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THE DEPUTY SECRETARY OF VETERANS AFFAIRS
WASHINGTON

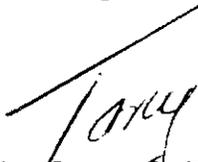
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January 22, 1991

NOTE FOR ADMIRAL E. R. ZUMWALT

Per our conversation enclosed is a copy of the compromise reached on Agent Orange legislation. It is my understanding that all of the principals have signed off on the bill and that the House will take it up next Tuesday. I believe that the proposal represents a reasonable compromise; however the legislation does vest enormous responsibility in the National Academy of Scientists. If you need any further information on this measure please give me a call.

Admiral on a separate matter, at some point in the near future I would like to ask your advice on a personal matter. I am being encouraged by a few senators and colleagues to make a run for the open senate seat being vacated by Senator Cranston. I am a resident of California and my family including wife and children currently reside in San Diego. Although I have never run for a political office I feel strongly enough about the direction the country is taking, the need for more members of Congress who have the courage to look beyond the next election and the diminishing number of young moderate Republicans who understand the horrors of war and the human tragedies that befall those in the aftermath of war to make the sacrifice and seek the office. The decision to run is perhaps the hardest part of such a noble venture and I therefore must reach out and seek the counsel of people I respect. Your thoughts would be greatly appreciated.


Anthony J. Principi

102D CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, 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 assem-*
3 *bled,*

4 SECTION 1. SHORT TITLE.

5 This Act may be cited as the "Agent Orange Act of
6 1991".

1 SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES
2 ASSOCIATED WITH EFFECTS OF EXPOSURE TO
3 CERTAIN HERBICIDE AGENTS.

4 (a) IN GENERAL.—(1) Chapter 11 of title 38, United
5 States Code, is amended by adding at the end of subchap-
6 ter II the following new section:

7 “§316. Presumptions of service connection for diseases associat-
8 ed with effects of exposure to certain herbicide
9 agents

10 “(a)(1) For the purposes of section 310 of this title,
11 and subject to section 313 of this title—

12 “(A) a disease specified in paragraph (2) of this
13 subsection becoming manifest as specified in that
14 paragraph in a veteran who, during active military,
15 naval, or air service, served in the Republic of Viet-
16 nam during the Vietnam era; and

17 “(B) each additional disease (if any) that (1)
18 the Secretary determines in regulations prescribed
19 under this section warrants a presumption of service-
20 connection by reason of having positive association
21 with exposure to an herbicide agent, and (2) be-
22 comes manifest within the period (if any) prescribed
23 in such regulations in a veteran who, during active
24 military, naval, or air service, served in the Republic
25 of Vietnam during the Vietnam era and while so
26 serving was exposed to that herbicide agent,

1 shall be considered to have been incurred in or aggravated
2 by such service, notwithstanding that there is no record of
3 evidence of such disease during the period of such service.

4 “(2) The diseases referred to in paragraph (1)(A) of
5 this subsection are the following:

6 “(A) Non-Hodgkin’s lymphoma becoming
7 manifest to a degree of disability of 10 percent or
8 more.

9 “(B) Each soft-tissue sarcoma becoming mani-
10 fest to a degree of disability of 10 percent or more
11 other than osteosarcoma, chondrosarcoma, Kaposi’s
12 sarcoma, or mesothelioma.

13 “(C) Chloracne or another acneform disease
14 consistent with chloracne becoming manifest to a
15 degree of disability of 10 percent or more within one
16 year after the last date on which the veteran per-
17 formed active military, naval, or air service in the
18 Republic of Vietnam during the Vietnam era.

