

113TH CONGRESS
2^D SESSION

H. R. 4261

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2014

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To improve the research of Gulf War Illness, the Research Advisory Committee on Gulf War Veterans' Illnesses, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Gulf War Health Re-
3 search Reform Act of 2014”.

4 **SEC. 2. IMPROVEMENTS TO RESEARCH ADVISORY COM-**
5 **MITTEE ON GULF WAR VETERANS’ ILL-**
6 **NESSES.**

7 (a) INDEPENDENCE OF COMMITTEE.—Subsection (b)
8 of section 707 of the Veterans Health Care Act of 1992
9 (Public Law 102–585; 38 U.S.C. 527 note) is amended—

10 (1) by striking “Not later than” and inserting
11 “(1) ESTABLISHMENT.—Not later than”; and

12 (2) by adding at the end the following new
13 paragraphs:

14 “(2) INDEPENDENCE.—(A) The Committee estab-
15 lished under paragraph (1) shall be an independent advi-
16 sory committee which shall provide advice and counsel to
17 the congressional veterans committees and to the Sec-
18 retary of Veterans Affairs (as the head of the department
19 designated under subsection (a) that established the Com-
20 mittee under paragraph (1)).

21 “(B) In carrying out the functions, powers, and du-
22 ties of the Committee, the Committee shall be independent
23 of the Secretary of Veterans Affairs. The Committee shall
24 exert independent control of the budget allocations, staff-
25 ing levels and expenditures, personnel decisions and proc-
26 esses, procurements, and other administrative and man-

1 agement functions of the Committee. The administration
2 and management of the Committee shall be subject to the
3 usual and customary Federal audit procedures.

4 “(3) DUTIES.—(A) The Committee shall provide to
5 Congress, the Secretary of Veterans Affairs, and the heads
6 of other departments and agencies of the Federal Govern-
7 ment that conduct research on illnesses in Gulf War vet-
8 erans advice with respect to proposed research studies, re-
9 search plans, or research strategies relating to the health
10 consequences of military service in the Southwest Asia
11 theater of operations during the Gulf War.

12 “(B) The Committee may not conduct scientific re-
13 search or review research proposals submitted to the Sec-
14 retary of Veterans Affairs prior to funding. The Secretary
15 shall appoint three members from the Committee who
16 have appropriate scientific expertise to the committee des-
17 igned to review such research proposals relating to ill-
18 nesses in Gulf War veterans.

19 “(C) The guiding principle for the Committee shall
20 be the premise that the fundamental goal of Gulf War
21 health-related research, either basic or applied, conducted
22 by the Federal Government is to ultimately improve the
23 health of ill Gulf War veterans, and that the choice and
24 success of research efforts shall be judged accordingly.
25 The Committee shall assess the overall effectiveness of

1 such research conducted by the Federal Government to
2 answer central questions on the nature, causes, and treat-
3 ments for health consequences of military service in the
4 Southwest Asia theater of operations during the Gulf War.

5 “(D) The Committee shall meet in public session to
6 review research funded by the Department of Veterans Af-
7 fairs relevant to understanding and treating the health
8 consequences of military service in the Gulf War, and the
9 processes conducted to solicit, review, and select such
10 funded research to assess methods, results, and implica-
11 tions of such research. The Committee may review re-
12 search plans, initiatives, and activities from other depart-
13 ments and agencies of the Federal Government supporting
14 research relating to the health consequences of military
15 service in the Southwest Asia theater of operations during
16 the Gulf War.

17 “(4) REPORTS AND RECOMMENDATIONS.—(A) Not
18 later than December 1 of each year, the Committee shall
19 submit to the congressional veterans committees and the
20 Secretary of Veterans Affairs an annual report summa-
21 rizing the activities of the Committee during the period
22 covered by the report.

23 “(B) The Committee shall submit to the congres-
24 sional veterans committees, the Secretary of Veterans Af-
25 fairs, and the head of any other department or agency of

1 the Federal Government that conducts research on ill-
2 nesses in Gulf War veterans any other reports and rec-
3 ommendations of the Committee regarding Gulf War-re-
4 lated research.

