7 the following new subparagraph:

8 “(F)(i) To a representative of a patient who
 9 lacks decision-making capacity, when a practitioner
 10 deems the content of the given record necessary for
 11 that representative to make an informed decision re-
 12 garding the patient’s treatment.

13 “(ii) In this subparagraph, the term ‘representa-
 14 tive’ means an individual, organization, or other
 15 body authorized under section 7331 of this title and
 16 its implementing regulations to give informed consent
 17 on behalf of a patient who lacks decision-making ca-
 18 pacity.”.

19 **SEC. 209. DISCLOSURE TO SECRETARY OF HEALTH-PLAN**
 20 **CONTRACT INFORMATION AND SOCIAL SECU-**
 21 **RITY NUMBER OF CERTAIN VETERANS RE-**
 22 **CEIVING CARE.**

23 (a) *IN GENERAL.*—Subchapter I of chapter 17 is
 24 amended by adding at the end the following new section:

1 **“§1709. Disclosure to Secretary of health-plan con-**
 2 **tract information and social security**
 3 **number of certain veterans receiving care**

4 “(a) *REQUIRED DISCLOSURE OF HEALTH-PLAN CON-*
 5 *TRACTS.—(1) Any individual who applies for or is in re-*
 6 *ceipt of care described in paragraph (2) shall, at the time*
 7 *of such application, or otherwise when requested by the Sec-*
 8 *retary, submit to the Secretary such current information*
 9 *as the Secretary may require to identify any health-plan*
 10 *contract (as defined in section 1729(i) of this title) under*
 11 *which such individual is covered, to include, as applica-*
 12 *ble—*

13 “(A) *the name, address, and telephone number of*
 14 *such health-plan contract;*

15 “(B) *the name of the individual’s spouse, if the*
 16 *individual’s coverage is under the spouse’s health-plan*
 17 *contract;*

18 “(C) *the plan number; and*

19 “(D) *the plan’s group code.*

20 “(2) *The care described in this paragraph is—*

21 “(A) *hospital, nursing home, or domiciliary*
 22 *care;*

23 “(B) *medical, rehabilitative, or preventive health*
 24 *services; or*

25 “(C) *other medical care under laws administered*
 26 *by the Secretary.*

1 “(b) *REQUIRED DISCLOSURE OF SOCIAL SECURITY*
 2 *NUMBER.—(1) Any individual who applies for or is in re-*
 3 *ceipt of care described in paragraph (2) shall, at the time*
 4 *of such application, or otherwise when requested by the Sec-*
 5 *retary, submit to the Secretary—*

6 “(A) *the individual’s Social Security number;*
 7 *and*

8 “(B) *the Social Security number of any depend-*
 9 *ent or Department beneficiary on whose behalf, or*
 10 *based upon whom, such individual applies for or is*
 11 *in receipt of such care.*

12 “(2) *The care described in this paragraph is—*

13 “(A) *hospital, nursing home, or domiciliary*
 14 *care;*

15 “(B) *medical, rehabilitative, or preventive health*
 16 *services; or*

17 “(C) *other medical care under laws administered*
 18 *by the Secretary.*

19 “(3) *This subsection does not require an individual to*
 20 *furnish the Secretary with a Social Security number for*
 21 *any individual to whom a Social Security number has not*
 22 *been assigned.*

23 “(c) *FAILURE TO DISCLOSE SOCIAL SECURITY NUM-*
 24 *BER.—(1) The Secretary shall deny an individual’s appli-*
 25 *cation for, or may terminate an individual’s enrollment in,*

1 *the system of patient enrollment established by the Sec-*
 2 *retary under section 1705 of this title, if such individual*
 3 *does not provide the Social Security number required or*
 4 *requested to be submitted pursuant to subsection (b).*

5 “(2) *Following a denial or termination under para-*
 6 *graph (1) with respect to an individual, the Secretary may,*
 7 *upon receipt of the information required or requested under*
 8 *subsection (b), approve such individual’s application or re-*
 9 *instate such individual’s enrollment (if otherwise in order),*
 10 *for such medical care and services provided on and after*
 11 *the date of such receipt of information.*

12 “(d) *CONSTRUCTION.—Nothing in this section shall be*
 13 *construed as authority to deny medical care and treatment*
 14 *to an individual in a medical emergency.”.*

15 (b) *CLERICAL AMENDMENT.—The table of sections at*
 16 *the beginning of such chapter 17 is amended by inserting*
 17 *after the item relating to section 1708 the following new*
 18 *item:*

“1709. Disclosure to Secretary of health-plan contract information and Social Se-
curity number of certain veterans receiving care.”.

19 **SEC. 210. ENHANCEMENT OF QUALITY ASSURANCE.**

20 (a) *ENHANCEMENT OF QUALITY ASSURANCE*
 21 *THROUGH QUALITY ASSURANCE OFFICERS.—*

22 (1) *IN GENERAL.—Subchapter II of chapter 73 is*
 23 *amended by inserting after section 7311 the following*
 24 *new section:*

1 **“§ 7311A. Quality assurance officers**

2 “(a) NATIONAL QUALITY ASSURANCE OFFICER.—(1)
 3 *The Under Secretary for Health shall designate an official*
 4 *of the Veterans Health Administration to act as the prin-*
 5 *cipal quality assurance officer for the quality assurance*
 6 *program required by section 7311 of this title. The official*
 7 *so designated may be known as the ‘National Quality As-*
 8 *surance Officer of the Veterans Health Administration’ (in*
 9 *this section referred to as the ‘National Quality Assurance*
 10 *Officer’).*

11 “(2) *The National Quality Assurance Officer shall re-*
 12 *port directly to the Under Secretary for Health in the dis-*
 13 *charge of responsibilities and duties of the Officer under this*
 14 *section.*

15 “(3) *The National Quality Assurance Officer shall be*
 16 *the official within the Veterans Health Administration who*
 17 *is principally responsible for the quality assurance program*
 18 *referred to in paragraph (1). In carrying out that responsi-*
 19 *bility, the Officer shall be responsible for—*

20 “(A) *establishing and enforcing the requirements*
 21 *of that program; and*

22 “(B) *carrying out such other responsibilities and*
 23 *duties relating to quality assurance in the Veterans*
 24 *Health Administration as the Under Secretary for*
 25 *Health shall specify.*

1 “(4) *The requirements under paragraph (3) shall in-*
 2 *clude requirements regarding the following:*

3 “(A) *A confidential system for the submittal of*
 4 *reports by Veterans Health Administration personnel*
 5 *regarding quality assurance at Department facilities.*

6 “(B) *Mechanisms for the peer review of the ac-*
 7 *tions of individuals appointed in the Veterans Health*
 8 *Administration in the position of physician.*

9 “(C) *Mechanisms for the accountability of the fa-*
 10 *cility director and chief medical officer of each Vet-*
 11 *erans Health Administration medical facility for the*
 12 *actions of physicians in such facility.*

13 “(b) *QUALITY ASSURANCE OFFICERS FOR VISNs.—(1)*
 14 *The Regional Director of each Veterans Integrated Services*
 15 *Network (VISN) shall appoint an official of the Network*
 16 *to act as the quality assurance officer of the Network.*

17 “(2) *The quality assurance officer for a Veterans Inte-*
 18 *grated Services Network shall report to the Regional Direc-*
 19 *tor of the Veterans Integrated Services Network, and to the*
 20 *National Quality Assurance Officer, regarding the dis-*
 21 *charge of the responsibilities and duties of the officer under*
 22 *this section.*

23 “(3) *The quality assurance officer for a Veterans Inte-*
 24 *grated Services Network shall—*

1 “(A) direct the quality assurance office in the
2 Network; and

3 “(B) coordinate, monitor, and oversee the quality
4 assurance programs and activities of the Administra-
5 tion medical facilities in the Network in order to en-
6 sure the thorough and uniform discharge of quality
7 assurance requirements under such programs and ac-
8 tivities throughout such facilities.

9 “(c) *QUALITY ASSURANCE OFFICERS FOR MEDICAL*
10 *FACILITIES.*—(1) *The director of each Veterans Health Ad-*
11 *ministration medical facility shall appoint a quality assur-*
12 *ance officer for that facility.*

13 “(2) *The official appointed as a quality assurance offi-*
14 *cer for a facility under this subsection shall be a practicing*
15 *physician at the facility. If the official appointed as quality*
16 *assurance officer for a facility has other clinical or admin-*
17 *istrative duties, the director of the facility shall ensure that*
18 *those duties are sufficiently limited in scope so as to ensure*
19 *that those duties do not prevent the officer from effectively*
20 *discharging the responsibilities and duties of quality assur-*
21 *ance officer at the facility.*

22 “(3) *The quality assurance officer for a facility shall*
23 *report directly to the director of the facility, and to the*
24 *quality assurance officer of the Veterans Integrated Services*
25 *Network in which the facility is located, regarding the dis-*

1 *charge of the responsibilities and duties of the quality assur-*
 2 *ance officer under this section.*

3 “(4) *The quality assurance officer for a facility shall*
 4 *be responsible for designing, disseminating, and imple-*
 5 *menting quality assurance programs and activities for the*
 6 *facility that meet the requirements established by the Na-*
 7 *tional Quality Assurance Officer under subsection (a).”.*

8 (2) *CLERICAL AMENDMENT.—The table of sec-*
 9 *tions at the beginning of chapter 73 is amended by*
 10 *inserting after the item relating to section 7311 the*
 11 *following new item:*

“7311A. Quality assurance officers.”.

12 (b) *REPORTS ON QUALITY CONCERNS UNDER QUALITY*
 13 *ASSURANCE PROGRAM.—Section 7311(b) is amended by*
 14 *adding at the end the following new paragraph:*

15 “(4) *As part of the quality assurance program, the*
 16 *Under Secretary for Health shall establish mechanisms*
 17 *through which employees of Veterans Health Administra-*
 18 *tion facilities may submit reports, on a confidential basis,*
 19 *on matters relating to quality of care in Veterans Health*
 20 *Administration facilities to the quality assurance officers*
 21 *of such facilities under section 7311A(b) of this title. The*
 22 *mechanisms shall provide for the prompt and thorough re-*
 23 *view of any reports so submitted by the receiving officials.”.*

24 (c) *REVIEW OF CURRENT HEALTH CARE QUALITY*
 25 *SAFEGUARDS.—*

1 (1) *IN GENERAL.*—*The Secretary of Veterans Af-*
2 *fairs shall conduct a comprehensive review of all cur-*
3 *rent policies and protocols of the Department of Vet-*
4 *erans Affairs for maintaining health care quality and*
5 *patient safety at Department medical facilities. The*
6 *review shall include a review and assessment of the*
7 *National Surgical Quality Improvement Program*
8 *(NSQIP), including an assessment of—*

9 *(A) the efficacy of the quality indicators*
10 *under the program;*

11 *(B) the efficacy of the data collection meth-*
12 *ods under the program;*

13 *(C) the efficacy of the frequency with which*
14 *regular data analyses are performed under the*
15 *program; and*

16 *(D) the extent to which the resources allo-*
17 *cated to the program are adequate to fulfill the*
18 *stated function of the program.*

19 (2) *REPORT.*—*Not later than 60 days after the*
20 *date of the enactment of this Act, the Secretary shall*
21 *submit to Congress a report on the review conducted*
22 *under paragraph (1), including the findings of the*
23 *Secretary as a result of the review and such rec-*
24 *ommendations as the Secretary considers appropriate*
25 *in light of the review.*

1 **SEC. 211. REPORTS ON IMPROVEMENTS TO DEPARTMENT**
 2 **HEALTH CARE QUALITY ASSURANCE.**

3 (a) *REPORT.*—Not later than December 15, 2009, and
 4 each year thereafter through 2012, the Secretary of Veterans
 5 Affairs shall submit to the congressional veterans affairs
 6 committees a report on the implementation of sections 104
 7 and 210 of this Act and the amendments made by such sec-
 8 tions during the preceding fiscal year. Each report shall
 9 include, for the fiscal year covered by such report, the fol-
 10 lowing:

11 (1) *A comprehensive description of the imple-*
 12 *mentation of sections 104 and 210 of this Act and the*
 13 *amendments made by such sections.*

14 (2) *Such recommendations as the Secretary con-*
 15 *siders appropriate for legislative or administrative*
 16 *action to improve the authorities and requirements in*
 17 *such sections and the amendments made by such sec-*
 18 *tions or to otherwise improve the quality of health*
 19 *care and the quality of the physicians in the Veterans*
 20 *Health Administration.*

21 (b) **CONGRESSIONAL VETERANS AFFAIRS COMMITTEES**
 22 **DEFINED.**—In this section, the term “congressional vet-
 23 erans affairs committees” means—

24 (1) *the Committees on Veterans’ Affairs and Ap-*
 25 *propriations of the Senate; and*

1 (2) *the Committees on Veterans' Affairs and Ap-*
 2 *propriations of the House of Representatives.*

3 **SEC. 212. PILOT PROGRAM ON TRAINING AND CERTIFI-**
 4 **CATION FOR FAMILY CAREGIVER PERSONAL**
 5 **CARE ATTENDANTS FOR VETERANS AND**
 6 **MEMBERS OF THE ARMED FORCES WITH**
 7 **TRAUMATIC BRAIN INJURY.**