19 “(3) For the purposes of this subsection, a veteran
20 who, during active military, naval, or air service, served in
21 the Republic of Vietnam during the Vietnam era and has a
22 disease referred to in paragraph (1)(B) of this subsection
23 shall be presumed to have been exposed during such serv-
24 ice to an herbicide agent containing dioxin or 2,4-dichloro-
25 phenoxyacetic acid, and may be presumed to have been

1 exposed during such service to any other chemical com-
2 pound in an herbicide agent, unless there is affirmative
3 evidence to establish that the veteran was not exposed to
4 any such agent during that service.

5 “(4) For purposes of this section, the term ‘herbicide
6 agent’ means a chemical in an herbicide used in support of
7 the United States and allied military operations in the Re-
8 public of Vietnam during the Vietnam era.

9 “(b)(1) Whenever the Secretary determines, on the
10 basis of sound medical and scientific evidence, that a posi-
11 tive association exists between (A) the exposure of humans
12 to an herbicide agent, and (B) the occurrence of a disease
13 in humans, the Secretary shall prescribe regulations pro-
14 viding that a presumption of service connection is warrant-
15 ed for that disease for the purposes of this section.

16 “(2) In making determinations for the purpose of this
17 subsection, the Secretary shall take into account (A) re-
18 ports received by the Secretary from the National Acade-
19 my of Sciences, and (B) all other sound medical and scien-
20 tific information and analyses available to the Secretary. In
21 evaluating any study for the purpose of making such deter-
22 minations, the Secretary shall take into consideration
23 whether the results are statistically significant, are capable
24 of replication, and withstand peer review.

1 “(3) An association between the occurrence of a dis-
2 ease in humans and exposure to an herbicide agent in Viet-
3 nam shall be considered to be positive for the purposes of
4 this section if the credible evidence for the association is
5 equal to or outweighs the credible evidence against the as-
6 sociation.

7 “(c)(1)(A) Not later than 60 days after the date on
8 which the Secretary receives a report from the National
9 Academy of Sciences under this section, the Secretary
10 shall determine whether a presumption of service connec-
11 tion is warranted for each disease covered by the report. If
12 the Secretary determines that such a presumption is war-
13 ranted, the Secretary, not later than 60 days after making
14 the determination, shall issue proposed regulations setting
15 forth the Secretary’s determination.

16 “(B) If the Secretary determines that a presumption
17 of service connection is not warranted, the Secretary, not
18 later than 60 days after making the determination, shall
19 publish in the Federal Register a notice of that determina-
20 tion. The notice shall include an explanation of the scien-
21 tific basis for that determination. If the disease already is
22 included in regulations providing for a presumption of
23 service connection, the Secretary, not later than 60 days
24 after publication of the notice of a determination that the

1 presumption is not warranted, shall issue proposed regula-
2 tions removing the presumption for the disease.

3 “(2) Not later than 90 days after the date on which
4 the Secretary issues any proposed regulations under this
5 subsection, the Secretary shall issue final regulations. Such
6 regulations shall be effective on the date of issuance.

7 “(d) Whenever a disease is removed from regulations
8 prescribed under this section—

9 “(1) a veteran who was awarded compensation
10 for such disease on the basis of the presumption pro-
11 vided in subsection (a) before the effective date of
12 the removal shall continue to be entitled to receive
13 compensation on that basis; and

14 “(2) a survivor of a veteran who was awarded
15 dependency and indemnity compensation for the
16 death of a veteran resulting from such disease on the
17 basis of such presumption shall continue to be enti-
18 tled to receive dependency and indemnity compensa-
19 tion on such basis.

20 “(e) Subsections (b) through (d) shall cease to be ef-
21 fective 10 years after the first day of the fiscal year in
22 which the National Academy of Sciences transmits to the
23 Secretary the first report under section 3 of the Agent
24 Orange Act of 1991.”.

1 (2) The table of sections at the beginning of such
2 chapter is amended by inserting after the item relating to
3 section 315 the following new item:

 "316. Presumptions of service connection for diseases associated with effects of
 exposure to certain herbicide agents."

