

105TH CONGRESS
2D SESSION

H. R. 3980

To amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1998

Mr. STEARNS (for himself, Mr. GUTIERREZ, Mr. STUMP, Mr. EVANS, and Mr. KENNEDY of Massachusetts) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Persian Gulf War Vet-
3 erans Health Care and Research Act of 1998”.

4 **SEC. 2. HEALTH CARE FOR VETERANS OF WAR.**

5 (a) **AUTHORITY TO PROVIDE PRIORITY CARE.**—Sec-
6 tion 1710(e) of title 38, United States Code, is amended—

7 (1) by adding at the end of paragraph (1) the
8 following new subparagraph:

9 “(D) Subject to paragraphs (2) and (3), a veteran
10 who served on active duty in a theater of combat oper-
11 ations (as determined by the Secretary in consultation
12 with the Secretary of Defense) during a period of war
13 after the Vietnam era, or in combat against a hostile force
14 during a period of hostilities (as defined in section
15 1712A(a)(2)(B) of this title) after the date of the enact-
16 ment of this subparagraph, is eligible for hospital care,
17 medical services, and nursing home care under subsection
18 (a)(2)(F) for any illness, notwithstanding that there is in-
19 sufficient medical evidence to conclude that such condition
20 is attributable to such service.”;

21 (2) in paragraph (2)(B), by inserting “or
22 (1)(D)” after “paragraph (1)(C)”;

23 (3) in paragraph (3)—

24 (A) by striking out “and” at the end of
25 subparagraph (A);

1 (B) by striking out “December 31, 1998.”
2 in subparagraph (B) and inserting in lieu there-
3 of “December 31, 2001; and”; and

4 (C) by adding at the end the following new
5 subparagraph:

6 “(C) in the case of care for a veteran described
7 in paragraph (1)(D), after a period of five years be-
8 ginning on the date of the veteran’s discharge or re-
9 lease from active military, naval, or air service.”;
10 and

11 (4) by adding at the end the following new sub-
12 paragraph:

13 “(5) When the Secretary first provides care for veter-
14 ans using the authority provided in paragraph (1)(D), the
15 Secretary shall submit to Congress a report on the experi-
16 ence under that authority. The report shall cover the pe-
17 riod of the first three years during which that authority
18 is used and shall be submitted not later than nine months
19 after the end of that three-year period. The Secretary shall
20 include in the report any recommendations of the Sec-
21 retary for extension of that authority.”.

22 (b) ENROLLMENT PRIORITY.—Section 1705(a)(4) of
23 such title is amended—

1 (1) by striking out “and” after “permanently
2 housebound” and inserting in lieu thereof a comma;
3 and

4 (2) by inserting “, and veterans described in
5 subparagraph (F) of section 1710(a)(2) of this title”
6 after “disabled”.

7 **SEC. 3. NATIONAL CENTER FOR THE STUDY OF WAR-RELAT-**
8 **ED ILLNESSES.**

9 (a) IN GENERAL.—(1) Chapter 73 of title 38, United
10 States Code, is amended by inserting after section 7322
11 the following new section:

12 **“§ 7323. National Center for the Study of War-Related**
13 **Illnesses**

14 “(a) ESTABLISHMENT.—The Secretary, acting
15 through the Under Secretary for Health, shall establish
16 and operate in the Veterans Health Administration a Na-
17 tional Center for the Study of War-Related Illnesses (here-
18 inafter in this section referred to as the ‘Center’). The
19 Center shall, as appropriate, coordinate its activities with
20 those of the National Center on Post-Traumatic-Stress
21 Disorder established pursuant to section 110(c) of the
22 Veterans’ Health Care Act of 1984 (Public Law 98–528).

23 “(b) PURPOSES.—The purposes of the Center shall
24 be to promote improvement of clinical, research, and edu-
25 cational activities of the Veterans Health Administration

1 with respect to war-related illnesses, including medically
2 unexplained illnesses.