8 (a) *PILOT PROGRAM AUTHORIZED.*—*The Secretary of*
 9 *Veterans Affairs shall, in collaboration with the Secretary*
 10 *of Defense, carry out a pilot program to assess the feasi-*
 11 *bility and advisability of providing training and certifi-*
 12 *cation for family caregivers of veterans and members of the*
 13 *Armed Forces with traumatic brain injury as personal care*
 14 *attendants of such veterans and members.*

15 (b) *DURATION OF PROGRAM.*—*The pilot program re-*
 16 *quired by subsection (a) shall be carried out during the*
 17 *three-year period beginning on the date of the commence-*
 18 *ment of the pilot program.*

19 (c) *LOCATIONS.*—

20 (1) *IN GENERAL.*—*The pilot program under this*
 21 *section shall be carried out—*

22 (A) *in three medical facilities of the Depart-*
 23 *ment of Veterans Affairs; and*

24 (B) *if determined appropriate by the Sec-*
 25 *retary of Veterans Affairs and the Secretary of*

1 *Defense, one medical facility of the Department*
 2 *of Defense.*

3 (2) *EMPHASIS ON POLYTRAUMA CENTERS.—In*
 4 *selecting the locations of the pilot program at facili-*
 5 *ties of the Department of Veterans Affairs, the Sec-*
 6 *retary of Veterans Affairs shall give special emphasis*
 7 *to the polytrauma centers of the Department of Vet-*
 8 *erans Affairs designated as Tier I polytrauma cen-*
 9 *ters.*

10 (d) *TRAINING CURRICULA.—*

11 (1) *IN GENERAL.—The Secretary of Veterans Af-*
 12 *fairs shall develop curricula for the training of per-*
 13 *sonal care attendants under the pilot program under*
 14 *this section. Such curricula shall incorporate—*

15 (A) *applicable standards and protocols uti-*
 16 *lized by certification programs of national brain*
 17 *injury care specialist organizations; and*

18 (B) *best practices recognized by caregiving*
 19 *organizations.*

20 (2) *USE OF EXISTING CURRICULA.—In devel-*
 21 *oping the curricula required by paragraph (1), the*
 22 *Secretary of Veterans Affairs shall, to the extent prac-*
 23 *ticable, utilize and expand upon training curricula*
 24 *developed pursuant to section 744(b) of the John War-*

1 *ner National Defense Authorization Act for Fiscal*
 2 *Year 2007 (Public Law 109–364; 120 Stat. 2308).*

3 *(e) PARTICIPATION IN PROGRAMS.—*

4 *(1) IN GENERAL.—The Secretary of Veterans Af-*
 5 *fairs shall determine the eligibility of a family mem-*
 6 *ber of a veteran or member of the Armed Forces for*
 7 *participation in the pilot program under this section.*

8 *(2) BASIS FOR DETERMINATION.—A determina-*
 9 *tion made under paragraph (1) shall be based on the*
 10 *needs of the veteran or member of the Armed Forces*
 11 *concerned, as determined by the physician of such vet-*
 12 *eran or member.*

13 *(f) ELIGIBILITY FOR COMPENSATION.—A family care-*
 14 *giver of a veteran or member of the Armed Forces who re-*
 15 *ceives certification as a personal care attendant under the*
 16 *pilot program under this section shall be eligible for com-*
 17 *pensation from the Department of Veterans Affairs for care*
 18 *provided to such veteran or member.*

19 *(g) COSTS OF TRAINING.—*

20 *(1) TRAINING OF FAMILIES OF VETERANS.—Any*
 21 *costs of training provided under the pilot program*
 22 *under this section for family members of veterans*
 23 *shall be borne by the Secretary of Veterans Affairs.*

24 *(2) TRAINING OF FAMILIES OF MEMBERS OF THE*
 25 *ARMED FORCES.—The Secretary of Defense shall re-*

1 *imburse the Secretary of Veterans Affairs for any*
 2 *costs of training provided under the pilot program for*
 3 *family members of members of the Armed Forces.*

4 *(h) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—*

5 *(1) IN GENERAL.—The Secretary of Veterans Af-*
 6 *fairs may provide to a family caregiver who receives*
 7 *training under a pilot program under this section—*

8 *(A) an assessment of their needs with re-*
 9 *spect to their role as a family caregiver; and*

10 *(B) a referral to services and support*
 11 *that—*

12 *(i) are relevant to any needs identified*
 13 *in such assessment; and*

14 *(ii) are provided in the community*
 15 *where the family caregiver resides, includ-*
 16 *ing such services and support provided by*
 17 *community-based organizations, publicly-*
 18 *funded programs, and the Department of*
 19 *Veterans Affairs.*

20 *(2) USE OF EXISTING TOOLS.—In developing*
 21 *and administering an assessment under paragraph*
 22 *(1), the Secretary shall, to the extent practicable, use*
 23 *and expand upon caregiver assessment tools already*
 24 *developed and in use by the Department.*

1 (i) *REPORT*.—Not later than 2 years after the date of
2 the enactment of this Act, the Secretary of Veterans Affairs
3 shall submit to Congress a report on the pilot program car-
4 ried out under this section, including the recommendations
5 of the Secretary with respect to expansion or modification
6 of the pilot program.

7 (j) *CONSTRUCTION*.—Nothing in this section shall be
8 construed—

9 (1) to establish a mandate or right for a family
10 caregiver to be trained and certified under this sec-
11 tion; and

12 (2) to prohibit the Secretary from considering or
13 adopting the preference of a veteran or member of the
14 Armed Forces for services provided by a personal care
15 attendant who is not a family caregiver.

16 (k) *FAMILY CAREGIVER DEFINED*.—In this section,
17 with respect to member of the Armed Forces or a veteran
18 with traumatic brain injury, the term “family caregiver”
19 means a family member of such member or veteran, or such
20 other individual of similar affinity to such member or vet-
21 eran as the Secretary proscribes, who is providing care to
22 such member or veteran for such traumatic brain injury.

1 **SEC. 213. PILOT PROGRAM ON PROVISION OF RESPITE**
 2 **CARE TO MEMBERS OF THE ARMED FORCES**
 3 **AND VETERANS WITH TRAUMATIC BRAIN IN-**
 4 **JURY BY STUDENTS IN GRADUATE PRO-**
 5 **GRAMS OF EDUCATION RELATED TO MENTAL**
 6 **HEALTH OR REHABILITATION.**

7 (a) *PILOT PROGRAM AUTHORIZED.*—The Secretary of
 8 Veterans Affairs shall, in collaboration with the Secretary
 9 of Defense, carry out a pilot program to assess the feasi-
 10 bility and advisability of providing respite care to members
 11 of the Armed Forces and veterans described in subsection
 12 (c) through students enrolled in graduate programs of edu-
 13 cation described in subsection (d)(1) to provide—

14 (1) *relief to the family caregivers of such mem-*
 15 *bers and veterans from the responsibilities associated*
 16 *with providing care to such members and veterans;*
 17 *and*

18 (2) *socialization and cognitive skill development*
 19 *to such members and veterans.*

20 (b) *DURATION OF PROGRAM.*—The pilot program re-
 21 quired by subsection (a) shall be carried out during the
 22 three-year period beginning on the date of the commence-
 23 ment of the pilot program.

24 (c) *COVERED MEMBERS AND VETERANS.*—The mem-
 25 bers of the Armed Forces and veterans described in this sub-
 26 section are the individuals as follows:

1 (1) *Members of the Armed Forces who have been*
 2 *diagnosed with traumatic brain injury, including*
 3 *limitations of ambulatory mobility, cognition, and*
 4 *verbal abilities.*

5 (2) *Veterans who have been so diagnosed.*

6 (d) *PROGRAM LOCATIONS.—*

7 (1) *IN GENERAL.—The pilot program shall be*
 8 *carried out at not more than 10 locations selected by*
 9 *the Secretary of Veterans Affairs for purposes of the*
 10 *pilot program. Each location so selected shall be a*
 11 *medical facility of the Department of Veterans Affairs*
 12 *that is in close proximity to, or that has a relation-*
 13 *ship, affiliation, or established partnership with, an*
 14 *institution of higher education that has a graduate*
 15 *program in an appropriate mental health or rehabili-*
 16 *tation related field, such as social work, nursing, psy-*
 17 *chology, occupational therapy, physical therapy, or*
 18 *interdisciplinary training programs.*

19 (2) *CONSIDERATIONS.—In selecting medical fa-*
 20 *cilities of the Department for the pilot program, the*
 21 *Secretary shall give special consideration to the fol-*
 22 *lowing:*

23 (A) *The polytrauma centers of the Depart-*
 24 *ment designated as Tier I polytrauma centers.*

1 (B) *Facilities of the Department in regions*
 2 *with a high concentration of veterans with trau-*
 3 *matic brain injury.*

4 (e) *SCOPE OF ASSISTANCE.—*

5 (1) *USE OF GRADUATE STUDENTS.—In carrying*
 6 *out the pilot program, the Secretary shall—*

7 (A) *recruit students enrolled in a graduate*
 8 *program of education selected by the Secretary*
 9 *under subsection (d)(1) to provide respite care to*
 10 *the members of the Armed Forces and veterans*
 11 *described in subsection (c);*

12 (B) *train such students to provide respite*
 13 *care to such members and veterans; and*

14 (C) *match such students with such members*
 15 *and veterans in the student's local area for the*
 16 *provision of individualized respite care to such*
 17 *members and veterans.*

18 (2) *DETERMINATIONS IN CONJUNCTION WITH*
 19 *HEADS OF GRADUATE PROGRAMS OF EDUCATION.—*
 20 *The Secretary shall determine, in collaboration with*
 21 *the head of the graduate program of education chosen*
 22 *to participate in the pilot program under subsection*
 23 *(d)(1), the following:*

1 (A) *The amount of training that a student*
 2 *shall complete before providing respite care*
 3 *under the pilot program.*

4 (B) *The number of hours of respite care to*
 5 *be provided by the students who participate in*
 6 *the pilot program.*

7 (C) *The requirements for successful partici-*
 8 *pation by a student in the pilot program.*

9 (f) *TRAINING STANDARDS AND BEST PRACTICES.—In*
 10 *providing training under subsection (e)(1)(B), the Sec-*
 11 *retary shall use—*

12 (1) *applicable standards and protocols used by*
 13 *certification programs of national brain injury care*
 14 *specialist organizations in the provision of respite*
 15 *care training; and*

16 (2) *best practices recognized by caregiving orga-*
 17 *nizations.*

18 (g) *DEFINITIONS.—In this section:*

19 (1) *FAMILY CAREGIVER.—With respect to mem-*
 20 *ber of the Armed Forces or a veteran with traumatic*
 21 *brain injury, the term “family caregiver” means a*
 22 *relative, partner, or friend of such member or veteran*
 23 *who is providing care to such member or veteran for*
 24 *such traumatic brain injury.*

1 (2) *RESPITE CARE*.—The term “respite care”
 2 means the temporary provision of care to an indi-
 3 vidual to provide relief to the regular caregiver of the
 4 individual from the ongoing responsibility of pro-
 5 viding care to such individual.

6 **SEC. 214. PILOT PROGRAM ON USE OF COMMUNITY-BASED**
 7 **ORGANIZATIONS AND LOCAL AND STATE**
 8 **GOVERNMENT ENTITIES TO ENSURE THAT**
 9 **VETERANS RECEIVE CARE AND BENEFITS**
 10 **FOR WHICH THEY ARE ELIGIBLE.**

11 (a) *PILOT PROGRAM REQUIRED*.—The Secretary of
 12 Veterans Affairs shall carry out a pilot program to assess
 13 the feasibility and advisability of using community-based
 14 organizations and local and State government entities—

15 (1) to increase the coordination of community,
 16 local, State, and Federal providers of health care and
 17 benefits for veterans to assist veterans who are
 18 transitioning from military service to civilian life in
 19 such transition;

20 (2) to increase the availability of high quality
 21 medical and mental health services to veterans
 22 transitioning from military service to civilian life;

23 (3) to provide assistance to families of veterans
 24 who are transitioning from military service to civil-

1 *ian life to help such families adjust to such transi-*
2 *tion; and*

3 *(4) to provide outreach to veterans and their*
4 *families to inform them about the availability of ben-*
5 *efits and connect them with appropriate care and*
6 *benefit programs.*

7 *(b) DURATION OF PROGRAM.—The pilot program shall*
8 *be carried out during the two-year period beginning on the*
9 *date of the enactment of this Act.*

10 *(c) PROGRAM LOCATIONS.—*

11 *(1) IN GENERAL.—The pilot program shall be*
12 *carried out at five locations selected by the Secretary*
13 *for purposes of the pilot program.*

14 *(2) CONSIDERATIONS.—In selecting locations for*
15 *the pilot program, the Secretary shall consider the ad-*
16 *visability of selecting locations in—*

17 *(A) rural areas;*

18 *(B) areas with populations that have a high*
19 *proportion of minority group representation;*

20 *(C) areas with populations that have a high*
21 *proportion of individuals who have limited ac-*
22 *cess to health care; and*

23 *(D) areas that are not in close proximity to*
24 *an active duty military installation.*

1 (d) *GRANTS.*—*The Secretary shall carry out the pilot*
 2 *program through the award of grants to community-based*
 3 *organizations and local and State government entities.*

4 (e) *SELECTION OF GRANT RECIPIENTS.*—

5 (1) *IN GENERAL.*—*A community-based organiza-*
 6 *tion or local or State government entity seeking a*
 7 *grant under the pilot program shall submit to the*
 8 *Secretary of Veterans Affairs an application therefor*
 9 *in such form and in such manner as the Secretary*
 10 *considers appropriate.*

11 (2) *ELEMENTS.*—*Each application submitted*
 12 *under paragraph (1) shall include the following:*

13 (A) *A description of how the proposal was*
 14 *developed in consultation with the Department of*
 15 *Veterans Affairs.*

16 (B) *A plan to coordinate activities under*
 17 *the pilot program, to the greatest extent possible,*
 18 *with the local, State, and Federal providers of*
 19 *services for veterans to reduce duplication of*
 20 *services and to the increase effect of such services.*

21 (f) *USE OF GRANT FUNDS.*—*The Secretary shall pre-*
 22 *scribe appropriate uses of grant funds received under the*
 23 *pilot program.*

24 (g) *REPORT ON PROGRAM.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
 2 the completion of the pilot program, the Secretary
 3 shall submit to Congress a report on the pilot pro-
 4 gram.

