

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

# H. R. 1565

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, ionizing radiation, or environmental hazards.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1995

Mr. HUTCHINSON (for himself, Mr. EDWARDS, Mr. STUMP, and Mr. MONTGOMERY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

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, ionizing radiation, or environmental hazards.

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. AUTHORITY TO PROVIDE PRIORITY HEALTH**  
4 **CARE.**

5 (a) AUTHORIZED INPATIENT CARE.—Section  
6 1710(e) of title 38, United States Code, is amended—

7 (1) in paragraph (1)—

1 (A) by striking out subparagraphs (A) and  
2 (B) and inserting in lieu thereof the following:

3 “(e)(1)(A) A herbicide-exposed veteran is eligible for  
4 hospital care and nursing home care under subsection  
5 (a)(1)(G) for any disease suffered by the veteran that is  
6 among those diseases for which the National Academy of  
7 Sciences, in a report issued in accordance with section 2  
8 of the Agent Orange Act of 1991, has determined—

9 “(i) that there is sufficient evidence to conclude  
10 that there is a positive association between occur-  
11 rence of the disease in humans and exposure to a  
12 herbicide agent;

13 “(ii) that there is evidence which is suggestive  
14 of an association between occurrence of the disease  
15 in humans and exposure to a herbicide agent, but  
16 such evidence is limited in nature; or

17 “(iii) that available studies are insufficient to  
18 permit a conclusion about the presence or absence of  
19 an association between occurrence of the disease in  
20 humans and exposure to a herbicide agent.

21 “(B) A radiation-exposed veteran is eligible for hos-  
22 pital care and nursing home care under subsection  
23 (a)(1)(G) for—

24 “(i) any disease listed in section 1112(c)(2) of  
25 this title; and

1           “(ii) any other disease for which the Secretary,  
2 based on the advice of the Advisory Committee on  
3 Environmental Hazards, determines that there is  
4 credible evidence of a positive association between  
5 occurrence of the disease in humans and exposure to  
6 ionizing radiation.”; and

7           (B) in subparagraph (C), by striking out  
8 “Subject to paragraphs (2) and (3) of this sub-  
9 section, a veteran” and inserting in lieu thereof  
10 “A veteran”;

11           (2) by striking out paragraph (2) and inserting  
12 in lieu thereof the following:

13           “(2) For purposes of this subsection and section  
14 1712 of this title—

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

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

23           “(C) the term ‘radiation-exposed veteran’ has  
24 the meaning given that term in section 1112(c)(4) of  
25 this title.”; and

1           (3) in paragraph (3), by striking out “after  
2           June 30, 1995” and all that follows and inserting in  
3           lieu thereof “after December 31, 1997.”.

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) in subparagraph (D)—

10                           (i) by striking out “December 31,  
11                           1995” and inserting in lieu thereof “De-  
12                           cember 31, 1997”; and

13                           (ii) by striking out the period at the  
14                           end and inserting in lieu thereof a semi-  
15                           colon; and

16                   (C) by adding at the end the following:

17                           “(E) during the period before January 1,  
18                           1998, to any herbicide-exposed veteran for any  
19                           disease specified in section 1710(e)(1)(A) of  
20                           this title; and

21                           “(F) to any radiation-exposed veteran for  
22                           any disease covered under section  
23                           1710(e)(1)(B) of this title.”; and

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

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

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

3 **SEC. 202. SAVINGS PROVISION.**

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

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