

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3642
OFFERED BY MR. POLIQUIN OF MAINE**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Military Sexual Assault
3 Victims Empowerment Act” or the “Military SAVE Act”.

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

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

17 (b) DURATION.—The Secretary shall carry out the
18 pilot program under subsection (a) for a three-year period.

1 If at the completion of the pilot program an eligible vet-
2 eran is receiving hospital care and medical services from
3 a non-Department health care provider under the pilot
4 program, the Secretary may approve, on a case-by-case
5 basis, the continuation of such hospital care and medical
6 services from that non-Department health care provider
7 until the completion of the episode of care.

8 (c) ELIGIBLE VETERANS.—A veteran is eligible to
9 participate in the pilot program under subsection (a) if
10 the veteran—

11 (1) is eligible to receive counseling and appro-
12 priate care and services under section 1720D of title
13 38, United States Code; and

14 (2) resides in a site selected under subsection
15 (d).

16 (d) SITES.—

17 (1) SELECTION.—The Secretary shall select not
18 more than five sites in which to carry out the pilot
19 program under subsection (a). Each site shall meet
20 each of the following criteria:

21 (A) Except as provided by paragraph (2),
22 the site consists of a city with a population be-
23 tween 200,000 and 500,000, as determined by
24 the Bureau of the Census as of the first day of
25 the pilot program.

1 (B) The site is in a State in which the Na-
2 tional Violence Against Women Prevention Re-
3 search Center or the Centers for Disease Con-
4 trol and Prevention, or both, has determined
5 the rate of sexual assault to be a substantial
6 problem.

7 (C) The site is in a State that, as of the
8 first day of the pilot program, has a weighted
9 percentage of reported rape of not less than 20
10 percent but not more than 30 percent of sexual
11 assault cases, in accordance with the finding of
12 the Centers for Disease Control and Prevention
13 contained in the “‘Lifetime Prevalence of Sex-
14 ual Violence by any Perpetrator” (NISVS
15 2010).

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

19 (e) PARTICIPATION.—

20 (1) ELECTION.—Subject to paragraph (2), an
21 eligible veteran may elect to participate in the pilot
22 program under subsection (a). Such election shall
23 not affect the ability of the veteran to receive health
24 care furnished by Department providers.

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

4 (3) CHOICE OF NON-DEPARTMENT HEALTH
5 CARE PROVIDERS.—An eligible veteran who partici-
6 pates in the pilot program under subsection (a) may
7 freely choose from which non-Department health
8 care provider the veteran receives hospital care or
9 medical services under the pilot program, except that
10 the Secretary shall—

11 (A) ensure that each such non-Department
12 health care provider maintains at least the
13 same or similar credentials and licenses as
14 those credentials and licenses that are required
15 of health care providers of the Department, as
16 determined by the Secretary for the purposes of
17 this section; and

18 (B) make a reasonable effort to ensure
19 that such non-Department health care provider
20 is familiar with the conditions and concerns
21 that affect members of the Armed Forces and
22 veterans and is trained in evidence-based psy-
23 chotherapy

24 (4) PROVISION OF INFORMATION.—The Sec-
25 retary shall—

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

3 (B) provide to such veterans educational
4 referral materials, including through pamphlets
5 and internet websites, on the non-Department
6 providers in the sites selected under subsection
7 (d).

8 (f) AUTHORIZATION AND MONITORING OF CARE.—

9 In accordance with subsection (e), the Secretary shall en-
10 sure that the Department of Veterans Affairs authorizes
11 and monitors the hospital care and medical services fur-
12 nished under the pilot program for appropriateness and
13 necessity. In authorizing and monitoring such care, the
14 Secretary shall—

15 (1) treat a non-Department health care pro-
16 vider that furnishes to such a veteran hospital care
17 or medical services under the pilot program as an
18 authorized recipient of records of such veteran for
19 purposes of section 7332(b) of title 38, United
20 States Code; and

21 (2) ensure that such non-Department health
22 care provider transmits to the Department such
23 records as the Secretary determines appropriate.

24 (g) PAYMENTS.—

1 (1) CURRENT PROVIDERS.—If a non-Depart-
2 ment health care provider has entered into a con-
3 tract, agreement, or other arrangement with the
4 Secretary pursuant to another provision of law to
5 furnish hospital care or medical services to veterans,
6 the Secretary shall pay the health care provider for
7 hospital care or medical services furnished under
8 this section using the same rates and payment
9 schedules as provided for in such contract, agree-
10 ment, or other arrangement.

11 (2) NEW PROVIDERS.—If a non-Department
12 health care provider has not entered into a contract,
13 agreement, or other arrangement with the Secretary
14 pursuant to another provision of law to furnish hos-
15 pital care or medical services to veterans, the Sec-
16 retary shall pay the health care provider for hospital
17 care or medical services furnished under this section
18 using the same rates and payment schedule as if
19 such care and services was furnished pursuant to
20 section 1703 of title 38, United States Code.

21 (3) NEW CONTRACTS AND AGREEMENTS.—The
22 Secretary shall take reasonable efforts to enter into
23 a contract, agreement, or other arrangement with a
24 non-Department health care provider described in
25 subsection (a) to ensure that future care and serv-

1 ices authorized by the Secretary and furnished by
2 the provider are subject to such a contract, agree-
3 ment, or other arrangement

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

9 (i) REPORT.—Not later than 60 days before the com-
10 pletion of the pilot program under subsection (a), the Sec-
11 retary shall submit to the Committees on Veterans' Affairs
12 of the House of Representatives and the Senate a report
13 on the pilot program. The report shall include the fol-
14 lowing:

15 (1) The results of the pilot program, including,
16 to the extent possible, an assessment of the health
17 outcomes of veterans who participated in the pilot
18 program.

19 (2) The recommendation of the Secretary with
20 respect to extending or making permanent the pilot
21 program.

22 (j) DEFINITIONS.—In this section:

23 (1) The term “non-Department health care pro-
24 vider” means an entity specified in section
25 101(a)(1)(B) of section 101 of the Veterans Access,

1 Choice, and Accountability Act of 2015 (Public Law
2 113–146; 38 U.S.C. 1701) or any other health care
3 provider that has entered into a contract, agreement,
4 or other arrangement with the Secretary pursuant to
5 another provision of law to furnish hospital care or
6 medical services to veterans.

7 (2) The term “sexual harassment” has the
8 meaning given that term in section 1720D of title
9 38, United States Code.

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

