

108TH CONGRESS  
1ST SESSION

# S. 1281

To amend title 38, United States Code, to presume additional diseases of former prisoners of war to be service-connected for compensation purposes, to enhance the Dose Reconstruction Program of the Department of Defense, to enhance and fund certain other epidemiological studies, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2003

Mr. GRAHAM of Florida introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to presume additional diseases of former prisoners of war to be service-connected for compensation purposes, to enhance the Dose Reconstruction Program of the Department of Defense, to enhance and fund certain other epidemiological studies, 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 “Veterans Information  
5 and Benefits Enhancement Act of 2003”.

1 **SEC. 2. PRESUMPTION OF ADDITIONAL DISEASES OF**  
2 **FORMER PRISONERS OF WAR TO BE SERV-**  
3 **ICE-CONNECTED FOR COMPENSATION PUR-**  
4 **POSES.**

5 (a) PRESUMPTION.—Section 1112(b) of title 38,  
6 United States Code, is amended—

7 (1) in paragraph (14), by striking “or” at the  
8 end; and

9 (2) by inserting after paragraph (15) the fol-  
10 lowing new paragraphs:

11 “(16) cardiovascular disease (heart disease),

12 “(17) cerebrovascular disease (stroke), or

13 “(18) chronic liver disease, including cirrhosis  
14 and primary liver carcinoma,”.

15 (b) EFFECTIVE DATE.—(1) The amendments made  
16 by subsection (a) shall take effect on the date of the enact-  
17 ment of this Act.

18 (2) No benefit may be paid by reason of the amend-  
19 ments made by subsection (a) for any period before the  
20 date of the enactment of this Act.

21 **SEC. 3. DOSE RECONSTRUCTION PROGRAM OF DEPART-**  
22 **MENT OF DEFENSE.**

23 (b) REVIEW OF MISSION, PROCEDURES, AND ADMIN-  
24 ISTRATION.—(1) The Secretary of Veterans Affairs and  
25 the Secretary of Defense shall jointly conduct a review of

1 the mission, procedures, and administration of the Dose  
2 Reconstruction Program of the Department of Defense.

3 (2) In conducting the review under paragraph (1),  
4 the Secretaries shall—

5 (A) determine whether any additional actions  
6 are required to ensure that the quality assurance  
7 and quality control mechanisms of the Dose Recon-  
8 struction Program are adequate and sufficient for  
9 purposes of the program; and

10 (B) determine the actions that are required to  
11 ensure that the mechanisms of the Dose Reconstruc-  
12 tion Program for communication and interaction  
13 with veterans are adequate and sufficient for pur-  
14 poses of the program, including mechanisms to per-  
15 mit veterans to review the assumptions utilized in  
16 their dose reconstructions.

17 (3) Not later than 90 days after the date of the enact-  
18 ment of this Act, the Secretaries shall jointly submit to  
19 Congress a report on the review under paragraph (1). The  
20 report shall set forth—

21 (A) the results of the review;

22 (B) a plan for any actions determined to be re-  
23 quired under paragraph (2); and

24 (C) such other recommendations for the im-  
25 provement of the mission, procedures, and adminis-

1           tration of the Dose Reconstruction Program as the  
2           Secretaries jointly consider appropriate.

3           (b) ON-GOING REVIEW AND OVERSIGHT.—The Sec-  
4           retaries shall jointly take appropriate actions to ensure the  
5           on-going independent review and oversight of the Dose Re-  
6           construction Program, including the establishment of the  
7           advisory board required by subsection (c).

8           (c) ADVISORY BOARD.—(1) In taking actions under  
9           subsection (b), the Secretaries shall jointly appoint an ad-  
10          visory board to provide review and oversight of the Dose  
11          Reconstruction Program.

12          (2) The advisory board under paragraph (1) shall be  
13          composed of the following:

14                (A) At least one expert in historical dose recon-  
15                struction of the type conducted under the Dose Re-  
16                construction Program.

17                (B) At least one expert in radiation health mat-  
18                ters.

19                (C) At least one expert in risk communications  
20                matters.

21                (D) A representative of the Department of Vet-  
22                erans Affairs.

23                (E) A representative of the Defense Threat Re-  
24                duction Agency.

1 (F) At least three veterans, including at least  
2 one veteran who is a member of an atomic veterans  
3 group.

4 (3) The advisory board under paragraph (1) shall—

5 (A) conduct periodic, random audits of dose re-  
6 constructions and decisions on claims for radiogenic  
7 diseases under the Dose Reconstruction Program;

8 (B) assist the Department of Veterans Affairs  
9 and the Defense Threat Reduction Agency in com-  
10 municating to veterans information on the mission,  
11 procedures, and evidentiary requirements of the  
12 Dose Reconstruction Program; and

13 (C) carry out such other activities with respect  
14 to the review and oversight of the Dose Reconstruc-  
15 tion Program as the Secretaries shall jointly specify.

