

Union Calendar No. 110

103D CONGRESS
1ST SESSION

H. R. 2535

[Report No. 103-198]

A BILL

To amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

JULY 29, 1993

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 1993

Mr. ROWLAND (for himself, Mr. SMITH of New Jersey, Mr. CLEMENT, Mr. EVANS, Mr. KENNEDY, Mr. GUTIERREZ, Mr. MONTGOMERY, Mr. STUMP, Mr. KREIDLER, Mr. BUYER, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY 29, 1993

Additional sponsors: Ms. BROWN of Florida, Mr. BISHOP, Ms. LONG, Mr. EDWARDS of Texas, Mr. TEJEDA, Mr. BACHUS of Alabama, Mr. HAMILTON, Mr. CANADY, Mr. LINDER, Mr. SLATTERY, Mr. STEARNS, Mr. EVERETT, Mr. PENNY, Mr. QUINN, Mr. RUSH, Mr. HEFNER, Mr. KING, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, Mrs. ROUKEMA, and Mr. DURBIN

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[Omit the part struck through and insert the part printed in italic]

A BILL

To amend title 38, United States Code, to provide additional

authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

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. AUTHORITY TO PROVIDE PRIORITY HEALTH**
4 **CARE.**

5 (a) AUTHORIZED INPATIENT CARE.—(1) Section
6 1710(a)(1)(G) of title 38, United States Code, is amended
7 by striking out “or radiation” and inserting in lieu thereof
8 “, radiation, or environmental hazard”.

9 (2) Section 1710(e) of such title is amended—

10 (A) by inserting at the end of paragraph (1) the
11 following new subparagraph:

12 “(C) Subject to paragraphs (2) and (3) of this sub-
13 section, a veteran who the Secretary finds may have been
14 exposed while serving on active duty in the Southwest Asia
15 theater of operations during the Persian Gulf War to a
16 toxic substance or environmental hazard is eligible for hos-
17 pital care and nursing home care under subsection
18 (a)(1)(G) of this section for any disability which becomes
19 manifest before October 1, 1996, notwithstanding that
20 there is insufficient medical evidence to conclude that such
21 disability may be associated with such exposure.”;

22 (B) in paragraph (2), by striking out “subpara-
23 graph (A) or (B)” and inserting in lieu thereof “sub-
24 paragraph (A), (B), or (C)”;

1 (C) in paragraph (3), by striking out the period
2 at the end and inserting in lieu thereof “, or, in the
3 case of care for a veteran described in paragraph
4 (1)(C), after September 30, 1998.”.

5 (b) AUTHORIZED OUTPATIENT CARE.—Section
6 ~~1712(a)(1)~~ 1712(a) of such title is amended—

7 (1) in paragraph (1)—

8 (A) by striking out “and” at the end of
9 subparagraph (B);

10 (B) by striking out the period at the end
11 of subparagraph (C) and inserting in lieu there-
12 of “; and”; and

13 (C) by adding at the end the following:

14 “(D) during the period before October 1, 1998,
15 for any disability which becomes manifest before Oc-
16 tober 1, 1996, in the case of a veteran who served
17 on active duty in the Southwest Asia theater of op-
18 erations during the Persian Gulf War and who the
19 Secretary finds may have been exposed to a toxic
20 substance or environmental hazard during such serv-
21 ice, notwithstanding that there is insufficient medi-
22 cal evidence to conclude that the disability may be
23 associated with such exposure.”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(7) Medical services may not be furnished under
2 paragraph (1)(D) with respect to a disability that is found,
3 in accordance with guidelines issued by the Under Sec-
4 retary for Health, to have resulted from a cause other
5 than an exposure described in that paragraph.”.

6 **SEC. 2. EFFECTIVE DATE.**

7 The amendments made by section 1 shall take effect
8 as of August 10, 1992.

9 **SEC. 2. EFFECTIVE DATE.**

10 (a) *EFFECTIVE DATE.*—The amendments made by sec-
11 tion 1 shall take effect as of August 2, 1990.

12 (b) *PROCEDURE FOR REFUNDS OF PRIOR PAY-*
13 *MENTS.*—Upon application of a veteran submitted after the
14 date of the enactment of this Act, the Secretary of Veterans
15 Affairs shall refund to the veteran any amount paid by the
16 veteran to the Secretary before the date of the enactment
17 of this Act in accordance with sections 1710(f) and 1712(f)
18 of title 38, United States Code, for care and services covered
19 by the amendments made by section 1.