4 (b) CONFORMING AMENDMENT.—Section 313 of title
5 38, United States Code, is amended by inserting "or 316"
6 after "section 312" each place it appears.

7 SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

8 (a) PURPOSE.—The purpose of this section is to pro-
9 vide for the National Academy of Sciences, an independ-
10 ent nonprofit scientific organization with appropriate ex-
11 pertise which is not part of the Federal Government, to
12 review and evaluate the available scientific evidence re-
13 garding associations between diseases and exposure to
14 dioxin and other chemical compounds in herbicides.

15 (b) AGREEMENT.—The Secretary shall seek to enter
16 into an agreement with the National Academy of Sciences
17 for the Academy to perform the services covered by this
18 section. The Secretary shall seek to enter into such agree-
19 ment not later than two months after the date of the enact-
20 ment of this Act.

21 (c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an
22 agreement between the Secretary and the National Acade-
23 my of Sciences under this section, the Academy shall
24 review and summarize the scientific evidence, and assess

1 the strength thereof, concerning the association between
2 exposure to an herbicide used in support of the United
3 States and allied military operations in the Republic of
4 Vietnam during the Vietnam era and each disease suspect-
5 ed to be associated with such exposure.

6 (d) SCIENTIFIC DETERMINATIONS CONCERNING DIS-
7 EASES.—(1) For each disease reviewed, the Academy shall
8 determine (to the extent that available scientific data
9 permit meaningful determinations)—

10 (A) whether a statistical association with herbi-
11 cide exposure exists, taking into account the strength
12 of the scientific evidence and the appropriateness of
13 the statistical and epidemiological methods used to
14 detect the association;

15 (B) the increased risk of the disease among
16 those exposed to herbicides during service in the Re-
17 public of Vietnam during the Vietnam era; and

18 (C) whether there exists a plausible biological
19 mechanism or other evidence of a causal relationship
20 between herbicide exposure and the disease.

21 (2) The Academy shall include in its reports under
22 subsection (f) a full discussion of the scientific evidence
23 and reasoning that led to its conclusions under this subsec-
24 tion.

1 (e) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC
2 STUDIES.—The Academy shall make any recommendations
3 it has for additional scientific studies to resolve areas of
4 continuing scientific uncertainty relating to herbicide expo-
5 sure. In making recommendations for further study, the
6 Academy shall consider the scientific information that is
7 currently available, the value and relevance of the informa-
8 tion that could result from additional studies, and the cost
9 and feasibility of carrying out such additional studies.

10 (f) SUBSEQUENT REVIEWS.—An agreement under sub-
11 section (a) shall require the National Academy of Sci-
12 ences—

13 (1) to conduct as comprehensive a review as is
14 practicable of the evidence referred to in subsection
15 (b) that became available since the last review of
16 such evidence under this section; and

17 (2) make its determinations and estimates on the
18 basis of the results of such review and all other re-
19 views conducted for the purposes of this section.

20 (g) REPORTS.—(1) The agreement between the Secre-
21 tary and the National Academy of Sciences shall require
22 the Academy to transmit to the Secretary and the Commit-
23 tees on Veterans' Affairs of the Senate and House of Rep-
24 resentatives periodic written reports regarding the Acade-
25 my's activities under the agreement. Such reports shall be

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1 submitted at least once every two years (as measured from
2 the date of the first report).

3 (2) The first report under this subsection shall be
4 transmitted not later than the end of the 18-month period
5 beginning on the date of the enactment of this Act. That
6 report shall include (A) the determinations and discussion
7 referred to in subsection (d), (B) any recommendations of
8 the Academy under subsection (e), and (C) the recommen-
9 dation of the Academy as to whether the provisions of
10 each of sections 6 through 9 should be implemented by the
11 Secretary. In making its recommendation with respect to
12 each such section, the Academy shall consider the scientif-
13 ic information that is currently available, the value and rel-
14 evance of the information that could result from imple-
15 menting that section, and the cost and feasibility of imple-
16 menting that section. If the Academy recommends that the
17 provisions of section 6 should be implemented, the Acade-
18 my shall also recommend the means by which clinical data
19 referred to in that section could be maintained in the most
20 scientifically useful way.

