

# Union Calendar No. 526

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3642

[Report No. 115–683]

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the access to private health care for veterans who are survivors of military sexual trauma.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2017

Mr. BARR introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 18, 2018

Additional sponsors: Mr. CURBELO of Florida, Mr. GUTHRIE, Ms. JACKSON LEE, Ms. JENKINS of Kansas, Mr. JONES, Mr. LANCE, Mr. MEEHAN, Mrs. RADEWAGEN, Mr. RUSH, Ms. SINEMA, Mr. RYAN of Ohio, Ms. SPEIER, Mrs. WALORSKI, Mrs. WATSON COLEMAN, Ms. GABBARD, Mr. FORTENBERRY, Ms. STEFANIK, Mr. BYRNE, Mr. CHABOT, Mr. LIPINSKI, Mr. ROGERS of Kentucky, Mr. MOOLENAAR, Mr. YOHO, Mr. DELANEY, Mr. PEARCE, Mr. YARMUTH, Mr. KHANNA, Mrs. BROOKS of Indiana, Mr. WEBSTER of Florida, Mr. UPTON, Mrs. BEATTY, Mr. ROSS, Ms. ADAMS, Mr. JOYCE of Ohio, Mrs. LAWRENCE, Mrs. WAGNER, Mr. VARGAS, Ms. CLARKE of New York, Mrs. LOVE, Mr. ISSA, Mr. MACARTHUR, Mr. KILMER, Mr. BISHOP of Michigan, Mr. KNIGHT, Mr. COOPER, Mrs. COMSTOCK, Mr. DEFazio, Mr. MESSER, Mr. DONOVAN, Mr. YODER, Mr. RATCLIFFE, Ms. ROYBAL-ALLARD, Mr. RICE of South Carolina, Mr. CAPUANO, Mr. VALADAO, Mr. POSEY, Mr. PAULSEN, Mr. JORDAN, Mr. HIMES, Mr. MOONEY of West Virginia, Mr. BUCK, Mr. ROTHFUS, Ms. MOORE, Mr. BUCSHON, Mr. HUIZENGA, Mr. POLIQUIN, Mr. PALAZZO, Mr. COLLINS of New York, Mr. RUPPERSBERGER, Ms. MATSUI, Mr. MCKINLEY, Mr. JODY B. HICE of Georgia, Mr. CUELLAR, and Mr. FASO

MAY 18, 2018

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on August 4, 2017]

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## **A BILL**

To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the access to private health care for veterans who are survivors of military sexual trauma.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Military Sexual Assault*  
5 *Victims Empowerment Act” or the “Military SAVE Act”.*

6 **SEC. 2. PILOT PROGRAM FOR PRIVATE HEALTH CARE FOR**  
7                    **VETERANS WHO ARE SURVIVORS OF MILI-**  
8                    **TARY SEXUAL TRAUMA.**

9        (a) *ESTABLISHMENT.*—*The Secretary of Veterans Af-*  
10 *fairs shall carry out a pilot program to furnish hospital*  
11 *care and medical services to eligible veterans through non-*  
12 *Department health care providers to treat injuries or ill-*  
13 *nesses which, in the judgment of a professional employed*  
14 *by the Department, resulted from a physical assault of a*  
15 *sexual nature, battery of a sexual nature, or sexual harass-*  
16 *ment which occurred while the veteran was serving on ac-*  
17 *tive duty, active duty for training, or inactive duty train-*  
18 *ing.*

19        (b) *DURATION.*—*The Secretary shall carry out the*  
20 *pilot program under subsection (a) for a three-year period.*  
21 *If at the completion of the pilot program an eligible veteran*  
22 *is receiving hospital care and medical services from a non-*  
23 *Department health care provider under the pilot program,*  
24 *the Secretary may approve, on a case-by-case basis, the con-*  
25 *tinuation of such hospital care and medical services from*

1 *that non-Department health care provider until the comple-*  
2 *tion of the episode of care.*

3 (c) *ELIGIBLE VETERANS.*—*A veteran is eligible to par-*  
4 *ticipate in the pilot program under subsection (a) if the*  
5 *veteran—*

6 (1) *is eligible to receive counseling and appro-*  
7 *priate care and services under section 1720D of title*  
8 *38, United States Code; and*

9 (2) *resides in a site selected under subsection (d).*

10 (d) *SITES.*—

11 (1) *SELECTION.*—*The Secretary shall select not*  
12 *more than five sites in which to carry out the pilot*  
13 *program under subsection (a). Each site shall meet*  
14 *each of the following criteria:*

15 (A) *Except as provided by paragraph (2),*  
16 *the site consists of a city with a population be-*  
17 *tween 200,000 and 500,000, as determined by the*  
18 *Bureau of the Census as of the first day of the*  
19 *pilot program.*

20 (B) *The site is in a State in which the Na-*  
21 *tional Violence Against Women Prevention Re-*  
22 *search Center or the Centers for Disease Control*  
23 *and Prevention, or both, has determined the rate*  
24 *of sexual assault to be a substantial problem.*

1           (C) *The site is in a State that, as of the*  
2           *first day of the pilot program, has a weighted*  
3           *percentage of reported rape of not less than 20*  
4           *percent but not more than 30 percent of sexual*  
5           *assault cases, in accordance with the finding of*  
6           *the Centers for Disease Control and Prevention*  
7           *contained in the “‘Lifetime Prevalence of Sexual*  
8           *Violence by any Perpetrator” (NISVS 2010).*

9           (2) *RURAL SITE.—Not fewer than one site se-*  
10          *lected under paragraph (1) shall be rural, as deter-*  
11          *mined by the Secretary.*