5 “(C) Reports, recommendations, publications, and
6 other documents of the Committee shall not be subject to
7 review or approval by the Secretary of Veterans Affairs.

8 “(D) The Committee may submit to the Secretary of
9 Veterans Affairs proposed recommendations of the Com-
10 mittee for comment for a period not to exceed 30 days.

11 “(E) Each report submitted by the Committee shall
12 be approved by the Committee meeting in public session
13 prior to such submission.

14 “(5) MEMBERSHIP.—(A) The Committee shall be
15 composed of 12 members appointed as follows:

16 “(i) One member appointed jointly by the chair-
17 man of the congressional veterans committees, who
18 shall serve as chairman of the Committee.

19 “(ii) Two members appointed by the chairman
20 of the Committee on Veterans’ Affairs of the House
21 of Representatives.

22 “(iii) Two members appointed by the chairman
23 of the Committee on Veterans’ Affairs of the Senate.

1 “(iv) Two members appointed by the ranking
2 member of the Committee on Veterans’ Affairs of
3 the House of Representatives.

4 “(v) Two members appointed by the ranking
5 member of the Committee on Veterans’ Affairs of
6 the Senate.

7 “(vi) Three members appointed by the Sec-
8 retary of Veterans Affairs, of whom not less than
9 one shall be a veteran.

10 “(B)(i) The first 11 vacancies from among the mem-
11 bers of the Committee (not including a member serving
12 as chairman of the Committee) occurring on or after the
13 date of the enactment of the Gulf War Health Research
14 Reform Act of 2014 shall be filled by—

15 “(I) the chairman of the Committee on Vet-
16 erans’ Affairs of the House of Representatives ap-
17 pointing a member for the first and sixth vacancy;

18 “(II) the chairman of the Committee on Vet-
19 erans’ Affairs of the Senate appointing a member
20 for the second and seventh vacancy;

21 “(III) the ranking member of the Committee on
22 Veterans’ Affairs of the House of Representatives
23 appointing a member for the third and eighth va-
24 cancy;

1 “(IV) the ranking member of the Committee on
2 Veterans’ Affairs of the Senate appointing a member
3 for the fourth and ninth vacancy; and

4 “(V) the Secretary of Veterans Affairs appoint-
5 ing a member for the fifth, tenth, and eleventh va-
6 cancy.

7 “(ii) A vacancy in the Committee of a member serv-
8 ing as chairman shall be filled jointly by the chairmen of
9 the congressional veterans committees.

10 “(iii) Except as provided by clause (i) or (ii), a va-
11 cancy in the Committee of a member shall be filled in the
12 manner in which the appointment of such member was
13 made. A member appointed to fill a vacancy occurring be-
14 fore the expiration of the term for which the member’s
15 predecessor was appointed shall be appointed only for the
16 remainder of that term.

17 “(C) Of the members of the Committee who are ap-
18 pointed on or after the date of the enactment of the Gulf
19 War Health Research Reform Act of 2014—

20 “(i) not fewer than three members shall be vet-
21 erans;

22 “(ii) not fewer than eight members shall be sci-
23 entists or physicians who have experience in bio-
24 medicine, epidemiology, immunology, environmental

1 health, neurology, toxicology, or other appropriate
2 disciplines; and

3 “(iii) the chairman shall be a veteran or an ex-
4 pert described in clause (ii), or both.

5 “(D) Each member of the Committee who is ap-
6 pointed on or after the date of the enactment of the Gulf
7 War Health Research Reform Act of 2014 shall be ap-
8 pointed for a three-year term. Except as provided by sec-
9 tion 2(c)(3) of such Act, a member may be reappointed
10 once (not including the initial appointment of a member
11 made before the date of the enactment of such Act).

12 “(6) MEETINGS.—(A) The Committee shall meet at
13 the call of the chairman, but not less than twice annually.

14 “(B) A majority of the members of the Committee
15 shall constitute a quorum, but a lesser number of members
16 may hold hearings.

17 “(C)(i) The Secretary of Veterans Affairs, the head
18 of the Office of Research and Development of the Depart-
19 ment of Veterans Affairs, and the head of the Office of
20 Public Health of the Department shall attend each meet-
21 ing of the Committee.

