

118TH CONGRESS
1ST SESSION

S. 3341

To improve the emergency management capabilities of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Mr. TESTER (for himself, Mr. MORAN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To improve the emergency management capabilities of the Department of Veterans Affairs, 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.**

4 This Act may be cited as the “Advancing VA’s Emer-
5 gency Response to (AVERT) Crises Act of 2023”.

1 **SEC. 2. REQUIREMENT FOR DEPARTMENT OF VETERANS**
2 **AFFAIRS TO IMPLEMENT A FULLY OPER-**
3 **ATIONAL EMERGENCY COMMUNICATIONS**
4 **SYSTEM THROUGHOUT MEDICAL FACILITIES**
5 **OF DEPARTMENT.**

6 (a) IMPLEMENTATION REQUIRED.—Not later than
7 two years after the date of the enactment of this Act, the
8 Secretary of Veterans Affairs shall implement a fully oper-
9 ational high-frequency emergency communications system
10 throughout medical facilities of the Department of Vet-
11 erans Affairs.

12 (b) PURPOSE OF SYSTEM.—The system required to
13 be implemented under subsection (a) shall—

14 (1) serve as a means of maintaining commu-
15 nications at medical facilities of the Department
16 during disasters or emergencies without the need for
17 external infrastructure;

18 (2) enable emergency communications between
19 medical facilities of the Department and other Gov-
20 ernment agencies with high-frequency communica-
21 tions capabilities; and

22 (3) be used to reestablish the provision of
23 health care services to veterans, maintain the situa-
24 tional awareness of staff of the Department, coordi-
25 nate emergency response, and request resources as
26 needed.

1 (c) CONSULTATION.—In preparing to carry out sub-
2 section (a), the Secretary of Veterans Affairs shall consult
3 with the Secretary of Homeland Security and the heads
4 of such other Federal agencies as the Secretary of Vet-
5 erans Affairs considers relevant, on best practices in im-
6 plementing high-frequency emergency communications.

7 (d) CONTRACTS.—

8 (1) IN GENERAL.—In carrying out subsection
9 (a), the Secretary of Veterans Affairs shall—

10 (A) renegotiate any contract in effect on
11 the day before the date of the enactment of this
12 Act that provides for the Resilient High Fre-
13 quency Radio Network of the Department; or

14 (B) solicit such new contracts as the Sec-
15 retary considers appropriate to provide the
16 high-frequency emergency communications serv-
17 ices and equipment necessary to carry out sub-
18 section (a).

19 (2) MAINTENANCE.—In carrying out subsection
20 (a), the Secretary shall ensure that a contract is in
21 effect for the high-frequency emergency communica-
22 tions system required by such subsection, including
23 for the provision of on-demand maintenance and
24 routine maintenance.

1 (e) REQUIREMENTS.—In carrying out subsection (a),
2 the Secretary shall—

3 (1) designate one office in the Central Office of
4 the Department to lead the implementation of the
5 emergency communications system required under
6 such subsection;

7 (2) create a staffing model to be distributed to
8 and used by medical facilities of the Department—

9 (A) to identify who at the facility level will
10 be responsible for verifying that the equipment
11 for such system is fully functional; and

12 (B) to ensure such system is monitored at
13 all times;

14 (3) create and distribute guidelines to medical
15 facilities of the Department, in conjunction with the
16 appropriately designated contracting officer or acqui-
17 sition center, for acceptance and installation of such
18 system, including demonstration of operability before
19 final inspection and acceptance of such system;

20 (4) ensure equipment functionality and operator
21 knowledge by creating and managing a training and
22 testing program to include—

23 (A) ensuring relevant staff receive com-
24 prehensive training regarding such system, in-

cluding training on operation and maintenance
of such system;

(B) conducting internal exercises at all
medical facilities of the Department not less
frequently than once per year to test equipment
functionality and ensure staff have experience
operating the equipment in a simulated emer-
gency; and

(C) collaborating with the Secretary of
Homeland Security to determine the feasibility
of conducting multi-agency exercises every two
years;

(5) create and distribute general guidance to
medical facilities of the Department regarding where
emergency communications equipment should be lo-
cated in a medical facility, and collect and store in-
formation on the location of the equipment in each
medical facility;

(6) ensure medical facilities of the Department
include information on such system in each facility-
specific Comprehensive Emergency Management
Program, or successor program; and

(7) ensure medical facilities of the Department
regularly monitor the staffing levels and training
programs for such system to ensure enough trained

1 staff are available to monitor such system at all
2 times.

3 (f) PHASED IMPLEMENTATION.—

4 (1) INITIAL LOCATIONS.—The Secretary of Vet-
5 erans Affairs shall ensure that the system required
6 by subsection (a) is initially installed and tested
7 throughout three Veterans Integrated Service Net-
8 works the Secretary shall select for the purposes of
9 this section.