5 (2) *ELEMENTS.*—The report required by para-
 6 graph (1) shall include the following:

7 (A) *The findings and conclusions of the Sec-*
 8 *retary with respect to the pilot program.*

9 (B) *An assessment of the benefits to veterans*
 10 *of the pilot program.*

11 (C) *The recommendations of the Secretary*
 12 *as to the advisability of continuing the pilot pro-*
 13 *gram.*

14 **SEC. 215. SPECIALIZED RESIDENTIAL CARE AND REHABILI-**
 15 **TATION FOR CERTAIN VETERANS.**

16 Section 1720 is amended by adding at the end the fol-
 17 lowing new subsection:

18 “(g) *The Secretary may contract with appropriate en-*
 19 *tities to provide specialized residential care and rehabilita-*
 20 *tion services to a veteran of Operation Enduring Freedom*
 21 *or Operation Iraqi Freedom who the Secretary determines*
 22 *suffers from a traumatic brain injury, has an accumulation*
 23 *of deficits in activities of daily living and instrumental ac-*
 24 *tivities of daily living, and because of these deficits, would*
 25 *otherwise require admission to a nursing home even though*

1 *such care would generally exceed the veteran’s nursing*
 2 *needs.”.*

3 **SEC. 216. EXEMPTION FROM COPAYMENT REQUIREMENT**
 4 **FOR VETERANS RECEIVING HOSPICE CARE.**

5 *Section 1710 is amended—*

6 *(1) in subsection (f)(1), by inserting “(except if*
 7 *such care constitutes hospice care)” after “nursing*
 8 *home care”; and*

9 *(2) in subsection (g)(1), by inserting “(except if*
 10 *such care constitutes hospice care)” after “medical*
 11 *services”.*

12 **SEC. 217. REPEAL OF LIMITATION ON AUTHORITY TO CON-**
 13 **DUCT WIDESPREAD HIV TESTING PROGRAM.**

14 *Section 124 of the Veterans’ Benefits and Services Act*
 15 *of 1988 (title I of Public Law 100–322, as amended; 38*
 16 *U.S.C. 7333 note) is repealed.*

17 **SEC. 218. AUTHORITY TO DISCLOSE MEDICAL RECORDS TO**
 18 **THIRD PARTY FOR COLLECTION OF CHARGES**
 19 **FOR PROVISION OF CERTAIN CARE.**

20 *(a) LIMITED EXCEPTION TO CONFIDENTIALITY OF*
 21 *MEDICAL RECORDS.—Section 5701 is amended by adding*
 22 *at the end the following new subsection:*

23 *“(l) Under regulations that the Secretary shall pre-*
 24 *scribe, the Secretary may disclose the name or address, or*
 25 *both, of any individual who is a present or former member*

1 *of the Armed Forces, or who is a dependent of a present*
 2 *or former member of the Armed Forces, to a third party,*
 3 *as defined in section 1729(i)(3)(D) of this title, in order*
 4 *to enable the Secretary to collect reasonable charges under*
 5 *section 1729(a)(2)(E) of this title for care or services pro-*
 6 *vided for a non-service-connected disability.”.*

7 (b) *DISCLOSURES FROM CERTAIN MEDICAL*
 8 *RECORDS.*—Section 7332(b)(2), as amended by section 208
 9 *of this Act, is further amended by adding at the end the*
 10 *following new subparagraph:*

11 “(G) *To a third party, as defined in section*
 12 *1729(i)(3)(D) of this title, to collect reasonable*
 13 *charges under section 1729(a)(2)(E) of this title for*
 14 *care or services provided for a non-service-connected*
 15 *disability.”.*

16 **SEC. 219. EXPANDED STUDY ON THE HEALTH IMPACT OF**
 17 **PROJECT SHIPBOARD HAZARD AND DEFENSE.**

18 (a) *IN GENERAL.*—Not later than 90 days after the
 19 *date of the enactment of this Act, the Secretary of Veterans*
 20 *Affairs shall enter into a contract with the Institute of Med-*
 21 *icine of the National Academies to conduct an expanded*
 22 *study on the health impact of Project Shipboard Hazard*
 23 *and Defense (Project SHAD).*

24 (b) *COVERED VETERANS.*—The study required by sub-
 25 *section (a) shall include, to the extent practicable, all vet-*

1 *erans who participated in Project Shipboard Hazard and*
 2 *Defense.*

3 *(c) UTILIZATION OF EXISTING STUDIES.—The study*
 4 *required by subsection (a) may use results from the study*
 5 *covered in the report entitled “Long-Term Health Effects*
 6 *of Participation in Project SHAD” of the Institute of Medi-*
 7 *cine of the National Academies.*

8 **SEC. 220. USE OF NON-DEPARTMENT FACILITIES FOR REHA-**
 9 **BILITATION OF INDIVIDUALS WITH TRAU-**
 10 **MATIC BRAIN INJURY.**

11 *Section 1710E is amended—*

12 *(1) by redesignating subsection (b) as subsection*
 13 *(c);*

14 *(2) by inserting after subsection (a) the following*
 15 *new subsection (b):*

16 *“(b) COVERED INDIVIDUALS.—The care and services*
 17 *provided under subsection (a) shall be made available to*
 18 *an individual—*

19 *“(1) who is described in section 1710C(a) of this*
 20 *title; and*

21 *“(2)(A) to whom the Secretary is unable to pro-*
 22 *vide such treatment or services at the frequency or for*
 23 *the duration prescribed in such plan; or*

1 “(B) for whom the Secretary determines that it
 2 is optimal with respect to the recovery and rehabilita-
 3 tion for such individual.”; and

4 (3) by adding at the end the following new sub-
 5 section:

6 “(d) *STANDARDS.*—The Secretary may not provide
 7 treatment or services as described in subsection (a) at a
 8 non-Department facility under such subsection unless such
 9 facility maintains standards for the provision of such treat-
 10 ment or services established by an independent, peer-re-
 11 viewed organization that accredits specialized rehabilita-
 12 tion programs for adults with traumatic brain injury.”.

13 **SEC. 221. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL**
 14 **ORGANIZATIONS IN CERTAIN PROGRAMS FOR**
 15 **STATE VETERANS HOMES.**

16 (a) *TREATMENT OF TRIBAL ORGANIZATION HEALTH*
 17 *FACILITIES AS STATE HOMES.*—Section 8138 is amend-
 18 ed—

19 (1) by redesignating subsection (e) as subsection
 20 (f); and

21 (2) by inserting after subsection (d) the following
 22 new subsection (e):

23 “(e)(1) A health facility (or certain beds in a health
 24 facility) of a tribal organization is treatable as a State

1 *home under subsection (a) in accordance with the provi-*
 2 *sions of that subsection.*

3 “(2) *Except as provided in paragraph (3), the provi-*
 4 *sions of this section shall apply to a health facility (or cer-*
 5 *tain beds in such facility) treated as a State home under*
 6 *subsection (a) by reason of this subsection to the same extent*
 7 *as health facilities (or beds) treated as a State home under*
 8 *subsection (a).*

9 “(3) *Subsection (f) shall not apply to the treatment*
 10 *of health facilities (or certain beds in such facilities) of trib-*
 11 *al organizations as a State home under subsection (a).”.*

12 **(b) STATE HOME FACILITIES FOR DOMICILIARY,**
 13 **NURSING, AND OTHER CARE.—**

14 **(1) IN GENERAL.—***Chapter 81 is further amend-*
 15 *ed—*

16 **(A)** *in section 8131, by adding at the end*
 17 *the following new paragraph:*

18 “(5) *The term ‘tribal organization’ has the*
 19 *meaning given such term in section 3765 of this*
 20 *title.”;*

21 **(B)** *in section 8132, by inserting “and trib-*
 22 *al organizations” after “the several States”; and*

23 **(C)** *by inserting after section 8133 the fol-*
 24 *lowing new section:*

1 **“§ 8133A. Tribal organizations**

2 “(a) *AUTHORITY TO AWARD GRANTS.*—*The Secretary*
 3 *may award a grant to a tribal organization under this sub-*
 4 *chapter in order to carry out the purposes of this sub-*
 5 *chapter.*

6 “(b) *MANNER AND CONDITION OF GRANT AWARDS.*—
 7 (1) *Grants to tribal organizations under this section shall*
 8 *be awarded in the same manner, and under the same condi-*
 9 *tions, as grants awarded to the several States under the pro-*
 10 *visions of this subchapter, subject to such exceptions as the*
 11 *Secretary shall prescribe for purposes of this subchapter to*
 12 *take into account the unique circumstances of tribal organi-*
 13 *zations.*

14 “(2) *For purposes of according priority under sub-*
 15 *section (c)(2) of section 8135 of this title to an application*
 16 *submitted under subsection (a) of such section, an applica-*
 17 *tion submitted under such subsection (a) by a tribal organi-*
 18 *zation of a State that has previously applied for award of*
 19 *a grant under this subchapter for construction or acquisi-*
 20 *tion of a State nursing home shall be considered under sub-*
 21 *paragraph (C) of such subsection (c)(2) an application from*
 22 *a tribal organization that has not previously applied for*
 23 *such a grant.”.*

24 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 25 *tions at the beginning of chapter 81 is amended by*

1 *inserting after the item relating to section 8133 the*
 2 *following new item:*

 “8133A. Tribal organizations.”.

3 **SEC. 222. EXTENSION OF PILOT PROGRAM ON CAREGIVER**
 4 **ASSISTANCE SERVICES.**

5 *Section 214(d) of the Veterans Benefits, Health Care,*
 6 *and Information Technology Act of 2006 (Public Law 109–*
 7 *461; 38 U.S.C. 1710B note) is amended by striking “each*
 8 *of fiscal years 2007 and 2008” and inserting “each of the*
 9 *fiscal years 2007 through 2009”.*

10 **SEC. 223. PILOT PROGRAM ON PROVISION OF DENTAL IN-**
 11 **SURANCE PLANS TO VETERANS AND SUR-**
 12 **VIVORS AND DEPENDENTS OF VETERANS.**

13 *(a) PILOT PROGRAM REQUIRED.—The Secretary of*
 14 *Veterans Affairs shall carry out a pilot program to assess*
 15 *the feasibility and advisability of providing a dental insur-*
 16 *ance plan to veterans and survivors and dependents of vet-*
 17 *erans described in subsection (b).*

18 *(b) COVERED VETERANS AND SURVIVORS AND DE-*
 19 *PENDENTS.—The veterans and survivors and dependents of*
 20 *veterans described in this subsection are as follows:*

21 *(1) Any veteran who is enrolled in the system of*
 22 *annual patient enrollment under section 1705 of this*
 23 *title.*

1 (2) *Any survivor or dependent of a veteran who*
 2 *is eligible for medical care under section 1781 of this*
 3 *title.*

4 (c) *DURATION OF PROGRAM.*—*The pilot program shall*
 5 *be carried out during the three-year period beginning on*
 6 *the date of the enactment of this Act.*

7 (d) *PILOT PROGRAM LOCATIONS.*—*The pilot program*
 8 *shall be carried out in not less than two and not more than*
 9 *four Veterans Integrated Services Networks (VISNs) selected*
 10 *by the Secretary of Veterans Affairs for purposes of the pilot*
 11 *program.*

12 (e) *ADMINISTRATION.*—*The Secretary of Veterans Af-*
 13 *airs shall contract with a dental insurer to administer the*
 14 *dental plan provided under the pilot program.*

15 (f) *BENEFITS.*—*The dental insurance plan under the*
 16 *pilot program shall provide such benefits for dental care*
 17 *and treatment as the Secretary considers appropriate for*
 18 *the dental insurance plan, including diagnostic services,*
 19 *preventative services, endodontics and other restorative*
 20 *services, surgical services, and emergency services.*

21 (g) *ENROLLMENT.*—

22 (1) *VOLUNTARY.*—*Enrollment in the dental in-*
 23 *surance plan under this section shall be voluntary.*

24 (2) *MINIMUM PERIOD.*—*Enrollment in the dental*
 25 *insurance plan shall be for such minimum period as*

1 *the Secretary shall prescribe for purposes of this sec-*
 2 *tion.*

3 *(h) PREMIUMS.—*

4 *(1) IN GENERAL.—Premiums for coverage under*
 5 *the dental insurance plan under the pilot program*
 6 *shall be in such amount or amounts as the Secretary*
 7 *of Veterans Affairs shall prescribe to cover all costs*
 8 *associated with the pilot program.*

9 *(2) ANNUAL ADJUSTMENT.—The Secretary shall*
 10 *adjust the premiums payable under the pilot program*
 11 *for coverage under the dental insurance plan on an*
 12 *annual basis. Each individual covered by the dental*
 13 *insurance plan at the time of such an adjustment*
 14 *shall be notified of the amount and effective date of*
 15 *such adjustment.*

16 *(3) RESPONSIBILITY FOR PAYMENT.—Each indi-*
 17 *vidual covered by the dental insurance plan shall pay*
 18 *the entire premium for coverage under the dental in-*
 19 *surance plan, in addition to the full cost of any co-*
 20 *payments.*

21 *(i) VOLUNTARY DISENROLLMENT.—*

22 *(1) IN GENERAL.—With respect to enrollment in*
 23 *the dental insurance plan under the pilot program,*
 24 *the Secretary shall—*

1 (A) permit the voluntary disenrollment of
2 an individual in the dental insurance plan if the
3 disenrollment occurs during the 30-day period
4 beginning on the date of the enrollment of the in-
5 dividual in the dental insurance plan; and

6 (B) permit the voluntary disenrollment of
7 an individual in the dental insurance plan for
8 such circumstances as the Secretary shall pre-
9 scribe for purposes of this subsection, but only to
10 the extent such disenrollment does not jeopardize
11 the fiscal integrity of the dental insurance plan.