22 “(ii) The Secretary of Veterans Affairs may delegate
23 the attendance of the Secretary under clause (i) to a level
24 not below the Deputy Under Secretary for Health of the
25 Department of Veterans Affairs, but the Secretary shall

1 attend at least one meeting each year without making such
2 delegation.

3 “(D) Each meeting of the Committee shall be open
4 to the public.

5 “(7) COMPENSATION AND STAFF.—(A) Except with
6 respect to a member who serves a scientific director under
7 subparagraph (C)(ii) and is treated as staff for purposes
8 of compensation, each member of the Committee shall be
9 paid at the daily rate provided for temporary and intermit-
10 tent services under section 3109(b) of title 5, United
11 States Code, for each day during which the member at-
12 tends meetings of the Committee.

13 “(B) The members of the Committee shall be allowed
14 travel expenses, including per diem in lieu of subsistence,
15 at rates authorized for employees of agencies under sub-
16 chapter I of chapter 57 of title 5, United States Code,
17 while away from their homes or regular places of business
18 in the performance of service of the Committee.

19 “(C)(i) The chairman of the Committee may appoint
20 a staff of not more than four employees to provide the
21 Committee scientific and administrative support. Such
22 employees may be—

23 “(I) detailees of the Department of Veterans
24 Affairs or other departments or agencies of the Fed-
25 eral Government;

1 “(II) individuals employed as temporary em-
2 ployees of the Federal Government; or

3 “(III) at the request of the chairman of the
4 Committee, provided under a contract entered into
5 by the Secretary of Veterans Affairs and a medical
6 school or other medical research institution selected
7 by the chairman of the Committee.

8 “(ii) The chairman of the Committee may appoint,
9 from the members of the Committee, a scientific director
10 to supervise the operations of the Committee. Such direc-
11 tor shall count as one of the four employees authorized
12 under clause (i).

13 “(iii) At the request of the chairman of the Com-
14 mittee, the Secretary of Veterans Affairs shall procure
15 services from nongovernmental consultants to assist the
16 Committee in preparing reports, background papers, and
17 other material for consideration by the Committee. Such
18 services may be procured under the contract described in
19 clause (i)(III).

20 “(8) APPLICATION OF FEDERAL ADVISORY COM-
21 MITTEE ACT.—(A) Except as otherwise provided by this
22 subsection, the Committee shall be subject to the Federal
23 Advisory Committee Act (5 U.S.C. App.).

24 “(B) The Secretary of Veterans Affairs shall consult
25 with the chairman of the congressional veterans commit-

1 tees in designating an officer or employee of the Depart-
2 ment under section 10 of the Federal Advisory Committee
3 Act (5 U.S.C. App.).

4 “(C) Notwithstanding such section 10, such des-
5 ignated officer or employee may not have authority—

6 “(i) over the agenda or conduct of a meeting;

7 “(ii) to adjourn a meeting of the Committee; or

8 “(iii) to take any other action that is incon-
9 sistent with the independence of the Committee
10 under paragraph (2).

11 “(9) FUNDING.—Amounts for the activities of the
12 Committee shall be derived from amounts appropriated to
13 the Department of Veterans Affairs for purposes of this
14 subsection.

15 “(10) TERMINATION.—(A) Except as provided by
16 subparagraph (B), the Committee shall terminate on the
17 date that is two years after the date on which the Com-
18 mittee submits to the congressional veterans committees,
19 the Secretary of Defense, and the Secretary of Veterans
20 Affairs a report (signed by not less than nine concurring
21 members) explaining that each Secretary is carrying out
22 an effective research program relating to the health con-
23 sequences of military service in the Southwest Asia theater
24 of operations during the Gulf War.

1 “(B) If during the two-year period described in sub-
2 paragraph (A) the Committee notifies the congressional
3 veterans committees, the Secretary of Defense, and the
4 Secretary of Veterans Affairs that the information con-
5 tained in the report submitted under subparagraph (A)
6 is no longer applicable, the two-year period shall toll until
7 the date on which the Committee submits a new report
8 described in subparagraph (A).”.

