

109TH CONGRESS
1ST SESSION

H. R. 2962

To amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2005

Mr. ABERCROMBIE (for himself, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. EVANS, Mr. GUTIERREZ, Mr. HINCHEY, Ms. HOOLEY, Mr. KILDEE, Mr. MATHESON, Mr. McDERMOTT, Mr. SANDERS, Mr. SERRANO, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to revise the eligibility criteria for presumption of service-connection of certain diseases and disabilities for veterans exposed to ionizing radiation during military service, 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 “Atomic Veterans Relief
5 Act”.

1 **SEC. 2. ELIGIBILITY CRITERIA FOR PRESUMPTION OF**
2 **SERVICE-CONNECTION RESULTING FROM EX-**
3 **POSURE TO IONIZING RADIATION DUE TO**
4 **OPEN-AIR NUCLEAR TESTING.**

5 Section 1112(c)(3)(B) of title 38, United States
6 Code, is amended by inserting before the period at the
7 end of clause (i) the following: “or exposure to ionizing
8 radiation due to residual contamination resulting from
9 such a detonation”.

10 **SEC. 3. REQUIREMENT TO ALLOW SERVICE-CONNECTION**
11 **FOR DISABILITIES OF VETERANS EXPOSED**
12 **TO IONIZING RADIATION WHILE IN MILITARY**
13 **SERVICE TO BE ESTABLISHED WITHOUT**
14 **DOSE RECONSTRUCTION RECORD.**

15 Section 1154 of title 38, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(c)(1) The Secretary shall include in the regulations
19 pertaining to service-connection of disabilities referred to
20 in subsection (a) additional provisions to ensure, in the
21 case of a claim by a radiation-exposed veteran for service-
22 connection of a nonpresumptive disability, that the proce-
23 dures for establishment of whether the disability is service-
24 connected do not require imputation to the veteran,
25 through a process known as dose reconstruction, of any
26 particular level of exposure to ionizing radiation.

1 “(2) For purposes of this subsection:

2 “(A) The term ‘radiation-exposed veteran’ has
3 the meaning given that term in section
4 1112(c)(3)(A) of this title.

5 “(B) The term ‘nonpresumptive disability’
6 means a disability not specified in section 1112(c)(2)
7 of this title.”.

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