12 (2) *ALLOWABLE CIRCUMSTANCES.*—The cir-
13 cumstances prescribed under paragraph (1)(B) shall
14 include the following:

15 (A) If an individual enrolled in the dental
16 insurance plan relocates to a location outside the
17 jurisdiction of the dental insurance plan that
18 prevents utilization of the benefits under the den-
19 tal insurance plan.

20 (B) If an individual enrolled in the dental
21 insurance plan is prevented by a serious medical
22 condition from being able to obtain benefits
23 under the dental insurance plan.

1 (C) *Such other circumstances as the Sec-*
2 *retary shall prescribe for purposes of this sub-*
3 *section.*

4 (3) *ESTABLISHMENT OF PROCEDURES.—The*
5 *Secretary shall establish procedures for determina-*
6 *tions on the permissibility of voluntary*
7 *disenrollments under paragraph (1)(B). Such proce-*
8 *dures shall ensure timely determinations on the per-*
9 *missibility of such disenrollments.*

10 (j) *RELATIONSHIP TO DENTAL CARE PROVIDED BY*
11 *SECRETARY.—Nothing in this section shall affect the re-*
12 *sponsibility of the Secretary to provide dental care under*
13 *section 1712 of title 38, United States Code, and the partici-*
14 *pation of an individual in the dental insurance plan under*
15 *the pilot program shall not affect the individual's entitle-*
16 *ment to outpatient dental services and treatment, and re-*
17 *lated dental appliances, under that section.*

18 (k) *REGULATIONS.—The dental insurance plan under*
19 *the pilot program shall be administered under such regula-*
20 *tions as the Secretary shall prescribe.*

***TITLE III—WOMEN VETERANS
HEALTH CARE***

***SEC. 301. REPORT ON BARRIERS TO RECEIPT OF HEALTH
CARE FOR WOMEN VETERANS.***

(a) REPORT.—Not later than June 1, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the barriers to the receipt of comprehensive health care through the Department of Veterans Affairs that are encountered by women veterans, especially veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An identification and assessment of the following:

(A) Any stigma perceived or associated with seeking mental health care services through the Department of Veterans Affairs.

(B) The effect on access to care through the Department of driving distance or availability of other forms of transportation to the nearest appropriate facility of the Department.

(C) The availability of child care.

1 (D) *The receipt of health care through wom-*
2 *en's health clinics, integrated primary care clin-*
3 *ics, or both.*

4 (E) *The extent of comprehension of eligi-*
5 *bility requirements for health care through the*
6 *Department, and the scope of health care services*
7 *available through the Department.*

8 (F) *The quality and nature of the reception*
9 *of women veterans by Department health care*
10 *providers and other staff.*

11 (G) *The perception of personal safety and*
12 *comfort of women veterans in inpatient, out-*
13 *patient, and behavioral health facilities of the*
14 *Department.*

15 (H) *The sensitivity of Department health*
16 *care providers and other staff to issues that par-*
17 *ticularly affect women.*

18 (I) *The effectiveness of outreach on health*
19 *care services of the Department that are avail-*
20 *able to women veterans.*

21 (J) *Such other matters as the Secretary*
22 *identifies for purposes of the assessment.*

23 (2) *Such recommendations for administrative*
24 *and legislative action as the Secretary considers ap-*
25 *propriate in light of the report.*

1 (c) *FACILITY OF THE DEPARTMENT DEFINED.*—*In this*
 2 *section, the term “facility of the Department” has the mean-*
 3 *ing given that term in section 1701 of title 38, United*
 4 *States Code.*

5 **SEC. 302. PLAN TO IMPROVE PROVISION OF HEALTH CARE**
 6 **SERVICES TO WOMEN VETERANS.**

7 (a) *PLAN TO IMPROVE SERVICES.*—

8 (1) *IN GENERAL.*—*The Secretary of Veterans Af-*
 9 *airs shall develop a plan to—*

10 (A) *improve the provision of health care*
 11 *services to women veterans; and*

12 (B) *plan appropriately for the future health*
 13 *care needs, including mental health care needs,*
 14 *of women serving on active duty in the Armed*
 15 *Forces in the combat theaters of Operation Iraqi*
 16 *Freedom and Operation Enduring Freedom.*

17 (2) *REQUIRED ACTIONS.*—*In developing the plan*
 18 *required by this subsection, the Secretary of Veterans*
 19 *Affairs shall—*

20 (A) *identify the types of health care services*
 21 *to be available to women veterans at each De-*
 22 *partment of Veterans Affairs medical center; and*

23 (B) *identify the personnel and other re-*
 24 *sources required to provide such services to*

1 *women veterans under the plan at each such*
 2 *medical center.*

3 **(b) SUBMITTAL OF PLAN TO CONGRESS.**—*Not later*
 4 *than 18 months after the date of the enactment of this Act,*
 5 *the Secretary of Veterans Affairs shall submit to the Com-*
 6 *mittee on Veterans' Affairs of the Senate and the Committee*
 7 *on Veterans' Affairs of the House of Representatives the*
 8 *plan required by this section, along with such recommenda-*
 9 *tions for administrative and legislative action as the Sec-*
 10 *retary considers appropriate in light of the plan.*

11 **SEC. 303. INDEPENDENT STUDY ON HEALTH CON-**
 12 **SEQUENCES OF WOMEN VETERANS OF MILI-**
 13 **TARY SERVICE IN OPERATION IRAQI FREE-**
 14 **DOM AND OPERATION ENDURING FREEDOM.**

15 **(a) STUDY REQUIRED.**—*The Secretary of Veterans Af-*
 16 *fairs shall enter into an agreement with a non-Department*
 17 *of Veterans Affairs entity for the purpose of conducting a*
 18 *study on health consequences for women veterans of service*
 19 *on active duty in the Armed Forces in deployment in Oper-*
 20 *ation Iraqi Freedom and Operation Enduring Freedom.*

21 **(b) SPECIFIC MATTERS STUDIED.**—*The study under*
 22 *subsection (a) shall include the following:*

23 **(1)** *A determination of any association of envi-*
 24 *ronmental and occupational exposures and combat in*
 25 *Operation Iraqi Freedom or Operation Enduring*

1 *Freedom with the general health, mental health, or re-*
2 *productive health of women who served on active duty*
3 *in the Armed Forces in Operation Iraqi Freedom or*
4 *Operation Enduring Freedom.*

5 (2) *A review and analysis of published literature*
6 *on environmental and occupational exposures of*
7 *women while serving in the Armed Forces, including*
8 *combat trauma, military sexual trauma, and expo-*
9 *sure to potential teratogens associated with reproduc-*
10 *tive problems and birth defects.*

11 (c) *REPORT.—*

12 (1) *IN GENERAL.—Not later than 18 months*
13 *after entering into the agreement for the study under*
14 *subsection (a), the entity described in subsection (a)*
15 *shall submit to the Secretary of Veterans Affairs and*
16 *to Congress a report on the study containing such*
17 *findings and determinations as the entity considers*
18 *appropriate.*

19 (2) *RESPONSIVE REPORT.—Not later than 90*
20 *days after the receipt of the report under paragraph*
21 *(1), the Secretary shall submit to Congress a report*
22 *setting forth the response of the Secretary to the find-*
23 *ings and determinations of the entity described in*
24 *subsection (a) in the report under paragraph (1).*

1 **SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL**
 2 **HEALTH CARE PROVIDERS ON CARE FOR VET-**
 3 **ERANS SUFFERING FROM SEXUAL TRAUMA.**

4 (a) *PROGRAM REQUIRED.*—Section 1720D is amend-
 5 ed—

6 (1) *by redesignating subsection (d) as subsection*
 7 *(f); and*

8 (2) *by inserting after subsection (c) the following*
 9 *new subsections:*

10 “(d)(1) *The Secretary shall implement a program for*
 11 *education, training, certification, and continuing medical*
 12 *education for mental health professionals to specialize in*
 13 *the provision of counseling and care to veterans eligible for*
 14 *services under subsection (a). In carrying out the program,*
 15 *the Secretary shall ensure that all such mental health pro-*
 16 *fessionals have been trained in a consistent manner and*
 17 *that such training includes principles of evidence-based*
 18 *treatment and care for sexual trauma.*

19 “(2) *The Secretary shall determine the minimum*
 20 *qualifications necessary for mental health professionals cer-*
 21 *tified by the program under paragraph (1) to provide evi-*
 22 *dence-based treatment and therapy to veterans eligible for*
 23 *services under subsection (a) in facilities of the Department.*

24 “(e) *The Secretary shall submit to Congress each year*
 25 *a report on the counseling and care and services provided*

1 to veterans under this section. Each report shall include
 2 data for the preceding year with respect to the following:

3 “(1) The number of mental health professionals
 4 and primary care providers who have been certified
 5 under the program under subsection (d), and the
 6 amount and nature of continuing medical education
 7 provided under such program to professionals and
 8 providers who have been so certified.

9 “(2) The number of women veterans who received
 10 counseling and care and services under subsection (a)
 11 from professionals and providers who have been
 12 trained or certified under the program under sub-
 13 section (d).

14 “(3) The number of training, certification, and
 15 continuing medical education programs operating
 16 under subsection (d).

17 “(4) The number of trained full-time equivalent
 18 employees required in each facility of the Department
 19 to meet the needs of veterans requiring treatment and
 20 care for sexual trauma.

21 “(5) Such other information as the Secretary
 22 considers appropriate.”.

23 (b) *STANDARDS FOR PERSONNEL PROVIDING TREAT-*
 24 *MENT FOR SEXUAL TRAUMA.*—The Secretary of Veterans
 25 Affairs shall establish education, training, certification,

1 *and staffing standards for Department of Veterans Affairs*
 2 *health-care facilities for full-time equivalent employees who*
 3 *are trained to provide treatment and care to veterans for*
 4 *sexual trauma.*

5 **SEC. 305. PILOT PROGRAM ON COUNSELING IN RETREAT**
 6 **SETTINGS FOR WOMEN VETERANS NEWLY**
 7 **SEPARATED FROM SERVICE IN THE ARMED**
 8 **FORCES.**

9 *(a) PILOT PROGRAM REQUIRED.—*

10 *(1) IN GENERAL.—Commencing not later than*
 11 *180 days after the date of the enactment of this Act,*
 12 *the Secretary of Veterans Affairs shall carry out,*
 13 *through the Readjustment Counseling Service of the*
 14 *Veterans Health Administration, a pilot program to*
 15 *evaluate the feasibility and advisability of providing*
 16 *reintegration and readjustment services described in*
 17 *subsection (b) in group retreat settings to women vet-*
 18 *erans who are recently separated from service in the*
 19 *Armed Forces after a prolonged deployment.*

20 *(2) PARTICIPATION AT ELECTION OF VETERAN.—*

21 *The participation of a veteran in the pilot program*
 22 *under this section shall be at the election of the vet-*
 23 *eran.*

1 (b) *COVERED SERVICES.*—*The services provided to a*
2 *women veteran under the pilot program shall include the*
3 *following:*

4 (1) *Information on reintegration into the vet-*
5 *eran's family, employment, and community.*

6 (2) *Financial counseling.*

7 (3) *Occupational counseling.*

8 (4) *Information and counseling on stress reduc-*
9 *tion.*

10 (5) *Information and counseling on conflict reso-*
11 *lution.*

12 (6) *Such other information and counseling as the*
13 *Secretary considers appropriate to assist women vet-*
14 *erans under the pilot program in reintegration into*
15 *the veteran's family and community.*

16 (c) *LOCATIONS.*—*The Secretary shall carry out the*
17 *pilot program at not fewer than five locations selected by*
18 *the Secretary for purposes of the pilot program.*

19 (d) *DURATION.*—*The pilot program shall be carried*
20 *out during the two-year period beginning on the date of*
21 *the commencement of the pilot program.*

22 (e) *REPORT.*—*Not later than 180 days after the com-*
23 *pletion of the pilot program, the Secretary shall submit to*
24 *Congress a report on the pilot program. The report shall*
25 *contain the findings and conclusions of the Secretary as a*

1 result of the pilot program, and shall include such rec-
 2 ommendations for the continuation or expansion of the pilot
 3 program as the Secretary considers appropriate.

