

S 252 IS

111th CONGRESS
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S. 252

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.

IN THE SENATE OF THE UNITED STATES

January 15, 2009

Mr. AKAKA (for himself, Mr. DURBIN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) Short Title- This Act may be cited as the 'Veterans Health Care Authorization Act of 2009'.
- (b) Table of Contents- The table of contents for 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 certain annual reporting requirements.
- Sec. 202. Modifications to annual Gulf War research report.
- Sec. 203. Payment for care furnished to CHAMPVA beneficiaries.
- Sec. 204. Payor provisions for care furnished to certain children of Vietnam veterans.
- Sec. 205. Disclosures from certain medical records.
- Sec. 206. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.
- Sec. 207. Enhancement of quality management.
- Sec. 208. Reports on improvements to Department health care quality management.
- Sec. 209. Pilot program on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury.
- Sec. 210. 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 rehabilitation.
- Sec. 211. 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. 212. Specialized residential care and rehabilitation for certain veterans.
- Sec. 213. Authority to disclose medical records to third party for collection of charges for provision of certain care.
- Sec. 214. Expanded study on the health impact of Project Shipboard Hazard and Defense.
- Sec. 215. Use of non-Department facilities for rehabilitation of individuals with traumatic brain injury.
- Sec. 216. Inclusion of federally recognized tribal organizations in certain programs for State veterans homes.
- Sec. 217. 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.

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.

TITLE VII--MISCELLANEOUS PROVISIONS

Sec. 701. Expansion of authority for Department of Veterans Affairs police officers.

Sec. 702. Uniform allowance for Department of Veterans Affairs police officers.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or 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 employees in such class and include such comments in such notice.'

(2) APPOINTMENT OF NURSE ASSISTANTS- Such paragraph is further amended by inserting `nurse assistants,' after `licensed practical or vocational nurses,'.

(b) Probationary Periods for Registered Nurses- Section 7403(b) is amended--

(1) in paragraph (1), by striking `Appointments' and inserting `Except as otherwise provided in this subsection, appointments';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

` (2) An appointment of a registered nurse under this chapter, whether on a full-time basis or a part-time basis, shall be for a probationary period ending upon the completion by the person so appointed of a number of hours of work pursuant to such appointment that the Secretary considers appropriate for such appointment but not more than 4,180 hours.

` (3) An appointment described in subsection (a) on a part-time basis of a person who has previously served on a full-time basis for the probationary period for the position concerned shall be without a probationary period.'

(c) Prohibition on Temporary Part-Time Registered Nurse Appointments in Excess of 4,180 Hours- Section 7405 is amended by adding at the end the following new subsection:

` (g)(1) Employment of a registered nurse on a temporary part-time basis under subsection (a)(1) shall be for a probationary period ending upon the completion by the person so employed of a number of hours of work pursuant to such employment that the Secretary considers appropriate for such employment but not more than 4,180 hours.

` (2) Upon completion by a registered nurse of the probationary period described in paragraph (1)--

` (A) the employment of such nurse shall--

` (i) no longer be considered temporary; and

` (ii) be considered an appointment described in section 7403(a) of this title; and

` (B) the nurse shall be considered to have served the probationary period required by section 7403(b).'

(d) Waiver of Offset From Pay for Certain Reemployed Annuitants-

(1) IN GENERAL- Section 7405, as amended by subsection (c), is further amended by adding at the end the following new subsection:

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

`(2) An annuitant to whom a waiver under paragraph (1) is in effect shall not be considered an employee for purposes of any Government retirement system.

`(3) An annuitant to whom a waiver under paragraph (1) is in effect shall be subject to the provisions of chapter 71 of title 5 (including all labor authority and labor representative collective bargaining agreements) applicable to the position to which appointed.

`(4) In this subsection:

`(A) The term `annuitant' means an annuitant under a Government retirement system.

`(B) The term `employee' has the meaning under section 2105 of title 5.

`(C) The term `Government retirement system' means a retirement system established by law for employees of the Government of the United States.'

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

(e) Rate of Basic Pay for Appointees to the Office of the Under Secretary for Health Set to Rate of Basic Pay for Senior Executive Service Positions-

(1) IN GENERAL- Section 7404(a) is amended--

(A) by striking `The annual' and inserting `(1) The annual';

(B) by striking `The pay' and inserting the following:

`(2) The pay';

(C) by striking `under the preceding sentence' and inserting `under paragraph (1)'; and

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

`(3) The rate of basic pay for a position to which an Executive order applies under paragraph (1) and is not described by paragraph (2) shall be set in accordance with section 5382 of title 5 as if such position were a Senior Executive Service position (as such term is defined in section 3132(a) of title 5).'

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

(f) Comparability Pay Program for Appointees to the Office of the Under Secretary for Health- Section 7410 is amended--

(1) by striking 'The Secretary may' and inserting '(a) In General- The Secretary may'; and

(2) by adding at the end the following new subsection:

(b) Comparability Pay for Appointees to the Office of the Under Secretary for Health- (1) The Secretary may authorize the Under Secretary for Health to provide comparability pay of not more than \$100,000 per year to individuals of the Veterans Health Administration appointed under section 7306 of this title who are not physicians or dentists and to individuals who are appointed to Senior Executive Service positions (as such term is defined in section 3132(a) of title 5) to achieve annual pay levels for such individuals that are comparable with annual pay levels of individuals with similar positions in the private sector.

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

(3) Except as provided in paragraph (4), comparability pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

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

(5) Comparability pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.'

(g) Special Incentive Pay for Department Pharmacist Executives- Section 7410, as amended by subsection (f) of this section, is further amended by adding at the end the following new subsection:

(c) Special Incentive Pay for Department Pharmacist Executives- (1) In order to recruit and retain highly qualified Department pharmacist executives, the Secretary may authorize the Under Secretary for Health to pay special incentive pay of not more than \$40,000 per year to an individual of the Veterans Health Administration who is a pharmacist executive.

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

(A) The grade and step of the position of the individual.

(B) The scope and complexity of the position of the individual.

- ` (C) The personal qualifications of the individual.
- ` (D) The characteristics of the labor market concerned.
- ` (E) Such other factors as the Secretary considers appropriate.
- ` (3) Special incentive pay under paragraph (1) for an individual is in addition to all other pay (including basic pay) and allowances to which the individual is entitled.
- ` (4) Except as provided in paragraph (5), special incentive pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.
- ` (5) Special incentive pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.
- ` (6) Special incentive pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.'
- (h) Pay for Physicians and Dentists-
 - (1) NON-FOREIGN COST OF LIVING ADJUSTMENT ALLOWANCE- Section 7431(b) is amended by adding at the end the following new paragraph:
 - ` (5) The non-foreign cost of living adjustment allowance authorized under section 5941 of title 5 for physicians and dentists whose pay is set under this section shall be determined as a percentage of base pay only.'
 - (2) MARKET PAY DETERMINATIONS FOR PHYSICIANS AND DENTISTS IN ADMINISTRATIVE OR EXECUTIVE LEADERSHIP POSITIONS- Section 7431(c)(4)(B)(i) is amended by adding at the end the following: `The Secretary may exempt physicians and dentists occupying administrative or executive leadership positions from the requirements of the previous sentence.'
 - (3) EXCEPTION TO PROHIBITION ON REDUCTION OF MARKET PAY- Section 7431(c)(7) is amended by striking `concerned.' and inserting `concerned, unless there is a change in board certification or reduction of privileges.'
- (i) Adjustment of Pay Cap for Nurses- Section 7451(c)(2) is amended by striking `level V' and inserting `level IV'.
- (j) Exemption for Certified Registered Nurse Anesthetists From Limitation on Authorized Competitive Pay- Section 7451(c)(2) is further amended by adding at the end the following new sentence: `The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in the preceding sentence.'
- (k) Locality Pay Scale Computations-

(1) EDUCATION, TRAINING, AND SUPPORT FOR FACILITY DIRECTORS IN WAGE SURVEYS- Section 7451(d)(3) is amended by adding at the end the following new subparagraph:

`(F) The Under Secretary for Health shall provide appropriate education, training, and support to directors of Department health care facilities in the conduct and use of surveys, including the use of third-party surveys, under this paragraph.'

(2) INFORMATION ON METHODOLOGY USED IN WAGE SURVEYS- Section 7451(e)(4) is amended--

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

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

`(D) In any case in which the director conducts such a wage survey during the period covered by the report and makes adjustment in rates of basic pay applicable to one or more covered positions at the facility, information on the methodology used in making such adjustment or adjustments.'

(3) DISCLOSURE OF INFORMATION TO PERSONS IN COVERED POSITIONS- Section 7451(e), as amended by paragraph (2) of this subsection, is further amended by adding at the end the following new paragraph:

`(6)(A) Upon the request of an individual described in subparagraph (B) for a report provided under paragraph (4) with respect to a Department health-care facility, the Under Secretary for Health or the director of such facility shall provide to the individual the most current report for such facility provided under such paragraph.

`(B) An individual described in this subparagraph is--

`(i) an individual in a covered position at a Department health-care facility; or

`(ii) a representative of the labor organization representing that individual who is designated by that individual to make the request.'

(l) Increased Limitation on Special Pay for Nurse Executives- Section 7452(g)(2) is amended by striking `\$25,000' and inserting `\$100,000'.