12          (e) *PARTICIPATION.—*

13               (1) *ELECTION.—Subject to paragraph (2), an el-*  
14               *igible veteran may elect to participate in the pilot*  
15               *program under subsection (a). Such election shall not*  
16               *affect the ability of the veteran to receive health care*  
17               *furnished by Department providers.*

18               (2) *NUMBER.—Not more than 75 veterans may*  
19               *participate in the pilot program under subsection (a)*  
20               *at each site selected under subsection (d).*

21               (3) *CHOICE OF NON-DEPARTMENT HEALTH CARE*  
22               *PROVIDERS.—An eligible veteran who participates in*  
23               *the pilot program under subsection (a) may freely*  
24               *choose from which non-Department health care pro-*  
25               *vider the veteran receives hospital care or medical*

1        *services under the pilot program, except that the Sec-*  
2        *retary shall—*

3                *(A) ensure that each such non-Department*  
4                *health care provider maintains at least the same*  
5                *or similar credentials and licenses as those cre-*  
6                *denentials and licenses that are required of health*  
7                *care providers of the Department, as determined*  
8                *by the Secretary for the purposes of this section;*  
9                *and*

10               *(B) make a reasonable effort to ensure that*  
11               *such non-Department health care provider is fa-*  
12               *miliar with the conditions and concerns that af-*  
13               *fect members of the Armed Forces and veterans*  
14               *and is trained in evidence-based psychotherapy*

15               *(4) PROVISION OF INFORMATION.—The Secretary*  
16        *shall—*

17               *(A) notify eligible veterans of the ability to*  
18               *make an election under paragraph (1); and*

19               *(B) provide to such veterans educational re-*  
20               *ferred materials, including through pamphlets*  
21               *and internet websites, on the non-Department*  
22               *providers in the sites selected under subsection*  
23               *(d).*

24               *(f) AUTHORIZATION AND MONITORING OF CARE.—In*  
25        *accordance with subsection (e), the Secretary shall ensure*

1 *that the Department of Veterans Affairs authorizes and*  
2 *monitors the hospital care and medical services furnished*  
3 *under the pilot program for appropriateness and necessity.*  
4 *In authorizing and monitoring such care, the Secretary*  
5 *shall—*

6           (1) *treat a non-Department health care provider*  
7 *that furnishes to such a veteran hospital care or med-*  
8 *ical services under the pilot program as an authorized*  
9 *recipient of records of such veteran for purposes of*  
10 *section 7332(b) of title 38, United States Code; and*

11           (2) *ensure that such non-Department health care*  
12 *provider transmits to the Department such records as*  
13 *the Secretary determines appropriate.*

14 *(g) PAYMENTS.—*

15           (1) *CURRENT PROVIDERS.—If a non-Department*  
16 *health care provider has entered into a contract,*  
17 *agreement, or other arrangement with the Secretary*  
18 *pursuant to another provision of law to furnish hos-*  
19 *pital care or medical services to veterans, the Sec-*  
20 *retary shall pay the health care provider for hospital*  
21 *care or medical services furnished under this section*  
22 *using the same rates and payment schedules as pro-*  
23 *vided for in such contract, agreement, or other ar-*  
24 *rangement.*

1           (2) *NEW PROVIDERS.*—*If a non-Department*  
2 *health care provider has not entered into a contract,*  
3 *agreement, or other arrangement with the Secretary*  
4 *pursuant to another provision of law to furnish hos-*  
5 *pital care or medical services to veterans, the Sec-*  
6 *retary shall pay the health care provider for hospital*  
7 *care or medical services furnished under this section*  
8 *using the same rates and payment schedule as if such*  
9 *care and services was furnished pursuant to section*  
10 *1703 of title 38, United States Code.*

11           (3) *NEW CONTRACTS AND AGREEMENTS.*—*The*  
12 *Secretary shall take reasonable efforts to enter into a*  
13 *contract, agreement, or other arrangement with a*  
14 *non-Department health care provider described in*  
15 *subsection (a) to ensure that future care and services*  
16 *authorized by the Secretary and furnished by the pro-*  
17 *vider are subject to such a contract, agreement, or*  
18 *other arrangement*

19           (h) *SURVEYS.*—*The Secretary shall conduct a survey*  
20 *of a sample of eligible veterans to assess the hospital care*  
21 *and medical services furnished to such veterans either pur-*  
22 *suant to this section or section 1720D of title 38, United*  
23 *States Code, as the case may be.*

24           (i) *REPORT.*—*Not later than 60 days before the com-*  
25 *pletion of the pilot program under subsection (a), the Sec-*



1 *retary shall submit to the Committees on Veterans' Affairs*  
2 *of the House of Representatives and the Senate a report on*  
3 *the pilot program. The report shall include the following:*

4           (1) *The results of the pilot program, including,*  
5 *to the extent possible, an assessment of the health out-*  
6 *comes of veterans who participated in the pilot pro-*  
7 *gram.*

8           (2) *The recommendation of the Secretary with*  
9 *respect to extending or making permanent the pilot*  
10 *program.*

11 (j) *DEFINITIONS.—In this section:*

12           (1) *The term “non-Department health care pro-*  
13 *vider” means an entity specified in section*  
14 *101(a)(1)(B) of section 101 of the Veterans Access,*  
15 *Choice, and Accountability Act of 2015 (Public Law*  
16 *113–146; 38 U.S.C. 1701) or any other health care*  
17 *provider that has entered into a contract, agreement,*  
18 *or other arrangement with the Secretary pursuant to*  
19 *another provision of law to furnish hospital care or*  
20 *medical services to veterans.*

21           (2) *The term “sexual harassment” has the mean-*  
22 *ing given that term in section 1720D of title 38,*  
23 *United States Code.*

1           (3) *The term “State” has the meaning given that*  
2           *term in section 101(20) of title 38, United States*  
3           *Code.*



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