4 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 5 authorized to be appropriated to the Secretary of Veterans
 6 Affairs for each of fiscal years 2009 and 2010, \$2,000,000
 7 to carry out the pilot program.

8 **SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PRO-**
 9 **GRAM MANAGERS AT MEDICAL CENTERS.**

10 The Secretary shall, acting through the Under Sec-
 11 retary for Health, submit to Congress a report on employ-
 12 ment of full-time women veterans program managers at De-
 13 partment of Veterans Affairs medical centers to ensure that
 14 health care needs of women veterans are met. Such report
 15 should include an assessment of whether there is at least
 16 one full-time employee at each Department medical center
 17 who is a full-time women veterans program manager.

18 **SEC. 307. SERVICE ON CERTAIN ADVISORY COMMITTEES OF**
 19 **WOMEN RECENTLY SEPARATED FROM SERV-**
 20 **ICE IN THE ARMED FORCES.**

21 (a) *ADVISORY COMMITTEE ON WOMEN VETERANS.*—
 22 Section 542(a)(2)(A) is amended—

- 23 (1) in clause (ii), by striking “and” at the end;
 24 (2) in clause (iii), by striking the period at the
 25 end and inserting “; and”; and

1 (3) *by inserting after clause (iii) the following*
 2 *new clause:*

3 “(iv) *women veterans who are recently separated*
 4 *from service in the Armed Forces.*”.

5 (b) *ADVISORY COMMITTEE ON MINORITY VETERANS.—*
 6 *Section 544(a)(2)(A) is amended—*

7 (1) *in clause (iii), by striking “and” at the end;*

8 (2) *in clause (iv), by striking the period at the*
 9 *end and inserting “; and”; and*

10 (3) *by inserting after clause (iv) the following*
 11 *new clause:*

12 “(v) *women veterans who are minority group*
 13 *members and are recently separated from service in*
 14 *the Armed Forces.*”.

15 (c) *EFFECTIVE DATE.—The amendments made by this*
 16 *section shall apply to appointments made on or after the*
 17 *date of the enactment of this Act.*

18 **SEC. 308. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE**
 19 **FOR CERTAIN VETERANS RECEIVING HEALTH**
 20 **CARE.**

21 (a) *PILOT PROGRAM REQUIRED.—The Secretary of*
 22 *Veterans Affairs shall carry out a pilot program to assess*
 23 *the feasibility and advisability of providing, subject to sub-*
 24 *section (b), subsidies to qualified veterans described in sub-*

1 *section (c) to obtain child care so that such veterans can*
 2 *receive health care services described in such subsection.*

3 *(b) LIMITATION ON PERIOD OF PAYMENTS.—A subsidy*
 4 *may only be provided to a qualified veteran under the pilot*
 5 *program for receipt of child care during the period that the*
 6 *qualified veteran—*

7 *(1) receives the types of health care services re-*
 8 *ferred to in subsection (c) at a facility of the Depart-*
 9 *ment; and*

10 *(2) requires to travel to and return from such fa-*
 11 *cility for the receipt of such health care services.*

12 *(c) QUALIFIED VETERANS.—In this section, the term*
 13 *“qualified veteran” means a veteran who is the primary*
 14 *caretaker of a child or children and who is receiving from*
 15 *the Department one or more of the following health care*
 16 *services:*

17 *(1) Regular mental health care services.*

18 *(2) Intensive mental health care services.*

19 *(3) Such other intensive health care services that*
 20 *the Secretary determines that payment to the veteran*
 21 *for the provision of child care would improve access*
 22 *to those health care services by the veteran.*

23 *(d) LOCATIONS.—The Secretary shall carry out the*
 24 *pilot program in no fewer than three Veterans Integrated*

1 *Service Networks (VISNs) selected by the Secretary for pur-*
2 *poses of the pilot program.*

3 (e) *DURATION.*—*The pilot program shall be carried*
4 *out during the two-year period beginning on the date of*
5 *the commencement of the pilot program.*

6 (f) *EXISTING MODEL.*—*To the extent practicable, the*
7 *Secretary shall model the pilot program after the Depart-*
8 *ment of Veterans Affairs Child Care Subsidy Program that*
9 *was established pursuant to section 630 of the Treasury and*
10 *General Government Appropriations Act, 2002 (Public Law*
11 *107–67; 115 Stat. 552), using the same income eligibility*
12 *standards and payment structure.*

13 (g) *REPORT.*—*Not later than six months after the com-*
14 *pletion of the pilot program, the Secretary shall submit to*
15 *Congress a report on the pilot program. The report shall*
16 *include the findings and conclusions of the Secretary as a*
17 *result of the pilot program, and shall include such rec-*
18 *ommendations for the continuation or expansion of the pilot*
19 *program as the Secretary considers appropriate.*

20 (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
21 *authorized to be appropriated to the Secretary of Veterans*
22 *Affairs for each of fiscal years 2009 and 2010, \$1,500,000*
23 *to carry out the pilot program.*

1 **SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
 2 **ERANS RECEIVING MATERNITY CARE.**

3 (a) *IN GENERAL.*—Subchapter VIII of chapter 17 is
 4 amended by adding at the end the following new section:

5 **“SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN**
 6 **VETERANS RECEIVING MATERNITY CARE.**

7 “(a) *IN GENERAL.*—The Secretary may furnish health
 8 care services described in subsection (b) to a newborn child
 9 of a woman veteran who is receiving maternity care fur-
 10 nished by the Department for not more than 7 days after
 11 the birth of the child if the veteran delivered the child in—

12 “(1) a facility of the Department; or

13 “(2) another facility pursuant to a Department
 14 contract for services relating to such delivery.

15 “(b) *COVERED HEALTH CARE SERVICES.*—Health
 16 care services described in this subsection are all post-deliv-
 17 ery care services, including routine care services, that a
 18 newborn requires.”.

19 (b) *CLERICAL AMENDMENT.*—The table of sections at
 20 the beginning of chapter 17 is amended by inserting after
 21 the item relating to section 1785 the following new item:

“1786. Care for newborn children of women veterans receiving maternity care.”.

**TITLE IV—MENTAL HEALTH
CARE**

**SEC. 401. ELIGIBILITY OF MEMBERS OF THE ARMED
FORCES WHO SERVE IN OPERATION IRAQI
FREEDOM OR OPERATION ENDURING FREE-
DOM FOR COUNSELING AND SERVICES
THROUGH READJUSTMENT COUNSELING
SERVICE.**

(a) *IN GENERAL.*—Any member of the Armed Forces, including a member of the National Guard or Reserve, who serves on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom is eligible for readjustment counseling and related mental health services under section 1712A of title 38, United States Code, through the Readjustment Counseling Service of the Veterans Health Administration.

(b) *NO REQUIREMENT FOR CURRENT ACTIVE DUTY SERVICE.*—A member of the Armed Forces who meets the requirements for eligibility for counseling and services under subsection (a) is entitled to counseling and services under that subsection regardless of whether or not the member is currently on active duty in the Armed Forces at the time of receipt of counseling and services under that subsection.

1 (c) *REGULATIONS.*—*The eligibility of members of the*
 2 *Armed Forces for counseling and services under subsection*
 3 *(a) shall be subject to such regulations as the Secretary of*
 4 *Defense and the Secretary of Veterans Affairs shall jointly*
 5 *prescribe for purposes of this section.*

6 (d) *SUBJECT TO AVAILABILITY OF APPROPRIATIONS.*—
 7 *The provision of counseling and services under subsection*
 8 *(a) shall be subject to the availability of appropriations for*
 9 *such purpose.*

10 **SEC. 402. RESTORATION OF AUTHORITY OF READJUST-**
 11 **MENT COUNSELING SERVICE TO PROVIDE RE-**
 12 **FERRAL AND OTHER ASSISTANCE UPON RE-**
 13 **QUEST TO FORMER MEMBERS OF THE ARMED**
 14 **FORCES NOT AUTHORIZED COUNSELING.**

15 Section 1712A is amended by inserting after sub-
 16 section (b) the following new subsection:

17 “(c) Upon receipt of a request for counseling under this
 18 section from any individual who has been discharged or re-
 19 leased from active military, naval, or air service but who
 20 is not otherwise eligible for such counseling, the Secretary
 21 shall—

22 “(1) provide referral services to assist such indi-
 23 vidual, to the maximum extent practicable, in obtain-
 24 ing mental health care and services from sources out-
 25 side the Department; and

1 “(2) if pertinent, advise such individual of such
2 individual’s rights to apply to the appropriate mili-
3 tary, naval, or air service, and to the Department, for
4 review of such individual’s discharge or release from
5 such service.”.

6 **SEC. 403. STUDY ON SUICIDES AMONG VETERANS.**

7 (a) *STUDY REQUIRED.*—The Secretary of Veterans Af-
8 fairs shall conduct a study to determine the number of vet-
9 erans who died by suicide between January 1, 1997, and
10 the date of the enactment of this Act.

11 (b) *COORDINATION.*—In carrying out the study under
12 subsection (b) the Secretary of Veterans Affairs shall coordi-
13 nate with—

14 (1) the Secretary of Defense;
15 (2) Veterans Service Organizations;
16 (3) the Centers for Disease Control and Preven-
17 tion; and

18 (4) State public health offices and veterans agen-
19 cies.

20 (c) *REPORT TO CONGRESS.*—The Secretary of Veterans
21 Affairs shall submit to the Committee on Veterans’ Affairs
22 of the Senate and the Committee on Veterans’ Affairs of
23 the House of Representatives a report on the study required
24 under subsection (b) and the findings of the Secretary.

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated such sums as may be nec-*
 3 *essary to carry out this section.*

4 **SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH**
 5 **AND HUMAN SERVICES FOR GRADUATE PSY-**
 6 **CHOLOGY EDUCATION PROGRAM.**

7 (a) *TRANSFER OF FUNDS.*—*Not later than September*
 8 *30, 2009, the Secretary of Veterans Affairs shall transfer*
 9 *\$5,000,000 from accounts of the Veterans Health Adminis-*
 10 *tration to the Secretary of Health and Human Services for*
 11 *the Graduate Psychology Education program established*
 12 *under section 755(b)(1)(J) of the Public Health Service Act*
 13 *(42 U.S.C. 294e(b)(1)(J)).*

14 (b) *USE OF FUNDS TRANSFERRED.*—*Funds trans-*
 15 *ferred under subsection (a) shall be used to award grants*
 16 *to support the training of psychologists in the treatment*
 17 *of veterans with post traumatic stress disorder, traumatic*
 18 *brain injury, and other combat-related disorders.*

19 (c) *PREFERENCE FOR DEPARTMENT OF VETERANS AF-*
 20 *FAIRS HEALTH CARE FACILITIES.*—*In the awarding of*
 21 *grants under subsection (b), the Graduate Psychology Edu-*
 22 *cation program shall give preference to health care facilities*
 23 *of the Department of Veterans Affairs and graduate pro-*
 24 *grams of education that are affiliated with such facilities.*

1 ***TITLE V—HOMELESS VETERANS***

2 ***SEC. 501. PILOT PROGRAM ON FINANCIAL SUPPORT FOR***
 3 ***ENTITIES THAT COORDINATE THE PROVISION***
 4 ***OF SUPPORTIVE SERVICES TO FORMERLY***
 5 ***HOMELESS VETERANS RESIDING ON CERTAIN***
 6 ***MILITARY PROPERTY.***

7 *(a) ESTABLISHMENT.—*

8 *(1) IN GENERAL.—Subject to the availability of*
 9 *appropriations for such purpose, the Secretary of Vet-*
 10 *erans Affairs may carry out a pilot program to make*
 11 *grants to public and nonprofit organizations (includ-*
 12 *ing faith-based and community organizations) to co-*
 13 *ordinate the provision of supportive services available*
 14 *in the local community to very low income, formerly*
 15 *homeless veterans residing in permanent housing that*
 16 *is located on qualifying property described in sub-*
 17 *section (b).*

18 *(2) NUMBER OF GRANTS.—The Secretary may*
 19 *make grants at up to 10 qualifying properties under*
 20 *the pilot program.*

21 *(b) QUALIFYING PROPERTY.—Qualifying property de-*
 22 *scribed in this subsection is property that—*

23 *(1) was part of a military installation that was*
 24 *closed in accordance with—*

1 (A) decisions made as part of the 2005
 2 round of defense base closure and realignment
 3 under the Defense Base Closure and Realignment
 4 Act of 1990 (part A of title XXIX of Public Law
 5 101–510; 10 U.S.C. 2687 note); and

6 (B) subchapter III of chapter 5 of title 40,
 7 United States Code; and

8 (2) the Secretary of Defense determines, after
 9 considering any redevelopment plans of any local re-
 10 development authority relating to such property, may
 11 be used to assist the homeless in accordance with such
 12 redemption plan.

13 (c) *CRITERIA FOR GRANTS.*—The Secretary shall pre-
 14 scribe criteria and requirements for grants under this sec-
 15 tion and shall publish such criteria and requirements in
 16 the Federal Register.

17 (d) *DURATION OF PROGRAM.*—The authority of the
 18 Secretary to provide grants under a pilot program under
 19 this section shall cease on the date that is five years after
 20 the date of the commencement of the pilot program.