(m) Eligibility of Part-Time Nurses for Additional Nurse Pay-

(1) IN GENERAL- Section 7453 is amended--

(A) in subsection (a), by striking `a nurse' and inserting `a full-time nurse or part-time nurse';

(B) in subsection (b)--

(i) in the first sentence--

(I) by striking `on a tour of duty';

(II) by striking `service on such tour' and inserting `such service'; and

- (III) by striking `of such tour' and inserting `of such service'; and
- (ii) in the second sentence, by striking `of such tour' and inserting `of such service';
- (C) in subsection (c)--
 - (i) by striking `on a tour of duty'; and
 - (ii) by striking `service on such tour' and inserting `such service'; and
- (D) in subsection (e)--
 - (i) in paragraph (1), by striking `eight hours in a day' and inserting `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- Paragraph (3) of section 7454(b) is amended to read as follows:

`(3) Employees appointed under section 7408 of this title performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay in addition to the rate of basic pay provided such employees for each hour of service on such tour at a rate equal to 25 percent of such employee's hourly rate of basic pay.'

(n) Exemption of Additional Nurse Positions From Limitation on Increase in Rates of Basic Pay- Section 7455(c)(1) is amended by inserting after `nurse anesthetists,' the following: `licensed practical nurses, licensed vocational nurses, and nursing positions otherwise covered by title 5,'.

SEC. 102. LIMITATIONS ON OVERTIME DUTY, WEEKEND DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.

(a) Overtime Duty-

(1) IN GENERAL- Subchapter IV of chapter 74 is amended by adding at the end the following new section:

`Sec. 7459. Nursing staff: special rules for overtime duty

`(a) Limitation- Except as provided in subsection (c), the Secretary may not require nursing staff to work more than 40 hours (or 24 hours if such staff is covered under section 7456 of this title) in an administrative work week or more than eight consecutive hours (or 12 hours if such staff is covered under section 7456 or 7456A of this title).

`(b) Voluntary Overtime- (1) Nursing staff may on a voluntary basis elect to work hours otherwise prohibited by subsection (a).

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

`(c) Overtime Under Emergency Circumstances- (1) Subject to paragraph (2), the Secretary may require nursing staff to work hours otherwise prohibited by subsection (a) if--

`(A) the work is a consequence of an emergency that could not have been reasonably anticipated;

`(B) the emergency is non-recurring and is not caused by or aggravated by the inattention of the Secretary or lack of reasonable contingency planning by the Secretary;

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

`(D) the nurse staff have critical skills and expertise that are required for the work; and

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

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

`(d) Nursing Staff Defined- In this section, the term `nursing staff' includes the following;

`(1) A registered nurse.

`(2) A licensed practical or vocational nurse.

`(3) A nurse assistant appointed under this chapter or title 5.

`(4) Any other nurse position designated by the Secretary for purposes of this section.'

(2) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7458 the following new item:

`7459. Nursing staff: special rules for overtime duty.'

(b) Weekend Duty- Section 7456 is amended--

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) Alternate Work Schedules-

(1) IN GENERAL- Section 7456A(b)(1)(A) is amended by striking `three regularly scheduled' and all that follows through the period at the end and inserting `six regularly scheduled 12-hour periods of service within a pay period shall be considered for all purposes to have worked a full 80-hour pay period.'

(2) CONFORMING AMENDMENTS- Section 7456A(b) is amended--

- (A) in the subsection heading, by striking `36/40' and inserting `72/80';
- (B) in paragraph (2)--
 - (i) in subparagraph (A), by striking `40-hour basic work week' and inserting `80-hour pay period';
 - (ii) in subparagraph (B), by striking `regularly scheduled 36-hour tour of duty within the work week' and inserting `scheduled 72-hour period of service within the bi-weekly pay period';
 - (iii) in subparagraph (C)--
 - (I) in clause (i), by striking `regularly scheduled 36-hour tour of duty within an administrative work week' and inserting `scheduled 72-hour period of service within an administrative pay period';
 - (II) in clause (ii), by striking `regularly scheduled 12-hour tour of duty' and inserting `scheduled 12-hour period of service'; and
 - (III) in clause (iii), by striking `regularly scheduled 36-hour tour of duty work week' and inserting `scheduled 72-hour period of service pay period';
 - and
 - (iv) in subparagraph (D), by striking `regularly scheduled 12-hour tour of duty' and inserting `scheduled 12-hour period of service'; and
- (C) in paragraph (3), by striking `regularly scheduled 12-hour tour of duty' and inserting `scheduled 12-hour period of service'.

SEC. 103. IMPROVEMENTS TO CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS.

- (a) Reinstatement of Health Professionals Educational Assistance Scholarship Program-
 - (1) IN GENERAL- Section 7618 is amended by striking `December 31, 1998' and inserting `December 31, 2014'.
 - (2) EXPANSION OF ELIGIBILITY REQUIREMENTS- Section 7612(b)(2) is amended by striking `(under section' and all that follows through `or vocational nurse.' and inserting the following: `as an appointee under paragraph (1) or (3) of section 7401 of this title.'
- (b) Improvements to Education Debt Reduction Program-
 - (1) INCLUSION OF EMPLOYEE RETENTION AS PURPOSE OF PROGRAM- Section 7681(a)(2) is amended by inserting `and retention' after `recruitment' the first time it appears.
 - (2) ELIGIBILITY- Section 7682 is amended--

(A) in subsection (a)(1), by striking 'a recently appointed' and inserting 'an'; and

(B) by striking subsection (c).

(3) MAXIMUM AMOUNTS OF ASSISTANCE- Section 7683(d)(1) is amended--

(A) by striking '\$44,000' and inserting '\$60,000'; and

(B) by striking '\$10,000' and inserting '\$12,000'.

(c) Loan Repayment Program for Clinical Researchers From Disadvantaged Backgrounds-

(1) IN GENERAL- The Secretary of Veterans Affairs may, in consultation with the Secretary of Health and Human Services, utilize the authorities available in section 487E of the Public Health Service Act (42 U.S.C. 288-5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(2) LIMITATIONS- The exercise by the Secretary of Veterans Affairs of the authorities referred to in paragraph (1) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288-5(a)(2) and (3)).

(3) FUNDING- Amounts for the repayment of principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Veterans Affairs for the Veterans Health Administration for Medical Services.

SEC. 104. STANDARDS FOR APPOINTMENT AND PRACTICE OF PHYSICIANS IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) Standards-

(1) IN GENERAL- Subchapter I of chapter 74 is amended by inserting after section 7402 the following new section:

` Sec. 7402A. Appointment and practice of physicians: standards

`(a) In General- The Secretary shall, acting through the Under Secretary for Health, prescribe standards to be met by individuals in order to qualify for appointment in the Veterans Health Administration in the position of physician and to practice as a physician in medical facilities of the Administration. The standards shall incorporate the requirements of this section.

` (b) Disclosure of Certain Information Before Appointment- Each individual seeking appointment in the Veterans Health Administration in the position of physician shall do the following:

` (1) Provide the Secretary a full and complete explanation of the following:

` (A) Each lawsuit, civil action, or other claim (whether open or closed) brought against the individual for medical malpractice or negligence (other than a lawsuit, action, or claim closed without any judgment against or payment by or on behalf of the individual).

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

` (C) Each investigation or disciplinary action taken against the individual relating to the individual's performance as a physician.

` (2) Submit a written request and authorization to the State licensing board of each State in which the individual holds or has held a license to practice medicine to disclose to the Secretary any information in the records of such State on the following:

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

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

` (C) Each medical malpractice judgment against the individual by the courts or administrative agencies or bodies of such State.

` (D) Each disciplinary action taken or under consideration against the individual by an administrative agency or body of such State.

` (E) Any change in the status of the license to practice medicine issued the individual by such State, including any voluntary or nondisciplinary surrendering of such license by the individual.

` (F) Any open investigation of the individual by an administrative agency or body of such State, or any outstanding allegation against the individual before such an administrative agency or body.

` (G) Any written notification by the State to the individual of potential termination of a license for cause or otherwise.

` (c) Disclosure of Certain Information Following Appointment- (1) Each individual appointed in the Veterans Health Administration in the position

of physician after the date of the enactment of this section shall, as a condition of service under the appointment, disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

` (A) A judgment against the individual for medical malpractice or negligence.

` (B) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed under paragraph (1) or (2) of subsection (b).

` (C) Any disposition of or material change in a matter disclosed under paragraph (1) or (2) of subsection (b).

` (2) Each individual appointed in the Veterans Health Administration in the position of physician as of the date of the enactment of this section shall do the following:

` (A) Not later than the end of the 60-day period beginning on the date of the enactment of this section and as a condition of service under the appointment after the end of that period, submit the request and authorization described in subsection (b)(2).

` (B) Agree, as a condition of service under the appointment, to disclose to the Secretary, not later than 30 days after the occurrence of such event, the following:

` (i) A judgment against the individual for medical malpractice or negligence.

` (ii) A payment made by or on behalf of the individual to settle any lawsuit, action, or claim disclosed pursuant to subparagraph (A) or under this subparagraph.

` (iii) Any disposition of or material change in a matter disclosed pursuant to subparagraph (A) or under this subparagraph.

` (3) Each individual appointed in the Veterans Health Administration in the position of physician shall, as part of the biennial review of the performance of the physician under the appointment, submit the request and authorization described in subsection (b)(2). The requirement of this paragraph is in addition to the requirements of paragraph (1) or (2), as applicable.

` (d) Investigation of Disclosed Matters- (1) The Director of the Veterans Integrated Services Network (VISN) in which an individual is seeking appointment in the Veterans Health Administration in the position of physician shall perform an investigation (in such manner as the standards required by this section shall specify) of each matter disclosed under subsection (b) with respect to the individual.