3 “(c) FUNCTIONS.—In carrying out the purposes of
4 the Center, the Under Secretary shall ensure that the Cen-
5 ter—

6 “(1) promotes the training of health care and
7 related personnel in, and research into, the causes,
8 mechanisms, and treatment of war-related illnesses;

9 “(2) serves as a resource center for, and pro-
10 motes and seeks to coordinate the exchange of infor-
11 mation regarding, research and training activities
12 carried out by the Department, the Department of
13 Defense, and other Federal and non-Federal entities;
14 and

15 “(3) coordinates with the Department of De-
16 fense and other interested Federal departments and
17 agencies in the conduct of research, training, and
18 treatment and the dissemination of information per-
19 taining to war-related illnesses.

20 “(d) STAFF.—The Under Secretary shall ensure that
21 the staff of the Center has an appropriate range and
22 breadth of expertise so as to enable the Center to bring
23 an interdisciplinary approach to the study and treatment
24 of war-related illnesses.

1 “(e) COORDINATION BETWEEN DEPARTMENTS.—(1)
2 In order to ensure needed coordination between the De-
3 partment and the Department of Defense in carrying out
4 the mission of the Center, the officials identified in sub-
5 paragraphs (A) and (B) of section 8111(b)(2) of this title
6 shall—

7 “(A) meet regularly to review pertinent policies,
8 procedures, and practices of their respective depart-
9 ments relating to such coordination and to identify
10 actions that could be taken to change policies, proce-
11 dures, and practices to improve such coordination;
12 and

13 “(B) take all appropriate steps to carry out
14 those actions identified under paragraph (1).

15 “(2) The Secretary and the Secretary of Defense
16 shall submit to the appropriate committees of Congress
17 an annual joint report, not later than April 1 each year,
18 on the activities under paragraph (1) during the preceding
19 year.”.

20 (2) The table of sections at the beginning of such
21 chapter is amended by inserting after the item relating
22 to section 7322 the following new item:

“7323. National Center for the Study of War-Related Illnesses.”.

23 (b) EFFECTIVE DATE.—The National Center for the
24 Study of War-Related Illnesses required to be established
25 by section 7323 of title 38, United States Code, as added

1 by subsection (a), shall be established not later than Octo-
2 ber 1, 1999.

3 **SEC. 4. ASSESSMENT OF EFFECTIVENESS OF CARE OF PER-**
4 **SIAN GULF WAR VETERANS.**

5 (a) ASSESSMENT BY NATIONAL ACADEMY OF
6 SCIENCES.—Not later than November 1, 1998, the Sec-
7 retary of Veterans Affairs shall enter into a contract with
8 the National Academy of Sciences for the conduct of a
9 review of a methodology which could be used by the De-
10 partment of Veterans Affairs for determining the efficacy
11 of treatments furnished to, and health outcomes (to in-
12 clude functional status) of, Persian Gulf War veterans who
13 have been treated for illnesses which may be associated
14 with their service in the Persian Gulf War.

15 (b) ACTION ON REPORT.—Not later than 180 days
16 after receiving the final report of the National Academy
17 of Sciences under subsection (a), the Secretary shall—

18 (1) if scientifically feasible, develop an appro-
19 priate mechanism to monitor and study the effective-
20 ness of treatments furnished to, and health out-
21 comes of, Persian Gulf War veterans who suffer
22 from diagnosed and undiagnosed illnesses which may
23 be associated with their service in the Persian Gulf
24 War; and

1 (2) submit to the Committees on Veterans' Af-
2 fairs of the Senate and House of Representatives a
3 report on the implementation of this subsection.