16 (4) The advisory board under paragraph (1) may  
17 make such recommendations on modifications in the mis-  
18 sion or procedures of the Dose Reconstruction Program  
19 as the advisory board considers appropriate as a result  
20 of the audits conducted under paragraph (3)(A).

21 **SEC. 4. STUDY ON DISPOSITION OF AIR FORCE HEALTH**  
22 **STUDY.**

23 (a) IN GENERAL.—The Secretary of Veterans Affairs  
24 shall, in accordance with this section, carry out a study  
25 to determine the appropriate disposition of the Air Force

1 Health Study, an epidemiologic study of Air Force per-  
2 sonnel who were responsible for conducting aerial spray  
3 missions of herbicides during the Vietnam era.

4 (b) STUDY THROUGH NATIONAL ACADEMY OF  
5 SCIENCES.—Not later than sixty days after the date of  
6 the enactment of this Act, the Secretary shall seek to enter  
7 into an agreement with the National Academy of Sciences,  
8 or another appropriate scientific organization, to carry out  
9 the study required by subsection (a).

10 (c) ELEMENTS.—Under the study under subsection  
11 (a), the National Academy of Sciences, or other appro-  
12 priate scientific organization, shall address the following:

13 (1) The scientific merit of retaining and main-  
14 taining the medical records, other study data, and  
15 laboratory specimens collected in the course of the  
16 Air Force Health Study after the currently-sched-  
17 uled termination date of the study in 2006.

18 (2) Whether or not any obstacles exist to re-  
19 taining and maintaining the medical records, other  
20 study data, and laboratory specimens referred to in  
21 paragraph (1), including privacy concerns.

22 (3) The advisability of providing independent  
23 oversight of the medical records, other study data,  
24 and laboratory specimens referred to in paragraph  
25 (1), and of any further study of such records, data,

1 and specimens, and, if so, the mechanism for pro-  
2 viding such oversight.

3 (4) The advisability of extending the Air Force  
4 Health Study, including the potential value and rel-  
5 evance of extending the study, the potential cost of  
6 extending the study, and the Federal or non-Federal  
7 entity best suited to continue the study if extended.

8 (5) The advisability of making the laboratory  
9 specimens of the Air Force Health Study available  
10 for independent research, including the potential  
11 value and relevance of such research, and the poten-  
12 tial cost of such research.

13 (d) REPORT.—Not later than 60 days after entering  
14 into an agreement under subsection (b), the National  
15 Academy of Sciences, or other appropriate scientific orga-  
16 nization, shall submit to the Secretary and Congress a re-  
17 port on the results of the study under subsection (a). The  
18 report shall include the results of the study, including the  
19 matters addressed under subsection (c), and such other  
20 recommendations as the Academy, or other appropriate  
21 scientific organization, considers appropriate as a result  
22 of the study.

1 **SEC. 5. FUNDING OF MEDICAL FOLLOW-UP AGENCY OF IN-**  
2 **STITUTE OF MEDICINE OF NATIONAL ACAD-**  
3 **EMY OF SCIENCES FOR EPIDEMIOLOGICAL**  
4 **RESEARCH ON MEMBERS OF THE ARMED**  
5 **FORCES AND VETERANS.**

6 (a) FUNDING BY DEPARTMENT OF VETERANS AF-  
7 FAIRS.—(1) The Secretary of Veterans Affairs shall make  
8 available to the National Academy of Sciences in each of  
9 fiscal years 2004 through 2013, \$250,000 for the Medical  
10 Follow-Up Agency of the Institute of Medicine of the  
11 Academy for purposes of epidemiological research on  
12 members of the Armed Forces and veterans.

13 (2) The Secretary of Veterans Affairs shall make  
14 available amounts under paragraph (1) for a fiscal year  
15 from amounts available for the Department of Veterans  
16 Affairs for that fiscal year.

17 (b) FUNDING BY DEPARTMENT OF DEFENSE.—(1)  
18 The Secretary of Defense shall make available to the Na-  
19 tional Academy of Sciences in each of fiscal years 2004  
20 through 2013, \$250,000 for the Medical Follow-Up Agen-  
21 cy for purposes of epidemiological research on members  
22 of the Armed Forces and veterans.

23 (2) The Secretary of Defense shall make available  
24 amounts under paragraph (1) for a fiscal year from  
25 amounts available for the Department of Defense for that  
26 fiscal year.

1           (c) USE OF FUNDS.—The Medical Follow-Up Agency  
2 shall use funds made available under subsections (a) and  
3 (b) for epidemiological research on members of the Armed  
4 Forces and veterans.

5           (d) SUPPLEMENT NOT SUPPLANT.—Amounts made  
6 available to the Medical Follow-Up Agency under this sec-  
7 tion for a fiscal year for the purposes referred to in sub-  
8 section (c) are in addition to any other amounts made  
9 available to the Agency for that fiscal year for those pur-  
10 poses.

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