21 (e) *VERY LOW INCOME DEFINED.*—In this section, the
 22 term “very low income” has the meaning given that term
 23 in the Resident Characteristics Report issued annually by
 24 the Department of Housing and Urban Development.

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated from amounts made available*
 3 *under the heading “General Operating Expenses”, not more*
 4 *than \$3,000,000 in each of fiscal years 2009 through 2013*
 5 *to carry out the purposes of this section.*

6 **SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 7 **TITIES THAT COORDINATE THE PROVISION**
 8 **OF SUPPORTIVE SERVICES TO FORMERLY**
 9 **HOMELESS VETERANS RESIDING IN PERMA-**
 10 **NENT HOUSING.**

11 (a) *ESTABLISHMENT OF PILOT PROGRAM.*—

12 (1) *IN GENERAL.*—*Subject to the availability of*
 13 *appropriations for such purpose, the Secretary of Vet-*
 14 *erans Affairs may carry out a pilot program to make*
 15 *grants to public and nonprofit organizations (includ-*
 16 *ing faith-based and community organizations) to co-*
 17 *ordinate the provision of supportive services available*
 18 *in the local community to very low income, formerly*
 19 *homeless veterans residing in permanent housing.*

20 (2) *NUMBER OF GRANTS.*—*The Secretary may*
 21 *make grants at up to 10 qualifying properties under*
 22 *the pilot program.*

23 (b) *QUALIFYING PROPERTY.*—*Any property in the*
 24 *United States on which permanent housing is provided or*

1 *afforded to formerly homeless veterans, as determined by the*
 2 *Secretary.*

3 (c) *CRITERIA FOR GRANTS.*—*The Secretary shall pre-*
 4 *scribe criteria and requirements for grants under this sec-*
 5 *tion and shall publish such criteria and requirements in*
 6 *the Federal Register.*

7 (d) *DURATION OF PILOT PROGRAM.*—*The authority of*
 8 *the Secretary to provide grants under a pilot program*
 9 *under this section shall cease on the date that is five years*
 10 *after the date of the commencement of the pilot program.*

11 (e) *VERY LOW INCOME DEFINED.*—*In this section, the*
 12 *term “very low income” has the meaning given that term*
 13 *in the Resident Characteristics Report issued annually by*
 14 *the Department of Housing and Urban Development.*

15 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 16 *authorized to be appropriated from amounts made available*
 17 *under the heading “General Operating Expenses”, not more*
 18 *than \$3,000,000 in each of fiscal years 2009 through 2013*
 19 *to carry out the purposes of this section.*

20 **SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
 21 **TITIES THAT PROVIDE OUTREACH TO IN-**
 22 **FORM CERTAIN VETERANS ABOUT PENSION**
 23 **BENEFITS.**

24 (a) *AUTHORITY TO MAKE GRANTS.*—*In addition to*
 25 *the outreach authority provided to the Secretary of Veterans*

1 *Affairs by section 6303 of title 38 United States Code, the*
2 *Secretary may carry out a pilot program to make grants*
3 *to public and nonprofit organizations (including faith-*
4 *based and community organizations) for services to provide*
5 *outreach to inform low-income and elderly veterans and*
6 *their spouses who reside in rural areas of benefits for which*
7 *they may be eligible under chapter 15 of title 38, United*
8 *States Code.*

9 **(b) CRITERIA FOR GRANTS.**—*The Secretary shall pre-*
10 *scribe criteria and requirements for grants under this sec-*
11 *tion and shall publish such criteria and requirements in*
12 *the Federal Register.*

13 **(c) DURATION OF PILOT PROGRAM.**—*The authority of*
14 *the Secretary to provide grants under a pilot program*
15 *under this section shall cease on the date that is five years*
16 *after the date of the commencement of the pilot program.*

17 **(d) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
18 *authorized to be appropriated from amounts made available*
19 *under the heading “General Operating Expenses”, not more*
20 *than \$1,275,000 in each of fiscal years 2009 through 2013*
21 *to carry out the purposes of this section.*

1 **SEC. 504. PILOT PROGRAM ON FINANCIAL SUPPORT OF EN-**
2 **TITIES THAT PROVIDE TRANSPORTATION AS-**
3 **SISTANCE, CHILD CARE ASSISTANCE, AND**
4 **CLOTHING ASSISTANCE TO VETERANS ENTI-**
5 **TLED TO A REHABILITATION PROGRAM.**

6 *(a) PILOT PROGRAM AUTHORIZED.—*

7 *(1) IN GENERAL.—Subject to the availability of*
8 *appropriations authorized under subsection (g), the*
9 *Secretary of Veterans Affairs may carry out a pilot*
10 *program to assess the feasibility and advisability of*
11 *providing financial assistance to eligible entities to*
12 *establish new programs or activities, or expand or*
13 *modify existing programs or activities, to provide to*
14 *each eligible transitioning individual who is entitled*
15 *and eligible for a rehabilitation program under chap-*
16 *ter 31 of title 38, United States Code, the following*
17 *assistance:*

18 *(A) Transportation assistance to facilitate*
19 *such eligible transitioning individual's partici-*
20 *pation in such rehabilitation program or related*
21 *activity. Such assistance may include—*

22 *(i) providing transportation;*

23 *(ii) paying for or reimbursing trans-*
24 *portation costs; and*

1 (iii) paying for or reimbursing other
 2 transportation-related expenses (including
 3 orientation on the use of transportation) .

4 (B) Child care assistance to facilitate such
 5 eligible transitioning individual's participation
 6 in such rehabilitation program or related activ-
 7 ity. Such assistance may include—

8 (i) child care services; or

9 (ii) reimbursement of expenses related
 10 to child care.

11 (C) Clothing assistance, which may include
 12 personal services in selecting, and payment of a
 13 monetary allowance to cover the cost of pur-
 14 chasing, clothing and accessories suitable for a
 15 job interview or related activity consistent with
 16 such eligible transitioning individual's partici-
 17 pation in such rehabilitation program or related
 18 activity.

19 (2) *ELIGIBLE TRANSITIONING INDIVIDUAL.*—For
 20 purposes of this section, an eligible transitioning in-
 21 dividual is a person—

22 (A) described in section 3102 of title 38,
 23 United States Code; or

24 (B) who was separated or released from ac-
 25 tive duty in the Armed Forces on or after Octo-

1 *ber 1, 2006, because of a service-connected dis-*
2 *ability.*

3 **(b) DURATION OF PROGRAM.**—*The authority of the*
4 *Secretary to provide grants under a pilot program estab-*
5 *lished under subsection (a)(1) shall cease on the date that*
6 *is three years after the date of the commencement of the*
7 *pilot program.*

8 **(c) GRANTS.**—

9 **(1) IN GENERAL.**—*The Secretary of Veterans Af-*
10 *fairs shall carry out the pilot program through the*
11 *award of grants to eligible entities to establish new*
12 *programs or activities, or to expand or modify exist-*
13 *ing programs or activities, as described in subsection*
14 *(a)(1).*

15 **(2) GRANT CRITERIA.**—

16 **(A) IN GENERAL.**—*The Secretary shall es-*
17 *tablish criteria and requirements for grants*
18 *under the pilot program, including criteria for*
19 *eligible entities to receive such grants. The cri-*
20 *teria established under this subparagraph shall*
21 *include the following:*

22 **(i)** *Specification as to the kinds of*
23 *projects or activities for which grants are*
24 *available.*

1 (ii) *Specification as to the number of*
 2 *projects or activities for which grants are*
 3 *available.*

4 (iii) *Provisions to ensure that grants*
 5 *awarded under the pilot program do not re-*
 6 *sult in duplication of ongoing services.*

7 (B) *PUBLICATION OF CRITERIA IN FEDERAL*
 8 *REGISTER.—The Secretary shall publish the cri-*
 9 *teria and requirements established under sub-*
 10 *paragraph (A) in the Federal Register.*

11 (3) *FUNDING LIMITATION.—A grant under the*
 12 *pilot program may not be used to support the oper-*
 13 *ational costs of an eligible entity.*

14 (d) *ELIGIBLE ENTITIES.—For purposes of this section,*
 15 *an eligible entity is a public or nonprofit organization (in-*
 16 *cluding a faith-based or community organization) that—*

17 (1) *has the capacity to administer effectively a*
 18 *grant under the pilot program, as determined by the*
 19 *Secretary of Veterans Affairs;*

20 (2) *demonstrates that adequate financial support*
 21 *will be available to establish new programs or activi-*
 22 *ties, or to expand or modify existing programs or ac-*
 23 *tivities, as described in subsection (a)(1) consistent*
 24 *with the plans, specifications, and schedule submitted*

1 *by the applicant to the Secretary under subsection*
 2 *(e)(2);*

3 *(3) agrees to meet the applicable criteria and re-*
 4 *quirements established under subsection (c)(2) and de-*
 5 *scribed in subsection (e)(2)(C); and*

6 *(4) has the capacity, as determined by the Sec-*
 7 *retary, to meet the criteria and requirements de-*
 8 *scribed in paragraph (3).*

9 *(e) SELECTION OF GRANT RECIPIENTS.—*

10 *(1) APPLICATION.—An eligible entity seeking a*
 11 *grant under the pilot program shall submit to the*
 12 *Secretary of Veterans Affairs an application therefor*
 13 *in such form and in such manner as the Secretary*
 14 *considers appropriate.*

15 *(2) ELEMENTS.—Each application submitted*
 16 *under paragraph (1) shall include the following:*

17 *(A) The amount of the grant sought for the*
 18 *project or activity.*

19 *(B) Plans, specifications, and the schedule*
 20 *for implementation of the project or activity in*
 21 *accordance with criteria and requirements pre-*
 22 *scribed by the Secretary under subsection (c)(2).*

23 *(C) An agreement—*

1 (i) to provide the services for which the
2 grant is sought at locations accessible to eli-
3 gible transitioning individuals;

4 (ii) to ensure the confidentiality of
5 records maintained on eligible transitioning
6 individuals receiving services through the
7 pilot program; and

8 (iii) to establish such procedures for
9 fiscal control and fund accounting as may
10 be necessary to ensure proper disbursement
11 and accounting with respect to the grant
12 and to such payments as may be made
13 under this section.

14 (3) *APPLICANT AGREEMENT.*—The Secretary
15 may not select an eligible entity for a grant under the
16 pilot program unless the eligible entity agrees to the
17 provisions listed in paragraph (2)(C).

18 (f) *RECOVERY OF UNUSED GRANT AMOUNTS.*—

19 (1) *IN GENERAL.*—The United States shall be en-
20 titled to recover from a grant recipient under this sec-
21 tion the total of all unused grant amounts made
22 under this section to such recipient in connection
23 with such program if such grant recipient—

24 (A) does not establish a program or activity
25 in accordance with this section; or

1 (B) ceases to furnish services under such a
2 program for which the grant was made.

3 (2) *OBLIGATION.*—Any amount recovered by the
4 United States under paragraph (1) may be obligated
5 by the Secretary of Veterans Affairs without fiscal
6 year limitation to carry out provisions of this section.

7 (3) *LIMITATION ON RECOVERY.*—An amount
8 may not be recovered under paragraph (1)(A) as an
9 unused grant amount before the end of the three-year
10 period beginning on the date on which the grant is
11 made.

12 (g) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated from amounts made available
14 under the heading “General Operating Expenses”, not more
15 than \$5,000,000 in each of fiscal years 2009 through 2011
16 to carry out this section.

17 **SEC. 505. ASSESSMENT OF PILOT PROGRAMS.**

18 (a) *PROGRESS REPORTS.*—Not less than one year be-
19 fore the expiration of the authority to carry out a pilot pro-
20 gram authorized by sections 501 through 504, the Secretary
21 of Veterans Affairs shall submit to Congress a progress re-
22 port on such pilot program.

