

108TH CONGRESS
1ST SESSION

H. R. 2433

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2003

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

AN ACT

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing with health care for their illness without requirement for proof of service-connection, 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 “Health Care for Vet-
5 erans of Project 112/Project SHAD Act of 2003”.

6 **SEC. 2. PROVISION OF HEALTH CARE TO VETERANS WHO**
7 **PARTICIPATED IN CERTAIN DEPARTMENT OF**
8 **DEFENSE CHEMICAL AND BIOLOGICAL WAR-**
9 **FARE TESTING.**

10 Section 1710(e) of title 38, United States Code, is
11 amended—

12 (1) in paragraph (1), by adding at the end the
13 following new subparagraph:

14 “(E) Subject to paragraphs (2) and (3), a veteran
15 who participated in a test conducted by the Department
16 of Defense Deseret Test Center as part of a program for
17 chemical and biological warfare testing from 1962 through
18 1973 (including the program designated as ‘Project Ship-
19 board Hazard and Defense (SHAD)’ and related land-
20 based tests) is eligible for hospital care, medical services,
21 and nursing home care under subsection (a)(2)(F) for any
22 illness, notwithstanding that there is insufficient medical
23 evidence to conclude that such illness is attributable to
24 such testing.”.

1 (2) in paragraph (2)(B), by striking out “para-
2 graph (1)(C) or (1)(D)” and inserting “subpara-
3 graph (C), (D), or (E) of paragraph (1)”;

4 (3) in paragraph (3)—

5 (A) by striking “and” at the end of sub-
6 paragraph (B);

7 (B) by striking the period at the end of
8 subparagraph (C) and inserting “; and”; and

9 (C) by adding at the end the following new
10 subparagraph:

11 “(D) in the case of care for a veteran described
12 in paragraph (1)(E), after December 31, 2005.”.

13 **SEC. 3. IMPROVEMENTS TO THE RETENTION AND RECRUIT-**
14 **MENT OF HEALTH CARE PROFESSIONALS.**

15 (a) **PROMOTION STANDARDS FOR HEALTH CARE**
16 **PERSONNEL.**—Subsection (c) of 7403 of title 38, United
17 States Code, is amended by striking “Promotions” and in-
18 serting “Consistent with subsection (a) of section 7422 of
19 this title, and notwithstanding subsection (b) of that sec-
20 tion, promotions”.

21 (b) **PROMOTIONS FOR NURSES WHO DO NOT HAVE**
22 **BACCALAUREATE DEGREES.**—Such section is further
23 amended by adding at the end the following new sub-
24 section:

1 “(h) In a case in which a registered nurse has accom-
2 plished the performance elements required for promotion
3 to the next grade, the lack of a baccalaureate degree in
4 nursing shall not be a bar to promotion to that grade,
5 and in such a case the registered nurse shall not be denied
6 a promotion on that basis.”.

7 **SEC. 4. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY**
8 **FOR ADDITIONAL HEALTH CARE WORKERS IN**
9 **THE VETERANS HEALTH ADMINISTRATION.**

10 (a) IN GENERAL.—Section 7454(b) of title 38,
11 United States Code, is amended by adding at the end the
12 following new paragraph:

13 “(3) Employees appointed under section 7408 of this
14 title shall be entitled to additional pay on the same basis
15 as provided for nurses in section 7453(c) of this title.”.

16 (b) APPLICABILITY.—The amendment made by sub-
17 section (a) shall apply with respect to pay periods begin-
18 ning on or after the date of the enactment of this Act.

19 **SEC. 5. COVERAGE OF EMPLOYEES OF VETERANS’ CAN-**
20 **TEEN SERVICE UNDER ADDITIONAL EMPLOY-**
21 **MENT LAWS.**

22 (a) COVERAGE.—Paragraph (5) of section 7802 of
23 title 38, United States Code, is amended by inserting be-
24 fore the semicolon a period and the following: “An em-
25 ployee appointed under this section may be considered for

1 appointment to a Department position in the competitive
2 service in the same manner that a Department employee
3 in the competitive service is considered for transfer to such
4 position. An employee of the Service who is appointed to
5 a Department position in the competitive service under the
6 authority of the preceding sentence may count toward the
7 time-in-service requirement for a career appointment in
8 such position any previous period of employment in the
9 Service”.

10 (b) TECHNICAL AMENDMENTS.—Such section is fur-
11 ther amended—

12 (1) by striking the semicolon at the end of each
13 of paragraphs (1) through (10) and inserting a pe-
14 riod;

15 (2) by striking “The Secretary ” and all that
16 follows through “(1) establish,” and inserting “(a)
17 LOCATIONS FOR CANTEENS.—The Secretary shall
18 establish,”;

19 (3) by redesignating paragraphs (2) through
20 (11) as subsections (b) through (k), respectively, and
21 by realigning those subsections (as so redesignated)
22 so as to be flush to the left margin;

23 (4) in subsection (b) (as so redesignated), by
24 inserting “WAREHOUSES AND STORAGE DEPOTS.—
25 The Secretary shall” before “establish”;

1 (5) in subsection (c) (as so redesignated), by in-
2 serting “SPACE, BUILDINGS, AND STRUCTURES.—
3 The Secretary shall” before “furnish”;

4 (6) in subsection (d) (as so redesignated), by
5 inserting “EQUIPMENT, SERVICES, AND UTILI-
6 TIES.—The Secretary shall” before “transfer”;

7 (7) in subsection (e) (as so redesignated and as
8 amended by subsection (a)), by inserting “PER-
9 SONNEL.—The Secretary shall” before “employ”;

10 (8) in subsection (f) (as so redesignated), by in-
11 serting “CONTRACTS AND AGREEMENTS.—The Sec-
12 retary shall” before “make all”;

13 (9) in subsection (g) (as so redesignated), by
14 inserting “PRICES.—The Secretary shall” before
15 “fix the”;

16 (10) in subsection (h) (as so redesignated), by
17 inserting “GIFTS AND DONATIONS.—The Secretary
18 may” before “accept”;

19 (11) in subsection (i) (as so redesignated), by
20 inserting “RULES AND REGULATIONS.—The Sec-
21 retary shall” before “make such”;

22 (12) in subsection (j) (as so redesignated), by
23 inserting “DELEGATION.—The Secretary may” be-
24 fore “delegate such”; and

1 (13) in subsection (k) (as so redesignated), by
2 inserting “AUTHORITY TO CASH CHECKS, ETC.—
3 The Secretary may” before “authorize”.

 Passed the House of Representatives September 10,
2003.

Attest:

JEFF TRANDAHL,

Clerk.