4 **SEC. 5. DEVELOPMENT OF MEDICAL EDUCATION CURRICU-**
5 **LUM PERTAINING TO CARE AND TREATMENT**
6 **OF PERSIAN GULF WAR VETERANS.**

7 Section 706 of the Persian Gulf War Veterans'
8 Health Status Act (title VII of Public Law 102-585; 38
9 U.S.C. 527 note) is amended by adding at the end thereof
10 the following new subsection:

11 “(d) DEVELOPMENT OF MEDICAL EDUCATION CUR-
12 RICULUM.—(1) In order to further understanding of the
13 health consequences of military service in the Persian Gulf
14 theater of operations and of new research findings with
15 implications for improving the provision of care for veter-
16 ans of such service, the Secretary of Veterans Affairs and
17 the Secretary of Defense shall seek to enter into an agree-
18 ment with the National Academy of Sciences under which
19 the Institute of Medicine of the Academy would develop
20 a curriculum pertaining to the care and treatment of vet-
21 erans of such service who have ill-defined or undiagnosed
22 illnesses for use in the continuing medical education of
23 both general and specialty physicians who provide care for
24 such veterans.

1 “(2) Not later than six months after the Institute of
2 Medicine provides the Secretaries the curriculum devel-
3 oped under paragraph (1), the Secretaries shall provide
4 for the conduct of continuing education programs using
5 the curriculum developed under paragraph (1). Such pro-
6 grams shall include instruction which seeks to emphasize
7 use of appropriate protocols of diagnosis, referral, and
8 treatment of such veterans.”.

9 **SEC. 6. REVISION TO PROCESS FOR DETERMINING PRIOR-**
10 **ITIES FOR HEALTH-RELATED RESEARCH ON**
11 **THE PERSIAN GULF WAR.**

12 Section 707 of the Persian Gulf War Veterans’
13 Health Status Act (title VII of Public Law 102–585; 38
14 U.S.C. 527 note) is amended by striking out subsection
15 (b) and inserting in lieu thereof the following:

16 “(b) PUBLIC ADVISORY COMMITTEE.—Not later than
17 January 1, 1999, the head of the department or agency
18 designated under subsection (a) shall establish an advisory
19 committee consisting of members of the general public, to
20 include Persian Gulf War veterans and representatives of
21 such veterans, to provide advice to the head of that depart-
22 ment or agency on proposed research studies, research
23 plans, or research strategies relating to the health con-
24 sequences of military service in the Persian Gulf theater
25 of operations during the Persian Gulf War. The depart-

1 ment or agency head shall consult with such advisory com-
2 mittee on a regular basis.

3 “(c) REPORTS.—(1) Not later than March 1 of each
4 year, the head of the department or agency designated
5 under subsection (a) shall submit to the Committees on
6 Veterans’ Affairs of the Senate and House of Representa-
7 tives a report on—

8 “(A) the status and results of all such research
9 activities undertaken by the executive branch during
10 the previous year;

11 “(B) research priorities identified during that
12 year; and

13 “(C) recommendations of the public advisory
14 committee established under subsection (b) that
15 were not adopted during that year and the reasons
16 for not adopting each such recommendation.

17 “(2)(A) Not later than 120 days after submission of
18 the epidemiological research study conducted by the De-
19 partment of Veterans Affairs entitled “VA National Sur-
20 vey of Persian Gulf Veterans—Phase III”, the head of the
21 department or agency designated under subsection (a)
22 shall submit to the congressional committees specified in
23 paragraph (1) a report on the findings under that study.

24 “(B) With respect to any findings of that study which
25 identify scientific evidence of a greater relative risk of ill-

1 ness or illnesses in family members of veterans who served
2 in the Persian Gulf War theater of operations than in fam-
3 ily members of veterans who did not so serve, the head
4 of the department or agency designated under subsection
5 (a) shall seek to ensure that appropriate research studies
6 are designed to follow up on such findings.

7 “(d) PUBLIC AVAILABILITY OF RESEARCH FIND-
8 INGS.—The head of the department or agency designated
9 under subsection (a) shall ensure that the findings of all
10 research conducted by or for the executive branch relating
11 to the health consequences of military service in the Per-
12 sian Gulf theater of operations during the Persian Gulf
13 War (including information pertinent to improving provi-
14 sion of care for veterans of such service) are made avail-
15 able to the public through peer-reviewed medical journals,
16 the Internet World Wide Web, and other appropriate
17 media.”.

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