9 (b) DEFINITIONS; REDESIGNATION; CONFORMING
10 AMENDMENTS.—

11 (1) DEFINITIONS.—Such section 707 is further
12 amended by adding at the end the following new
13 subsection:

14 “(f) DEFINITIONS.—In this section:

15 “(1) The term ‘congressional veterans commit-
16 tees’ means the Committees on Veterans’ Affairs of
17 the House of Representatives and the Senate.

18 “(2) The term ‘Gulf War’ means the Southwest
19 Asia theater of operations from August 2, 1990, to
20 July 31, 1991.

21 “(3) The term ‘Gulf War veteran’ means an in-
22 dividual who served as a member of the Armed
23 Forces in the Gulf War.”.

1 (2) REDESIGNATION.—Subsection (a) of such
2 section 707 is amended by striking “, and may re-
3 designate from time to time,”.

4 (3) CONFORMING AMENDMENTS.—Such section
5 707 is further amended—

6 (A) in paragraph (1) of subsection (b), as
7 designated by subsection (a)(1) and amended
8 by paragraph (2)—

9 (i) by inserting “(in this subsection
10 referred to as the ‘Committee’)” after “an
11 advisory committee”; and

12 (ii) by striking “and representatives of
13 such veterans” and inserting “representa-
14 tives of such veterans, and individuals
15 from the scientific and medical commu-
16 nity”;

17 (B) by striking “Persian Gulf theater of
18 operations during the Persian Gulf War” each
19 place it appears and inserting “Gulf War”;

20 (C) by striking “Persian Gulf War vet-
21 erans” each place it appears and inserting
22 “Gulf War veterans”; and

23 (D) by striking “during the Persian Gulf
24 War” each place it appears and inserting “dur-
25 ing the Gulf War”.

1 (c) MEMBERS CURRENTLY SERVING.—

2 (1) MEMBERSHIP.—Notwithstanding paragraph
3 (5)(A) of subsection (b) of such section 707, as
4 amended by subsection (a)(2), the chairmen and
5 ranking members of the congressional veterans com-
6 mittees shall jointly designate 10 members of the
7 Research Advisory Committee on Gulf War Vet-
8 erans' Illnesses established pursuant to such sub-
9 section (b) who are serving as members as of the
10 date of the enactment of this Act to continue to
11 serve as members for periods determined pursuant
12 to paragraph (2) rather than for the term for which
13 the members were appointed before such date of en-
14 actment.

15 (2) PERIOD OF SERVICE.—The chairmen and
16 ranking members of the congressional veterans com-
17 mittees shall jointly determine the period of service
18 of each member specified in paragraph (1) in a man-
19 ner that staggers the periods of such members in pe-
20 riods of one, two, or three years beginning on the
21 date of the enactment of this Act. In determining
22 such staggered periods, the chairmen and ranking
23 members shall take into account the order of filling
24 vacancies pursuant to subsection (b)(5)(B) of such
25 section 707, as amended by subsection (a)(2). Any

1 vacancies occurring of such members shall be filled
2 in accordance with such subsection.

3 (3) NEW MEMBERS.—Upon designating mem-
4 bers under paragraph (1), the chairmen of the con-
5 gressional veterans committees shall each appoint
6 one additional member to the committee from among
7 individuals who have not served on the Research Ad-
8 visory Committee on Gulf War Veterans' Illnesses.
9 Such appointments shall be treated as the first and
10 second vacancies described in subclauses (I) and (II)
11 of subsection (b)(5)(B)(i) of such section 707, as
12 amended by subsection (a)(2), respectively.

13 (4) REAPPOINTMENT.—A member of the Com-
14 mittee specified in paragraph (1) who has served
15 more than three years may not be reappointed after
16 the period for the member specified in paragraph (2)
17 expires.