10 (2) DETERMINATION OF FULLY OPERATIONAL
11 SYSTEM AND NOTICE TO CONGRESS.—

12 (A) IN GENERAL.—Once the system re-
13 quired by subsection (a) is installed and tested
14 in the three Veterans Integrated Service Net-
15 works pursuant to paragraph (1) and the Sec-
16 retary determines the system is fully oper-
17 ational in accordance with subparagraph (B)
18 and is able to be implemented at all medical fa-
19 cilities of the Department, the Secretary shall
20 submit to Congress notice of such determina-
21 tion.

22 (B) DETERMINATION.—The Secretary may
23 only determine that the system described in
24 subparagraph (A) is fully operational if—

1 (i) the Secretary validates the comple-
2 tion of training, certification, and system
3 use by the applicable workforce;

4 (ii) the system has been monitored by
5 the applicable workforce for a period of
6 three months;

7 (iii) the system has been in operation
8 for a continuous period of three months
9 without any system outages; and

10 (iv) the Secretary has completed two
11 training exercises involving all test installa-
12 tion sites.

13 (3) FULL IMPLEMENTATION.—Once the Sec-
14 retary has determined pursuant to paragraph (2)
15 that the system required by subsection (a) is fully
16 operational and submitted notice to Congress of
17 such determination in accordance with such para-
18 graph, the Secretary shall implement the system at
19 all medical facilities of the Department.

20 (g) INITIAL REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary shall submit to the Committee on Veterans'
24 Affairs of the Senate and the Committee on Vet-
25 erans' Affairs of the House of Representatives a re-

1 port on the plans of the Secretary to implement the
2 system required by subsection (a).

3 (2) ELEMENTS.—The report submitted pursu-
4 ant to paragraph (1) shall include the following:

5 (A) A detailed timeline of the planned im-
6 plementation of the system required by sub-
7 section (a).

8 (B) An identification of the three Veterans
9 Integrated Service Networks selected under
10 subsection (f)(1).

11 (C) A description of the specific metrics
12 and benchmarks the Secretary plans to use to
13 make the determination under subsection (f)(2).

14 (D) A description of the plans of the Sec-
15 retary for contracting under subsection (d)(1).

16 (E) A description of the plans of the Sec-
17 retary for contracting under subsection (d)(2).

18 (F) A spending plan for implementation of
19 the system.

20 (G) An identification of which office the
21 Department has designated under subsection
22 (e)(1).

23 (H) An identification of the staffing struc-
24 ture of the office identified in subparagraph
25 (G), including any plans to change the struc-

1 ture of such office to more effectively imple-
2 ment the system.

3 (I) Details on the roles and responsibilities
4 of each of the following entities in implementing
5 the system:

6 (i) The office identified pursuant to
7 subparagraph (G).

8 (ii) Any other offices of the Depart-
9 ment involved at the Central Office of the
10 Department.

11 (iii) Veterans Integrated Service Net-
12 works.

13 (iv) Medical facilities of the Depart-
14 ment.

15 (J) A description of the staffing model re-
16 quired under subsection (e)(2).

17 (K) Details on the training required under
18 subsection (e)(4)(A), including—

19 (i) the components of the training;

20 (ii) the duration of the training;

21 (iii) the frequency of the training;

22 (iv) which employees will be required
23 to take such training;

1 (v) whether the training will be con-
2 ducted by the Department or a contractor;
3 and

4 (vi) how the Secretary plans to over-
5 see and track completion of the training.

6 (L) A description of the guidelines created
7 and distributed under subsection (e)(5).

8 (M) A description of how the Secretary
9 plans to ensure medical facilities of the Depart-
10 ment include information on the system in each
11 facility-specific Comprehensive Emergency Man-
12 agement Program, or successor program.

13 (N) A description of how the Secretary
14 plans to ensure medical facilities of the Depart-
15 ment regularly monitor the staffing levels for
16 the system to ensure enough trained staff are
17 available to monitor the system at all times.

18 (O) A description of any updates the Sec-
19 retary plans to make to the directives of the
20 Department on the topic of emergency commu-
21 nications.

22 (P) An assessment of whether other facili-
23 ties of the Department, including facilities of
24 the Veterans Benefits Administration and facili-
25 ties of the National Cemetery Administration,

1 require the implementation of a high-frequency
2 emergency communications system, and if so—

3 (i) the plan of the Secretary to imple-
4 ment a high-frequency emergency commu-
5 nications system throughout such facilities;
6 and

7 (ii) whether the Secretary requires ac-
8 tion by Congress to carry out such plan.