` (2) The Director of the Veterans Integrated Services Network in which an individual is appointed in the Veterans Health Administration in the position of physician shall perform an investigation (in a manner so specified) of each matter disclosed under subsection (c) with respect to the individual.

` (3) The results of each investigation performed under this subsection shall be fully documented.

` (e) Approval of Appointments by Directors of VISNs- (1) An individual may not be appointed in the Veterans Health Administration in the position of physician without the approval of the Director of the Veterans Integrated Services Network in which the individual will first serve under the appointment.

` (2) In approving the appointment under this subsection of an individual for whom any matters have been disclosed under subsection (b), a Director shall--

` (A) certify in writing the completion of the performance of the investigation under subsection (d)(1) of each such matter, including the results of such investigation; and

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

` (f) Enrollment of Physicians With Practice Privileges in Proactive Disclosure Service- Each medical facility of the Department at which physicians are extended the privileges of practice shall enroll each physician extended such privileges in the Proactive Disclosure Service of the National Practitioner Data Bank.

` (g) Encouraging Hiring of Physicians With Board Certification- (1) The Secretary shall, for each performance contract with a Director of a Veterans Integrated Services Network (VISN), include in such contract a provision that encourages such director to hire physicians who are board eligible or board certified in the specialty in which the physicians will practice.

` (2) The Secretary may determine the nature and manner of the provision described in paragraph (1).'

(2) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 74 is amended by inserting after the item relating to section 7402 the following new item:

` 7402A. Appointment and practice of physicians: standards.'

(b) Effective Date and Applicability-

(1) EFFECTIVE DATE- Except as provided in paragraphs (2) and (3), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

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

(3) APPLICABILITY OF REQUIREMENTS RELATED TO HIRING OF PHYSICIANS WITH BOARD CERTIFICATION- The requirement of section 7402A(g) of such title, as added by subsection (a), shall begin with the first cycle of performance contracts for directors of Veterans Integrated Services Networks beginning after the date of the enactment of this Act.

TITLE II--HEALTH CARE MATTERS

SEC. 201. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.

- (a) Nurse Pay Report- Section 7451 is amended--
 - (1) by striking subsection (f); and
 - (2) by redesignating subsection (g) as subsection (f).
- (b) Long-Term Planning Report-
 - (1) IN GENERAL- Section 8107 is repealed.
 - (2) CONFORMING AMENDMENT- The table of sections at the beginning of chapter 81 is amended by striking the item relating to section 8107.

SEC. 202. MODIFICATIONS TO ANNUAL GULF WAR RESEARCH REPORT.

Section 707(c)(1) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended by striking `Not later than March 1 of each year' and inserting `Not later than July 1, 2008, and July 1 of each of the five following years'.

SEC. 203. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

`(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care.'

SEC. 204. PAYOR PROVISIONS FOR CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) Children of Vietnam Veterans Born With Spina Bifida- Section 1803 is amended--

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

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

`(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent thereof would be eligible to receive payment for such care or services from such third party, but--

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

`(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

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

(b) Children of Women Vietnam Veterans Born With Birth Defects- Section 1813 is amended--

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

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

`(c) Seeking Payment From Third Parties- Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the health care provider or agent thereof would be eligible to receive payment for such care or services from such third party, but--

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

`(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

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

SEC. 205. DISCLOSURES FROM CERTAIN MEDICAL RECORDS.

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

`(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

`(ii) In this subparagraph, the term `representative' means an individual, organization, or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity.'.

SEC. 206. DISCLOSURE TO SECRETARY OF HEALTH-PLAN CONTRACT INFORMATION AND SOCIAL SECURITY NUMBER OF CERTAIN VETERANS RECEIVING CARE.

(a) In General- Subchapter I of chapter 17 is amended by adding at the end the following new section:

`Sec. 1709. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care

`(a) Required Disclosure of Health-Plan Contracts- (1) Any individual who applies for or is in receipt of care described in paragraph (2) shall, at the time of such application, or otherwise when requested by the Secretary, submit to the Secretary such current information as the Secretary may require to identify any health-plan contract (as defined in section 1729(i) of this title) under which such individual is covered, to include, as applicable--

`(A) the name, address, and telephone number of such health-plan contract;

`(B) the name of the individual's spouse, if the individual's coverage is under the spouse's health-plan contract;

`(C) the plan number; and

`(D) the plan's group code.

`(2) The care described in this paragraph is--

`(A) hospital, nursing home, or domiciliary care;

`(B) medical, rehabilitative, or preventive health services; or

`(C) other medical care under laws administered by the Secretary.

`(b) Required Disclosure of Social Security Number- (1) Any individual who applies for or is in receipt of care described in paragraph (2) shall, at the time of such application, or otherwise when requested by the Secretary, submit to the Secretary--

`(A) the individual's social security number; and

- ` (B) the social security number of any dependent or Department beneficiary on whose behalf, or based upon whom, such individual applies for or is in receipt of such care.
- ` (2) The care described in this paragraph is--
 - ` (A) hospital, nursing home, or domiciliary care;
 - ` (B) medical, rehabilitative, or preventive health services; or
 - ` (C) other medical care under laws administered by the Secretary.
- ` (3) This subsection does not require an individual to furnish the Secretary with a social security number for any individual to whom a social security number has not been assigned.
- ` (c) Failure To Disclose Social Security Number- (1) The Secretary shall deny an individual's application for, or may terminate an individual's enrollment in, the system of patient enrollment established by the Secretary under section 1705 of this title, if such individual does not provide the social security number required or requested to be submitted pursuant to subsection (b).
 - ` (2) Following a denial or termination under paragraph (1) with respect to an individual, the Secretary may, upon receipt of the information required or requested under subsection (b), approve such individual's application or reinstate such individual's enrollment (if otherwise in order), for such medical care and services provided on and after the date of such receipt of information.
 - ` (d) Construction- Nothing in this section shall be construed as authority to deny medical care and treatment to an individual in a medical emergency.'
- (b) Clerical Amendment- The table of sections at the beginning of such chapter 17 is amended by inserting after the item relating to section 1708 the following new item:
 - ` 1709. Disclosure to Secretary of health-plan contract information and social security number of certain veterans receiving care.'

SEC. 207. ENHANCEMENT OF QUALITY MANAGEMENT.

(a) Enhancement of Quality Management Through Quality Management Officers-

- (1) IN GENERAL- Subchapter II of chapter 73 is amended by inserting after section 7311 the following new section:

` Sec. 7311A. Quality management officers

` (a) National Quality Management Officer- (1) The Under Secretary for Health shall designate an official of the Veterans Health Administration to act as the principal quality management officer for the quality-assurance program required by section 7311 of this title. The official so designated may be known as the ` National Quality Management Officer of the

Veterans Health Administration' (in this section referred to as the 'National Quality Management Officer').

`(2) The National Quality Management Officer shall report directly to the Under Secretary for Health in the discharge of responsibilities and duties of the Officer under this section.

`(3) The National Quality Management Officer shall be the official within the Veterans Health Administration who is principally responsible for the quality-assurance program referred to in paragraph (1). In carrying out that responsibility, the Officer shall be responsible for the following:

`(A) Establishing and enforcing the requirements of the program referred to in paragraph (1).

`(B) Developing an aggregate quality metric from existing data sources, such as the Inpatient Evaluation Center of the Department, the National Surgical Quality Improvement Program of the American College of Surgeons, and the External Peer Review Program of the Veterans Health Administration, that could be used to assess reliably the quality of care provided at individual Department medical centers and associated community based outpatient clinics.

`(C) Ensuring that existing measures of quality, including measures from the Inpatient Evaluation Center, the National Surgical Quality Improvement Program, System-Wide Ongoing Assessment and Review reports of the Department, and Combined Assessment Program reviews of the Office of Inspector General of the Department, are monitored routinely and analyzed in a manner that ensures the timely detection of quality of care issues.

`(D) Encouraging research and development in the area of quality metrics for the purposes of improving how the Department measures quality in individual facilities.

`(E) Carrying out such other responsibilities and duties relating to quality management in the Veterans Health Administration as the Under Secretary for Health shall specify.

`(4) The requirements under paragraph (3) shall include requirements regarding the following:

`(A) A confidential system for the submittal of reports by Veterans Health Administration personnel regarding quality management at Department facilities.

`(B) Mechanisms for the peer review of the actions of individuals appointed in the Veterans Health Administration in the position of physician.

`(b) Quality Management Officers for VISNs- (1) The Regional Director of each Veterans Integrated Services Network (VISN) shall appoint an official of the Network to act as the quality management officer of the Network.

`(2) The quality management officer for a Veterans Integrated Services Network shall report to the Regional Director of the Veterans Integrated

Services Network, and to the National Quality Management Officer, regarding the discharge of the responsibilities and duties of the officer under this section.

`(3) The quality management officer for a Veterans Integrated Services Network shall--

`(A) direct the quality management office in the Network; and

`(B) coordinate, monitor, and oversee the quality management programs and activities of the Administration medical facilities in the Network in order to ensure the thorough and uniform discharge of quality management requirements under such programs and activities throughout such facilities.

`(c) Quality Management Officers for Medical Facilities- (1) The director of each Veterans Health Administration medical facility shall appoint a quality management officer for that facility.

