

105TH CONGRESS
2D SESSION

H. R. 3980

IN THE SENATE OF THE UNITED STATES

AUGUST 31, 1998

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

9 (1) by adding at the end of paragraph (1) the
10 following new subparagraph:

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

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

1 (3) in paragraph (3)—

2 (A) by striking out “and” at the end of
3 subparagraph (A);

4 (B) by striking out “December 31, 1998.”
5 in subparagraph (B) and inserting in lieu there-
6 of “December 31, 2001; and”; and

7 (C) by adding at the end the following new
8 subparagraph:

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

14 (4) by adding at the end the following new
15 paragraph:

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

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

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

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

9 **SEC. 3. NATIONAL CENTER FOR THE STUDY OF WAR-RELAT-**
10 **ED ILLNESSES.**

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

14 **“§ 7323. National Center for the Study of War-Related**
15 **Illnesses**

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

1 “(b) PURPOSES.—The purposes of the Center shall
2 be to promote improvement of clinical, research, and edu-
3 cational activities of the Veterans Health Administration
4 with respect to war-related illnesses, including medically
5 unexplained illnesses.

6 “(c) FUNCTIONS.—In carrying out the purposes of
7 the Center, the Under Secretary shall ensure that the Cen-
8 ter—

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

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

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

23 “(d) STAFF.—The Under Secretary shall ensure that
24 the staff of the Center has an appropriate range and
25 breadth of expertise so as to enable the Center to bring

1 an interdisciplinary approach to the study and treatment
2 of war-related illnesses.

3 “(e) COORDINATION BETWEEN DEPARTMENTS.—(1)

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

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

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

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

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

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

1 (b) EFFECTIVE DATE.—The National Center for the
2 Study of War-Related Illnesses required to be established
3 by section 7323 of title 38, United States Code, as added
4 by subsection (a), shall be established not later than Octo-
5 ber 1, 1999.

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

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

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

21 (1) if scientifically feasible, develop an appro-
22 priate mechanism to monitor and study the effective-
23 ness of treatments furnished to, and health out-
24 comes of, Persian Gulf War veterans who suffer
25 from diagnosed and undiagnosed illnesses which may

1 be associated with their service in the Persian Gulf
2 War; and

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

6 **SEC. 5. CONTRACT FOR INDEPENDENT RECOMMENDA-**
7 **TIONS ON RESEARCH AND FOR DEVELOP-**
8 **MENT OF CURRICULUM ON CARE OF PER-**
9 **SIAN GULF WAR VETERANS.**

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

14 “(d) RESEARCH REVIEW AND DEVELOPMENT OF
15 MEDICAL EDUCATION CURRICULUM.—(1) In order to fur-
16 ther understanding of the health consequences of military
17 service in the Persian Gulf theater of operations and of
18 new research findings with implications for improving the
19 provision of care for veterans of such service, the Sec-
20 retary of Veterans Affairs and the Secretary of Defense
21 shall seek to enter into an agreement with the National
22 Academy of Sciences under which the Institute of Medi-
23 cine of the Academy would—

24 “(A) develop a curriculum pertaining to the
25 care and treatment of veterans of such service who

1 have ill-defined or undiagnosed illnesses for use in
2 the continuing medical education of both general
3 and specialty physicians who provide care for such
4 veterans; and

5 “(B) periodically review and provide rec-
6 ommendations regarding the research plans and re-
7 search strategies of the Departments relating to the
8 health consequences of military service in the Per-
9 sian Gulf theater of operations during the Persian
10 Gulf War, including recommendations that the
11 Academy considers appropriate for additional sci-
12 entific studies to resolve areas of continuing sci-
13 entific uncertainty relating to the health con-
14 sequences of any aspects of such military service.

15 “(2) Not later than 6 months after the Institute of
16 Medicine provides the Secretaries the curriculum devel-
17 oped under paragraph (1), the Secretaries shall provide
18 for the conduct of continuing education programs using
19 the curriculum developed under paragraph (1). Such pro-
20 grams shall include instruction which seeks to emphasize
21 use of appropriate protocols of diagnosis, referral, and
22 treatment of such veterans.”.

1 **SEC. 6. REVISION TO PROCESS FOR DETERMINING PRIOR-**
2 **ITIES FOR HEALTH-RELATED RESEARCH ON**
3 **THE PERSIAN GULF WAR.**

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

8 “(b) PUBLIC ADVISORY COMMITTEE.—Not later than
9 January 1, 1999, the head of the department or agency
10 designated under subsection (a) shall establish an advisory
11 committee consisting of members of the general public, to
12 include Persian Gulf War veterans and representatives of
13 such veterans, to provide advice to the head of that depart-
14 ment or agency on proposed research studies, research
15 plans, or research strategies relating to the health con-
16 sequences of military service in the Persian Gulf theater
17 of operations during the Persian Gulf War. The depart-
18 ment or agency head shall consult with such advisory com-
19 mittee on a regular basis.

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

1 “(A) the status and results of all such research
2 activities undertaken by the executive branch during
3 the previous year;

4 “(B) research priorities identified during that
5 year; and

6 “(C) recommendations of the public advisory
7 committee established under subsection (b) that
8 were not adopted during that year and the reasons
9 for not adopting each such recommendation.

10 “(2)(A) Not later than 120 days after submission of
11 the epidemiological research study conducted by the De-
12 partment of Veterans Affairs entitled ‘VA National Survey
13 of Persian Gulf Veterans—Phase III’, the head of the de-
14 partment or agency designated under subsection (a) shall
15 submit to the congressional committees specified in para-
16 graph (1) a report on the findings under that study.

17 “(B) With respect to any findings of that study which
18 identify scientific evidence of a greater relative risk of ill-
19 ness or illnesses in family members of veterans who served
20 in the Persian Gulf War theater of operations than in fam-
21 ily members of veterans who did not so serve, the head
22 of the department or agency designated under subsection
23 (a) shall seek to ensure that appropriate research studies
24 are designed to follow up on such findings.

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

12 **SEC. 7. DESIGNATION OF DEPARTMENT OF VETERANS AF-**
13 **FAIRS MEDICAL CENTER IN ASPINWALL,**
14 **PENNSYLVANIA.**

15 The Department of Veterans Affairs medical center
16 in Aspinwall, Pennsylvania, is hereby designated as the
17 “H. John Heinz III Department of Veterans Affairs Medi-
18 cal Center”. Any reference to that medical center in any
19 law, regulation, map, document, record, or other paper of
20 the United States shall be considered to be a reference
21 to the “H. John Heinz III Department of Veterans Affairs
22 Medical Center”.

1 **SEC. 8. DESIGNATION OF DEPARTMENT OF VETERANS AF-**
2 **FAIRS MEDICAL CENTER IN GAINESVILLE,**
3 **FLORIDA.**

4 The Department of Veterans Affairs medical center
5 in Gainesville, Florida, is hereby designated as the
6 “Malcom Randall Department of Veterans Affairs Medical
7 Center”. Any reference to that medical center in any law,
8 regulation, map, document, record, or other paper of the
9 United States shall be considered to be a reference to the
10 “Malcom Randall Department of Veterans Affairs Medical
11 Center”.

12 **SEC. 9. MANAGEMENT OF SPECIALIZED TREATMENT AND**
13 **REHABILITATIVE PROGRAMS.**

14 (a) STANDARDS OF JOB PERFORMANCE.—Section
15 1706(b) of title 38, United States Code, is amended—

16 (1) in paragraph (2), by striking out “April 1,
17 1997, April 1, 1998, and April 1, 1999”, and insert-
18 ing in lieu thereof “April 1, 1999, April 1, 2000,
19 and April 1, 2001”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(3)(A) To ensure compliance with paragraph (1),
23 the Under Secretary for Health shall prescribe objective
24 standards of job performance for employees in positions
25 described in subparagraph (B) with respect to the job per-
26 formance of those employees in carrying out the require-

1 ments of paragraph (1). Those job performance standards
2 shall include measures of workload, allocation of re-
3 sources, and quality-of-care indicators.

4 “(B) Positions described in this subparagraph are po-
5 sitions in the Veterans Health Administration that have
6 responsibility for allocating and managing resources appli-
7 cable to the requirements of paragraph (1).

8 “(C) The Under Secretary shall develop the job per-
9 formance standards under subparagraph (A) in consulta-
10 tion with the Advisory Committee on Prosthetics and Spe-
11 cial Disabilities Programs and the Committee on Care of
12 Severely Chronically Mentally Ill Veterans.”.

13 (b) EFFECTIVE DATE.—The standards of job per-
14 formance required by paragraph (3) of section 1706(b) of
15 title 38, United States Code, as added by subsection (a),
16 shall be prescribed not later than January 1, 1999.

17 **SEC. 10. EXTENSION OF AUTHORITY TO COUNSEL AND**
18 **TREAT VETERANS FOR SEXUAL TRAUMA.**

19 Section 1720D(a) of title 38, United States Code, is
20 amended by striking out “December 31, 1998” in para-
21 graphs (1) and (3) and inserting in lieu thereof “Decem-
22 ber 31, 2001”.

1 **SEC. 11. AUTHORIZATION OF CONSTRUCTION OF A SPINAL**
2 **CORD INJURY CENTER AT THE TAMPA, FLOR-**
3 **IDA, VAMC.**

4 (a) **AUTHORIZATION.**—The Secretary of Veterans Af-
5 fairs may carry out a major medical facility project for
6 construction of a spinal cord injury center at the Depart-
7 ment of Veterans Affairs Medical Center, Tampa, Florida,
8 in an amount not to exceed \$46,300,000.

9 (b) **FUNDING.**—There are authorized to be appro-
10 priated to the Secretary of Veterans Affairs for fiscal year
11 1999 for the Construction, Major Projects, account
12 \$20,000,000 to be available for the project authorized in
13 subsection (a).

14 (c) **SOURCE OF FUNDS.**—The project authorized in
15 subsection (a) may be carried out using —

16 (A) funds appropriated pursuant to the author-
17 ization of appropriations in subsection (b);

18 (B) funds appropriated for Construction, Major
19 Projects, for a fiscal year before fiscal year 1999
20 that remain available for obligation; and

1 (C) funds appropriated for Construction, Major
2 Projects, for a fiscal year before fiscal year 1999 for
3 a category of activity not specific to a project.

 Passed the House of Representatives August 3,
1998.

Attest:

ROBIN H. CARLE,

Clerk.