23 (b) *CONTENTS.*—Each progress report submitted for a
24 pilot program under subsection (a) shall include the fol-
25 lowing:

1 (1) *The lessons learned by the Secretary of Vet-*
 2 *erans Affairs with respect to such pilot program that*
 3 *can be applied to other programs with similar pur-*
 4 *poses.*

5 (2) *The recommendations of the Secretary on*
 6 *whether to continue such pilot program.*

7 (3) *The number of veterans and dependents*
 8 *served by such pilot program.*

9 (4) *An assessment of the quality of service pro-*
 10 *vided to veterans and dependents under such pilot*
 11 *program.*

12 (5) *The amount of funds provided to grant re-*
 13 *cipients under such pilot program.*

14 (6) *The names of organizations that have re-*
 15 *ceived grants under such pilot program.*

16 **SEC. 506. INCREASED AUTHORIZATION OF APPROPRIA-**
 17 **TIONS FOR COMPREHENSIVE SERVICE PRO-**
 18 **GRAMS.**

19 *Section 2013 is amended by striking “\$130,000,000”*
 20 *and inserting “\$200,000,000”.*

1 **TITLE VI—NONPROFIT RE-**
 2 **SEARCH AND EDUCATION**
 3 **CORPORATIONS**

4 **SEC. 601. GENERAL AUTHORITIES ON ESTABLISHMENT OF**
 5 **CORPORATIONS.**

6 (a) *AUTHORIZATION OF MULTI-MEDICAL CENTER RE-*
 7 *SEARCH CORPORATIONS.—*

8 (1) *IN GENERAL.—Section 7361 is amended—*

9 (A) *by redesignating subsection (b) as sub-*
 10 *section (e); and*

11 (B) *by inserting after subsection (a) the fol-*
 12 *lowing new subsection (b):*

13 “(b)(1) *Subject to paragraph (2), a corporation estab-*
 14 *lished under this subchapter may facilitate the conduct of*
 15 *research, education, or both at more than one medical cen-*
 16 *ter. Such a corporation shall be known as a ‘multi-medical*
 17 *center research corporation’.*

18 “(2) *The board of directors of a multi-medical center*
 19 *research corporation under this subsection shall include the*
 20 *official at each Department medical center concerned who*
 21 *is, or who carries out the responsibilities of, the medical*
 22 *center director of such center as specified in section*
 23 *7363(a)(1)(A)(i) of this title.*

24 “(3) *In facilitating the conduct of research, education,*
 25 *or both at more than one Department medical center under*

1 *this subchapter, a multi-medical center research corpora-*
 2 *tion may administer receipts and expenditures relating to*
 3 *such research, education, or both, as applicable, performed*
 4 *at the Department medical centers concerned.”.*

5 (2) *EXPANSION OF EXISTING CORPORATIONS TO*
 6 *MULTI-MEDICAL CENTER RESEARCH CORPORA-*
 7 *TIONS.—Such section is further amended by adding*
 8 *at the end the following new subsection:*

9 “(f) *A corporation established under this subchapter*
 10 *may act as a multi-medical center research corporation*
 11 *under this subchapter in accordance with subsection (b)*
 12 *if—*

13 “(1) *the board of directors of the corporation ap-*
 14 *proves a resolution permitting facilitation by the cor-*
 15 *poration of the conduct of research, education, or both*
 16 *at the other Department medical center or medical*
 17 *centers concerned; and*

18 “(2) *the Secretary approves the resolution of the*
 19 *corporation under paragraph (1).”.*

20 (b) *RESTATEMENT AND MODIFICATION OF AUTHORI-*
 21 *TIES ON APPLICABILITY OF STATE LAW.—*

22 (1) *IN GENERAL.—Section 7361, as amended by*
 23 *subsection (a) of this section, is further amended by*
 24 *inserting after subsection (b) the following new sub-*
 25 *section (c):*

1 “(c) *Any corporation established under this subchapter*
 2 *shall be established in accordance with the nonprofit cor-*
 3 *poration laws of the State in which the applicable Depart-*
 4 *ment medical center is located and shall, to the extent not*
 5 *inconsistent with any Federal law, be subject to the laws*
 6 *of such State. In the case of any multi-medical center re-*
 7 *search corporation that facilitates the conduct of research,*
 8 *education, or both at Department medical centers located*
 9 *in different States, the corporation shall be established in*
 10 *accordance with the nonprofit corporation laws of the State*
 11 *in which one of such Department medical centers is lo-*
 12 *cated.”.*

13 (2) *CONFORMING AMENDMENT.—Section 7365 is*
 14 *repealed.*

15 (c) *CLARIFICATION OF STATUS OF CORPORATIONS.—*
 16 *Section 7361, as amended by this section, is further amend-*
 17 *ed—*

18 (1) *in subsection (a), by striking the second sen-*
 19 *tence; and*

20 (2) *by inserting after subsection (c) the following*
 21 *new subsection (d):*

22 “(d)(1) *Except as otherwise provided in this sub-*
 23 *chapter or under regulations prescribed by the Secretary,*
 24 *any corporation established under this subchapter, and its*
 25 *officers, directors, and employees, shall be required to com-*

1 *ply only with those Federal laws, regulations, and executive*
 2 *orders and directives that apply generally to private non-*
 3 *profit corporations.*

4 “(2) *A corporation under this subchapter is not—*

5 “(A) *owned or controlled by the United States;*

6 *or*

7 “(B) *an agency or instrumentality of the United*
 8 *States.”.*

9 *(d) REINSTATEMENT OF REQUIREMENT FOR 501(c)(3)*
 10 *STATUS OF CORPORATIONS.—Subsection (e) of section*
 11 *7361, as redesignated by subsection (a)(1) of this section,*
 12 *is further amended by inserting “section 501(c)(3) of” after*
 13 *“exempt from taxation under”.*

14 **SEC. 602. CLARIFICATION OF PURPOSES OF CORPORA-**
 15 **TIONS.**

16 *(a) CLARIFICATION OF PURPOSES.—Subsection (a) of*
 17 *section 7362 is amended—*

18 *(1) in the first sentence—*

19 *(A) by striking “Any corporation” and all*
 20 *that follows through “facilitate” and inserting*
 21 *“A corporation established under this subchapter*
 22 *shall be established to provide a flexible funding*
 23 *mechanism for the conduct of approved research*
 24 *and education at one or more Department med-*

1 ical centers and to facilitate functions related to
2 the conduct of”; and

3 (B) by inserting before the period at the end
4 the following: “or centers”; and

5 (2) in the second sentence, by inserting “or cen-
6 ters” after “at the medical center”.

7 (b) *MODIFICATION OF DEFINED TERM RELATING TO*
8 *EDUCATION AND TRAINING.*—Subsection (b) of such section
9 is amended in the matter preceding paragraph (1) by strik-
10 ing “the term ‘education and training’” and inserting “the
11 term ‘education’ includes education and training and”.

12 (c) *REPEAL OF ROLE OF CORPORATIONS WITH RE-*
13 *SPECT TO FELLOWSHIPS.*—Paragraph (1) of subsection (b)
14 of such section is amended by striking the flush matter fol-
15 lowing subparagraph (C).

16 (d) *AVAILABILITY OF EDUCATION FOR FAMILIES OF*
17 *VETERAN PATIENTS.*—Paragraph (2) of subsection (b) of
18 such section is amended by striking “to patients and to the
19 families” and inserting “and includes education and train-
20 ing for patients and families”.

21 **SEC. 603. MODIFICATION OF REQUIREMENTS FOR BOARDS**
22 **OF DIRECTORS OF CORPORATIONS.**

23 (a) *REQUIREMENTS FOR DEPARTMENT BOARD MEM-*
24 *BERS.*—Paragraph (1) of section 7363(a) is amended to
25 read as follows:

1 “(1) with respect to the Department medical cen-
2 ter—

3 “(A)(i) the director (or directors of each De-
4 partment medical center, in the case of a multi-
5 medical center research corporation);

6 “(ii) the chief of staff; and

7 “(iii) as appropriate for the activities of
8 such corporation, the associate chief of staff for
9 research and the associate chief of staff for edu-
10 cation; or

11 “(B) in the case of a Department medical
12 center at which one or more of the positions re-
13 ferred to in subparagraph (A) do not exist, the
14 official or officials who are responsible for car-
15 rying out the responsibilities of such position or
16 positions at the Department medical center;
17 and”.

18 (b) *REQUIREMENTS FOR NON-DEPARTMENT BOARD*
19 *MEMBERS.*—Paragraph (2) of such section is amended—

20 (1) by inserting “not less than two” before
21 “members”; and

22 (2) by striking “and who” and all that follows
23 through the period at the end and inserting “and who
24 have backgrounds, or business, legal, financial, med-

1 ical, or scientific expertise, of benefit to the operations
2 of the corporation.”.

3 (c) *CONFLICTS OF INTEREST.*—Subsection (c) of sec-
4 tion 7363 is amended by striking “, employed by, or have
5 any other financial relationship with” and inserting “or
6 employed by”.

7 **SEC. 604. CLARIFICATION OF POWERS OF CORPORATIONS.**

8 (a) *IN GENERAL.*—Section 7364 is amended to read
9 as follows:

10 **“§ 7364. General powers**

11 “(a)(1) A corporation established under this sub-
12 chapter may, solely to carry out the purposes of this sub-
13 chapter—

14 “(A) accept, administer, retain, and spend funds
15 derived from gifts, contributions, grants, fees, reim-
16 bursements, and bequests from individuals and public
17 and private entities;

18 “(B) enter into contracts and agreements with
19 individuals and public and private entities;

20 “(C) subject to paragraph (2), set fees for edu-
21 cation and training facilitated under section 7362 of
22 this title, and receive, retain, administer, and spend
23 funds in furtherance of such education and training;

24 “(D) reimburse amounts to the appropriation
25 account of the Department for the Office of General

1 *Counsel for any expenses of that Office in providing*
2 *legal services attributable to research and education*
3 *agreements under this subchapter; and*

4 “(E) *employ such employees as the corporation*
5 *considers necessary for such purposes and fix the com-*
6 *ensation of such employees.*

7 “(2) *Fees charged under paragraph (1)(C) for edu-*
8 *cation and training described in that paragraph to individ-*
9 *uals who are officers or employees of the Department may*
10 *not be paid for by any funds appropriated to the Depart-*
11 *ment.*

12 “(3) *Amounts reimbursed to the Office of General*
13 *Counsel under paragraph (1)(D) shall be available for use*
14 *by the Office of the General Counsel only for staff and train-*
15 *ing, and related travel, for the provision of legal services*
16 *described in that paragraph.*

17 “(b)(1) *Except as provided in paragraph (2), any*
18 *funds received by the Secretary for the conduct of research*
19 *or education at a Department medical center or centers,*
20 *other than funds appropriated to the Department, may be*
21 *transferred to and administered by a corporation estab-*
22 *lished under this subchapter for such purposes.*

23 “(2) *A Department medical center may reimburse the*
24 *corporation for all or a portion of the pay, benefits, or both*
25 *of an employee of the corporation who is assigned to the*

1 *Department medical center if the assignment is carried out*
2 *pursuant to subchapter VI of chapter 33 of title 5.*

3 “(c) *Except for reasonable and usual preliminary costs*
4 *for project planning before its approval, a corporation es-*
5 *tablished under this subchapter may not spend funds for*
6 *a research project unless the project is approved in accord-*
7 *ance with procedures prescribed by the Under Secretary for*
8 *Health for research carried out with Department funds.*
9 *Such procedures shall include a scientific review process.*

10 “(d) *Except for reasonable and usual preliminary costs*
11 *for activity planning before its approval, a corporation es-*
12 *tablished under this subchapter may not spend funds for*
13 *an education activity unless the activity is approved in ac-*
14 *cordance with procedures prescribed by the Under Secretary*
15 *for Health.*

16 “(e) *The Under Secretary for Health may prescribe*
17 *policies and procedures to guide the spending of funds by*
18 *corporations established under this subchapter that are con-*
19 *sistent with the purpose of such corporations as flexible*
20 *funding mechanisms and with Federal and State laws and*
21 *regulations, and executive orders, circulars, and directives*
22 *that apply generally to the receipt and expenditure of funds*
23 *by nonprofit organizations exempt from taxation under sec-*
24 *tion 501(c)(3) of the Internal Revenue Code of 1986.”.*

1 (b) *CONFORMING AMENDMENT.*—Section 7362(a) of
 2 such title, as amended by section 602(a)(1) of this Act, is
 3 further amended by striking the last sentence.

4 **SEC. 605. REDESIGNATION OF SECTION 7364A OF TITLE 38,**
 5 **UNITED STATES CODE.**

6 (a) *REDESIGNATION.*—Section 7364A is redesignated
 7 as section 7365.

8 (b) *CLERICAL AMENDMENTS.*—The table of sections at
 9 the beginning of chapter 73 is amended—

10 (1) by striking the item relating to section
 11 7364A; and

12 (2) by striking the item relating to section 7365
 13 and inserting the following new item:

“7365. Coverage of employees under certain Federal tort claims laws.”.

14 **SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF**
 15 **CORPORATIONS.**

16 (a) *ADDITIONAL INFORMATION IN ANNUAL RE-*
 17 *PORTS.*—Subsection (b) of section 7366 is amended to read
 18 as follows:

19 “(b)(1) Each corporation shall submit to the Secretary
 20 each year a report providing a detailed statement of the
 21 operations, activities, and accomplishments of the corpora-
 22 tion during that year.

23 “(2)(A) A corporation with revenues in excess of
 24 \$300,000 for any year shall obtain an audit of the corpora-
 25 tion for that year.

1 “(B) A corporation with annual revenues between
2 \$10,000 and \$300,000 shall obtain an audit of the corpora-
3 tion at least once every three years.

4 “(C) Any audit under this paragraph shall be per-
5 formed by an independent auditor.

6 “(3) The corporation shall include in each report to
7 the Secretary under paragraph (1) the following:

8 “(A) The most recent audit of the corporation
9 under paragraph (2).

10 “(B) The most recent Internal Revenue Service
11 Form 990 ‘Return of Organization Exempt from In-
12 come Tax’ or equivalent and the applicable schedules
13 under such form.”.

14 (b) CONFIRMATION OF APPLICATION OF CONFLICT OF
15 INTEREST REGULATIONS TO APPROPRIATE CORPORATION
16 POSITIONS.—Subsection (c) of such section is amended—

17 (1) by striking “laws and” each place it appears;

18 (2) in paragraph (1)—

19 (A) by inserting “each officer and” after
20 “under this subchapter,”; and

21 (B) by striking “, and each employee of the
22 Department” and all that follows through “dur-
23 ing any year”; and

24 (3) in paragraph (2)—

1 (A) by inserting “officer,” after “verifying
2 that each”; and

3 (B) by striking “in the same manner” and
4 all that follows before the period at the end.