18 **SEC. 3. RESEARCH CASE DEFINITION OF GULF WAR ILL-**
19 **NESS.**

20 (a) STANDARD DEFINITION.—Except as provided by
21 subsection (b), the Secretary of Veterans Affairs shall en-
22 sure that any research conducted or funded by the Sec-
23 retary on the chronic multisymptom illness that afflicts
24 approximately 25 percent of Gulf War veterans—

1 (1) refers to the illness as “Gulf War Illness”;
2 and

3 (2) uses the research case definition of such ill-
4 ness that is recommended from time to time by the
5 Research Advisory Committee on Gulf War Vet-
6 erans’ Illnesses established by section 707 of the
7 Veterans Health Care Act of 1992 (Public Law
8 102–585; 38 U.S.C. 527 note).

9 (b) ALTERNATIVE DEFINITION.—During any period
10 in which the Research Advisory Committee on Gulf War
11 Veterans’ Illnesses has not recommended a research case
12 definition for Gulf War Illness, the Secretary of Veterans
13 Affairs shall ensure that any research on such illness con-
14 ducted or funded by the Secretary uses a research case
15 definition that is consistent with the definition of the term
16 “chronic multisymptom illness in Persian Gulf War vet-
17 erans” provided by section 805(e) of the Veterans’ Bene-
18 fits Act of 2010 (Public Law 111–275; 124 Stat. 2890).

19 (c) ADVICE.—The Research Advisory Committee on
20 Gulf War Veterans’ Illnesses shall submit to the Secretary
21 of Defense advice regarding the best type of organization
22 and process for the Gulf War Illness Research Program
23 of the Congressionally Directed Medical Research Pro-
24 gram to use to develop a research case definition of “Gulf
25 War Illness”.

1 **SEC. 4. STUDIES AND REPORTS ON GULF WAR ILLNESS.**

2 (a) CONDUCT OF NEW STUDIES.—

3 (1) EVALUATION OF ANIMAL STUDIES.—In con-
4 ducting or funding any study relating to illnesses of
5 Gulf War veterans on or after the date of the enact-
6 ment of this Act, the Secretary of Veterans Affairs
7 shall ensure that such study is conducted in a man-
8 ner such that animal studies are considered to the
9 same extent in all respects as human studies.

10 (2) SUFFICIENT EVIDENCE OF ASSOCIATION.—

11 In conducting or funding any study relating to ill-
12 nesses of Gulf War veterans, or other health matters
13 of veterans, on or after the date of the enactment
14 of this Act, the Institute of Medicine of the National
15 Academies shall ensure that such study is conducted
16 in a manner that defines “sufficient evidence of an
17 association” in the “categories of association” used
18 in the study as the following: “Evidence is sufficient
19 to conclude that there is a positive association. That
20 is, a positive association has been observed between
21 an exposure to a specific agent and a health outcome
22 in human or animal studies in which chance, bias,
23 and confounding could be ruled out with reasonable
24 confidence.”.

25 (b) SENSE OF CONGRESS ON NATIONAL COHORT
26 STUDY.—It is the sense of Congress that the Secretary

1 of Veterans Affairs should conduct an additional follow-
2 up study of a national cohort of Gulf War and Gulf-War-
3 Era veterans that includes questions described in the
4 “Symptom Inventory Required to Ascertain Case Status
5 for Gulf War Multisymptom Illness, as Defined by both
6 the Fukuda and Kansas criteria” published by the Re-
7 search Advisory Committee on Gulf War Veterans’ Ill-
8 nesses on June 9, 2012, in appendix F of the document
9 titled “Research Advisory Committee on Gulf War Vet-
10 erans’ Illnesses Findings and Recommendations”.

11 (c) SENSE OF CONGRESS ON STUDY ON RISK OF DE-
12 VELOPING MULTIPLE SCLEROSIS, MULTIPLE SCLEROSIS,
13 PARKINSON’S DISEASE, BRAIN CANCERS, AND OTHER
14 CONDITIONS.—It is the sense of Congress that the Sec-
15 retary of Veterans Affairs should submit to the congres-
16 sional veterans committees each report required by section
17 804 of the Veterans’ Benefits Improvement Act of 2008
18 (Public Law 110–389; 122 Stat. 4187).

