

Union Calendar No. 121

111TH CONGRESS
1ST SESSION

H. R. 3219

[Report No. 111-223]

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2009

Mr. FILNER (for himself, Mr. BUYER, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. MICHAUD, Mr. BROWN of South Carolina, Ms. HERSETH SANDLIN, Mr. MILLER of Florida, Mr. MITCHELL, Mr. BOOZMAN, Mr. HALL of New York, Mr. BILBRAY, Mrs. HALVORSON, Mr. LAMBORN, Mr. PERRIELLO, Mr. BILIRAKIS, Mr. TEAGUE, Mr. BUCHANAN, Mr. RODRIGUEZ, Mr. ROE of Tennessee, Mr. DONNELLY of Indiana, Mr. MCNERNEY, Mr. SPACE, Mr. WALZ, Mr. ADLER of New Jersey, Mrs. KIRKPATRICK of Arizona, and Mr. NYE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY 23, 2009

Additional sponsor: Mr. BOCCIERI

JULY 23, 2009

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Veterans’ Insurance and Health Care Improvements Act
 6 of 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—MATTERS RELATING TO INSURANCE

Sec. 101. Permanent extension of duration of Servicemembers’ Group Life In-
 surance coverage for totally disabled veterans.

Sec. 102. Increased amount of Veterans’ Group Life Insurance.

Sec. 103. Elimination of reduction in amount of accelerated death benefit for
 terminally-ill persons insured under Servicemembers’ Group
 Life Insurance and Veterans’ Group Life Insurance.

TITLE II—MATTERS RELATING TO HEALTH CARE

Sec. 201. Higher priority status for certain veterans who are medal of honor
 recipients.

Sec. 202. Provision of hospital care, medical services, and nursing home care
 for certain Vietnam-era veterans exposed to herbicide and vet-
 erans of the Persian Gulf War.

Sec. 203. Prohibition on collection of copayments from catastrophically disabled
 veterans.

Sec. 204. Establishment of Director of Physician Assistant Services at Veterans
 Health Administration of Department of Veterans Affairs.

Sec. 205. Committee on Care of Veterans with Traumatic Brain Injury.

Sec. 206. Revision of certain requirements for the pilot program of enhanced
 contract care authority for health care needs of veterans in
 highly rural areas.

TITLE III—MATTERS RELATING TO BENEFITS

Sec. 301. Benefits for qualified World War II veterans.

1 **TITLE I—MATTERS RELATING**
2 **TO INSURANCE**

3 **SEC. 101. PERMANENT EXTENSION OF DURATION OF**
4 **SERVICEMEMBERS' GROUP LIFE INSURANCE**
5 **COVERAGE FOR TOTALLY DISABLED VET-**
6 **ERANS.**

7 (a) **EXTENSION.**—Section 1968(a) of title 38, United
8 States Code, is amended—

9 (1) in paragraph (1)(A), by striking clause (ii)
10 and inserting the following new clause (ii):

11 “(ii) The date that is two years after
12 the date of separation or release from such
13 active duty or active duty for training.”;
14 and

15 (2) in paragraph (4), by striking subparagraph
16 (B) and inserting the following new subparagraph
17 (B):

18 “(B) The date that is two years after the
19 date of separation or release from such assign-
20 ment.”.

21 (b) **EFFECTIVE DATE.**—The amendments made by
22 subsection (a) shall apply with respect to a person who
23 is separated or released on or after June 15, 2005.

1 **SEC. 102. INCREASED AMOUNT OF VETERANS' GROUP LIFE**
2 **INSURANCE.**

3 Section 1977(a) of title 38, United States Code, is
4 amended—

5 (1) in paragraph (1), by inserting “Except as
6 provided in paragraph (3),” before “Veterans’ Group
7 Life Insurance shall be”; and

8 (2) by adding after paragraph (2) the following
9 new paragraph:

10 “(3) Not more than once in each five-year period be-
11 ginning on the date a person becomes insured under Vet-
12 erans’ Group Life Insurance, such person may elect in
13 writing to increase the amount for which the person is in-
14 sured if—

15 “(A) the person is under the age of 60;

16 “(B) the increased amount is not more than
17 \$25,000; and

18 “(C) the amount for which the person is in-
19 sured does not exceed the amount provided for
20 under section 1967(a)(3)(A)(i) of this title.”.

