

105TH CONGRESS  
2D SESSION

# H. R. 4036

To amend title 38, United States Code, to establish certain presumptions of service connection for veterans who served in the Persian Gulf War, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1998

Mr. SHAYS (for himself, Mr. TOWNS, Mr. SNOWBARGER, Mr. SANDERS, Mr. GILMAN, Ms. NORTON, Mr. BURTON of Indiana, Mr. METCALF, Mr. MCHUGH, Mr. ALLEN, Mr. LANTOS, Mr. BARRETT of Wisconsin, Mr. MCINTOSH, Ms. STABENOW, Mr. MCGOVERN, Mr. PAPPAS, Mr. SOUDER, Mr. WAXMAN, Mr. KUCINICH, Mr. KENNEDY of Massachusetts, Mr. DAVIS of Virginia, Mrs. JOHNSON of Connecticut, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Veterans' Affairs

---

## A BILL

To amend title 38, United States Code, to establish certain presumptions of service connection for veterans who served in the Persian Gulf War, 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 “Persian Gulf War Vet-  
5 erans Health Act of 1998”.

1 **SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR ILL-**  
2 **NESSES ASSOCIATED WITH SERVICE IN THE**  
3 **PERSIAN GULF DURING THE PERSIAN GULF**  
4 **WAR.**

5 (a) IN GENERAL.—(1) Subchapter II of chapter 11  
6 of title 38, United States Code, is amended by adding at  
7 the end the following:

8 **“§ 1118. Presumptions of service connection for ill-**  
9 **nesses associated with service in the Per-**  
10 **sian Gulf during the Persian Gulf War**

11 “(a)(1) For purposes of section 1110 of this title, and  
12 subject to section 1113 of this title, each illness described  
13 in paragraph (2) or identified pursuant to subsection (b)  
14 shall be considered to have been incurred in or aggravated  
15 by service referred to in that paragraph, notwithstanding  
16 that there is no record of evidence of such illness during  
17 the period of such service.

18 “(2) An illness referred to in paragraph (1) is any  
19 diagnosed or undiagnosed illness that—

20 “(A) the Secretary determines in regulations  
21 prescribed under this section to warrant a presump-  
22 tion of service connection by reason of having a posi-  
23 tive association with exposure to a biological, chemi-  
24 cal, or other toxic agent or environmental or war-  
25 time hazard known or presumed to be associated  
26 with service in the Armed Forces in the Southwest

1 Asia theater of operations during the period begin-  
2 ning on August 2, 1990, and ending on December  
3 31, 1991; and

4 “(B) becomes manifest in a Persian Gulf War  
5 veteran who by reason of service in Southwest Asia  
6 during the period beginning on August 2, 1990, and  
7 ending on December 31, 1991, was exposed to such  
8 agent or hazard.

9 “(3) For purposes of this subsection, a Persian Gulf  
10 War veteran who has an illness described in paragraph  
11 (2) shall be presumed to have been exposed by reason of  
12 such service to the agent or hazard associated with the  
13 illness in the regulations prescribed under this subsection  
14 unless there is conclusive evidence to establish that the  
15 veteran was not exposed to the agent or hazard by reason  
16 of such service.

17 “(b)(1) The Secretary shall enter into a contract with  
18 an appropriate independent scientific body to establish a  
19 panel for the purpose of reviewing the medical and sci-  
20 entific literature to identify those diseases and illnesses  
21 epidemiologically, medically, or scientifically associated  
22 with exposure of humans or animals to any of the mate-  
23 rials specified in subsection (c). The panel shall be com-  
24 posed of non-Government scientific experts representing,  
25 at minimum, the disciplines of toxicology, immunology,

1 microbiology, molecular biology, genetics, biochemistry,  
2 chemistry, epidemiology, medicine, and public health.

3       “(2) The Secretary shall require that the panel sub-  
4 mit to the Secretary, not later than one year after the  
5 date of the enactment of this section, a report, based upon  
6 the review under paragraph (1), identifying such diseases  
7 and illnesses.

8       “(3) Upon submission to the Secretary of the report  
9 under paragraph (2), each disease or illness identified in  
10 the report that becomes manifest in a Persian Gulf War  
11 veteran shall be presumed to be service-connected.

12       “(4) There is authorized to be appropriated to the  
13 Secretary \$1,000,000 to carry out this subsection.

14       “(5) The specification of presumed exposures in sub-  
15 section (c) shall be updated as information develops con-  
16 firming the exposure of Persian Gulf War veterans or  
17 members of their families to additional chemical, biologi-  
18 cal, radiological, or other genotoxic or infectious materials.  
19 The Secretary shall periodically enter into a contract as  
20 described in paragraph (1) for the purposes of identifying  
21 and confirming such exposures. Upon submission to the  
22 Secretary of a report pursuant to such a contract, the Sec-  
23 retary shall add each disease or illness identified in the  
24 report that becomes manifest in a Persian Gulf War vet-

1 eran to those diseases and illnesses that are presumed  
2 under this section to be service-connected.

