

104TH CONGRESS  
1ST SESSION

---

---

# H. R. 1565

## AN Act

To amend title 38, United States Code, to extend through December 31, 1997, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans exposed to Agent Orange and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, and for other purposes.

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1565

---

## AN ACT

To amend title 38, United States Code, to extend through December 31, 1997, the period during which the Secretary of Veterans Affairs is authorized to provide priority health care to certain veterans exposed to Agent Orange and to make such authority permanent in the case of certain veterans exposed to ionizing radiation, 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. AUTHORITY TO PROVIDE PRIORITY HEALTH**  
2 **CARE.**

3 (a) AUTHORIZED INPATIENT CARE.—Section  
4 1710(e) of title 38, United States Code, is amended—

5 (1) in paragraph (1), by striking out subpara-  
6 graphs (A) and (B) and inserting in lieu thereof the  
7 following:

8 “(e)(1)(A) A herbicide-exposed veteran is eligible for  
9 hospital care and nursing home care under subsection  
10 (a)(1)(G) for any disease suffered by the veteran that is—

11 “(i) among those diseases for which the Na-  
12 tional Academy of Sciences, in a report issued in ac-  
13 cordance with section 2 of the Agent Orange Act of  
14 1991, has determined—

15 “(I) that there is sufficient evidence to  
16 conclude that there is a positive association be-  
17 tween occurrence of the disease in humans and  
18 exposure to a herbicide agent;

19 “(II) that there is evidence which is sug-  
20 gestive of an association between occurrence of  
21 the disease in humans and exposure to a herbi-  
22 cide agent, but such evidence is limited in na-  
23 ture; or

24 “(III) that available studies are insufficient  
25 to permit a conclusion about the presence or  
26 absence of an association between occurrence of

1           the disease in humans and exposure to a herbi-  
2           cide agent; or

3           “(ii) a disease for which the Secretary, pursu-  
4           ant to a recommendation of the Under Secretary for  
5           Health on the basis of a peer-reviewed research  
6           study or studies published within 20 months after  
7           the most recent report of the National Academy  
8           under section 2 of the Agent Orange Act of 1991,  
9           determines there is credible evidence suggestive of  
10          an association between occurrence of the disease in  
11          humans and exposure to a herbicide agent.

12          “(B) A radiation-exposed veteran is eligible for hos-  
13          pital care and nursing home care under subsection  
14          (a)(1)(G) for any disease suffered by the veteran that is—

15                 “(i) a disease listed in section 1112(c)(2) of  
16                 this title; or

17                 “(ii) any other disease for which the Secretary,  
18                 based on the advice of the Advisory Committee on  
19                 Environmental Hazards, determines that there is  
20                 credible evidence of a positive association between  
21                 occurrence of the disease in humans and exposure to  
22                 ionizing radiation.”;

23                 (2) in paragraph (2)—

1 (A) by striking out “Hospital” and insert-  
2 ing in lieu thereof “In the case of a veteran de-  
3 scribed in paragraph (1)(C), hospital”; and

4 (B) by striking out “subparagraph” and  
5 all that follows through “subsection” and in-  
6 serting in lieu thereof “paragraph (1)(C)”;

7 (3) in paragraph (3), by striking out “of this  
8 section after June 30, 1995,” and inserting in lieu  
9 thereof “, in the case of care for a veteran described  
10 in paragraph (1)(A), after December 31, 1997,”;  
11 and

12 (4) by adding at the end the following new  
13 paragraph:

14 “(4) For purposes of this subsection and section  
15 1712 of this title:

16 “(A) The term ‘herbicide-exposed veteran’  
17 means a veteran (i) who served on active duty in the  
18 Republic of Vietnam during the Vietnam era, and  
19 (ii) who the Secretary finds may have been exposed  
20 during such service to a herbicide agent.

21 “(B) The term ‘herbicide agent’ has the mean-  
22 ing given that term in section 1116(a)(4) of this  
23 title.

1           “(C) The term ‘radiation-exposed veteran’ has  
2           the meaning given that term in section 1112(c)(4) of  
3           this title.”.

4           (b) AUTHORIZED OUTPATIENT CARE.—Section 1712  
5 of such title is amended—

6           (1) in subsection (a)(1)—

7                   (A) by striking out “and” at the end of  
8                   subparagraph (C);

9                   (B) by striking out the period at the end  
10                  of subparagraph (D) and inserting in lieu there-  
11                  of a semicolon;

12                  (C) by adding at the end the following new  
13                  subparagraphs:

14                  “(E) during the period before January 1, 1998,  
15                  to any herbicide-exposed veteran (as defined in sec-  
16                  tion 1710(e)(4)(A) of this title) for any disease spec-  
17                  ified in section 1710(e)(1)(A) of this title; and

18                  “(F) to any radiation-exposed veteran (as de-  
19                  fined in section 1112(c)(4) of this title) for any dis-  
20                  ease covered under section 1710(e)(1)(B) of this  
21                  title.”; and

22           (2) in subsection (i)(3)—

23                   (A) by striking out “(A)”; and

24                   (B) by striking out “, or (B)” and all that  
25                  follows through “title”.

1 **SEC. 2. SAVINGS PROVISION.**

2       The provisions of sections 1710(e) and 1712(a) of  
3 title 38, United States Code, as in effect on the day before  
4 the date of the enactment of this Act, shall continue to  
5 apply on and after such date with respect to the furnishing  
6 of hospital care, nursing home care, and medical services  
7 for any veteran who was furnished such care or services  
8 before such date of enactment on the basis of presumed  
9 exposure to a substance or radiation under the authority  
10 of those provisions, but only for treatment for a disability  
11 for which such care or services were furnished before such  
12 date.

Passed the House of Representatives June 27, 1995.

Attest:

*Clerk.*