21 (h) LIMITATION ON AUTHORITY.—The authority to
22 enter into agreements under this section shall be effective
23 for a fiscal year to the extent that appropriations are avail-
24 able.

1 (i) SUNSET.—This section shall cease to be effective
2 10 years after the last day of the fiscal year in which the
3 National Academy of Sciences transmits to the Secretary
4 the first report under subsection (g).

5 (j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-
6 TION.—If the Secretary is unable within the time period
7 prescribed in subsection (a) to enter into an agreement
8 with the National Academy of Sciences for the purposes of
9 this section on terms acceptable to the Secretary, the Sec-
10 retary shall seek to enter into an agreement for the pur-
11 poses of this section with another appropriate scientific or-
12 ganization that is not part of the Government and operates
13 as a not-for-profit entity and that has expertise and objec-
14 tivity comparable to that of the National Academy of Sci-
15 ences. If the Secretary enters into such an agreement with
16 another organization, then any reference in this section and
17 in section 316 of title 38, United States Code (as added by
18 section 2), to the National Academy of Sciences shall be
19 treated as a reference to the other organization.

20 SEC. 4. OUTREACH SERVICES.

21 Section 1204(a) of the Veterans' Benefits Improve-
22 ment Act of 1988 (division B of Public Law 100-687; 102
23 Stat. 4125) is amended—

24 (1) in clause (1), by striking out “, as such in-
25 formation on health risks becomes known”;

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1 (2) by redesignating clauses (1) and (2) as
2 clauses (A) and (B), respectively;

3 (3) by inserting "(1)" after "PROGRAM.—";
4 and

5 (4) by adding at the end the following new
6 paragraph:

7 "(2) The Secretary of Veterans Affairs shall annually
8 furnish updated information on health risks described in
9 paragraph (1)(A) to veterans referred to in paragraph (1)."

10 SEC. 5. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EX-
11 POSURE TO AGENT ORANGE OR IONIZING RADI-
12 ATION.

13 Section 610(e)(3) of title 38, United States Code, is
14 amended by striking out "December 31, 1990" and insert-
15 ing in lieu thereof "December 31, 1993".

16 SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF VETER-
17 ANS FOR DISABILITIES RELATED TO EXPOSURE TO
18 CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

19 (a) IN GENERAL.—Subject to subsections (d) and (e),
20 the Secretary of Veterans Affairs shall compile and ana-
21 lyze, on a continuing basis, all clinical data that (1) is ob-
22 tained by the Department of Veterans Affairs in connec-
23 tion with examinations and treatment furnished to veterans
24 by the Department after November 3, 1981, by reason of
25 eligibility provided in section 610(e)(1)(A) of title 38,

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1 United States Code, and (2) is likely to be scientifically
2 useful in determining the association, if any, between the
3 disabilities of veterans referred to in such section and ex-
4 posure to dioxin or any other toxic substance referred to in
5 such section or between such disabilities and active mili-
6 tary, naval, or air service in the Republic of Vietnam
7 during the Vietnam era.

8 (b) ANNUAL REPORT.—The Secretary shall submit to
9 the Committees on Veterans' Affairs of the Senate and the
10 House of Representatives an annual report containing—

11 (1) the information compiled in accordance with
12 subsection (a);

13 (2) the Secretary's analysis of such information;

14 (3) a discussion of the types and incidences of
15 disabilities identified by the Department of Veterans
16 Affairs in the case of veterans referred to in subsec-
17 tion (a);

18 (4) the Secretary's explanation for the incidence
19 of such disabilities;

20 (5) other explanations for the incidence of such
21 disabilities considered reasonable by the Secretary;
22 and

23 (6) the Secretary's views on the scientific valid-
24 ity of drawing conclusions from the incidence of
25 such disabilities, as evidenced by the data compiled

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1 under subsection (a), about any association between
2 such disabilities and exposure to dioxin or any other
3 toxic substance referred to in section 610(e)(1)(A) of
4 title 38, United States Code, or between such disabili-
5 ties and active military, naval, or air service, in the
6 Republic of Vietnam during the Vietnam era.