3 “(c) PRESUMPTION OF EXPOSURE.—Each Persian  
4 Gulf War veteran shall be presumed to have been exposed  
5 to the following potentially hazardous materials:

6 “(1) The following organophosphorous pes-  
7 ticides:

8 “(A) Chlorpyrifos.

9 “(B) Diazinon.

10 “(C) Dichlorvos.

11 “(D) Malathion.

12 “(2) The following carbamate pesticides:

13 “(A) Proxpur.

14 “(B) Carbaryl.

15 “(C) Methomyl.

16 “(3) The following carbamate used as nerve  
17 agent prophylaxis:

18 “(A) Pyridostigmine bromide.

19 “(4) The following chlorinated hydrocarbon and  
20 other pesticides and repellents:

21 “(A) Lindane.

22 “(B) Pyrethroids.

23 “(C) Rodenticides (bait).

24 “(D) Repellent (DEET).

1           “(5) The following low-level nerve agents and  
2 precursors compounds:

3           “(A) Sarin.

4           “(B) Tabun.

5           “(6) The following other synthetic chemical  
6 compounds:

7           “(A) Low-level mustard agents.

8           “(B) VOCs.

9           “(C) Hydrazine.

10          “(D) Red fuming nitric acid.

11          “(E) Solvents.

12          “(F) Uranium.

13          “(7) The following ionizing radiation:

14          “(A) Depleted uranium.

15          “(B) Microwave.

16          “(C) RF radiation.

17          “(8) The following environmental particulates  
18 and pollutants:

19          “(A) Hydrogen sulfide.

20          “(B) Oil fire byproducts.

21          “(C) Diesel heater fumes.

22          “(D) Sand micro-particles.

23          “(9) Diseases endemic to the region (including  
24 the following):

25          “(A) Leishmaniasis.

1 “(B) Sandfly fever.

2 “(C) Pathogenic escherechia coli.

3 “(D) Shigellosis.

4 “(E) Malaria.

5 “(10) Time compressed administration of mul-  
6 tiple live, “attenuated,” and toxoid vaccines.

7 “(d) For purposes of this section:

8 “(1) The term ‘Persian Gulf War veteran’  
9 means a veteran who served on active duty in the  
10 Southwest Asia theater of operations during the pe-  
11 riod beginning on August 2, 1990, and ending on  
12 December 31, 1991.

13 “(2) The term ‘non-Government scientific ex-  
14 pert’ means an individual who is a scientific expert  
15 who (A) is not employed by the United States, and  
16 (B) received less than 15 percent of income during  
17 the preceding 12 months from federally funded re-  
18 search activities.”.

19 (2) The table of sections at the beginning of such  
20 chapter is amended by inserting after the item relating  
21 to section 1117 the following new item:

“1118. Presumptions of service connection for illnesses associated with service  
in the Persian Gulf during the Persian Gulf War.”.

22 (b) CONFORMING AMENDMENTS.—Section 1113 of  
23 title 38, United States Code, is amended—

1           (1) by striking out “or 1117” each place it ap-  
2           pears and inserting in lieu thereof “1117, or 1118”;  
3           and

4           (2) in subsection (a), by striking out “or 1116”  
5           and inserting in lieu thereof “, 1116, or 1118”.

6 **SEC. 3. PLAN FOR MEDICAL SURVEILLANCE OF PERSIAN**  
7 **GULF WAR VETERANS AND THEIR FAMILIES.**

8           (a) **PLAN FOR CONTRACT TO ESTABLISH INDEPEND-**  
9 **ENT REVIEW PANEL.**—Not later than 180 days after the  
10 date of the enactment of this Act, the Secretary of Veter-  
11 ans Affairs shall submit to Congress a plan to contract  
12 with an appropriate independent scientific body to estab-  
13 lish a panel, to be composed of non-Government scientific  
14 experts (as defined in section 1118(d)(2) of title 38,  
15 United States Code, as added by section 2), for the pur-  
16 pose of reviewing the statistical occurrence of both diag-  
17 nosed and undiagnosed illnesses and symptoms among vet-  
18 erans of the Persian Gulf War and their families.

19           (b) **CRITERIA AND PLAN FOR REVIEW.**—The criteria  
20 and a plan for such review shall be established by the  
21 panel and shall be submitted by the panel to the Secretary  
22 of Veterans Affairs and the chairman and ranking minor-  
23 ity party member of the Committees on Veterans’ Affairs  
24 of the Senate and the House of Representatives.



1 **SEC. 4. PLAN FOR PERMANENT EXPERT ADVISORY GROUP**  
2 **ON CHEMICAL, BIOLOGICAL, AND RADIO-**  
3 **LOGICAL DEFENSE.**

4 Not later than 180 days after the date of the enact-  
5 ment of this Act, the President shall submit to Congress  
6 a plan for the establishment of a permanent expert advi-  
7 sory group to be composed of individuals capable of pro-  
8 viding expert advice both to the President and the congres-  
9 sional defense and intelligence committees on the ade-  
10 quacy of current United States chemical, biological, and  
11 radiological defense technologies, procurement practices,  
12 and doctrine to defend the Armed Forces against both the  
13 immediate and chronic consequences of acute and sub-  
14 acute exposures to chemical, biological, radiological, or  
15 other genotoxic battlefield materials.

○