`(2) The quality management officer for a facility shall report directly to the director of the facility, and to the quality management officer of the Veterans Integrated Services Network in which the facility is located, regarding the discharge of the responsibilities and duties of the quality management officer under this section.

`(3) The quality management officer for a facility shall be responsible for designing, disseminating, and implementing quality management programs and activities for the facility that meet the requirements established by the National Quality Management Officer under subsection (a).

`(d) Authorization of Appropriations- (1) Except as provided in paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section.

`(2) There are authorized to be appropriated to carry out the provisions of subparagraphs (B), (C), and (D) of subsection (a)(3), \$25,000,000 for the two-year period of fiscal years beginning after the date of the enactment of this section.'

(2) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7311 the following new item:

`7311A. Quality management officers.'

(b) Reports on Quality Concerns Under Quality-Assurance Program- Section 7311(b) is amended by adding at the end the following new paragraph:

`(4) As part of the quality-assurance program, the Under Secretary for Health shall establish mechanisms through which employees of Veterans Health Administration facilities may submit reports, on a confidential basis, on matters relating to quality of care in Veterans Health Administration facilities to the quality management officers of such facilities under section 7311A(b) of this title. The mechanisms shall provide for the prompt and thorough review of any reports so submitted by the receiving officials.'

(c) Review of Current Health Care Quality Safeguards-

(1) IN GENERAL- The Secretary of Veterans Affairs shall conduct a comprehensive review of all current policies and protocols of the Department of Veterans Affairs for maintaining health care quality and patient safety at Department medical facilities. The review shall include a review and assessment of the National Surgical Quality Improvement Program (NSQIP), including an assessment of--

(A) the efficacy of the quality indicators under the program;

(B) the efficacy of the data collection methods under the program;

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

(D) the extent to which the resources allocated to the program are adequate to fulfill the stated function of the program.

(2) REPORT- Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the review conducted under paragraph (1), including the findings of the Secretary as a result of the review and such recommendations as the Secretary considers appropriate in light of the review.

SEC. 208. REPORTS ON IMPROVEMENTS TO DEPARTMENT HEALTH CARE QUALITY MANAGEMENT.

(a) Report- Not later than December 15, 2009, and each year thereafter through 2012, the Secretary of Veterans Affairs shall submit to the congressional veterans affairs committees a report on the implementation of sections 104 and 207 of this Act and the amendments made by such sections during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A comprehensive description of the implementation of sections 104 and 207 of this Act and the amendments made by such sections.

(2) Such recommendations as the Secretary considers appropriate for legislative or administrative action to improve the authorities and requirements in such sections and the amendments made by such sections or to otherwise improve the quality of health care and the quality of the physicians in the Veterans Health Administration.

(b) Congressional Veterans Affairs Committees Defined- In this section, the term `congressional veterans affairs committees' means--

(1) the Committees on Veterans' Affairs and Appropriations of the Senate; and

(2) the Committees on Veterans' Affairs and Appropriations of the House of Representatives.

SEC. 209. PILOT PROGRAM ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR

VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

- (a) Pilot Program Authorized- The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.
- (b) Duration of Program- The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.
- (c) Locations-
- (1) IN GENERAL- The pilot program under this section shall be carried out--
 - (A) in three medical facilities of the Department of Veterans Affairs; and
 - (B) if determined appropriate by the Secretary of Veterans Affairs and the Secretary of Defense, one medical facility of the Department of Defense.
 - (2) EMPHASIS ON POLYTRAUMA CENTERS- In selecting the locations of the pilot program at facilities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.
- (d) Training Curricula-
- (1) IN GENERAL- The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot program under this section. Such curricula shall incorporate--
 - (A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and
 - (B) best practices recognized by caregiving organizations.
 - (2) USE OF EXISTING CURRICULA- In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2308).
- (e) Participation in Programs-
- (1) IN GENERAL- The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot program under this section.

(2) BASIS FOR DETERMINATION- A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(f) Eligibility for Compensation- A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot program under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(g) Costs of Training-

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

(2) TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES- The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot program for family members of members of the Armed Forces.

(h) Assessment of Family Caregiver Needs-

(1) IN GENERAL- The Secretary of Veterans Affairs may provide to a family caregiver who receives training under the pilot program under this section--

(A) an assessment of their needs with respect to their role as a family caregiver; and

(B) a referral to services and support that--

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

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly funded programs, and the Department of Veterans Affairs.

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

(i) Report- Not later than 2 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the pilot program carried out under this section, including the recommendations of the Secretary with respect to expansion or modification of the pilot program.

(j) Construction- Nothing in this section shall be construed--

(1) to establish a mandate or right for a family caregiver to be trained and certified under this section; and

- (2) to prohibit the Secretary from considering or adopting the preference of a veteran or member of the Armed Forces for services provided by a personal care attendant who is not a family caregiver.
- (k) Family Caregiver Defined- In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term 'family caregiver' means a family member of such member or veteran, or such other individual of similar affinity to such member or veteran as the Secretary proscribes, who is providing care to such member or veteran for such traumatic brain injury.

SEC. 210. 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 REHABILITATION.

- (a) Pilot Program Authorized- The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing respite care to members of the Armed Forces and veterans described in subsection (c) through students enrolled in graduate programs of education described in subsection (d)(1) to provide--
- (1) relief to the family caregivers of such members and veterans from the responsibilities associated with providing care to such members and veterans; and
 - (2) socialization and cognitive skill development to such members and veterans.
- (b) Duration of Program- The pilot program required by subsection (a) shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.
- (c) Covered Members and Veterans- The members of the Armed Forces and veterans described in this subsection are the individuals as follows:
- (1) Members of the Armed Forces who have been diagnosed with traumatic brain injury, including limitations of ambulatory mobility, cognition, and verbal abilities.
 - (2) Veterans who have been so diagnosed.
- (d) Program Locations-
- (1) IN GENERAL- The pilot program shall be carried out at not more than 10 locations selected by the Secretary of Veterans Affairs for purposes of the pilot program. Each location so selected shall be a medical facility of the Department of Veterans Affairs that is in close proximity to, or that has a relationship, affiliation, or established partnership with, an institution of higher education that has a

graduate program in an appropriate mental health or rehabilitation related field, such as social work, nursing, psychology, occupational therapy, physical therapy, or interdisciplinary training programs.

(2) CONSIDERATIONS- In selecting medical facilities of the Department for the pilot program, the Secretary shall give special consideration to the following:

(A) The polytrauma centers of the Department designated as Tier I polytrauma centers.

(B) Facilities of the Department in regions with a high concentration of veterans with traumatic brain injury.

(e) Scope of Assistance-

(1) USE OF GRADUATE STUDENTS- In carrying out the pilot program, the Secretary shall--

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

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

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

(2) DETERMINATIONS IN CONJUNCTION WITH HEADS OF GRADUATE PROGRAMS OF EDUCATION- The Secretary shall determine, in collaboration with the head of the graduate program of education chosen to participate in the pilot program under subsection (d)(1), the following:

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

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

(C) The requirements for successful participation by a student in the pilot program.

(f) Training Standards and Best Practices- In providing training under subsection (e)(1)(B), the Secretary shall use--

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

(2) best practices recognized by caregiving organizations.

(g) Definitions- In this section:

(1) FAMILY CAREGIVER- With respect to member of the Armed Forces or a veteran with traumatic brain injury, the term 'family caregiver' means a relative, partner, or friend of such member or

veteran who is providing care to such member or veteran for such traumatic brain injury.

(2) RESPITE CARE- The term `respite care' means the temporary provision of care to an individual to provide relief to the regular caregiver of the individual from the ongoing responsibility of providing care to such individual.

SEC. 211. 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.

(a) Pilot Program Required- The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of using community-based organizations and local and State government entities--

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

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

(3) to provide assistance to families of veterans who are transitioning from military service to civilian life to help such families adjust to such transition; and

(4) to provide outreach to veterans and their families to inform them about the availability of benefits and connect them with appropriate care and benefit programs.

(b) Duration of Program- The pilot program shall be carried out during the two-year period beginning on the date of the enactment of this Act.

(c) Program Locations-

(1) IN GENERAL- The pilot program shall be carried out at five locations selected by the Secretary for purposes of the pilot program.

(2) CONSIDERATIONS- In selecting locations for the pilot program, the Secretary shall consider the advisability of selecting locations in--

(A) rural areas;

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

(C) areas with populations that have a high proportion of individuals who have limited access to health care; and

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

(d) Grants- The Secretary shall carry out the pilot program through the award of grants to community-based organizations and local and State government entities.

(e) Selection of Grant Recipients-

(1) IN GENERAL- A community-based organization or local or State government entity seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS- Each application submitted under paragraph (1) shall include the following:

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

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

(f) Use of Grant Funds- The Secretary shall prescribe appropriate uses of grant funds received under the pilot program.

(g) Report on Program-

(1) IN GENERAL- Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program.

(2) ELEMENTS- The report required by paragraph (1) shall include the following:

(A) The findings and conclusions of the Secretary with respect to the pilot program.

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

(C) The recommendations of the Secretary as to the advisability of continuing the pilot program.

SEC. 212. SPECIALIZED RESIDENTIAL CARE AND REHABILITATION FOR CERTAIN VETERANS.

Section 1720 is amended by adding at the end the following new subsection:

(g) The Secretary may contract with appropriate entities to provide specialized residential care and rehabilitation services to a veteran of Operation Enduring Freedom or Operation Iraqi Freedom who the Secretary determines suffers from a traumatic brain injury, has an accumulation of deficits in activities of daily living and instrumental activities of daily living, and because of these deficits, would otherwise require admission to a

nursing home even though such care would generally exceed the veteran's nursing needs.'.

