

Union Calendar No. 350

105TH CONGRESS
2^D SESSION

H. R. 3980

[Report No. 105-626]

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

JULY 15, 1998

Additional sponsors: Mr. SMITH of New Jersey, Mr. FOSSELLA, Ms. CARSON, Mr. COOKSEY, Mr. ALLEN, Mr. WATTS of Oklahoma, Mr. SANDLIN, Mr. BILIRAKIS, Mr. BUYER, Mr. EVERETT, Mrs. CHENOWETH, Mr. SNYDER, Mr. BACHUS, Mr. HAYWORTH, Ms. BROWN of Florida, Mr. REYES, Mr. RODRIGUEZ, Mr. BALDACCI, Mr. MANTON, Mr. CRAMER, Mr. QUINN, Mr. ROMERO-BARCELÓ, Mr. GIBBONS, Ms. SLAUGHTER, Mr. COOK, Mr. BROWN of Ohio, Mr. FOX of Pennsylvania, Mr. REDMOND, Mr. BISHOP, Mr. PICKERING, Mr. BONIOR, Mr. THOMPSON, Mr. LAHOOD, Mr. PASCRELL, Mr. OLVER, Mr. MORAN of Kansas, Mr. MEEHAN, Ms. RIVERS, and Mr. NEAL of Massachusetts

JULY 15, 1998

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

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 3, 1998]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Persian Gulf War Veter-*
5 *ans 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 who*
12 *served on active duty in a theater of combat operations (as*
13 *determined by the Secretary in consultation with the Sec-*
14 *retary of Defense) during a period of war after the Vietnam*

1 *era, or in combat against a hostile force during a period*
2 *of hostilities (as defined in section 1712A(a)(2)(B) of this*
3 *title) after the date of the enactment of this subparagraph,*
4 *is eligible for hospital care, medical services, and nursing*
5 *home care under subsection (a)(2)(F) for any illness, not-*
6 *withstanding that there is insufficient medical evidence to*
7 *conclude that such condition is attributable to such serv-*
8 *ice.”;*

9 (2) *in paragraph (2)(B), by inserting “or*
10 *(1)(D)” after “paragraph (1)(C)”;*

11 (3) *in paragraph (3)—*

12 (A) *by striking out “and” at the end of sub-*
13 *paragraph (A);*

14 (B) *by striking out “December 31, 1998.”*
15 *in subparagraph (B) and inserting in lieu there-*
16 *of “December 31, 2001; and”; and*

17 (C) *by adding at the end the following new*
18 *subparagraph:*

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

23 (4) *by adding at the end the following new para-*
24 *graph:*

1 “(5) When the Secretary first provides care for veter-
2 ans using the authority provided in paragraph (1)(D), the
3 Secretary shall submit to Congress a report on the experi-
4 ence under that authority. The report shall cover the period
5 of the first three years during which that authority is used
6 and shall be submitted not later than nine months after
7 the end of that three-year period. The Secretary shall in-
8 clude in the report any recommendations of the Secretary
9 for extension of that authority.”.

10 (b) *ENROLLMENT PRIORITY*.—Section 1705(a)(4) of
11 such title is amended—

12 (1) by striking out “and” after “permanently
13 housebound” and inserting in lieu thereof a comma;
14 and

15 (2) by inserting “, and veterans described in sub-
16 paragraph (F) of section 1710(a)(2) of this title” after
17 “disabled”.

18 **SEC. 3. NATIONAL CENTER FOR THE STUDY OF WAR-RELAT-**

19 **ED ILLNESSES.**

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

1 **“§ 7323. National Center for the Study of War-Related**
2 **Illnesses**

3 “(a) *ESTABLISHMENT.*—*The Secretary, acting through*
4 *the Under Secretary for Health, shall establish and operate*
5 *in the Veterans Health Administration a National Center*
6 *for the Study of War-Related Illnesses (hereinafter in this*
7 *section referred to as the ‘Center’). The Center shall, as ap-*
8 *propriate, coordinate its activities with those of the Na-*
9 *tional Center on Post-Traumatic-Stress Disorder estab-*
10 *lished pursuant to section 110(c) of the Veterans’ Health*
11 *Care Act of 1984 (Public Law 98–528).*

12 “(b) *PURPOSES.*—*The purposes of the Center shall be*
13 *to promote improvement of clinical, research, and edu-*
14 *cational activities of the Veterans Health Administration*
15 *with respect to war-related illnesses, including medically*
16 *unexplained illnesses.*

17 “(c) *FUNCTIONS.*—*In carrying out the purposes of the*
18 *Center, the Under Secretary shall ensure that the Center—*

19 “(1) *promotes the training of health care and re-*
20 *lated personnel in, and research into, the causes,*
21 *mechanisms, and treatment of war-related illnesses;*

22 “(2) *serves as a resource center for, and promotes*
23 *and seeks to coordinate the exchange of information*
24 *regarding, research and training activities carried*
25 *out by the Department, the Department of Defense,*
26 *and other Federal and non-Federal entities; and*

1 “(3) *coordinates with the Department of Defense*
2 *and other interested Federal departments and agen-*
3 *cies in the conduct of research, training, and treat-*
4 *ment and the dissemination of information pertain-*
5 *ing to war-related illnesses.*

6 “(d) *STAFF.—The Under Secretary shall ensure that*
7 *the staff of the Center has an appropriate range and breadth*
8 *of expertise so as to enable the Center to bring an inter-*
9 *disciplinary approach to the study and treatment of war-*
10 *related illnesses.*

11 “(e) *COORDINATION BETWEEN DEPARTMENTS.—(1) In*
12 *order to ensure needed coordination between the Depart-*
13 *ment and the Department of Defense in carrying out the*
14 *mission of the Center, the officials identified in subpara-*
15 *graphs (A) and (B) of section 8111(b)(2) of this title shall—*

16 “(A) *meet regularly to review pertinent policies,*
17 *procedures, and practices of their respective depart-*
18 *ments relating to such coordination and to identify*
19 *actions that could be taken to change policies, proce-*
20 *dures, and practices to improve such coordination;*
21 *and*

22 “(B) *take all appropriate steps to carry out those*
23 *actions identified under paragraph (1).*

24 “(2) *The Secretary and the Secretary of Defense shall*
25 *submit to the appropriate committees of Congress an an-*

1 nual joint report, not later than April 1 each year, on the
2 activities under paragraph (1) during the preceding year.”.