9 (h) ANNUAL REPORTS.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date on which the Secretary completes imple-
12 mentation of the system under subsection (a), and
13 not less frequently than once each year thereafter,
14 the Secretary shall submit to the Committee on Vet-
15 erans' Affairs of the Senate and the Committee on
16 Veterans' Affairs of the House of Representatives a
17 report on the operations of such system.

18 (2) CONTENTS.—Each report submitted pursu-
19 ant to paragraph (1) shall include, for the period
20 covered by the report, the following:

21 (A) Information on whether each site
22 hosting the system required by subsection (a) is
23 adequately staffed to monitor the system 24
24 hours per day for seven days per week.

1 (B) Information on whether any outages
2 have occurred with respect to such system since
3 the previous report, or, for the first report,
4 whether any outages have occurred since the
5 full implementation of such system under sub-
6 section (f)(3).

7 (C) The results of internal and external ex-
8 ercises conducted to demonstrate functionality
9 of such system.

10 (D) Whether any contract renegotiations
11 or modifications or new contracts have occurred
12 for either the procurement of high-frequency
13 emergency communications equipment, mainte-
14 nance, or training.

15 (E) Any updated guidance or trainings
16 provided to employees tasked with overseeing
17 such system.

18 (i) **OIG REPORT.**—Not later than three years after
19 the date of the enactment of this Act, the Inspector Gen-
20 eral of the Department of Veterans Affairs shall submit
21 to the Committee on Veterans' Affairs of the Senate and
22 the Committee on Veterans' Affairs of the House of Rep-
23 resentatives a report on the implementation by the De-
24 partment of the system required by subsection (a), which
25 shall include an analysis of the following:

1 (1) The effectiveness and functionality of the
2 system.

3 (2) The staffing model required under sub-
4 section (e)(2).

5 (3) The level of coordination by the Central Of-
6 fice of the Department with medical facilities of the
7 Department in helping those facilities implement
8 and maintain the system.

9 (4) The effectiveness of the training and testing
10 program required under subsection (e)(4).

11 (5) Any difficulties with ensuring trained staff
12 are available to monitor the system at all times.

13 **SEC. 3. REPORT ON EMERGENCY MANAGEMENT ROLES**
14 **FOR DEPARTMENT OF VETERANS AFFAIRS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of Vet-
17 erans Affairs shall submit to the Committee on Veterans’
18 Affairs of the Senate and the Committee on Veterans’ Af-
19 fairs of the House of Representatives a report outlining
20 the roles and responsibilities of all offices of the Depart-
21 ment of Veterans Affairs involved with emergency man-
22 agement.

23 (b) CONSULTATION.—In preparing the report re-
24 quired by subsection (a), the Secretary of Veterans Affairs
25 shall consult with the Comptroller General of the United

1 States, the Inspector General of the Department of Vet-
2 erans Affairs, the Secretary of Homeland Security, and
3 such other Federal agencies as the Secretary of Veterans
4 Affairs considers relevant, to obtain insights from their
5 experience and trends that they have found, and such rec-
6 ommendations as they may have with respect to the man-
7 agement by the Department of Veterans Affairs of emer-
8 gency management functions.

9 (c) CONTENTS.—The report submitted pursuant to
10 subsection (a) shall include the following:

11 (1) A description of the organizational structure
12 of each office, both during normal operations and
13 during emergency or disaster operations.

14 (2) The roles and responsibilities of each office.

15 (3) A detailed description of roles and respon-
16 sibilities that are shared by both the Office of Emer-
17 gency Management of the Department and the Of-
18 fice of Operations, Security, and Preparedness of the
19 Department, including an analysis of how each office
20 plays a part in emergency management functions.

21 (4) Recommendations for improving the struc-
22 ture and alignment of relevant offices to better pre-
23 pare the Department for emergencies, remove
24 redundancies, and improve accountability.

1 (5) An analysis of the feasibility and advis-
2 ability of consolidating relevant offices into one cen-
3 tralized emergency management office to improve
4 communication and streamline emergency prepared-
5 ness and response efforts of the Department.

6 **SEC. 4. REPORT ON REGIONAL READINESS CENTERS OF**
7 **DEPARTMENT OF VETERANS AFFAIRS.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of Vet-
10 erans Affairs shall submit to the Committee on Veterans’
11 Affairs of the Senate and the Committee on Veterans’ Af-
12 fairs of the House of Representatives a report on the Re-
13 gional Readiness Centers of the Department of Veterans
14 Affairs.

15 (b) CONTENTS.—The report submitted pursuant to
16 subsection (a) shall include the following:

17 (1) The number of requests made by facilities
18 of the Department to obtain supplies from a Re-
19 gional Readiness Center since the inception of the
20 Regional Readiness Center program, disaggregated
21 by Regional Readiness Center.

