105TH CONGRESS 2D SESSION

H. R. 3948

To maintain health care coverage for veterans by the Department of Veterans Affairs for tobacco related illnesses, and to provide for additional authorization of appropriations for the Department.

IN THE HOUSE OF REPRESENTATIVES

May 22, 1998

Mr. Klink (for himself, Mr. Murtha, Mr. Fattah, Mr. Kanjorski, Mr. Doyle, Mr. Etheridge, Mrs. Emerson, Mr. Hall of Ohio, Mr. Traficant, Mr. Mascara, Mr. Holden, Mrs. Thurman, Mr. Gejdenson, Ms. Stabenow, Mr. Stupak, Mr. Rush, Mr. McDermott, Mr. Smith of New Jersey, Mr. Strickland, Mr. Fox of Pennsylvania, Mr. Rodriguez, Mr. English of Pennsylvania, Mr. Brady of Pennsylvania, Mr. Manton, Mr. Kennedy of Massachusetts, Mr. Hinchey, Mrs. McCarthy of New York, Mr. Green, Mr. Nadler, and Mr. Goode) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To maintain health care coverage for veterans by the Department of Veterans Affairs for tobacco related illnesses, and to provide for additional authorization of appropriations for the Department.

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

1 SECTION 1. FINDING.

2	The Congress finds that the United States has both
3	directly and indirectly facilitated tobacco use by members
4	of the Armed Forces in that—
5	(1) from the time of the Civil War until 1956,
6	the Army was required by law "to cause tobacco to
7	be furnished to the enlisted men of the army at cost
8	prices, exclusive of the cost of transportation, in
9	such quantities as they may require, not exceeding
10	sixteen ounces per month" with the cost deducted
11	from their pay;
12	(2) the Air Force is still required by law to
13	make tobacco available for sale to enlisted members;
14	(3) cigarettes have been distributed free of
15	charge to members of the Armed Forces as part of
16	the food and sundries packets referred to as
17	"C-rations";
18	(4) tobacco products have been and continue to
19	be sold by military exchanges at substantially dis-
20	counted rates, thus actively encouraging tobacco
21	usage by military personnel, and as late as 1996
22	commissary tobacco prices were as much as 76 per-
23	cent lower than commercial retail prices;
24	(5) the military culture historically has recog-
25	nized, encouraged, and supported cigarette smoking

by servicemembers ("Smoke 'em if you've got 'em.");

26

- 1 (6) a significant number of veterans were non2 smokers upon entering military service and began
 3 smoking during military service, and reliable studies
 4 indicate that 75 percent of World War II veterans
 5 began smoking tobacco products as young adults
 6 during the course of their military service;
 - (7) labeling requirements warning of the addictive nature of nicotine and the dangers of tobacco-related products, which were applicable to tobacco products sold in the commercial market, were not mandated for products distributed through the military system until 1970, five years after the requirement was applied to products sold in the civilian market; and
 - (8) the Department of Veterans Affairs has been authorized by law to provide tobacco to veterans receiving hospital or domiciliary care since 1957 and was authorized to do so by regulation since at least 1933.

20 SEC. 2. SERVICE-CONNECTED COMPENSATION FOR TO-

21 BACCO-RELATED ILLNESSES OF VETERANS.

- Notwithstanding any other provision of law, for pur-23 poses of sections 1110 or 1131 of title 38, United States
- 24 Code, in the case of a disability of a veteran from a disease
- 25 or injury that may be attributable, in whole or in part,

7

8

9

10

11

12

13

14

15

16

17

18

19

- 1 to that veteran's use of tobacco products, the veteran shall
- 2 be entitled to payment of compensation under chapter 11
- 3 of such title.
- 4 SEC. 3. INCREASE IN AUTHORIZATION OF APPROPRIA-
- 5 TIONS FOR THE DEPARTMENT OF VETERANS
- 6 AFFAIRS.
- 7 In addition to amounts otherwise authorized to be ap-
- 8 propriated for the Department of Veterans Affairs for fis-
- 9 cal year 1999, there is hereby authorized to be appro-
- 10 priated for the Department \$1,000,000,000 for such fiscal

11 year.

 \bigcirc