

Public Law 103-210
103d Congress

An Act

Dec. 20, 1993
[H.R. 2535]

To amend title 38, United States Code, to provide additional authority for the Secretary of Veterans Affairs to provide health care for veterans of the Persian Gulf War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE PRIORITY HEALTH CARE TO VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—(1) Section 1710(a)(1)(G) of title 38, United States Code, is amended by striking out “or radiation” and inserting in lieu thereof “, radiation, or environmental hazard”.

(2) Section 1710(e) of such title is amended—

(A) by inserting at the end of paragraph (1) the following new subparagraph:

“(C) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds may have been exposed while serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War to a toxic substance or environmental hazard is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.”;

(B) in paragraph (2), by striking out “subparagraph (A) or (B)” and inserting in lieu thereof “subparagraph (A), (B), or (C)”; and

(C) in paragraph (3), by striking out the period at the end and inserting in lieu thereof “, or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1994.”.

(b) OUTPATIENT CARE.—Section 1712(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking out “and” at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “; and”; and

(C) by adding at the end the following:

“(D) during the period before December 31, 1994, for any disability in the case of a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and who the Secretary finds may have been exposed to a toxic substance or environmental hazard during such service, notwithstanding that there is insufficient medical evidence

to conclude that the disability may be associated with such exposure.”; and

(2) by adding at the end the following new paragraph:
“(7) Medical services may not be furnished under paragraph (1)(D) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.”.

(c) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall take effect as of August 2, 1990.

38 USC 1710
note.

(2) The Secretary of Veterans Affairs shall, upon request, reimburse any veteran who paid the United States an amount under section 1710(f) or 1712(f) of title 38, United States Code, as the case may be, for hospital care, nursing home care, or outpatient services furnished by the Secretary to the veteran before the date of the enactment of this Act on the basis of a finding that the veteran may have been exposed to a toxic substance or environmental hazard during the Persian Gulf War. The amount of the reimbursement shall be the amount that was paid by the veteran for such care or services under such section 1710(f) or 1712(f).

SEC. 2. EXTENSION OF CERTAIN HEALTH CARE AND OTHER AUTHORITIES.

(a) ELIGIBILITY FOR CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.—Section 1710(e)(3) of title 38, United States Code, as amended by section 1(a)(2)(C), is further amended by striking out “December 31, 1993” and inserting in lieu thereof “June 30, 1994”.

(b) ELIGIBILITY FOR SEXUAL TRAUMA COUNSELING.—Section 102(b) of the Women Veterans Health Programs Act of 1992 (Public Law 102-585; 38 U.S.C. 1720D note) is amended—

(1) by striking out “December 31, 1991,” and inserting in lieu thereof “December 31, 1992,”; and

(2) by striking out “December 31, 1993” and inserting in lieu thereof “December 31, 1994”.

(c) AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.—Section 315(b) of title 38, United States Code, is amended by striking out “March 31, 1994” and inserting in lieu thereof “December 31, 1994”.

(d) AUTHORITY FOR ADVISORY COMMITTEE ON EDUCATION.—Section 3692(c) of title 38, United States Code, is amended by striking out “December 31, 1993” and inserting in lieu thereof “December 31, 1994”.

SEC. 3. SHARING OF RESOURCES WITH STATE HOMES.

(a) PURPOSE.—Section 8151 of title 38, United States Code, is amended by adding at the end the following: “It is further the purpose of this subchapter to improve the provision of care to veterans under this title by authorizing the Secretary to enter into agreements with State veterans facilities for the sharing of health-care resources.”.

(b) DEFINITION.—Section 8152 of such title is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The term ‘health-care resource’ includes hospital care, medical services, and rehabilitative services, as those terms are defined in paragraphs (5), (6), and (8), respectively, of

section 1701 of this title, any other health-care service, and any health-care support or administrative resource.”.

(c) **SHARING OF HEALTH-CARE RESOURCES.**—Section 8153(a) of such title is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by striking out “other form of agreement,” and all that follows and inserting in lieu thereof the following: “other form of agreement for the mutual use, or exchange of use, of—

“(A) specialized medical resources between Department health-care facilities and other health-care facilities (including organ banks, blood banks, or similar institutions), research centers, or medical schools; and

“(B) health-care resources between Department health-care facilities and State home facilities recognized under section 1742(a) of this title.

“(2) The Secretary may enter into a contract or other agreement under paragraph (1) only if (A) such an agreement will obviate the need for a similar resource to be provided in a Department health care facility, or (B) the Department resources which are the subject of the agreement and which have been justified on the basis of veterans’ care are not used to their maximum effective capacity.”.

Approved December 20, 1993.

LEGISLATIVE HISTORY—H.R. 2535:

HOUSE REPORTS: No. 103-198 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Aug. 2, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Nov. 22, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):

Dec. 20, Presidential statement.