7 (c) FIRST REPORT.—The first report under subsection
8 (b) shall be submitted not later than one year after the ef-
9 fective date of this section.

10 (d) FUNDING.—The authority of the Secretary to carry
11 out this section is effective in any fiscal year only to the
12 extent or in the amount specifically provided in statutory
13 language in appropriations Acts.

14 (e) EFFECTIVE DATE.—(1) This section shall take
15 effect at the end of the 90-day period beginning on the date
16 on which the first report of the National Academy of Sci-
17 ences under section 3(f) is received by the Secretary,
18 except that this section shall not take effect if the Secre-
19 tary, after receiving that report and before the end of that
20 90-day period—

21 (A) determines that it is not feasible or cost-ef-
22 fective to carry out this section or that carrying out
23 this section would not make a material contribution
24 to the body of scientific knowledge concerning the
25 health effects in humans of herbicide exposure; and

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1 (B) notifies the Committees on Veterans' Af-
2 fairs of the Senate and House of Representatives of
3 the Secretary's determination and the reasons there-
4 for.

5 (2) In making a determination under this subsection,
6 the Secretary shall give great weight to the views and rec-
7 ommendations of the Academy expressed in that report
8 with respect to the implementation of this section.

9 SEC. 7. TISSUE ARCHIVING SYSTEM.

10 (a) ESTABLISHMENT OF SYSTEM.—Subject to subsec-
11 tions (e) and (f), for the purpose of facilitating future sci-
12 entific research on the effects of exposure of veterans to
13 dioxin and other toxic agents in herbicides used in support
14 of United States and allied military operations in Vietnam
15 during the Vietnam era, the Secretary of Veterans Affairs
16 shall establish and maintain a system for the collection and
17 storage of voluntarily contributed samples of blood and
18 tissue of veterans who performed active military, naval, or
19 air service in Vietnam during the Vietnam era.

20 (b) SECURITY OF SPECIMENS.—The Secretary shall
21 ensure that the tissue is collected and stored under phys-
22 ically secure conditions and that the tissue is maintained in
23 a condition that is useful for research referred to in subsec-
24 tion (a).

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1 (c) AUTHORIZED USE OF SPECIMENS.—The Secretary
2 may make blood and tissue available from the system for
3 research referred to in subsection (a). The Secretary shall
4 carry out this section in a manner consistent with the pri-
5 vacy rights and interests of the blood and tissue donors.

6 (d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The
7 Secretary may prescribe such limitations on the acceptance
8 and storage of blood and tissue samples as the Secretary
9 considers appropriate consistent with the purpose specified
10 in the first sentence of subsection (a).

11 (e) FUNDING.—The authority of the Secretary to carry
12 out this section is effective in any fiscal year only to the
13 extent or in the amount specifically provided in statutory
14 language in appropriations Acts.

15 (f) EFFECTIVE DATE.—(1) This section shall take
16 effect at the end of the 90-day period beginning on the date
17 on which the first report of the National Academy of Sci-
18 ences under section 3(f) is received by the Secretary,
19 except that this section shall not take effect if the Secre-
20 tary, after receiving that report and before the end of that
21 90-day period—

22 (A) determines that it is not feasible or cost-ef-
23 fective to carry out this section or that carrying out
24 this section would not make a material contribution

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1 to the body of scientific knowledge concerning the
2 health effects in humans of herbicide exposure; and
3 (B) notifies the Committees on Veterans' Af-
4 fairs of the Senate and House of Representatives of
5 the Secretary's determination and the reasons there-
6 for.