5 (c) *ESTABLISHMENT OF APPROPRIATE PAYEE RE-*
6 *PORTING THRESHOLD.*—Subsection (d)(3)(C) of such sec-
7 *tion is amended by striking “\$35,000” and inserting*
8 *“\$50,000”.*

9 **SEC. 607. REPEAL OF SUNSET.**

10 (a) *REPEAL.*—Section 7368 is repealed.

11 (b) *CLERICAL AMENDMENT.*—The table of sections at
12 *the beginning of chapter 73 is amended by striking the item*
13 *relating to section 7368.*

14 **TITLE VII—CONSTRUCTION**

15 **SEC. 701. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR**
16 **MEDICAL FACILITY PROJECTS.**

17 *The Secretary of Veterans Affairs may carry out the*
18 *following major medical facility projects in fiscal year*
19 *2009, with each project to be carried out in the amount*
20 *specified for each project:*

21 (1) *Construction of an 80-bed replacement facil-*
22 *ity in Palo Alto, California, to replace a seismically*
23 *unsafe acute psychiatric inpatient building, in an*
24 *amount not to exceed \$54,000,000.*

1 (2) *Construction of an outpatient clinic to meet*
 2 *the increased demand for diagnostic procedures, am-*
 3 *bulatory surgery, and specialty care in Lee County,*
 4 *Florida, in an amount not to exceed \$131,800,000.*

5 (3) *Seismic corrections to Building 1 at the De-*
 6 *partment of Veterans Affairs Medical Center in San*
 7 *Juan, Puerto Rico, in an amount not to exceed*
 8 *\$225,900,000.*

9 (4) *Construction of a facility for a state-of-the-*
 10 *art polytrauma healthcare and rehabilitation center*
 11 *in San Antonio, Texas, in an amount not to exceed*
 12 *\$66,000,000.*

13 **SEC. 702. EXTENSION OF AUTHORIZATION FOR DEPART-**
 14 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**
 15 **TER, NEW ORLEANS, LOUISIANA, MAJOR MED-**
 16 **ICAL FACILITY CONSTRUCTION PROJECT AL-**
 17 **READY AUTHORIZED.**

18 *The Secretary of Veterans Affairs may carry out in*
 19 *fiscal year 2009 the restoration, new construction, or re-*
 20 *placement of the medical center facility for the Department*
 21 *of Veterans Affairs Medical Center, New Orleans, Lou-*
 22 *isiana, due to damage from Hurricane Katrina, as origi-*
 23 *nally authorized by section 801 of the Veterans Benefits,*
 24 *Health Care, and Information Technology Act of 2006*

1 *(Public Law 109–461; 120 Stat. 3442), in an amount not*
2 *to exceed \$625,000,000.*

3 **SEC. 703. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR**
4 **MEDICAL FACILITY LEASES.**

5 *The Secretary of Veterans Affairs may carry out the*
6 *following major medical facility leases in fiscal year 2009*
7 *at the locations specified, and in an amount for each lease*
8 *not to exceed the amount shown for each such location:*

9 *(1) For an outpatient clinic, Brandon, Florida,*
10 *\$4,326,000.*

11 *(2) For a community-based outpatient clinic,*
12 *Colorado Springs, Colorado, \$10,300,000.*

13 *(3) For an outpatient clinic, Eugene, Oregon,*
14 *\$5,826,000.*

15 *(4) For expansion of an outpatient clinic, Green*
16 *Bay, Wisconsin, \$5,891,000.*

17 *(5) For an outpatient clinic, Greenville, South*
18 *Carolina, \$3,731,000.*

19 *(6) For a community-based outpatient clinic,*
20 *Mansfield, Ohio, \$2,212,000.*

21 *(7) For a satellite outpatient clinic, Mayaguez,*
22 *Puerto Rico, \$6,276,000.*

23 *(8) For a community-based outpatient clinic for*
24 *Southeast Phoenix, Mesa, Arizona, \$5,106,000.*

1 (9) *For interim research space, Palo Alto, Cali-*
 2 *fornia, \$8,636,000.*

3 (10) *For expansion of a community-based out-*
 4 *patient clinic, Savannah, Georgia, \$3,168,000.*

5 (11) *For a community-based outpatient clinic*
 6 *for Northwest Phoenix, Sun City, Arizona,*
 7 *\$2,295,000.*

8 (12) *For a primary care annex, Tampa, Florida,*
 9 *\$8,652,000.*

10 **SEC. 704. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) *AUTHORIZATION OF APPROPRIATIONS FOR MAJOR*
 12 *MEDICAL FACILITY PROJECTS.—There is authorized to be*
 13 *appropriated to the Secretary of Veterans Affairs for fiscal*
 14 *year 2009 for the Construction, Major Projects, account—*

15 (1) *\$477,700,000 for the projects authorized in*
 16 *section 701; and*

17 (2) *\$625,000,000 for the project whose authoriza-*
 18 *tion is extended by section 702.*

19 (b) *AUTHORIZATION OF APPROPRIATIONS FOR MED-*
 20 *ICAL FACILITY LEASES.—There is authorized to be appro-*
 21 *priated to the Secretary of Veterans Affairs for fiscal year*
 22 *2009 for the Medical Facilities account, \$66,419,000 for the*
 23 *leases authorized in section 703.*

24 (c) *LIMITATION.—The projects authorized in sections*
 25 *701 and 702 may only be carried out using—*

1 (1) funds appropriated for fiscal year 2009 pur-
 2 suant to the authorization of appropriations in sub-
 3 section (a) of this section;

4 (2) funds available for Construction, Major
 5 Projects, for a fiscal year before fiscal year 2009 that
 6 remain available for obligation;

7 (3) funds available for Construction, Major
 8 Projects, for a fiscal year after fiscal year 2009 that
 9 remain available for obligation;

10 (4) funds appropriated for Construction, Major
 11 Projects, for fiscal year 2009 for a category of activity
 12 not specific to a project;

13 (5) funds appropriated for Construction, Major
 14 Projects, for a fiscal year before 2009 for a category
 15 of activity not specific to a project; and

16 (6) funds appropriated for Construction, Major
 17 Projects, for a fiscal year after 2009 for a category of
 18 activity not specific to a project.

19 **SEC. 705. INCREASE IN THRESHOLD FOR MAJOR MEDICAL**
 20 **FACILITY LEASES REQUIRING CONGRES-**
 21 **SIONAL APPROVAL.**

22 Section 8104(a)(3)(B) is amended by striking
 23 “\$600,000” and inserting “\$1,000,000”.

1 **SEC. 706. CONVEYANCE OF CERTAIN NON-FEDERAL LAND**
 2 **BY CITY OF AURORA, COLORADO, TO SEC-**
 3 **RETARY OF VETERANS AFFAIRS FOR CON-**
 4 **STRUCTION OF VETERANS MEDICAL FACIL-**
 5 **ITY.**

6 *Section 410 of title IV of division I of the Consolidated*
 7 *Appropriations Act, 2008 (Public Law 110–161; 121 Stat.*
 8 *2276) is amended to read as follows:*

9 **“SEC. 410. CONVEYANCE OF CERTAIN NON-FEDERAL LAND.**

10 *“(a) DEFINITIONS.—In this section:*

11 *“(1) CITY.—The term ‘City’ means the City of*
 12 *Aurora, Colorado.*

13 *“(2) DEED.—The term ‘deed’ means the quit-*
 14 *claim deed—*

15 *“(A) conveyed to the City by the Secretary*
 16 *(acting through the Director of the National*
 17 *Park Service); and*

18 *“(B) dated May 24, 1999.*

19 *“(3) NON-FEDERAL LAND.—The term ‘non-Fed-*
 20 *eral land’ means—*

21 *“(A) parcel I of the former United States*
 22 *Army Garrison Fitzsimons, Adams County, Col-*
 23 *orado, as more specifically described in the deed;*
 24 *and*

25 *“(B) the parcel of land described in the*
 26 *deed.*

1 “(4) *SECRETARY.*—*The term ‘Secretary’ means*
2 *the Secretary of the Interior.*”

3 “(b) *DUTY OF SECRETARY.*—*To allow the City to con-*
4 *vey by donation to the United States the non-Federal land*
5 *to be used by the Secretary of Veterans Affairs for the con-*
6 *struction of a veterans medical facility, not later than 60*
7 *days after the date of enactment of this section, the Sec-*
8 *retary shall execute each instrument that is necessary to*
9 *release all rights, conditions, and restrictions retained by*
10 *the United States in and to the non-Federal land conveyed*
11 *in the deed.”.*

12 ***TITLE VIII—MISCELLANEOUS*** 13 ***PROVISIONS***

14 ***SEC. 801. EXPANSION OF AUTHORITY FOR DEPARTMENT OF*** 15 ***VETERANS AFFAIRS POLICE OFFICERS.***

16 *Section 902 is amended—*

17 *(1) in subsection (a)—*

18 *(A) by amending paragraph (1) to read as*
19 *follows:*

20 *“(1) Employees of the Department who are De-*
21 *partment police officers shall, with respect to acts oc-*
22 *curring on Department property—*

23 *“(A) enforce Federal laws;*

24 *“(B) enforce the rules prescribed under sec-*
25 *tion 901 of this title;*

1 “(C) enforce traffic and motor vehicle laws
2 of a State or local government (by issuance of a
3 citation for violation of such laws) within the ju-
4 risdiction of which such Department property is
5 located as authorized by an express grant of au-
6 thority under applicable State or local law;

7 “(D) carry the appropriate Department-
8 issued weapons, including firearms, while off De-
9 partment property in an official capacity or
10 while in an official travel status;

11 “(E) conduct investigations, on and off De-
12 partment property, of offenses that may have
13 been committed on property under the original
14 jurisdiction of Department, consistent with
15 agreements or other consultation with affected
16 local, State, or Federal law enforcement agencies;
17 and

18 “(F) carry out, as needed and appropriate,
19 the duties described in subparagraphs (A)
20 through (E) of this paragraph when engaged in
21 duties authorized by other Federal statutes.”;

22 (B) by striking paragraph (2) and redesign-
23 ating paragraph (3) as paragraph (2); and

24 (C) in paragraph (2), as redesignated by
25 subparagraph (B) of this paragraph, by insert-

1 ing “, and on any arrest warrant issued by com-
 2 petent judicial authority” before the period; and
 3 (2) by amending subsection (c) to read as fol-
 4 lows:

5 “(c) The powers granted to Department police officers
 6 designated under this section shall be exercised in accord-
 7 ance with guidelines approved by the Secretary and the At-
 8 torney General.”.

9 **SEC. 802. UNIFORM ALLOWANCE FOR DEPARTMENT OF VET-**
 10 **ERANS AFFAIRS POLICE OFFICERS.**

11 Section 903 is amended—

12 (1) by amending subsection (b) to read as fol-
 13 lows:

14 “(b)(1) The amount of the allowance that the Secretary
 15 may pay under this section is the lesser of—

16 “(A) the amount currently allowed as prescribed
 17 by the Office of Personnel Management; or

18 “(B) estimated costs or actual costs as deter-
 19 mined by periodic surveys conducted by the Depart-
 20 ment.

21 “(2) During any fiscal year no officer shall receive
 22 more for the purchase of a uniform described in subsection
 23 (a) than the amount established under this subsection.”;
 24 and

1 (2) *by striking subsection (c) and inserting the*
 2 *following new subsection (c):*

3 “(c) *The allowance established under subsection (b)*
 4 *shall be paid at the beginning of a Department police offi-*
 5 *cer’s employment for those appointed on or after October*
 6 *1, 2008. In the case of any other Department police officer,*
 7 *an allowance in the amount established under subsection*
 8 *(b) shall be paid upon the request of the officer.”.*

9 **SEC. 803. CONDITIONS FOR TREATMENT OF VETERANS,**
 10 **THEIR SURVIVING SPOUSES, AND THEIR**
 11 **CHILDREN AS ADJUDICATED MENTALLY IN-**
 12 **COMPETENT FOR CERTAIN PURPOSES.**

13 (a) *IN GENERAL.*—Chapter 55 is amended by adding
 14 *at the end the following new section:*

15 **“§5511. Conditions for treatment of veterans, sur-**
 16 **living spouses, and children as adju-**
 17 **dicated mentally incompetent for certain**
 18 **purposes**

19 *“In any case arising out of the administration by the*
 20 *Secretary of laws and benefits under this title, a veteran,*
 21 *surviving spouse, or child who is mentally incapacitated,*
 22 *deemed mentally incompetent, or experiencing an extended*
 23 *loss of consciousness shall not be considered adjudicated as*
 24 *a mental defective under subsection (d)(4) or (g)(4) of sec-*
 25 *tion 922 of title 18 without the order or finding of a judge,*

1 *magistrate, or other judicial authority of competent juris-*
 2 *diction that such veteran, surviving spouse, or child is a*
 3 *danger to him- or herself or others.”.*

4 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
 5 *the beginning of chapter 55 is amended by adding at the*
 6 *end the following new item:*

*“5511. Conditions for treatment of veterans, their surviving spouses, and their
 children as adjudicated mentally incompetent for certain pur-
 poses.”.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care to veterans, and for other purposes.”.

Calendar No. 1034

110TH CONGRESS
2^D Session

S. 2969

[Report No. 110-473]

A BILL

To amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health care professionals, and for other purposes.

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008
Reported with an amendment and an amendment to the title