19 (d) SENSE OF CONGRESS ON PREVIOUSLY CON-
20 DUCTED STUDIES.—It is the sense of Congress that the
21 Secretary of Veterans Affairs should—

22 (1) seek to enter into an agreement with the In-
23 stitute of Medicine of the National Academies to
24 carry out the review described in section 805 of the
25 Veterans’ Benefits Act of 2010 (Public Law 111–

1 275; 124 Stat. 2890), regardless of any previous re-
2 view conducted under such section, in a manner that
3 ensures that the Institute of Medicine convenes to
4 conduct the review a group of medical professionals
5 who are experienced in treating individuals who
6 served as members of the Armed Forces in the
7 Southwest Asia Theater of Operations of the Persian
8 Gulf War during 1990 or 1991 and who have been
9 diagnosed with Gulf War illness, chronic multisymp-
10 tom illness, or another health condition related to
11 chemical and environmental exposure that may have
12 occurred during such service;

13 (2) seek to enter into an agreement with the In-
14 stitute of Medicine to carry out the review described
15 in section 1603 of the Persian Gulf War Veterans
16 Act of 1998 (Public Law 105–277; 38 U.S.C. 1117
17 note), regardless of any previous review conducted
18 under such section, addressing the matters originally
19 reviewed by the Institute of Medicine in the reports
20 titled “Gulf War and Health: Volume 1. Depleted
21 Uranium, Sarin, Pyridostigmine Bromide, and Vac-
22 cines”, “Gulf War and Health: Volume 2. Insecti-
23 cides and Solvents”, and “Gulf War and Health:
24 Volume 3. Fuels, Combustion Products, and Propel-
25 lants”; and

1 (3) not disseminate or use for research, clinical
2 care, benefits, or any other purpose the results of
3 the report of the Institute of Medicine titled “Gulf
4 War and Health Report: Volume 9. Treatment for
5 Chronic Multisymptom Illness”.

6 (e) SENSE OF CONGRESS ON CONSULTATION.—It is
7 the sense of Congress that the Secretary of Veterans Af-
8 fairs should, prior to entering into a contract or agreement
9 with the Institute of Medicine of the National Academies
10 with respect to research or studies on the health of Gulf
11 War veterans, obtain the advice of the Research Advisory
12 Committee on Gulf War Veterans’ Illnesses established by
13 section 707 of the Veterans Health Care Act of 1992
14 (Public Law 102–585; 38 U.S.C. 527 note) regarding the
15 scope of work and the charge to be given to the Institute
16 of Medicine.

17 (f) SENSE OF CONGRESS ON INCLUSION OF CERTAIN
18 PROFESSIONALS IN SCIENTIFIC OR MEDICAL GROUPS.—
19 It is the sense of Congress that, in any contract requiring
20 the Institute of Medicine of the National Academies to
21 convene a committee to study the health of Gulf War vet-
22 erans, the Secretary of Veterans Affairs should ensure
23 that any such committee convened should contain not less
24 than three members of the Research Advisory Committee
25 on Gulf War Veterans’ Illnesses established by section 707

1 of the Veterans Health Care Act of 1992 (Public Law
2 102–585; 38 U.S.C. 527 note).

3 (g) SENSE OF CONGRESS ON NOTIFICATION OF
4 UNDUE INFLUENCE.—It is the sense of Congress that the
5 Secretary of Veterans Affairs should promptly notify the
6 congressional veterans committees of any employee or con-
7 tractor of the Federal Government whom the Secretary
8 believes influenced, or attempted to influence, the outcome
9 of a report or study on the health of Gulf War veterans
10 conducted by the Department of Veterans Affairs or the
11 Institute of Medicine of the National Academies if such
12 influence was not related to a scientifically objective out-
13 come.

14 **SEC. 5. DEFINITIONS.**

15 In this Act:

16 (1) The term “congressional veterans commit-
17 tees” means the Committees on Veterans’ Affairs of
18 the House of Representatives and the Senate.

19 (2) The term “Gulf War” means the Southwest
20 Asia theater of operations from August 2, 1990, to
21 July 31, 1991.

1 (3) The term “Gulf War veteran” means an in-
2 dividual who served as a member of the Armed
3 Forces in the Gulf War.

Passed the House of Representatives May 28, 2014.

Attest:

KAREN L. HAAS,

Clerk.