

109TH CONGRESS
1ST SESSION

H. R. 4007

To amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for a period of two years to members of the Armed Forces (including members of the National Guard serving under State authority) who serve in areas affected by Hurricane Katrina and Hurricane Rita, to provide for the Secretary of Veterans Affairs and the Secretary of Defense to enter into an agreement with the National Academy of Sciences to survey and assess the potential health consequences of service by members in those areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2005

Mr. STRICKLAND (for himself, Ms. KILPATRICK of Michigan, Mr. BOUCHER, Mr. MCGOVERN, Mr. MICHAUD, Mrs. CAPPS, Mr. JEFFERSON, Mr. PAYNE, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for a period of two years to members of the Armed Forces (including members of the National Guard serving under State authority) who serve in areas affected by Hurricane Katrina and Hurricane Rita, to provide for the Secretary of Veterans Affairs and the Secretary of Defense to enter into an agreement with

the National Academy of Sciences to survey and assess the potential health consequences of service by members in those areas, 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. TWO-YEAR ELIGIBILITY FOR DEPARTMENT OF**
 4 **VETERANS AFFAIRS HEALTH CARE FOR MEM-**
 5 **BERS OF THE ARMED FORCES SERVING IN**
 6 **AREAS AFFECTED BY HURRICANES KATRINA**
 7 **AND RITA.**

8 Section 1710(e) of title 38, United States Code, is
 9 amended—

10 (1) by adding at the end of paragraph (1) the
 11 following new subparagraph:

12 “(F) Subject to paragraphs (2) and (3), a member
 13 of the Armed Forces (including a member ordered to duty
 14 under section 502(f) of title 32) who is performing duty
 15 in response to a disaster or emergency declaration under
 16 the Robert T. Stafford Disaster Relief and Emergency As-
 17 sistance Act (42 U.S.C. 5121 et seq.) after August 28,
 18 2005, in an area affected by Hurricane Katrina or Hurri-
 19 cane Rita is eligible for hospital care, medical services, and
 20 nursing home care under subsection (a)(2)(F) for any dis-
 21 ability, notwithstanding that there is insufficient medical
 22 evidence to conclude that such disability is attributable to
 23 such duty.”;

1 (2) by adding at the end of paragraph (2) the
2 following new subparagraph:

3 “(C) In the case of a member of the Armed Forces
4 described in paragraph (1)(F), hospital care, medical serv-
5 ices, and nursing home care may not be provided under
6 subsection (a)(2)(F) with respect to a disability that is
7 found, in accordance to guidelines issued by the Under
8 Secretary for Health, to have resulted from a cause other
9 than duty described in that paragraph.”;

10 (3) in paragraph (3)—

11 (A) by striking “and” at the end of sub-
12 paragraph (C);

13 (B) by striking the period at the end of
14 subparagraph (D) and inserting “; and”; and

15 (C) by adding at the end the following new
16 subparagraph:

17 “(E) in the case of care for a veteran described
18 in paragraph (1)(F), after a period of two years be-
19 ginning on the date of the veteran’s discharge or re-
20 lease from duty described in that paragraph.”; and

21 (4) by adding at the end of paragraph (4) the
22 following new subparagraph:

23 “(C) The term ‘area affected by Hurricane
24 Katrina or Hurricane Rita’ means an area des-
25 ignated for individual assistance or public as-

1 sistance by Federal Disaster Declaration notice
 2 1602, 1603, 1604, 1605, 1606, or 1607 issued
 3 by the Director of the Federal Emergency Man-
 4 agement Agency in August and September
 5 2005.”.

6 **SEC. 2. HEALTH ASSESSMENT OF SERVICEMEMBERS EX-**
 7 **POSED TO ENVIRONMENTAL HAZARDS ASSO-**
 8 **CIATED WITH DUTY IN AREAS AFFECTED BY**
 9 **HURRICANES KATRINA AND RITA.**

10 (a) PURPOSE.—The purpose of this section is to pro-
 11 vide for the National Academy of Sciences, an independent
 12 nonprofit scientific organization with appropriate expertise
 13 which is not part of the Federal Government, to review
 14 and make recommendations for health surveillance of
 15 members of the uniformed services who may be exposed
 16 to environmental hazards as the result of duty in areas
 17 affected by Hurricanes Katrina and Rita in 2005.

18 (b) ASSESSMENT BY NATIONAL ACADEMY OF
 19 SCIENCES.—The Secretary of Veterans Affairs and the
 20 Secretary of Defense shall seek to enter into an agreement
 21 with the National Academy of Sciences for the Academy
 22 to perform the activities specified in this section. The Sec-
 23 retaries shall seek to enter into the agreement not later
 24 than 60 days after the date of the enactment of this Act.