1 **SEC. 103. ELIMINATION OF REDUCTION IN AMOUNT OF AC-**
2 **CELERATED DEATH BENEFIT FOR TERMI-**
3 **NALLY-ILL PERSONS INSURED UNDER**
4 **SERVICEMEMBERS' GROUP LIFE INSURANCE**
5 **AND VETERANS' GROUP LIFE INSURANCE.**

6 (a) **ELIMINATION OF REDUCTION.**—Section
7 1980(b)(1) of title 38, United States Code, is amended
8 by striking “reduced by” and all that follows through “the
9 Secretary”.

10 (b) **EFFECTIVE DATE.**—The amendment made by
11 subsection (a) shall apply with respect to a payment of
12 an accelerated death benefit under section 1980 of title
13 38, United States Code, made on or after the date of the
14 enactment of this Act.

15 **TITLE II—MATTERS RELATING**
16 **TO HEALTH CARE**

17 **SEC. 201. HIGHER PRIORITY STATUS FOR CERTAIN VET-**
18 **ERANS WHO ARE MEDAL OF HONOR RECIPI-**
19 **ENTS.**

20 Section 1705(a)(3) of title 38, United States Code,
21 is amended by inserting “veterans who were awarded the
22 medal of honor under section 3741, 6241, or 8741 of title
23 10 or section 491 of title 14,” after “Veterans who are
24 former prisoners of war or who were awarded the Purple
25 Heart,”.

1 **SEC. 202. PROVISION OF HOSPITAL CARE, MEDICAL SERV-**
2 **ICES, AND NURSING HOME CARE FOR CER-**
3 **TAIN VIETNAM-ERA VETERANS EXPOSED TO**
4 **HERBICIDE AND VETERANS OF THE PERSIAN**
5 **GULF WAR.**

6 Section 1710(e) of title 38, United States Code, is
7 amended—

8 (1) in paragraph (3)—

9 (A) by striking “subsection (a)(2)(F)—”
10 and all that follows through “(C) in the case”
11 and inserting “subsection (a)(2)(F) in the case
12 of”; and

13 (B) by redesignating clauses (i) and (ii) of
14 the former subparagraph (C) as subparagraphs
15 (A) and (B) of such paragraph (3) and by mov-
16 ing such new subparagraphs two ems to the
17 left; and

18 (2) in paragraph (1)(C)—

19 (A) by striking “paragraphs (2) and (3)”
20 and inserting “paragraph (2)”; and

21 (B) by inserting after “on active duty” the
22 following: “between August 2, 1990, and No-
23 vember 11, 1998,”.

1 **SEC. 203. PROHIBITION ON COLLECTION OF COPAYMENTS**
2 **FROM CATASTROPHICALLY DISABLED VET-**
3 **ERANS.**

4 (a) IN GENERAL.—Subchapter III of chapter 17 of
5 title 38, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 1730A. Prohibition on collection of copayments**
8 **from catastrophically disabled veterans**

9 “Notwithstanding subsections (f) and (g) of section
10 1710 of this title, subsection (a) of section 1722A of this
11 title, and any other provision of law, the Secretary may
12 not require a veteran who is catastrophically disabled to
13 make any copayment for the receipt of hospital care or
14 medical services under the laws administered by the Sec-
15 retary.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by inserting
18 after the item relating to section 1730 the following new
19 item:

“1730A. Prohibition on collection of copayments from catastrophically disabled
veterans.”.

1 **SEC. 204. ESTABLISHMENT OF DIRECTOR OF PHYSICIAN**
2 **ASSISTANT SERVICES AT VETERANS HEALTH**
3 **ADMINISTRATION OF DEPARTMENT OF VET-**
4 **ERANS AFFAIRS.**

5 (a) **IN GENERAL.**—Section 7306(a) of title 38,
6 United States Code, is amended by striking paragraph (9)
7 and inserting the following new paragraph (9):

8 “(9) The Director of Physician Assistant Serv-
9 ices, who shall serve in a full-time capacity at the
10 Central Office of the Department and who shall be
11 a qualified physician assistant, who shall be respon-
12 sible to and report directly to the Under Secretary
13 for Health on all matters relating to the education
14 and training, employment, appropriate utilization,
15 and optimal participation of physician assistants
16 within the programs and initiatives of the Adminis-
17 tration.”.

18 (b) **DEADLINE FOR IMPLEMENTATION.**—The Sec-
19 retary of Veterans Affairs shall ensure that an individual
20 is serving as the Director of Physician Assistant Services
21 under section 7306(a)(9) of title 38, United States Code,
22 as added by subsection (a), by not later than 120 days
23 after the date of the enactment of this Act.

