

109TH CONGRESS
1ST SESSION

H. R. 2734

To amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover from third parties costs of medical care furnished to veterans and other persons by the Department.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover from third parties costs of medical care furnished to veterans and other persons by the Department.

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. RECOVERY BY THE DEPARTMENT OF VET-**
4 **ERANS AFFAIRS OF COSTS OF CERTAIN**
5 **HEALTH CARE SERVICES.**

6 (a) SCOPE OF RECOVERY AUTHORITY.—Subsection
7 (i) of section 1729 of title 38, United States Code, is
8 amended—

1 (1) in paragraph (1)(B), by striking clause (i)
2 and redesignating clauses (ii), (iii), and (iv) as
3 clauses (i), (ii), and (iii), respectively; and

4 (2) in paragraph (3)—

5 (A) by redesignating subparagraphs (A)
6 through (D) as subparagraphs (B) through (E),
7 respectively; and

8 (B) by inserting before subparagraph (B),
9 as so redesignated, the following new subpara-
10 graph (A):

11 “(A) a department or agency of the United
12 States other than the Department;”.

13 (b) CONFORMING AMENDMENTS.—Subsection (a)(1)
14 of such section is amended—

15 (1) by inserting “(A)” after “if”;

16 (2) by inserting “, or (B) the person had in-
17 curred a legal liability to pay for such care or serv-
18 ices” before the period; and

19 (3) by inserting at the end the following new
20 sentence: “The preceding sentence applies notwith-
21 standing any other provision of law, other than a
22 law enacted after the date of the enactment of this
23 sentence that is expressly stated as an exception or
24 limitation to this section.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply only with respect to care and serv-
3 ices furnished under chapter 17 of title 38, United States
4 Code, on or after the date of the enactment of this Act.

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