SEC. 213. AUTHORITY TO DISCLOSE MEDICAL RECORDS TO THIRD PARTY FOR COLLECTION OF CHARGES FOR PROVISION OF CERTAIN CARE.

(a) Limited Exception to Confidentiality of Medical Records- Section 5701 is amended by adding at the end the following new subsection:

`(I) Under regulations that the Secretary shall prescribe, the Secretary may disclose the name or address, or both, of any individual who is a present or former member of the Armed Forces, or who is a dependent of a present or former member of the Armed Forces, to a third party, as defined in section 1729(i)(3)(D) of this title, in order to enable the Secretary to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.'.

(b) Disclosures From Certain Medical Records- Section 7332(b)(2), as amended by section 205 of this Act, is further amended by adding at the end the following new subparagraph:

`(G) To a third party, as defined in section 1729(i)(3)(D) of this title, to collect reasonable charges under section 1729(a)(2)(E) of this title for care or services provided for a non-service-connected disability.'.

SEC. 214. EXPANDED STUDY ON THE HEALTH IMPACT OF PROJECT SHIPBOARD HAZARD AND DEFENSE.

(a) In General- Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct an expanded study on the health impact of Project Shipboard Hazard and Defense (Project SHAD).

(b) Covered Veterans- The study required by subsection (a) shall include, to the extent practicable, all veterans who participated in Project Shipboard Hazard and Defense.

(c) Utilization of Existing Studies- The study required by subsection (a) may use results from the study covered in the report entitled `Long-Term Health Effects of Participation in Project SHAD' of the Institute of Medicine of the National Academies.

SEC. 215. USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY.

Section 1710E is amended--

- (1) by redesignating subsection (b) as subsection (c);
- (2) by inserting after subsection (a) the following new subsection (b):

`(b) Covered Individuals- The care and services provided under subsection (a) shall be made available to an individual--

- `(1) who is described in section 1710C(a) of this title; and
 - `(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or
 - `(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation for such individual.'; and
- (3) by adding at the end the following new subsection:

`(d) Standards- The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.'.

SEC. 216. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL ORGANIZATIONS IN CERTAIN PROGRAMS FOR STATE VETERANS HOMES.

(a) Treatment of Tribal Organization Health Facilities as State Homes- Section 8138 is amended--

- (1) by redesignating subsection (e) as subsection (f); and
- (2) by inserting after subsection (d) the following new subsection (e):

`(e)(1) A health facility (or certain beds in a health facility) of a tribal organization is treatable as a State home under subsection (a) in accordance with the provisions of that subsection.

`(2) Except as provided in paragraph (3), the provisions of this section shall apply to a health facility (or certain beds in such facility) treated as a State home under subsection (a) by reason of this subsection to the same extent as health facilities (or beds) treated as a State home under subsection (a).

`(3) Subsection (f) shall not apply to the treatment of health facilities (or certain beds in such facilities) of tribal organizations as a State home under subsection (a).'

(b) State Home Facilities for Domiciliary, Nursing, and Other Care-

- (1) IN GENERAL- Chapter 81 is further amended--
 - (A) in section 8131, by adding at the end the following new paragraph:

` (5) The term `tribal organization' has the meaning given such term in section 3765 of this title.';

(B) in section 8132, by inserting `and tribal organizations' after `the several States'; and

(C) by inserting after section 8133 the following new section:

` Sec. 8133A. Tribal organizations

` (a) Authority To Award Grants- The Secretary may award a grant to a tribal organization under this subchapter in order to carry out the purposes of this subchapter.

` (b) Manner and Condition of Grant Awards- (1) Grants to tribal organizations under this section shall be awarded in the same manner, and under the same conditions, as grants awarded to the several States under the provisions of this subchapter, subject to such exceptions as the Secretary shall prescribe for purposes of this subchapter to take into account the unique circumstances of tribal organizations.

` (2) For purposes of according priority under subsection (c)(2) of section 8135 of this title to an application submitted under subsection (a) of such section, an application submitted under such subsection (a) by a tribal organization of a State that has previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home shall be considered under subparagraph (C) of such subsection (c)(2) an application from a tribal organization that has not previously applied for such a grant.'.

(2) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8133 the following new item:

` 8133A. Tribal organizations.'.

SEC. 217. PILOT PROGRAM ON PROVISION OF DENTAL INSURANCE PLANS TO VETERANS AND SURVIVORS AND DEPENDENTS OF VETERANS.

(a) Pilot Program Required- The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing a dental insurance plan to veterans and survivors and dependents of veterans described in subsection (b).

(b) Covered Veterans and Survivors and Dependents- The veterans and survivors and dependents of veterans described in this subsection are as follows:

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

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

(c) Duration of Program- The pilot program shall be carried out during the three-year period beginning on the date of the enactment of this Act.

(d) Pilot Program Locations- The pilot program shall be carried out in not less than two and not more than four Veterans Integrated Services Networks (VISNs) selected by the Secretary of Veterans Affairs for purposes of the pilot program.

(e) Administration- The Secretary of Veterans Affairs shall contract with a dental insurer to administer the dental plan provided under the pilot program.

(f) Benefits- The dental insurance plan under the pilot program shall provide such benefits for dental care and treatment as the Secretary considers appropriate for the dental insurance plan, including diagnostic services, preventative services, endodontics and other restorative services, surgical services, and emergency services.

(g) Enrollment-

(1) VOLUNTARY- Enrollment in the dental insurance plan under this section shall be voluntary.

(2) MINIMUM PERIOD- Enrollment in the dental insurance plan shall be for such minimum period as the Secretary shall prescribe for purposes of this section.

(h) Premiums-

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

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

(3) RESPONSIBILITY FOR PAYMENT- Each individual covered by the dental insurance plan shall pay the entire premium for coverage under the dental insurance plan, in addition to the full cost of any copayments.

(i) Voluntary Disenrollment-

(1) IN GENERAL- With respect to enrollment in the dental insurance plan under the pilot program, the Secretary shall--

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

(B) permit the voluntary disenrollment of an individual in the dental insurance plan for such circumstances as the Secretary shall prescribe for purposes of this subsection, but only to the extent such disenrollment does not jeopardize the fiscal integrity of the dental insurance plan.

(2) ALLOWABLE CIRCUMSTANCES- The circumstances prescribed under paragraph (1)(B) shall include the following:

(A) If an individual enrolled in the dental insurance plan relocates to a location outside the jurisdiction of the dental insurance plan that prevents utilization of the benefits under the dental insurance plan.

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

(C) Such other circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) ESTABLISHMENT OF PROCEDURES- The Secretary shall establish procedures for determinations on the permissibility of voluntary disenrollments under paragraph (1)(B). Such procedures shall ensure timely determinations on the permissibility of such disenrollments.

(j) Relationship to Dental Care Provided by Secretary- Nothing in this section shall affect the responsibility of the Secretary to provide dental care under section 1712 of title 38, United States Code, and the participation of an individual in the dental insurance plan under the pilot program shall not affect the individual's entitlement to outpatient dental services and treatment, and related dental appliances, under that section.

(k) Regulations- The dental insurance plan under the pilot program shall be administered under such regulations 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, 2010, 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.

(D) The receipt of health care through women's health clinics, integrated primary care clinics, or both.

(E) The extent of comprehension of eligibility requirements for health care through the Department, and the scope of health care services available through the Department.

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

(G) The perception of personal safety and comfort of women veterans in inpatient, outpatient, and behavioral health facilities of the Department.

(H) The sensitivity of Department health care providers and other staff to issues that particularly affect women.

(I) The effectiveness of outreach on health care services of the Department that are available to women veterans.

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

(2) Such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the report.

(c) Facility of the Department Defined- In this section, the term 'facility of the Department' has the meaning given that term in section 1701 of title 38, United States Code.

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

(a) Plan To Improve Services-

(1) IN GENERAL- The Secretary of Veterans Affairs shall develop a plan--

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

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

(2) REQUIRED ACTIONS- In developing the plan required by this subsection, the Secretary of Veterans Affairs shall--

(A) identify the types of health care services to be available to women veterans at each Department of Veterans Affairs medical center; and

(B) identify the personnel and other resources required to provide such services to women veterans under the plan at each such medical center.

(b) Submittal of Plan to Congress- Not later than 18 months after the date of the enactment of this Act, 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 the plan required by this section, along with such recommendations for administrative and legislative action as the Secretary considers appropriate in light of the plan.

SEC. 303. INDEPENDENT STUDY ON HEALTH CONSEQUENCES OF WOMEN VETERANS OF MILITARY SERVICE IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) Study Required- The Secretary of Veterans Affairs shall enter into an agreement with a non-Department of Veterans Affairs entity for the purpose of conducting a study on health consequences for women veterans of service on active duty in the Armed Forces in deployment in Operation Iraqi Freedom and Operation Enduring Freedom.

(b) Specific Matters Studied- The study under subsection (a) shall include the following:

(1) A determination of any association of environmental and occupational exposures and combat in Operation Iraqi Freedom or Operation Enduring Freedom with the general health, mental health, or reproductive health of women who served on active duty in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) A review and analysis of published literature on environmental and occupational exposures of women while serving in the Armed Forces, including combat trauma, military sexual trauma, and exposure to potential teratogens associated with reproductive problems and birth defects.