3 (2) The table of sections at the beginning of such chap-
4 ter is amended by inserting after the item relating to section
5 7322 the following new item:

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

6 (b) *EFFECTIVE DATE.*—The National Center for the
7 Study of War-Related Illnesses required to be established
8 by section 7323 of title 38, United States Code, as added
9 by subsection (a), shall be established not later than October
10 1, 1999.

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

13 (a) *ASSESSMENT BY NATIONAL ACADEMY OF*
14 *SCIENCES.*—Not later than November 1, 1998, the Secretary
15 of Veterans Affairs shall enter into a contract with the Na-
16 tional Academy of Sciences for the conduct of a review of
17 a methodology which could be used by the Department of
18 Veterans Affairs for determining the efficacy of treatments
19 furnished to, and health outcomes (to include functional sta-
20 tus) of, Persian Gulf War veterans who have been treated
21 for illnesses which may be associated with their service in
22 the Persian Gulf War.

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

1 (1) *if scientifically feasible, develop an appro-*
2 *prate mechanism to monitor and study the effective-*
3 *ness of treatments furnished to, and health outcomes*
4 *of, Persian Gulf War veterans who suffer from diag-*
5 *nosed and undiagnosed illnesses which may be associ-*
6 *ated with their service in the Persian Gulf War; and*

7 (2) *submit to the Committees on Veterans' Af-*
8 *fairs of the Senate and House of Representatives a re-*
9 *port on the implementation of this subsection.*

10 **SEC. 5. CONTRACT FOR INDEPENDENT RECOMMENDATIONS**

11 **ON RESEARCH AND FOR DEVELOPMENT OF**
12 **CURRICULUM ON CARE OF PERSIAN GULF**
13 **WAR VETERANS.**

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

18 “(d) **RESEARCH REVIEW AND DEVELOPMENT OF MED-**
19 **ICAL EDUCATION CURRICULUM.**—(1) *In order to further*
20 *understanding of the health consequences of military service*
21 *in the Persian Gulf theater of operations and of new re-*
22 *search findings with implications for improving the provi-*
23 *sion of care for veterans of such service, the Secretary of*
24 *Veterans Affairs and the Secretary of Defense shall seek to*
25 *enter into an agreement with the National Academy of*

1 *Sciences under which the Institute of Medicine of the Acad-*
2 *emy would—*

3 “(A) *develop a curriculum pertaining to the care*
4 *and treatment of veterans of such service who have ill-*
5 *defined or undiagnosed illnesses for use in the con-*
6 *tinuing medical education of both general and spe-*
7 *cialty physicians who provide care for such veterans;*
8 *and*

9 “(B) *periodically review and provide rec-*
10 *ommendations regarding the research plans and re-*
11 *search strategies of the Departments relating to the*
12 *health consequences of military service in the Persian*
13 *Gulf theater of operations during the Persian Gulf*
14 *War, including recommendations that the Academy*
15 *considers appropriate for additional scientific studies*
16 *to resolve areas of continuing scientific uncertainty*
17 *relating to the health consequences of any aspects of*
18 *such military service.*

19 “(2) *Not later than six months after the Institute of*
20 *Medicine provides the Secretaries the curriculum developed*
21 *under paragraph (1), the Secretaries shall provide for the*
22 *conduct of continuing education programs using the cur-*
23 *riculum developed under paragraph (1). Such programs*
24 *shall include instruction which seeks to emphasize use of*

1 *appropriate protocols of diagnosis, referral, and treatment*
2 *of such veterans.”.*

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

6 *Section 707 of the Persian Gulf War Veterans’ Health*
7 *Status Act (title VII of Public Law 102–585; 38 U.S.C. 527*
8 *note) is amended by striking out subsection (b) and insert-*
9 *ing in lieu thereof the following:*

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

22 *“(c) REPORTS.—(1) Not later than March 1 of each*
23 *year, the head of the department or agency designated under*
24 *subsection (a) shall submit to the Committees on Veterans’*

1 *Affairs of the Senate and House of Representatives a report*
2 *on—*

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

6 “(B) *research priorities identified during that*
7 *year; and*

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

12 “(2)(A) *Not later than 120 days after submission of*
13 *the epidemiological research study conducted by the Depart-*
14 *ment of Veterans Affairs entitled ‘VA National Survey of*
15 *Persian Gulf Veterans—Phase III’, the head of the depart-*
16 *ment or agency designated under subsection (a) shall sub-*
17 *mit to the congressional committees specified in paragraph*
18 *(1) a report on the findings under that study.*

19 “(B) *With respect to any findings of that study which*
20 *identify scientific evidence of a greater relative risk of ill-*
21 *ness or illnesses in family members of veterans who served*
22 *in the Persian Gulf War theater of operations than in fam-*
23 *ily members of veterans who did not so serve, the head of*
24 *the department or agency designated under subsection (a)*

1 *shall seek to ensure that appropriate research studies are*
2 *designed to follow up on such findings.*

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

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

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

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