22 (2) Information on types and amounts of mate-
23 rial distributed since the inception of the Regional
24 Readiness Center program, disaggregated by Re-
25 gional Readiness Center.

1 (3) Current inventory, disaggregated by Re-
2 gional Readiness Center.

3 (4) An overview of the change in inventory in
4 each Regional Readiness Center during the two-year
5 period ending on the date of the enactment of this
6 Act.

7 (5) The percentage of inventory that is expired
8 or that will expire in the next month, disaggregated
9 by Regional Readiness Center.

10 (6) Operational costs since the inception of the
11 Regional Readiness Center program, disaggregated
12 by Regional Readiness Center.

13 (7) An analysis of the types and sizes of emer-
14 gencies, including natural disasters, public health
15 emergencies, or Fourth Mission activations of the
16 Department, with respect to which each Regional
17 Readiness Center would be able to provide sufficient
18 resources to respond to, based on the current capac-
19 ity of the Regional Readiness Center.

20 (8) Any plans of the Secretary to realign or
21 change the number of Regional Readiness Centers.

1 **SEC. 5. IMPROVEMENTS TO THE EMERGENCY CACHE PRO-**
2 **GRAM OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of Veterans Affairs shall
6 carry out the following:

7 (1) **TRACKING SYSTEM AND MINIMUM TIME**
8 **FRAMES.**—Establish a tracking system and min-
9 imum time frames by which the Emergency Phar-
10 macy Service initiates resupply orders to make sure
11 emergency caches and emergency pharmacy vehicles
12 are fully stocked with unexpired inventory. Such
13 time frames shall account for—

14 (A) any extension of the shelf life of inven-
15 tory under the Shelf Life Extension Program;
16 and

17 (B) historical data of the Department of
18 Veterans Affairs on the time it typically takes
19 the Department to reorder, receive, and restock
20 emergency caches or emergency pharmacy vehi-
21 cles, as the case may be.

22 (2) **ACCOUNTABILITY MECHANISM.**—Create an
23 accountability mechanism to ensure the Emergency
24 Pharmacy Service and the Watch Office are main-
25 taining accurate and complete records of emergency
26 cache activations.

1 (3) GUIDELINES ON AUTHORIZED ACCESS.—
 2 Provide guidelines for facilities of the Department
 3 regarding which individuals are authorized to access
 4 the emergency caches.

5 (4) GUIDELINES ON RESPONSIBILITY FOR DIS-
 6 TRIBUTION.—Provide guidelines for facilities of the
 7 Department regarding which individuals are respon-
 8 sible for distributing the contents of the emergency
 9 cache if activated.

10 (5) TRAINING.—Provide all Department em-
 11 ployees identified by the Secretary under paragraphs
 12 (3) and (4) with a training that includes information
 13 on—

14 (A) the contents of the emergency cache;

15 (B) circumstances for use of the emer-
 16 gency cache;

17 (C) the actions the employee should take if
 18 they believe activation of the cache is war-
 19 ranted; and

20 (D) procedures for distributing the con-
 21 tents of the cache.

22 (6) OVERSIGHT OF VETERANS HEALTH ADMIN-
 23 ISTRATION EMERGENCY CACHES.—Designate one
 24 program office of the Department to have primary

1 responsibility for oversight of emergency caches of
2 the Veterans Health Administration.

3 **SEC. 6. PLAN TO ALLOW FUEL SHARING AND INCREASED**
4 **COORDINATION BETWEEN THE FEDERAL**
5 **EMERGENCY MANAGEMENT AGENCY AND**
6 **THE DEPARTMENT OF VETERANS AFFAIRS.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the Secretary of Veterans Affairs shall,
9 after consulting with the Administrator of the Federal
10 Emergency Management Agency, submit to the Com-
11 mittee on Veterans' Affairs of the Senate, the Committee
12 on Veterans' Affairs of the House of Representatives, the
13 Committee on Homeland Security and Government Affairs
14 of the Senate, and the Committee on Homeland Security
15 of the House of Representatives a report regarding—

16 (1) the current limitations preventing the Fed-
17 eral Emergency Management Agency from providing
18 fuel or other resources to the Department of Vet-
19 erans Affairs during emergencies;

20 (2) whether the Department requires action by
21 Congress to allow such resource provision to occur;

22 (3) whether the Secretary has been unable to
23 coordinate with the Administrator during prior
24 emergencies or Fourth Mission activations due to a
25 lack of authority for such coordination; and

1 (4) whether the Secretary requires action by
2 Congress to address any of the issues mentioned
3 under paragraph (3).

○