

## Union Calendar No.

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

# H. R. 3642

[Report No. 115-]

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

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### IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2017

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

MAY --, 2018

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

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

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

## **A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

10 (d) *SITES.*—

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

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

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

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

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

12          (e) *PARTICIPATION.—*

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

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

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

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

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

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

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

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

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

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

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

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

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

14 *(g) PAYMENTS.—*

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

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

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

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

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



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

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

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

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

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

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

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