1 **SEC. 205. COMMITTEE ON CARE OF VETERANS WITH TRAU-**
2 **MATIC BRAIN INJURY.**

3 (a) ESTABLISHMENT OF COMMITTEE.—Subchapter
4 II of chapter 73 of title 38, United States Code, is amend-
5 ed by inserting after section 7321 the following new sec-
6 tion:

7 **“§ 7321A. Committee on Care of Veterans with Trau-**
8 **matic Brain Injury**

9 “(a) ESTABLISHMENT.—The Secretary shall estab-
10 lish in the Veterans Health Administration a committee
11 to be known as the ‘Committee on Care of Veterans with
12 Traumatic Brain Injury’. The Under Secretary for Health
13 shall appoint employees of the Department with expertise
14 in the care of veterans with traumatic brain injury to serve
15 on the committee.

16 “(b) RESPONSIBILITIES OF COMMITTEE.—The com-
17 mittee shall assess, and carry out a continuing assessment
18 of, the capability of the Veterans Health Administration
19 to meet effectively the treatment and rehabilitation needs
20 of veterans with traumatic brain injury. In carrying out
21 that responsibility, the committee shall—

22 “(1) evaluate the care provided to such veterans
23 through the Veterans Health Administration;

24 “(2) identify systemwide problems in caring for
25 such veterans in facilities of the Veterans Health
26 Administration;

1 “(3) identify specific facilities within the Vet-
2 erans Health Administration at which program en-
3 richment is needed to improve treatment and reha-
4 bilitation of such veterans; and

5 “(4) identify model programs which the com-
6 mittee considers to have been successful in the treat-
7 ment and rehabilitation of such veterans and which
8 should be implemented more widely in or through fa-
9 cilities of the Veterans Health Administration.

10 “(c) ADVICE AND RECOMMENDATIONS.—The com-
11 mittee shall—

12 “(1) advise the Under Secretary regarding the
13 development of policies for the care and rehabilita-
14 tion of veterans with traumatic brain injury; and

15 “(2) make recommendations to the Under Sec-
16 retary—

17 “(A) for improving programs of care of
18 such veterans at specific facilities and through-
19 out the Veterans Health Administration;

20 “(B) for establishing special programs of
21 education and training relevant to the care of
22 such veterans for employees of the Veterans
23 Health Administration;

24 “(C) regarding research needs and prior-
25 ities relevant to the care of such veterans; and

1 “(D) regarding the appropriate allocation
2 of resources for all such activities.

3 “(d) ANNUAL REPORT.—Not later than June 1 of
4 2010, and each subsequent year, the Secretary shall sub-
5 mit to the Committees on Veterans’ Affairs of the Senate
6 and House of Representatives a report on the implementa-
7 tion of this section. Each such report shall include the fol-
8 lowing for the calendar year preceding the year in which
9 the report is submitted:

10 “(1) A list of the members of the committee.

11 “(2) The assessment of the Under Secretary for
12 Health, after review of the initial findings of the
13 committee, regarding the capability of the Veterans
14 Health Administration, on a systemwide and facility-
15 by-facility basis, to meet effectively the treatment
16 and rehabilitation needs of veterans with traumatic
17 brain injury.

18 “(3) The plans of the committee for further as-
19 sessments.

20 “(4) The findings and recommendations made
21 by the committee to the Under Secretary for Health
22 and the views of the Under Secretary on such find-
23 ings and recommendations.

24 “(5) A description of the steps taken, plans
25 made (and a timetable for the execution of such

1 plans), and resources to be applied toward improving
2 the capability of the Veterans Health Administration
3 to meet effectively the treatment and rehabilitation
4 needs of veterans with traumatic brain injury.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 7321 the following new
8 item:

“7321A. Committee on Care of Veterans with Traumatic Brain Injury.”.

9 **SEC. 206. REVISION OF CERTAIN REQUIREMENTS FOR THE**
10 **PILOT PROGRAM OF ENHANCED CONTRACT**
11 **CARE AUTHORITY FOR HEALTH CARE NEEDS**
12 **OF VETERANS IN HIGHLY RURAL AREAS.**

13 Subsection (b) of section 403 of the Veterans’ Mental
14 Health and other Care Improvements Act of 2008 (Public
15 Law 110–387; 38 U.S.C. 1703 note) is amended to read
16 as follows:

17 “(b) COVERED VETERANS.—For purposes of the
18 pilot program under this section, a covered veteran is any
19 veteran who—

20 “(1) is—

21 “(A) enrolled in the system of patient en-
22 rollment established under section 1705(a) of
23 title 38, United States Code, as of the date of
24 the commencement of the pilot program under
25 subsection (a)(2); or