(c) Report-

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

(2) RESPONSIVE REPORT- Not later than 90 days after the receipt of the report under paragraph (1), the Secretary shall submit to Congress a report setting forth the response of the Secretary to the

findings and determinations of the entity described in subsection (a) in the report under paragraph (1).

SEC. 304. TRAINING AND CERTIFICATION FOR MENTAL HEALTH CARE PROVIDERS ON CARE FOR VETERANS SUFFERING FROM SEXUAL TRAUMA.

(a) Program Required- Section 1720D is amended--

(1) by redesignating subsection (d) as subsection (f); and

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

`(d)(1) The Secretary shall implement a program for education, training, certification, and continuing medical education for mental health professionals to specialize in the provision of counseling and care to veterans eligible for services under subsection (a). In carrying out the program, the Secretary shall ensure that all such mental health professionals have been trained in a consistent manner and that such training includes principles of evidence-based treatment and care for sexual trauma.

`(2) The Secretary shall determine the minimum qualifications necessary for mental health professionals certified by the program under paragraph (1) to provide evidence-based treatment and therapy to veterans eligible for services under subsection (a) in facilities of the Department.

`(e) The Secretary shall submit to Congress each year a report on the counseling, care, and services provided to veterans under this section. Each report shall include data for the preceding year with respect to the following:

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

`(2) The number of women veterans who received counseling, care, and services under subsection (a) from professionals and providers who have been trained or certified under the program under subsection (d).

`(3) The number of training, certification, and continuing medical education programs operating under subsection (d).

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

`(5) Such other information as the Secretary considers appropriate.'

(b) Standards for Personnel Providing Treatment for Sexual Trauma- The Secretary of Veterans Affairs shall establish education, training, certification, and staffing standards for Department of Veterans Affairs

health-care facilities for full-time equivalent employees who are trained to provide treatment and care to veterans for sexual trauma.

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

(a) Pilot Program Required-

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

(2) PARTICIPATION AT ELECTION OF VETERAN- The participation of a veteran in the pilot program under this section shall be at the election of the veteran.

(b) Covered Services- The services provided to a woman veteran under the pilot program shall include the following:

(1) Information on reintegration into the veteran's family, employment, and community.

(2) Financial counseling.

(3) Occupational counseling.

(4) Information and counseling on stress reduction.

(5) Information and counseling on conflict resolution.

(6) Such other information and counseling as the Secretary considers appropriate to assist a woman veteran under the pilot program in reintegration into the veteran's family and community.

(c) Locations- The Secretary shall carry out the pilot program at not fewer than five locations selected by the Secretary for purposes of the pilot program.

(d) Duration- The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(e) Report- Not later than 180 days after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall contain the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(f) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, \$2,000,000 to carry out the pilot program.

SEC. 306. REPORT ON FULL-TIME WOMEN VETERANS PROGRAM MANAGERS AT MEDICAL CENTERS.

The Secretary shall, acting through the Under Secretary for Health, submit to Congress a report on employment of full-time women veterans program managers at Department of Veterans Affairs medical centers to ensure that health care needs of women veterans are met. Such report should include an assessment of whether there is at least one full-time employee at each Department medical center who is a full-time women veterans program manager.

SEC. 307. SERVICE ON CERTAIN ADVISORY COMMITTEES OF WOMEN RECENTLY SEPARATED FROM SERVICE IN THE ARMED FORCES.

(a) Advisory Committee on Women Veterans- Section 542(a)(2)(A) is amended--

(1) in clause (ii), by striking `and' at the end;

(2) in clause (iii), by striking the period at the end and inserting ` ; and'; and

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

`(iv) women veterans who are recently separated from service in the Armed Forces.'.

(b) Advisory Committee on Minority Veterans- Section 544(a)(2)(A) is amended--

(1) in clause (iii), by striking `and' at the end;

(2) in clause (iv), by striking the period at the end and inserting ` ; and'; and

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

`(v) women veterans who are minority group members and are recently separated from service in the Armed Forces.'.

(c) Effective Date- The amendments made by this section shall apply to appointments made on or after the date of the enactment of this Act.

SEC. 308. PILOT PROGRAM ON SUBSIDIES FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) Pilot Program Required- The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of providing, subject to subsection (b), subsidies to qualified veterans described in subsection (c) to obtain child care so that such veterans can receive health care services described in such subsection.

(b) Limitation on Period of Payments- A subsidy may only be provided to a qualified veteran under the pilot program for receipt of child care during the period that the qualified veteran--

- (1) receives the types of health care services referred to in subsection (c) at a facility of the Department; and
- (2) requires to travel to and return from such facility for the receipt of such health care services.

(c) Qualified Veterans- In this section, the term `qualified veteran' means a veteran who is the primary caretaker of a child or children and who is receiving from the Department one or more of the following health care services:

- (1) Regular mental health care services.
- (2) Intensive mental health care services.
- (3) Such other intensive health care services that the Secretary determines that payment to the veteran for the provision of child care would improve access to those health care services by the veteran.

(d) Locations- The Secretary shall carry out the pilot program in no fewer than three Veterans Integrated Service Networks (VISNs) selected by the Secretary for purposes of the pilot program.

(e) Duration- The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(f) Existing Model- To the extent practicable, the Secretary shall model the pilot program after the Department of Veterans Affairs Child Care Subsidy Program that was established pursuant to section 630 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67; 115 Stat. 552), using the same income eligibility standards and payment structure.

(g) Report- Not later than six months after the completion of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the findings and conclusions of the Secretary as a result of the pilot program, and shall include such recommendations for the continuation or expansion of the pilot program as the Secretary considers appropriate.

(h) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2010 and 2011, \$1,500,000 to carry out the pilot program.

SEC. 309. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

(a) In General- Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

` SEC. 1786. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

` (a) In General- The Secretary may furnish health care services described in subsection (b) to a newborn child of a woman veteran who is receiving maternity care furnished by the Department for not more than 7 days after the birth of the child if the veteran delivered the child in--

` (1) a facility of the Department; or

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

` (b) Covered Health Care Services- Health care services described in this subsection are all post-delivery care services, including routine care services, that a newborn requires.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 17 is amended by inserting after 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 FREEDOM 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.

(c) Regulations- The eligibility of members of the Armed Forces for counseling and services under subsection (a) shall be subject to such regulations as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe for purposes of this section.

(d) Subject to Availability of Appropriations- The provision of counseling and services under subsection (a) shall be subject to the availability of appropriations for such purpose.

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.

Section 1712A is amended--

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

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

`(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not otherwise eligible for such counseling, the Secretary shall--

`(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

`(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service, and to the Department, for review of such individual's discharge or release from such service.'.

SEC. 403. STUDY ON SUICIDES AMONG VETERANS.

(a) Study Required- The Secretary of Veterans Affairs shall conduct a study to determine the number of veterans who died by suicide between January 1, 1997, and the date of the enactment of this Act.

(b) Coordination- In carrying out the study under subsection (b) the Secretary of Veterans Affairs shall coordinate with--

(1) the Secretary of Defense;

(2) Veterans Service Organizations;

(3) the Centers for Disease Control and Prevention; and

(4) State public health offices and veterans agencies.

(c) Report to Congress- 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 study required under subsection (b) and the findings of the Secretary.

(d) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 404. TRANSFER OF FUNDS TO SECRETARY OF HEALTH AND HUMAN SERVICES FOR GRADUATE PSYCHOLOGY EDUCATION PROGRAM.

(a) Transfer of Funds- Not later than September 30, 2010, the Secretary of Veterans Affairs shall transfer \$5,000,000 from accounts of the Veterans Health Administration to the Secretary of Health and Human Services for the Graduate Psychology Education program established under section 755(b)(1)(J) of the Public Health Service Act (42 U.S.C. 294e(b)(1)(J)).

(b) Use of Funds Transferred- Funds transferred under subsection (a) shall be used to award grants to support the training of psychologists in the treatment of veterans with post traumatic stress disorder, traumatic brain injury, and other combat-related disorders.

(c) Preference for Department of Veterans Affairs Health Care Facilities- In the awarding of grants under subsection (b), the Graduate Psychology Education program shall give preference to health care facilities of the Department of Veterans Affairs and graduate programs of education that are affiliated with such facilities.

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.

(a) Establishment-

(1) IN GENERAL- Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) to coordinate the provision of supportive services available in the local community to very low income, formerly homeless veterans residing in permanent housing that is located on qualifying property described in subsection (b).

(2) NUMBER OF GRANTS- The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) Qualifying Property- Qualifying property under the pilot program is property that--

(1) was part of a military installation that was closed in accordance with--

(A) decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and

Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and
(B) subchapter III of chapter 5 of title 40, United States Code;
and

(2) the Secretary of Defense determines, after considering any redevelopment plans of any local redevelopment authority relating to such property, may be used to assist the homeless in accordance with such redevelopment plan.

(c) Criteria for Grants- The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

(d) Duration of Program- The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.

(e) Very Low Income Defined- In this section, the term 'very low income' has the meaning given that term in the Resident Characteristics Report issued annually by the Department of Housing and Urban Development.

(f) Authorization of Appropriations- There is authorized to be appropriated from amounts made available under the heading 'General Operating Expenses', not more than \$3,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 502. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT COORDINATE THE PROVISION OF SUPPORTIVE SERVICES TO FORMERLY HOMELESS VETERANS RESIDING IN PERMANENT HOUSING.

