To amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf War, to provide for increased research into illnesses reported by Persian Gulf War veterans, and for other purposes.

A BILL

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Be it enacted by the Senate and House of Representa-
SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Persian Gulf War Benefits Act”.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, chemoprophylactic agents, and indigenous diseases, and were also given multiple immunizations. Threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibiting symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

(3) Scientists have concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations
produced complex adverse health effects in Persian Gulf War veterans and that it appears that no single disease entity or syndrome exists. Rather, it appears that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

(4) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102-585, directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public Law 103-210, the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103-160 (the National Defense Authorization Act for Fiscal Year
1994) for funding for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals especially among Persian Gulf veterans and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

(5) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of Veterans Affairs to provide compensation for a period not to exceed 3 years to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified,

(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assess-
ment strategies and definitions or diagnoses of such illnesses,

(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of the services and benefits to which they are currently entitled, and

(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

SEC. 4. DEVELOPMENT OF CASE ASSESSMENT PROTOCOL, CASE DEFINITION, AND OUTREACH PROGRAM FOR PERSIAN GULF WAR VETERANS.

The Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, shall—

(1) develop and implement at the earliest possible date a uniform case assessment protocol that will ensure thorough assessment, diagnosis, and treatment of all Persian Gulf War veterans suffering from illness attributed to service in the Southwest Asia theater of operations during the Persian Gulf War;

(2) expedite efforts to develop case definitions or diagnoses for illnesses associated with such serv-
ice and seek to complete development of such case definitions or diagnoses at the earliest possible date; and

(3) develop and implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of health-care services, including comprehensive medical evaluations for such veterans, or other benefits or services that may be provided by the Department of Veterans Affairs or the Department of Defense.

SEC. 5. COMPENSATION BENEFITS FOR DISABILITY RESULTING FROM ILLNESS ATTRIBUTED TO SERVICE DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by adding at the end of subchapter I the following new section:

"§ 1117. Compensation for disabilities associated with Persian Gulf War

"“(a) The Secretary shall pay compensation under this subchapter to a Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that became manifest to a degree of 10 percent or more within one year after the last date on which the veteran performed active
military, naval, or air service in the Southwest Asia theater of operations while on active duty.

“(b) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

“(c) Compensation may not be paid under this section with respect to a disability occurring in a veteran—

“(1) where there is affirmative evidence that the disability was not incurred by the veteran during service in the Persian Gulf theater of operations during the Persian Gulf War; or

“(2) where there is affirmative evidence to establish that an intercurrent injury or illness which is a recognized cause of the disability was suffered by the veteran between the date of the veteran’s most recent departure from that theater of operations while on active duty and the onset of the disability.

“(d) The Secretary may not make payments under this section with respect to a disability for which compensation is paid under this section for any month after the month during which the Secretary determines that such disability is not related to service in the Southwest Asia theater of operations during the Persian Gulf War.

“(e) For purposes of this section, the term “Persian Gulf veteran” means a veteran who served on active duty
in the Armed Forces in the Southwest Asia theater of op-
erations during the period beginning on August 2, 1990,
and ending on the date of the enactment of this section.

“(f) No payment may be made under this section for
any month that begins after the end of the three-year pe-
riod beginning on the date of the enactment of this sec-
tion.”.

(2) The table of sections at the beginning of such
chapter is amended by inserting after the item relating
to section 1116 the following new item:

‘‘1117. Presumption of service connection for illnesses associated with Persian
Gulf War.’’.

(b) EFFECTIVE DATE.—Section 1117 of title 38,
United States Code, as added by subsection (a), shall take
effect on October 1, 1994.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR PER-
SIAN GULF ILLNESS RESEARCH.

There is authorized to be appropriated to the Depart-
ment of Veterans Affairs $5,000,000 for each of fiscal
years 1995 through 1997 for the conduct of research,
which the Secretary, in consultation with the Secretary of
Defense and the Secretary of Health and Human Services,
determines would advance understanding of health risks
and effects of service during the Persian Gulf War and
effective means of treating such health effects.
SEC. 7. SURVEY OF PERSIAN GULF VETERANS.

(a) In General.—There is authorized to be appropriated to the Department of Veterans Affairs $5,000,000 for fiscal year 1995 for the conduct of a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

(b) Coordination With Department of Defense.—The survey shall be carried out in coordination with the Secretary of Defense.

(c) Persian Gulf Veteran.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.