1 “(B) eligible for health care under section
2 1710(e)(3)(C) of title 38, United States Code;
3 and

4 “(2) resides in a location that is—

5 “(A) more than 60 minutes’ driving dis-
6 tance, as determined by the Secretary, from the
7 nearest Department health care facility pro-
8 viding primary care services, in the case of a
9 veteran seeking such services;

10 “(B) more than 120 minutes’ driving dis-
11 tance, as determined by the Secretary, from the
12 nearest Department health care facility pro-
13 viding acute hospital care, in the case of a vet-
14 eran seeking such care; or

15 “(C) more than 240 minutes’ driving dis-
16 tance, as determined by the Secretary, from the
17 nearest Department health care facility pro-
18 viding tertiary care, in the case of a veteran
19 seeking such care.”.

1 **TITLE III—MATTERS RELATING**
2 **TO BENEFITS**

3 **SEC. 301. BENEFITS FOR QUALIFIED WORLD WAR II VET-**
4 **ERANS.**

5 (a) ESTABLISHMENT OF COMPENSATION FUND.—
6 Subchapter II of chapter 5 of title 38, United States Code,
7 is amended by adding at the end the following new section:

8 **“§ 533. Qualified World War II Veterans Equity Com-**
9 **ensation Fund**

10 “(a) COMPENSATION FUND.—(1) There is in the gen-
11 eral fund of the Treasury a fund to be known as the
12 ‘Qualified World War II Veterans Equity Compensation
13 Fund’ (in this section referred to as the ‘compensation
14 fund’).

15 “(2) Subject to the availability of appropriations for
16 such purpose, amounts in the compensation fund shall be
17 available to the Secretary without fiscal year limitation to
18 make payments to eligible individuals in accordance with
19 this section.

20 “(b) ELIGIBLE INDIVIDUALS.—(1) An eligible indi-
21 vidual is an individual who—

22 “(A) during the 1-year period beginning on the
23 date of the enactment of the Benefits for Qualified
24 World War II Veterans Act of 2009, submits to the

1 Secretary an application containing such information
2 and assurances as the Secretary may require;

3 “(B) has not received benefits under the Serv-
4 icemen’s Readjustment Act of 1944 (Public Law
5 78–346); and

6 “(C) has engaged in qualified service.

7 “(2) For purposes of paragraph (1), a person has en-
8 gaged in qualified service if the service of the person has
9 been determined to have been active duty service pursuant
10 to section 1401 of the GI Bill Improvement Act of 1977
11 (38 U.S.C. 106 note).

12 “(c) AMOUNT OF PAYMENTS.—The Secretary shall
13 make a monthly payment out of the compensation fund
14 in the amount of \$1,000 to an eligible individual. The Sec-
15 retary shall make such payments to eligible individuals in
16 the order in which the Secretary receives the applications
17 of the eligible individuals.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—(1)
19 There are authorized to be appropriated to the compensa-
20 tion fund amounts as follows:

21 “(A) For fiscal year 2010, \$222,000,000.

22 “(B) For fiscal year 2011, \$193,000,000.

23 “(C) For fiscal year 2012, \$170,000,000.

24 “(D) For fiscal year 2013, \$146,000,000.

25 “(E) For fiscal year 2014, \$124,000,000.

1 “(2) Funds appropriated to carry out this section
2 shall remain available until expended.

3 “(e) REPORTS.—The Secretary shall include, in docu-
4 ments submitted to Congress by the Secretary in support
5 of the President’s budget for each fiscal year, detailed in-
6 formation on the operation of the compensation fund, in-
7 cluding the number of applicants, the number of eligible
8 individuals receiving benefits, the amounts paid out of the
9 compensation fund, the administration of the compensa-
10 tion fund, and an estimate of the amounts necessary to
11 fully fund the compensation fund for that fiscal year and
12 each of the three subsequent fiscal years.

13 “(f) REGULATIONS.—The Secretary shall prescribe
14 regulations to carry out this section.”.

15 (b) REGULATIONS.—Not later than 180 days after
16 the date of the enactment of this Act, the Secretary shall
17 prescribe the regulations required under section 532(f) of
18 title 38, United States Code, as added by subsection (a).

19 (c) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item related to section 532 the following new
22 item:

“533. Qualified World War II Veterans Equity Compensation Fund.”.

Union Calendar No. 121

111TH CONGRESS
1ST Session

H. R. 3219

[Report No. 111-223]

A BILL

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

JULY 23, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed