

Calendar No. 691

103D CONGRESS
2D SESSION

S. 2330

[Report No. 103-386]

A BILL

To amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment and an amendment to the
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IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 20), 1994

Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, Mr. THURMOND, Mr. SIMPSON, Mr. SPECTER, Mr. JEFFORDS, Mr. SARBANES, Mr. SMITH, Mr. WOFFORD, Mr. HOLLINGS, Mr. COCHRAN, Mr. BINGAMAN, Mr. DURENBERGER, Mr. DODD, Mr. MOYNIHAN, Mr. KENNEDY, Mrs. MURRAY, Mr. DOLE, Mr. BIDEN, Mr. PELL, Mr. GREGG, Mr. STEVENS, Mr. LOTT, Mr. INOUE, Mrs. KASSEBAUM, Mr. COHEN, Mr. ROBB, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. BOND, Mr. SIMON, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. ROCKEFELLER, with an amendment and an amendment to the title

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

A BILL

To amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of

entitlement of veterans to disability compensation for service-connected diseases, 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. CLARIFICATION OF RELATIONSHIP BETWEEN**
 4 **UNDIAGNOSED ILLNESS AND DISEASE FOR**
 5 **PURPOSES OF ENTITLEMENT TO DISABILITY**
 6 **COMPENSATION.**

7 (a) **WARTIME DISABILITY COMPENSATION.**—Section
 8 1110 of title 38, United States Code, is amended—

9 (1) by inserting “(a)” before “For disability”;

10 and

11 (2) by adding at the end the following:

12 “(b) For the purposes of this section, the term ‘dis-

 13 ease’, in the case of an individual, means any deviation

14 from or interruption of the normal structure or function

15 of any part, organ, or system of the body of the individual

16 that is manifested by a symptom or sign (or symptoms

17 or signs) the etiology, pathology, and prognosis for which

18 is known or unknown.”.

19 (b) **PEACETIME DISABILITY COMPENSATION.**—Sec-
 20 tion 1131 of such title is amended—

21 (1) by inserting “(a)” before “For disability”;

22 and

23 (2) by adding at the end the following:

1 “(b) For the purposes of this section, the term ‘dis-
2 ease’, in the case of an individual, means any deviation
3 from or interruption of the normal structure or function
4 of any part, organ, or system of the body of the individual
5 that is manifested by a symptom or sign (or symptoms
6 or signs) the etiology, pathology, and prognosis for which
7 is known or unknown.”.

8 (c) CONSIDERATION OF CIRCUMSTANCES OF SERV-
9 ICE.—Subsection (a) of section 1154 of such title is
10 amended to read as follows:

11 “(a) The Secretary shall include in the regulations
12 pertaining to service-connection of disabilities the follow-
13 ing provisions:

14 “(1) Additional provisions requiring that due
15 consideration be given in each case where a veteran
16 is seeking service-connection for a disability and
17 where such consideration might materially assist the
18 veteran in establishing such service-connection to—

19 “(A) the places, types, and circumstances
20 of such veteran’s service as shown by such vet-
21 eran’s service record, the official history of each
22 organization in which the veteran served, such
23 veteran’s medical records, and all pertinent
24 medical and lay evidence; and

1 “(B) the common or shared experiences,
2 medical symptoms or signs, or both, of other
3 veterans (including groups of veterans) who—

4 “(i) were engaged in service similar to
5 the service of such veteran; and

6 “(ii) exhibit, or have exhibited since
7 such service, medical symptoms or signs
8 similar to the medical symptoms or signs
9 of such veteran.

10 “(2) The provisions required by section 5 of the
11 Veterans’ Dioxin and Radiation Exposure Com-
12 pensation Standards Act (38 U.S.C. 1154 note).”.

13 **SECTION 1. CLARIFICATION OF DEFINITION OF DISEASE**
14 **FOR PURPOSES OF ENTITLEMENT TO DIS-**
15 **ABILITY COMPENSATION.**

16 (a) *WARTIME DISABILITY COMPENSATION.*—Section
17 1110 of title 38, United States Code, is amended—

18 (1) by inserting “(a)” before “For disability”;

19 and

20 (2) by adding at the end the following:

21 “(b) For the purposes of this section, the term ‘disease’
22 means any deviation from or interruption of the normal
23 structure or function of any part, organ, or system (or com-
24 bination thereof) of the body that is manifested by a char-

1 *acteristic set of symptoms and signs and whose etiology,*
2 *pathology, and prognosis may be known or unknown.”.*

3 *(b) PEACETIME DISABILITY COMPENSATION.—Section*
4 *1131 of such title is amended—*

5 *(1) by inserting “(a)” before “For disability”;*
6 *and*

7 *(2) by adding at the end the following:*

8 *“(b) For the purposes of this section, the term ‘disease’*
9 *means any deviation from or interruption of the normal*
10 *structure or function of any part, organ, or system (or com-*
11 *ination thereof) of the body that is manifested by a char-*
12 *acteristic set of symptoms and signs and whose etiology,*
13 *pathology, and prognosis may be known or unknown.”.*

14 *(c) CONSIDERATION OF CIRCUMSTANCES OF SERV-*
15 *ICE.—Subsection (a) of section 1154 of such title is amend-*
16 *ed to read as follows:*

17 *“(a) The Secretary shall include in the regulations per-*
18 *taining to service-connection of disabilities the following*
19 *provisions:*

20 *“(1) Additional provisions requiring that due*
21 *consideration be given in each case where a veteran*
22 *is seeking service-connection for a disability and*
23 *where such consideration might materially assist the*
24 *veteran in establishing such service-connection to—*

1 “(A) the places, types, and circumstances of
2 such veteran’s service as shown by such veteran’s
3 service record, the official history of each organi-
4 zation in which the veteran served, such veteran’s
5 medical records, and all pertinent medical and
6 lay evidence; and

7 “(B) the common or shared experiences,
8 medical symptoms or signs, or both, of other vet-
9 erans (including groups of veterans) who—

10 “(i) were engaged in service similar to
11 the service of such veteran; and

12 “(ii) exhibit, or have exhibited since
13 such service, medical symptoms or signs
14 similar to the medical symptoms or signs of
15 such veteran.

16 “(2) The provisions required by section 5 of the
17 Veterans’ Dioxin and Radiation Exposure Compensa-
18 tion Standards Act (38 U.S.C. 1154 note).”.

19 **SEC. 2. AUTHORITY TO INVESTIGATE AND RECOMMEND ES-**
20 **TABLISHMENT OF PRESUMPTIONS OF SERV-**
21 **ICE CONNECTION.**

22 (a) *IN GENERAL.*—(1) Chapter 11 of title 38, United
23 States Code, is amended by inserting after section 1112 the
24 following new section:

1 **“§ 1112A. Proposals for presumptions of service con-**
2 **nection**

3 “(a) If the Secretary becomes aware of assertions that
4 a group of veterans who had the same or similar military
5 service suffer from or exhibit the same or similar health con-
6 ditions (including diseases whose etiology, pathology, and
7 prognosis is known or unknown, illnesses, or medical symp-
8 toms or signs) and that such health conditions are related
9 to such service, the Secretary may carry out an inquiry
10 in order to—

11 “(1) confirm that veterans who had such service
12 suffer from or exhibit such health conditions;

13 “(2) identify all veterans who had such service
14 for purposes of determining which of such veterans
15 suffer from or exhibit such health conditions; and

16 “(3) determine whether or not a presumption of
17 a service connection should be established between
18 such service and such health conditions.

19 “(b)(1) If the Secretary determines under subsection
20 (a)(3) that a presumption of a service connection should
21 be established between military service and a health condi-
22 tion, the Secretary shall prepare a proposal relating to the
23 establishment of that presumption.

24 “(2) A proposal relating to the establishment of a pre-
25 sumption of a service connection under paragraph (1) shall
26 contain the following:

1 “(A) A description of the nature, period, and
2 geographical area or areas of the military service for
3 which the presumption should be established.

4 “(B) A description of the health condition for
5 which the presumption should be established.

6 “(C) A description of any relevant medical char-
7 acteristic (such as a latency period) associated with
8 the health condition.

9 “(D) A statement of the limitations, if any, on
10 the period for which the Secretary would pay com-
11 pensation under this chapter for disabilities resulting
12 from the health condition.

13 “(c) Upon completion of a proposal under subsection
14 (b), the Secretary shall submit to the Committees on Veter-
15 ans’ Affairs of the Senate and the House of Representatives
16 a report containing the proposal, together with the rec-
17 ommendations of the Secretary for any legislation relating
18 thereto and the reasons for such recommendations.”.

19 (2) The table of sections at the beginning of such chap-
20 ter is amended by inserting after the item relating to section
21 1112 the following new item:

 “1112A. Proposals for presumptions of service connection.”.

22 (b) CONFORMING AMENDMENT.—Section 1137 of such
23 title is amended by inserting “1112A,” after “1112,”.

24 (c) REPORT ON ESTABLISHMENT OF PRESUMPTION
25 FOR VETERANS OF PERSIAN GULF WAR.—(1) Not later

1 *than 30 days after the date of the enactment of this Act,*
2 *the Secretary of Veterans Affairs shall submit to the Com-*
3 *mittees on Veterans' Affairs of the Senate and the House*
4 *of Representatives a report on whether or not a presump-*
5 *tion of a service connection should be established between*
6 *military service in the Southwest Asia theater of operations*
7 *during the Persian Gulf War and any health condition of*
8 *veterans who engaged in such service.*

9 (2) *For purposes of this subsection, the term "Persian*
10 *Gulf War" has the meaning given such term in section*
11 *101(33) of title 38, United States Code.*

12 (d) *REQUIREMENTS BASED ON DETERMINATION FOR*
13 *ESTABLISHMENT.—(1) If the Secretary reports under sub-*
14 *section (c) that a presumption of a service connection re-*
15 *ferred to in that subsection should be established, the Sec-*
16 *retary shall—*

17 (A) *include in the report under that subsection*
18 *the matters referred to in section 1112A(b)(2) of title*
19 *38, United States Code, as added by subsection (a),*
20 *with respect to the service connection; and*

21 (B) *publish proposed regulations relating to the*
22 *establishment of a presumption of the service connec-*
23 *tion and the payment of disability compensation as*
24 *a result of the service connection.*

1 (2) *The Secretary shall provide for public notice and*
2 *comment on the proposed regulations published under para-*
3 *graph (1)(B). The period of such notice and comment shall*
4 *be 30 days.*

5 (3) *The Secretary shall publish final regulations relat-*
6 *ing to the matters referred to in paragraph (1)(B) not later*
7 *than 30 days after the end of the period for public notice*
8 *and comment under paragraph (2).*

9 (e) *TREATMENT OF CLAIMS AND COMPENSATION.—(1)*
10 *An award of compensation to a veteran under the regula-*
11 *tions prescribed under subsection (d) shall not preclude the*
12 *veteran from receiving retroactive compensation for a bene-*
13 *fit claim that was filed before the date of the enactment*
14 *of this Act if the veteran's health condition is later found*
15 *to be service connected.*

16 (2) *The Secretary shall consider having all claims for*
17 *compensation under such regulations adjudicated on a pri-*
18 *ority basis at a single Department facility in order to better*
19 *ensure the consistency of rating decisions.*

20 (3) *The Secretary shall have all claims for service-con-*
21 *nected benefits connected to a health condition covered by*
22 *such regulations that were denied before the date of the en-*
23 *actment of this Act reopened and adjudicated as original*
24 *claims. In such a case, the date of claim shall be considered*
25 *to be the date on which the original claim was filed.*

1 **SEC. 3. DEVELOPMENT OF CLINICAL EVALUATION PROTO-**
2 **COLS.**

3 (a) *UNIFORM CLINICAL EVALUATION PROTOCOL.—(1)*
4 *The Secretary of Veterans Affairs shall develop and imple-*
5 *ment a uniform and comprehensive clinical evaluation pro-*
6 *toocol to provide extensive medical examinations to Persian*
7 *Gulf War veterans who are suffering from illnesses the ori-*
8 *gins of which are (as of the date of the enactment of this*
9 *Act) unknown and that may be attributable to service in*
10 *the Southwest Asia theater of operations during the Persian*
11 *Gulf War. The protocol shall include an evaluation of com-*
12 *plaints relating to illnesses involving the reproductive*
13 *system.*

14 (2) *If such a clinical assessment protocol is not imple-*
15 *mented before the end of the 120-day period beginning on*
16 *the date of the enactment of this Act, the Secretary shall,*
17 *before the end of such period, submit to the Committees on*
18 *Veterans' Affairs of the Senate and the House of Representa-*
19 *tives a report as to why such a protocol has not yet been*
20 *developed.*

21 (3)(A) *The Secretary shall ensure that the evaluation*
22 *under the protocol developed under this section is available*
23 *at all Department medical centers that have the capability*
24 *of providing the medical assessment, diagnosis, and treat-*
25 *ment required under the protocol.*

1 (B) The Secretary may enter into contracts with non-
2 Department medical facilities for the provision of the eval-
3 uation under the protocol.

4 (C) In the case of a veteran whose residence is distant
5 from a medical center described in subparagraph (A), the
6 Secretary may provide the evaluation through a Depart-
7 ment medical center described in that subparagraph and
8 pay or reimburse the veteran for the cost incurred by the
9 veteran in travel to the Department medical center.

10 (4)(A) If the Secretary is unable to diagnosis the
11 symptoms or illness of a veteran provided an evaluation,
12 or if the symptoms or illness of a veteran do not respond
13 to treatment provided by the Secretary, the Secretary may
14 provide for the veteran to receive the diagnosis or treatment,
15 as the case may be, at a non-Department medical facility
16 that may have the capability of diagnosing or treating the
17 symptoms or illness of the veteran. The Secretary may pay
18 the veteran or reimburse the veteran for the costs incurred
19 by the veteran in travel to the non-Department medical fa-
20 cility for the diagnosis or treatment.

21 (B) The Secretary shall request from each non-Depart-
22 ment medical facility that provides diagnosis of or treat-
23 ment to a veteran under this paragraph such information
24 relating to the diagnosis or treatment as the Secretary con-
25 siders appropriate. The release of such information to the

1 *Secretary may be subject to such requirements for confiden-*
2 *tiality as the facility may impose.*

3 (5) *In each year after the implementation of the proto-*
4 *col, the Secretary shall enter into an agreement with the*
5 *National Academy of Sciences under which agreement ap-*
6 *propriate members of the Academy shall review the ade-*
7 *quacy of the protocol and its implementation by the Depart-*
8 *ment of Veterans Affairs.*

9 (b) *RELATIONSHIP TO OTHER COMPREHENSIVE CLINI-*
10 *CAL EVALUATION PROTOCOLS.—The Secretary, in consulta-*
11 *tion with the Secretary of Defense, shall ensure that the in-*
12 *formation collected through the protocol described in this*
13 *section is collected and maintained in a manner that per-*
14 *mits the effective and efficient cross-reference of that infor-*
15 *mation with information collected and maintained through*
16 *the comprehensive clinical protocols of the Department of*
17 *Defense for Persian Gulf War veterans.*

18 **SEC. 4. OUTREACH TO PERSIAN GULF VETERANS.**

19 (a) *IN GENERAL.—The Secretary of Veterans Affairs*
20 *shall implement a comprehensive outreach program to in-*
21 *form Persian Gulf War veterans and their families of the*
22 *medical care and other benefits that may be provided by*
23 *the Department of Veterans Affairs and the Department of*
24 *Defense arising from service in the Persian Gulf War.*

1 (b) *NEWSLETTER.*—*The outreach program shall in-*
2 *clude a newsletter which shall be updated and distributed*
3 *at least annually and shall be distributed to the veterans*
4 *listed on the Persian Gulf War Veterans Health Registry.*
5 *The newsletter shall include summaries of the status and*
6 *findings of Government sponsored research on illnesses of*
7 *Persian Gulf War veterans and their families as well as*
8 *on benefits available to such individuals through the De-*
9 *partment of Veterans Affairs. The newsletter shall be pre-*
10 *pared in consultation with veterans service organizations.*

11 (c) *TOLL-FREE NUMBER.*—*The outreach program*
12 *shall include establishment of a toll-free telephone number*
13 *to provide Persian Gulf War veterans and their families*
14 *information on the Persian Gulf War Veterans Health Reg-*
15 *istry, health care and other benefits provided by the Depart-*
16 *ment of Veterans Affairs, and such other information as the*
17 *Secretary considers appropriate. Such toll-free telephone*
18 *number shall be established not later than 90 days after*
19 *the date of the enactment of this Act.*

20 **SEC. 5. EVALUATION OF HEALTH STATUS OF SPOUSES AND**
21 **CHILDREN OF PERSIAN GULF WAR VETER-**
22 **ANS.**

23 *The Persian Gulf War Veterans' Health Status Act*
24 *(title VII of Public Law 102-585; 38 U.S.C. 527 note) is*

1 *amended by inserting after section 703 the following new*
2 *section:*

3 ***“SEC. 703A. REGISTRATION AND HEALTH EXAMINATIONS***
4 ***FOR CERTAIN SPOUSES AND CHILDREN OF***
5 ***PERSIAN GULF WAR VETERANS.***

6 *“(a) INCLUSION OF INFORMATION ON SPOUSES AND*
7 *CHILDREN OF VETERANS IN REGISTRY.—(1) Subject to*
8 *paragraphs (2) and (3), the Persian Gulf War Veterans*
9 *Health Registry established under section 702 shall also in-*
10 *clude the following information:*

11 *“(A) In the case of any veteran listed in the Reg-*
12 *istry, the name, address, and taxpayer identification*
13 *number (if any) of any individual—*

14 *“(i) who is the spouse or child of the*
15 *veteran;*

16 *“(ii) who is suffering from an illness or dis-*
17 *order; and*

18 *“(iii) who asserts that the illness or disorder*
19 *is directly related to an illness suffered by the*
20 *veteran as a result of the service of the veteran*
21 *in the Persian Gulf theater of operations during*
22 *the Persian Gulf War.*

23 *“(B) Such medical data with respect to each*
24 *such individual as the Secretary determines appro-*
25 *priate in order to determine the nature and extent of*

1 *the connection, if any, between the illness or disorder*
2 *of the individual and the illness of the veteran.*

3 *“(2) An individual referred to in paragraph (1)(A),*
4 *and any information on the individual under paragraph*
5 *(1)(B), may not be included in the Registry without the*
6 *approval of the applicable veteran.*

7 *“(3) The total number of individuals referred to in*
8 *paragraph (1)(A) who may be listed in the Registry may*
9 *not exceed 10,000.*

10 *“(4) The Secretary shall maintain the Registry so as*
11 *to treat information on any individual referred to in para-*
12 *graph (1)(A) as information on that individual and on the*
13 *applicable veteran.*

14 *“(b) DIAGNOSTIC TESTS, HEALTH EXAMINATIONS,*
15 *AND COUNSELING.—(1) The Secretary shall, upon request,*
16 *perform diagnostic tests of and provide a health examina-*
17 *tion and consultation and counseling to any individual who*
18 *asserts under subsection (a)(1)(A)(iii) that an illness or dis-*
19 *order of the individual is directly related to the illness of*
20 *a veteran as described in that subsection. The purpose of*
21 *the examination, diagnostic test, and consultation is to*
22 *gather information on the illness or disorder and the pos-*
23 *sible contagious or genetic methods of transmission of the*
24 *illness or disorder.*

1 “(2) The Secretary may conduct any additional health
2 examinations and diagnostic tests of an individual referred
3 to in paragraph (1) as the Secretary determines appro-
4 priate in order to carry out the purpose of this subsection.

5 “(3) The Secretary may perform diagnostic tests and
6 provide examinations and consultations and counseling
7 under this subsection through facilities of the Department
8 of Veterans Affairs or at or through contract with non-De-
9 partment facilities.

10 “(c) DEFINITIONS.—For the purposes of this section,
11 the terms ‘child’ and ‘spouse’ have the meanings given such
12 terms in paragraphs (4) and (31) of section 101 of title
13 38, United States Code, respectively.”.

14 **SEC. 6. CLARIFICATION OF SCOPE OF HEALTH EXAMINA-**
15 **TIONS PROVIDED FOR VETERANS ELIGIBLE**
16 **FOR INCLUSION IN HEALTH-RELATED REG-**
17 **ISTRIES.**

18 Section 703 of the Persian Gulf War Veterans’ Health
19 Status Act (title VII of Public Law 102–585; 38 U.S.C. 527
20 note) is amended—

21 (1) by inserting “(including diagnostic tests)”
22 after “examination” each place it appears other than
23 subsection (a)(1)(A);

24 (2) in subsection (a)(1)(A)—

1 (A) by inserting “(including any appro-
2 priate diagnostic tests)” after “a health exam-
3 ination”; and

4 (B) by inserting “and the tests” after “the
5 examination”; and

6 (3) in subsection (a)(2), by inserting “(including
7 any diagnostic tests)” after “examinations”.

8 **SEC. 7. REQUIREMENT FOR MINIMUM NUMBER OF FULL-**
9 **TIME EQUIVALENT POSITIONS.**

10 (a) *FINDINGS.*—Congress makes the following findings:

11 (1) Under proposals for national health care re-
12 form, the Department of Veterans Affairs will be re-
13 quired to provide health care services to veterans on
14 a competitive basis with other health care providers.

15 (2) The elimination of positions from the De-
16 partment that the Office of Management and Budget
17 has scheduled to occur in fiscal years 1995 through
18 1999 would prevent the Department from meeting the
19 responsibilities of the Department to provide health
20 care to veterans under law and from maintaining the
21 quality of health care that is currently provided to
22 veterans.

23 (b) *MINIMUM NUMBER OF FTEE POSITIONS.*—Not-
24 withstanding any other provision of law, the number of full-
25 time equivalent positions in the Department of Veterans Af-

1 *fairs during the period beginning on the date of the enact-*
2 *ment of this Act and ending on September 30, 1999, may*
3 *not (except as provided in subsection (d)) be less than*
4 *224,377.*

5 (c) *DETERMINATION OF NUMBER OF POSITIONS.—In*
6 *determining the number of full-time equivalent positions in*
7 *the Department of Veterans Affairs during a fiscal year for*
8 *purposes of ensuring under section 5(b) of the Federal*
9 *Workforce Restructuring Act of 1994 (Public Law 103–226;*
10 *108 Stat. 115; 5 U.S.C. 3101 note) that the total number*
11 *of full-time equivalent positions in all agencies of the Fed-*
12 *eral Government during a fiscal year covered by that sec-*
13 *tion does not exceed the limit prescribed for that fiscal year*
14 *under that section, the total number of full-time equivalent*
15 *positions in the Department of Veterans Affairs during that*
16 *fiscal year shall be the number equal to—*

17 (1) *the number of such positions in the Depart-*
18 *ment during that fiscal year, reduced by*

19 (2) *the sum of—*

20 (A) *the number of such positions in the De-*
21 *partment during that fiscal year that are filled*
22 *by employees whose salaries and benefits are*
23 *paid primarily from funds other than appro-*
24 *priated funds; and*

1 (B) the number of such positions held dur-
2 ing that fiscal year by persons involved in medi-
3 cal care cost recovery activities under section
4 1729 of title 38, United States Code.

5 (d) *REDUCTIONS BELOW MINIMUM.*—The Secretary of
6 Veterans Affairs shall not be required to make a reduction
7 in the number of full-time equivalent positions in the De-
8 partment unless such reduction—

9 (1) is necessary due to a reduction in funds
10 available to the Department; or

11 (2) is required under a law that is enacted after
12 the date of the enactment of this Act and that refers
13 specifically to this section.

14 (e) *ANNUAL REPORT.*—The Secretary shall submit to
15 the Committees on Veterans' Affairs of the Senate and the
16 House of Representatives an annual report, through the
17 year 2000, on the number and type of full-time equivalent
18 positions in the Department that are reduced under this
19 section. The report shall include a justification for the re-
20 ductions and shall be submitted with the materials provided
21 in support of the budget for the Department contained in
22 the President's budget submitted to Congress for a fiscal
23 year pursuant to section 1105 of title 31, United States
24 Code.

1 **SEC. 8. ENHANCED AUTHORITY TO CONTRACT FOR NEC-**
2 **CESSARY SERVICES.**

3 *Section 8110(c) of title 38, United States Code, is*
4 *amended by striking out paragraph (7) and inserting in*
5 *lieu thereof the following:*

6 *“(7) Paragraphs (1) through (6) shall not be in effect*
7 *during fiscal years 1995 through 1999.*

8 *“(8) During the period covered by paragraph (7),*
9 *whenever an activity at a Department health-care facility*
10 *is converted from performance by Federal employees to per-*
11 *formance by employees of a contractor of the Government,*
12 *the Secretary shall—*

13 *“(A) require in the contract for the performance*
14 *of such activity that the contractor, in hiring employ-*
15 *ees for the performance of the contract, give priority*
16 *to former employees of the Department who have been*
17 *displaced by the award of the contract; and*

18 *“(B) provide to such former employees of the De-*
19 *partment all possible assistance in obtaining other*
20 *Federal employment or entrance into job training*
21 *and retraining programs.*

22 *“(9) The Secretary shall include in the Secretary’s an-*
23 *nual report to Congress under section 529 of this title, for*
24 *each fiscal year covered by paragraph (7), a report on the*
25 *use during the year covered by the report of contracting-*
26 *out authority made available by reason of paragraph (7).*

1 *The Secretary shall include in each such report a descrip-*
2 *tion of each use of such authority, together with the ration-*
3 *ale for the use of such authority and the effect of the use*
4 *of such authority on patient care and on employees of the*
5 *Department.”.*

6 **SEC. 9. STUDY OF ALTERNATIVE ORGANIZATIONAL STRUC-**
7 **TURES FOR EFFECTIVE PROVISION OF**
8 **HEALTH CARE.**

9 (a) *REQUIREMENT.*—*The Secretary of Veterans Affairs*
10 *shall enter into an agreement with an appropriate non-Fed-*
11 *eral entity under which the entity shall carry out a study*
12 *of the feasibility and advisability of alternative organiza-*
13 *tional structures, such as the establishment of a wholly-*
14 *owned Government corporation or a Government-sponsored*
15 *enterprise, for the effective provision of health care services*
16 *to veterans.*

17 (b) *SUBMISSION OF REPORT.*—*The Secretary shall*
18 *submit to the Committees on Veterans’ Affairs of the Senate*
19 *and the House of Representatives a report on the study re-*
20 *quired under subsection (a) not later than one year after*
21 *the date of the enactment of this Act.*

22 (c) *AUTHORIZATION OF FUNDS.*—*There is hereby au-*
23 *thorized to be appropriated for the Department of Veterans*
24 *Affairs the sum of \$1,000,000 for the purposes of carrying*
25 *out the study required under subsection (a).*

Amend the title so as to read: “To amend title 38, United States Code, to clarify the definition of ‘disease’ for purposes of the entitlement of veterans to benefits under such title, to revise and improve the assessment of the health consequences of the service during the Persian Gulf War, and for other purposes.”.

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