7 (2) In making a determination under this subsection,
8 the Secretary shall give great weight to the views and rec-
9 ommendations of the Academy expressed in that report
10 with respect to the implementation of this section.

11 SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

12 (a) ESTABLISHMENT OF PROGRAM.—Subject to subsec-
13 tions (e) and (f), the Secretary of Veterans Affairs shall
14 establish a program to provide for the conduct of studies of
15 the feasibility of conducting additional scientific research
16 on—

17 (1) health hazards resulting from exposure to
18 dioxin;

19 (2) health hazards resulting from exposure to
20 other toxic agents in herbicides used in support of
21 United States and allied military operations in Viet-
22 nam during the Vietnam era; and

23 (3) health hazards resulting from active military,
24 naval, or air service in Vietnam during the Vietnam
25 era.

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1 (b) PROGRAM REQUIREMENTS.—(1) Under the program
2 established pursuant to subsection (a), the Secretary shall,
3 pursuant to criteria prescribed pursuant to paragraph (2),
4 award contracts or furnish financial assistance to non-Gov-
5 ernment entities for the conduct of studies referred to in
6 subsection (a).

7 (2) The Secretary shall prescribe criteria for (A) the
8 selection of entities to be awarded contracts or to receive
9 financial assistance under the program, and (B) the approv-
10 al of studies to be conducted under such contracts or with
11 such financial assistance.

12 (c) REPORT.—The Secretary shall promptly report the
13 results of studies conducted under the program to the
14 Committees on Veterans' Affairs of the Senate and the
15 House of Representatives.

16 (d) CONSULTATION WITH THE NATIONAL ACADEMY OF
17 SCIENCES.—(1) To the extent provided under any agree-
18 ment entered into by the Secretary and the National Acad-
19 emy of Sciences under this Act—

20 (A) the Secretary shall consult with the Acade-
21 my regarding the establishment and administration of
22 the program under subsection (a); and

23 (B) the Academy shall review the studies con-
24 ducted under contracts awarded pursuant to the pro-

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1 gram and the studies conducted with financial assist-
2 ance furnished pursuant to the program.

3 (2) The agreement shall require the Academy to
4 submit to the Secretary and the Committees on Veterans'
5 Affairs of the Senate and the House of Representatives any
6 recommendations that the Academy considers appropriate
7 regarding any studies reviewed under the agreement.

8 (e) FUNDING.—The authority of the Secretary to carry
9 out this section is effective in any fiscal year only to the
10 extent or in the amount specifically provided in statutory
11 language in appropriations Acts.

12 (f) EFFECTIVE DATE.—(1) This section shall take
13 effect at the end of the six-month period beginning on the
14 date on which the first report of the National Academy of
15 Sciences under section 3(f) is received by the Secretary,
16 except that this section shall not take effect if the Secre-
17 tary, after receiving that report and before the end of that
18 six-month period—

19 (A) determines that it is not feasible or cost-ef-
20 fective to carry out this section or that carrying out
21 this section would not make a material contribution
22 to the body of scientific knowledge concerning the
23 health effects in humans of herbicide exposure; and

24 (B) notifies the Committees on Veterans' Af-
25 fairs of the Senate and House of Representatives of

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1 the Secretary's determination and the reasons there-
2 for.

3 (2) In making a determination under this subsection,
4 the Secretary shall give great weight to the views and rec-
5 ommendations of the Academy expressed in that report
6 with respect to the implementation of this section.

7 SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS.

8 (a) BLOOD TESTING.—Subject to subsections (d) and
9 (e), in the case of a veteran described in section
10 610(e)(1)(A) of title 38, United States Code, who—

11 (1) has applied for medical care from the De-
12 partment of Veterans Affairs; or
13 (2) has filed a claim for, or is in receipt of dis-
14 ability compensation under chapter 11 of title 38,
15 United States Code,

16 the Secretary of Veterans Affairs shall, upon the veteran's
17 request, obtain a sufficient amount of blood serum from
18 the veteran to enable the Secretary to conduct a test of the
19 serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-
20 p-dioxin (TCDD) which may be present in the veteran's
21 body.