(a) Establishment of Pilot Program-

(1) IN GENERAL- Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) to coordinate the provision of supportive services available in the local community to very low income, formerly homeless veterans residing in permanent housing.

(2) NUMBER OF GRANTS- The Secretary may make grants at up to 10 qualifying properties under the pilot program.

(b) Qualifying Property- Qualifying property under the pilot program is any property in the United States on which permanent housing is provided or afforded to formerly homeless veterans, as determined by the Secretary.

(c) Criteria for Grants- The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.

- (d) Duration of Pilot Program- The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.
- (e) Very Low Income Defined- In this section, the term `very low income' has the meaning given that term in the Resident Characteristics Report issued annually by the Department of Housing and Urban Development.
- (f) Authorization of Appropriations- There is authorized to be appropriated from amounts made available under the heading `General Operating Expenses', not more than \$3,000,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

SEC. 503. PILOT PROGRAM ON FINANCIAL SUPPORT OF ENTITIES THAT PROVIDE OUTREACH TO INFORM CERTAIN VETERANS ABOUT PENSION BENEFITS.

- (a) Authority To Make Grants- In addition to the outreach authority provided to the Secretary of Veterans Affairs by section 6303 of title 38, United States Code, the Secretary may carry out a pilot program to make grants to public and nonprofit organizations (including faith-based and community organizations) for services to provide outreach to inform low-income and elderly veterans and their spouses who reside in rural areas of benefits for which they may be eligible under chapter 15 of such title.
- (b) Criteria for Grants- The Secretary shall prescribe criteria and requirements for grants under this section and shall publish such criteria and requirements in the Federal Register.
- (c) Duration of Pilot Program- The authority of the Secretary to provide grants under a pilot program under this section shall cease on the date that is five years after the date of the commencement of the pilot program.
- (d) Authorization of Appropriations- There is authorized to be appropriated from amounts made available under the heading `General Operating Expenses', not more than \$1,275,000 in each of fiscal years 2010 through 2014 to carry out the purposes of this section.

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.

- (a) Pilot Program Authorized-
- (1) IN GENERAL- Subject to the availability of appropriations authorized under subsection (g), the Secretary of Veterans Affairs may carry out a pilot program to assess the feasibility and advisability of providing financial assistance to eligible entities to

establish new programs or activities, or expand or modify existing programs or activities, to provide to each eligible transitioning individual who is entitled and eligible for a rehabilitation program under chapter 31 of title 38, United States Code, the following assistance:

(A) Transportation assistance to facilitate such eligible transitioning individual's participation in such rehabilitation program or related activity. Such assistance may include--
(i) providing transportation;
(ii) paying for or reimbursing transportation costs; and
(iii) paying for or reimbursing other transportation-related expenses (including orientation on the use of transportation).

(B) Child care assistance to facilitate such eligible transitioning individual's participation in such rehabilitation program or related activity. Such assistance may include--

(i) child care services; or
(ii) reimbursement of expenses related to child care.

(C) Clothing assistance, which may include personal services in selecting, and payment of a monetary allowance to cover the cost of purchasing, clothing and accessories suitable for a job interview or related activity consistent with such eligible transitioning individual's participation in such rehabilitation program or related activity.

(2) ELIGIBLE TRANSITIONING INDIVIDUAL- For purposes of this section, an eligible transitioning individual is a person--

(A) described in section 3102 of title 38, United States Code; or
(B) who was separated or released from active duty in the Armed Forces on or after October 1, 2006, because of a service-connected disability.

(b) Duration of Program- The authority of the Secretary to provide grants under a pilot program established under subsection (a)(1) shall cease on the date that is three years after the date of the commencement of the pilot program.

(c) Grants-

(1) IN GENERAL- The Secretary of Veterans Affairs shall carry out the pilot program through the award of grants to eligible entities to establish new programs or activities, or to expand or modify existing programs or activities, as described in subsection (a)(1).

(2) GRANT CRITERIA-

(A) IN GENERAL- The Secretary shall establish criteria and requirements for grants under the pilot program, including criteria for eligible entities to receive such grants. The criteria established under this subparagraph shall include the following:

- (i) Specification as to the kinds of projects or activities for which grants are available.
- (ii) Specification as to the number of projects or activities for which grants are available.
- (iii) Provisions to ensure that grants awarded under the pilot program do not result in duplication of ongoing services.

(B) PUBLICATION OF CRITERIA IN FEDERAL REGISTER- The Secretary shall publish the criteria and requirements established under subparagraph (A) in the Federal Register.

(3) FUNDING LIMITATION- A grant under the pilot program may not be used to support the operational costs of an eligible entity.

(d) Eligible Entities- For purposes of this section, an eligible entity is a public or nonprofit organization (including a faith-based or community organization) that--

- (1) has the capacity to administer effectively a grant under the pilot program, as determined by the Secretary of Veterans Affairs;
- (2) demonstrates that adequate financial support will be available to establish new programs or activities, or to expand or modify existing programs or activities, as described in subsection (a)(1) consistent with the plans, specifications, and schedule submitted by the applicant to the Secretary under subsection (e)(2);
- (3) agrees to meet the applicable criteria and requirements established under subsection (c)(2) and described in subsection (e)(2)(C); and
- (4) has the capacity, as determined by the Secretary, to meet the criteria and requirements described in paragraph (3).

(e) Selection of Grant Recipients-

(1) APPLICATION- An eligible entity seeking a grant under the pilot program shall submit to the Secretary of Veterans Affairs an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS- Each application submitted under paragraph (1) shall include the following:

(A) The amount of the grant sought for the project or activity.

(B) Plans, specifications, and the schedule for implementation of the project or activity in accordance with criteria and requirements prescribed by the Secretary under subsection (c)(2).

(C) An agreement--

- (i) to provide the services for which the grant is sought at locations accessible to eligible transitioning individuals;

(ii) to ensure the confidentiality of records maintained on eligible transitioning individuals receiving services through the pilot program; and
(iii) to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant and to such payments as may be made under this section.

(3) APPLICANT AGREEMENT- The Secretary may not select an eligible entity for a grant under the pilot program unless the eligible entity agrees to the provisions listed in paragraph (2)(C).

(f) Recovery of Unused Grant Amounts-

(1) IN GENERAL- The United States shall be entitled to recover from a grant recipient under this section the total of all unused grant amounts made under this section to such recipient in connection with such program if such grant recipient--

(A) does not establish a program or activity in accordance with this section; or

(B) ceases to furnish services under such a program for which the grant was made.

(2) OBLIGATION- Any amount recovered by the United States under paragraph (1) may be obligated by the Secretary of Veterans Affairs without fiscal year limitation to carry out provisions of this section.

(3) LIMITATION ON RECOVERY- An amount may not be recovered under paragraph (1)(A) as an unused grant amount before the end of the three-year period beginning on the date on which the grant is made.

(g) Authorization of Appropriations- There is authorized to be appropriated from amounts made available under the heading 'General Operating Expenses', not more than \$5,000,000 in each of fiscal years 2010 through 2012 to carry out this section.

SEC. 505. ASSESSMENT OF PILOT PROGRAMS.

(a) Progress Reports- Not less than one year before the expiration of the authority to carry out a pilot program authorized by sections 501 through 504, the Secretary of Veterans Affairs shall submit to Congress a progress report on such pilot program.

(b) Contents- Each progress report submitted for a pilot program under subsection (a) shall include the following:

(1) The lessons learned by the Secretary of Veterans Affairs with respect to such pilot program that can be applied to other programs with similar purposes.

- (2) The recommendations of the Secretary on whether to continue such pilot program.
- (3) The number of veterans and dependents served by such pilot program.
- (4) An assessment of the quality of service provided to veterans and dependents under such pilot program.
- (5) The amount of funds provided to grant recipients under such pilot program.
- (6) The names of organizations that have received grants under such pilot program.

TITLE VI--NONPROFIT RESEARCH AND EDUCATION CORPORATIONS

SEC. 601. GENERAL AUTHORITIES ON ESTABLISHMENT OF CORPORATIONS.

- (a) Authorization of Multi-Medical Center Research Corporations-
 - (1) IN GENERAL- Section 7361 is amended--
 - (A) by redesignating subsection (b) as subsection (e); and
 - (B) by inserting after subsection (a) the following new subsection (b):
 - `(b)(1) Subject to paragraph (2), a corporation established under this subchapter may facilitate the conduct of research, education, or both at more than one medical center. Such a corporation shall be known as a `multi-medical center research corporation'.
 - `(2) The board of directors of a multi-medical center research corporation under this subsection shall include the official at each Department medical center concerned who is, or who carries out the responsibilities of, the medical center director of such center as specified in section 7363(a)(1)(A)(i) of this title.
 - `(3) In facilitating the conduct of research, education, or both at more than one Department medical center under this subchapter, a multi-medical center research corporation may administer receipts and expenditures relating to such research, education, or both, as applicable, performed at the Department medical centers concerned.'
 - (2) EXPANSION OF EXISTING CORPORATIONS TO MULTI-MEDICAL CENTER RESEARCH CORPORATIONS- Such section is further amended by adding at the end the following new subsection:
 - `(f) A corporation established under this subchapter may act as a multi-medical center research corporation under this subchapter in accordance with subsection (b) if--
 - `(1) the board of directors of the corporation approves a resolution permitting facilitation by the corporation of the conduct of research,

education, or both at the other Department medical center or medical centers concerned; and

`(2) the Secretary approves the resolution of the corporation under paragraph (1).'