1 (c) DUTIES UNDER AGREEMENT.—Under the agree-
2 ment under subsection (b), the National Academy of
3 Sciences shall do the following:

4 (1) Review and assess available data on envi-
5 ronmental exposures and adverse health effects that
6 could reasonably be expected to be incurred by mem-
7 bers of the uniformed services assigned to duty (in-
8 cluding duty under section 502(f) of title 32, United
9 States Code) during the period beginning August 28,
10 2005, and ending on December 31, 2005, in any
11 county designated by the Director of the Federal
12 Emergency Management Agency as a Federal dis-
13 aster county for individual or public assistance as
14 the result of Hurricane Katrina or Hurricane Rita.

15 (2) Describe the appropriate criteria for identi-
16 fication of members of the uniformed services cov-
17 ered by paragraph (1) and appropriate data to be
18 collected and maintained for such members and
19 make recommendations for the development of a reg-
20 istry which could be used to monitor morbidity and
21 mortality data for such members.

22 (3) Make recommendations concerning the es-
23 tablishment, location, and content of a data registry
24 and policies and procedures for the ongoing periodic

1 health surveillance of members covered by paragraph
2 (1).

3 (d) REPORT.—Not later than 180 days after the date
4 of the entry into effect of the agreement referred to in
5 subsection (a), the National Academy of Sciences shall
6 submit to the Secretaries a report on the activities of the
7 National Academy of Sciences under the agreement, in-
8 cluding the results of the activities specified in subsection
9 (c).

10 (e) RECOMMENDATIONS FOR ADDITIONAL SCI-
11 ENTIFIC STUDIES.—The Academy shall make any rec-
12 ommendations it has for additional scientific studies to re-
13 solve areas of continuing scientific uncertainty relating to
14 environmental toxic exposure in hurricane affected areas
15 referred to in subsection (c)(1). In making recommenda-
16 tions for further study, the Academy shall consider the
17 scientific information that is currently available, the value
18 and relevance of the information that could result from
19 additional studies, and the cost and feasibility of carrying
20 out such additional studies.

21 (f) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-
22 TION.—If the Secretaries are unable within the time pe-
23 riod prescribed in subsection (b) to enter into an agree-
24 ment with the National Academy of Sciences for the pur-
25 poses of this section on terms acceptable to the Secre-

1 taries, the Secretaries shall seek to enter into an agree-
 2 ment for the purposes of this section with another appro-
 3 priate scientific organization that is not part of the Gov-
 4 ernment and operates as a not-for-profit entity and that
 5 has expertise and objectivity comparable to that of the Na-
 6 tional Academy of Sciences. If the Secretaries enter into
 7 such an agreement with another organization, then any
 8 reference in this section to the National Academy of
 9 Sciences shall be treated as a reference to the other orga-
 10 nization.

11 **SEC. 3. ANNUAL REPORT ON HEALTH CARE FROM THE DE-**
 12 **PARTMENT OF VETERANS AFFAIRS TO HUR-**
 13 **RICANE-AFFECTED MEMBERS OF THE NA-**
 14 **TIONAL GUARD.**

15 (a) DATA BASE.—The Secretary of Veterans Affairs
 16 shall develop and maintain a data base of members of the
 17 Armed Forces who are provided health care by the De-
 18 partment of Veterans Affairs pursuant to section
 19 1710(e)(1)(F) of title 38, United States Code, as added
 20 by section 1.

21 (b) ANNUAL REPORT.—Not later than January 1 of
 22 each year from 2007 through 2009, the Secretary shall
 23 submit to the Committees on Veterans' Affairs of the Sen-
 24 ate and House of Representatives a report on members
 25 of the Armed Forces who are provided health care by the

1 Department of Veterans Affairs pursuant to section
2 1710(e)(1)(F) of title 38, United States Code, as added
3 by section 1. Each such report shall include the following:

4 (1) The total number of veterans who sought
5 treatment in Department of Veterans Affairs health
6 care facilities pursuant to section 1710(e)(1)(F) of
7 title 38, United States Code, as added by section 1,
8 during the preceding fiscal year and cumulatively,
9 set forth by the number of veterans per fiscal year
10 and the health-care eligibility category under which
11 such care was provided.

12 (2) The cost of health care furnished to vet-
13 erans pursuant to such section during the preceding
14 fiscal year and cumulatively, including the costs for
15 veterans who would not have been eligible for enroll-
16 ment for such care under limitations imposed by the
17 Secretary of Veterans Affairs for veterans eligible
18 for health care from the Department only under sec-
19 tion 1710(a)(3) of title 38, United States Code.

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