(b) Restatement and Modification of Authorities on Applicability of State Law-

(1) IN GENERAL- Section 7361, as amended by subsection (a) of this section, is further amended by inserting after subsection (b) the following new subsection (c):

`(c) Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State in which the applicable Department medical center is located and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State. In the case of any multi-medical center research corporation that facilitates the conduct of research, education, or both at Department medical centers located in different States, the corporation shall be established in accordance with the nonprofit corporation laws of the State in which one of such Department medical centers is located.'

(2) CONFORMING AMENDMENT- Section 7365 is repealed.

(c) Clarification of Status of Corporations- Section 7361, as amended by this section, is further amended--

(1) in subsection (a), by striking the second sentence; and

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

`(d)(1) Except as otherwise provided in this subchapter or under regulations prescribed by the Secretary, any corporation established under this subchapter, and its officers, directors, and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives that apply generally to private nonprofit corporations.

`(2) A corporation under this subchapter is not--

`(A) owned or controlled by the United States; or

`(B) an agency or instrumentality of the United States.'

(d) Reinstatement of Requirement for 501(c)(3) Status of Corporations- Subsection (e) of section 7361, as redesignated by subsection (a)(1) of this section, is further amended by inserting `section 501(c)(3) of' after `exempt from taxation under'.

SEC. 602. CLARIFICATION OF PURPOSES OF CORPORATIONS.

(a) Clarification of Purposes- Subsection (a) of section 7362 is amended--

(1) in the first sentence--

(A) by striking `Any corporation' and all that follows through `facilitate' and inserting `A corporation established under this subchapter shall be established to provide a flexible funding mechanism for the conduct of approved research and education

at one or more Department medical centers and to facilitate functions related to the conduct of'; and

(B) by inserting before the period at the end the following: `or centers'; and

(2) in the second sentence, by inserting `or centers' after `at the medical center'.

(b) Modification of Defined Term Relating to Education and Training- Subsection (b) of such section is amended in the matter preceding paragraph (1) by striking `the term `education and training' and inserting `the term `education' includes education and training and'.

(c) Repeal of Role of Corporations With Respect to Fellowships- Paragraph (1) of subsection (b) of such section is amended by striking the flush matter following subparagraph (C).

(d) Availability of Education for Families of Veteran Patients- Paragraph (2) of subsection (b) of such section is amended by striking `to patients and to the families' and inserting `and includes education and training for patients and families'.

SEC. 603. MODIFICATION OF REQUIREMENTS FOR BOARDS OF DIRECTORS OF CORPORATIONS.

(a) Requirements for Department Board Members- Paragraph (1) of section 7363(a) is amended to read as follows:

`(1) with respect to the Department medical center--

`(A)(i) the director (or directors of each Department medical center, in the case of a multi-medical center research corporation);

`(ii) the chief of staff; and

`(iii) as appropriate for the activities of such corporation, the associate chief of staff for research and the associate chief of staff for education; or

`(B) in the case of a Department medical center at which one or more of the positions referred to in subparagraph (A) do not exist, the official or officials who are responsible for carrying out the responsibilities of such position or positions at the Department medical center; and'.

(b) Requirements for Non-Department Board Members- Paragraph (2) of such section is amended--

(1) by inserting `not less than two' before `members'; and

(2) by striking `and who' and all that follows through the period at the end and inserting `and who have backgrounds, or business, legal, financial, medical, or scientific expertise, of benefit to the operations of the corporation.'.

(c) Conflicts of Interest- Subsection (c) of section 7363 is amended by striking ` , employed by, or have any other financial relationship with' and inserting ` or employed by'.

SEC. 604. CLARIFICATION OF POWERS OF CORPORATIONS.

(a) In General- Section 7364 is amended to read as follows:

` Sec. 7364. General powers

` (a) In General- (1) A corporation established under this subchapter may, solely to carry out the purposes of this subchapter--

` (A) accept, administer, retain, and spend funds derived from gifts, contributions, grants, fees, reimbursements, and bequests from individuals and public and private entities;

` (B) enter into contracts and agreements with individuals and public and private entities;

` (C) subject to paragraph (2), set fees for education and training facilitated under section 7362 of this title, and receive, retain, administer, and spend funds in furtherance of such education and training;

` (D) reimburse amounts to the applicable appropriation account of the Department for the Office of General Counsel for any expenses of that Office in providing legal services attributable to research and education agreements under this subchapter; and

` (E) employ such employees as the corporation considers necessary for such purposes and fix the compensation of such employees.

` (2) Fees charged under paragraph (1)(C) for education and training described in that paragraph to individuals who are officers or employees of the Department may not be paid for by any funds appropriated to the Department.

` (3) Amounts reimbursed to the Office of General Counsel under paragraph (1)(D) shall be available for use by the Office of the General Counsel only for staff and training, and related travel, for the provision of legal services described in that paragraph and shall remain available for such use without fiscal year limitation.

` (b) Transfer and Administration of Funds- (1) Except as provided in paragraph (2), any funds received by the Secretary for the conduct of research or education at a Department medical center or centers, other than funds appropriated to the Department, may be transferred to and administered by a corporation established under this subchapter for such purposes.

` (2) A Department medical center may reimburse the corporation for all or a portion of the pay, benefits, or both of an employee of the corporation

who is assigned to the Department medical center if the assignment is carried out pursuant to subchapter VI of chapter 33 of title 5.

`(3) A Department medical center may retain and use funds provided to it by a corporation established under this subchapter. Such funds shall be credited to the applicable appropriation account of the Department and shall be available, without fiscal year limitation, for the purposes of that account.

`(c) Research Projects- Except for reasonable and usual preliminary costs for project planning before its approval, a corporation established under this subchapter may not spend funds for a research project unless the project is approved in accordance with procedures prescribed by the Under Secretary for Health for research carried out with Department funds. Such procedures shall include a scientific review process.

`(d) Education Activities- Except for reasonable and usual preliminary costs for activity planning before its approval, a corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

`(e) Policies and Procedures- The Under Secretary for Health may prescribe policies and procedures to guide the spending of funds by corporations established under this subchapter that are consistent with the purpose of such corporations as flexible funding mechanisms and with Federal and State laws and regulations, and executive orders, circulars, and directives that apply generally to the receipt and expenditure of funds by nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.'.

(b) Conforming Amendment- Section 7362(a), as amended by section 602(a)(1) of this Act, is further amended by striking the last sentence.

SEC. 605. REDESIGNATION OF SECTION 7364A OF TITLE 38, UNITED STATES CODE.

(a) Redesignation- Section 7364A is redesignated as section 7365.

(b) Clerical Amendments- The table of sections at the beginning of chapter 73 is amended--

(1) by striking the item relating to section 7364A; and

(2) by striking the item relating to section 7365 and inserting the following new item:

` 7365. Coverage of employees under certain Federal tort claims laws.'.

SEC. 606. IMPROVED ACCOUNTABILITY AND OVERSIGHT OF CORPORATIONS.

(a) Additional Information in Annual Reports- Subsection (b) of section 7366 is amended to read as follows:

`(b)(1) Each corporation shall submit to the Secretary each year a report providing a detailed statement of the operations, activities, and accomplishments of the corporation during that year.

`(2)(A) A corporation with revenues in excess of \$300,000 for any year shall obtain an audit of the corporation for that year.

`(B) A corporation with annual revenues between \$10,000 and \$300,000 shall obtain an audit of the corporation at least once every three years.

`(C) Any audit under this paragraph shall be performed by an independent auditor.

`(3) The corporation shall include in each report to the Secretary under paragraph (1) the following:

`(A) The most recent audit of the corporation under paragraph (2).

`(B) The most recent Internal Revenue Service Form 990 'Return of Organization Exempt from Income Tax' or equivalent and the applicable schedules under such form.'

(b) Confirmation of Application of Conflict of Interest Regulations to Appropriate Corporation Positions- Subsection (c) of such section is amended--

(1) by striking 'laws and' each place it appears;

(2) in paragraph (1)--

(A) by inserting 'each officer and' after 'under this subchapter,'; and

(B) by striking ', and each employee of the Department' and all that follows through 'during any year'; and

(3) in paragraph (2)--

(A) by inserting ', officer,' after 'verifying that each director'; and

(B) by striking 'in the same manner' and all that follows before the period at the end.

(c) Establishment of Appropriate Payee Reporting Threshold- Subsection (d)(3)(C) of such section is amended by striking '\$35,000' and inserting '\$50,000'.

TITLE VII--MISCELLANEOUS PROVISIONS

SEC. 701. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended--

(1) in subsection (a)--

(A) by amending paragraph (1) to read as follows:

` (1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property-

` (A) enforce Federal laws;

` (B) enforce the rules prescribed under section 901 of this title;

` (C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

` (D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

` (E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultation with affected local, State, or Federal law enforcement agencies; and

` (F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) of this paragraph when engaged in duties authorized by other Federal statutes.';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by inserting ` , and on any arrest warrant issued by competent judicial authority' before the period; and

(2) by amending subsection (c) to read as follows:

` (c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.'

SEC. 702. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 903 is amended--

(1) by amending subsection (b) to read as follows:

` (b)(1) The amount of the allowance that the Secretary may pay under this section is the lesser of--

` (A) the amount currently allowed as prescribed by the Office of Personnel Management; or

` (B) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

` (2) During any fiscal year no officer shall receive more for the purchase of a uniform described in subsection (a) than the amount established under this subsection.'; and

(2) by striking subsection (c) and inserting the following new subsection (c):

` (c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2008. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.'.