22 (b) NOTIFICATION OF TEST RESULTS.—Upon comple-
23 tion of such test, the Secretary shall notify the veteran of
24 the test results and provide the veteran a complete explana-
25 tion as to what, if anything, the results of the test indicate

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1 regarding the likelihood of the veteran's exposure to
2 TCDD while serving in the Republic of Vietnam.

3 (c) INCORPORATION IN SYSTEM.—The Secretary shall
4 maintain the veteran's blood sample and the results of the
5 test as part of the system required by section 7.

6 (d) FUNDING.—The authority of the Secretary to carry
7 out this section is effective in any fiscal year only to the
8 extent or in the amount specifically provided in statutory
9 language in appropriations Acts, but such amount shall not
10 exceed \$4,000,000 in any fiscal year.

11 (e) EFFECTIVE DATE.—(1) This section shall take
12 effect at the end of the six-month period beginning on the
13 date on which the first report of the National Academy of
14 Sciences under section 3(f) is received by the Secretary,
15 except that this section shall not take effect if the Secre-
16 tary, after receiving that report and before the end of that
17 six-month period—

18 (A) determines that it is not feasible or cost-ef-
19 fective to carry out this section or that carrying out
20 this section would not make a material contribution
21 to the body of scientific knowledge concerning the
22 health effects in humans of herbicide exposure; and

23 (B) notifies the Committees on Veterans' Af-
24 fairs of the Senate and House of Representatives of

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1 the Secretary's determination and the reasons there-
2 for.

3 (2) In making a determination under this subsection,
4 the Secretary shall give great weight to the views and rec-
5 ommendations of the Academy expressed in that report
6 with respect to the implementation of this section.

7 SEC. 10. CONFORMING AMENDMENTS TO PUBLIC LAW 98-542.

8 (a) AMENDMENTS TO SECTION 2.—Section 2 of Public
9 Law 98-542 (38 U.S.C. 354 note) is amended by striking
10 out “that chloracne,” in paragraph (5) and all that follows
11 through “herbicides and”.

12 (b) AMENDMENTS TO SECTION 3.—Section 3 of such
13 Public Law is amended by striking out “during service in
14 the Armed Forces in the Republic of Vietnam to a herbi-
15 cide containing dioxin or”.

16 (c) AMENDMENTS TO SECTION 5.—Section 5 of such
17 Public Law is amended as follow:

18 (1) Subsection (a)(1) is amended by striking out
19 “during service—” and all that follows through “in
20 connection with” and inserting in lieu thereof
21 “during service in connection with”.

22 (2) Subsection (b) is amended—

23 (A) by striking out “of exposure to herbi-
24 cides containing dioxin or” in the first sentence
25 of paragraph (1)(A);

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1 (B) by striking out "evidence indicating—
2 " in paragraph (2)(B) and all that follows
3 through "(ii) a connection to" and inserting in
4 lieu thereof "evidence indicating a connection
5 to"; and

6 (C) in paragraph (3)—

7 (i) by striking out "herbicide or" in
8 subparagraph (A); and

9 (ii) by striking out "a herbicide con-
10 taining dioxin or" in subparagraph (B).

11 (d) AMENDMENTS TO SECTION 6.—Section 6 of such
12 Public Law is amended as follows:

13 (I) Subsection (a) is amended—

14 (A) in the matter preceding paragraph (1),
15 by striking out "fifteen members" and inserting
16 in lieu thereof "nine members";

17 (B) in paragraph (1)—

18 (i) by striking out "eleven individ-
19 uals" and inserting in lieu thereof "six in-
20 dividuals";

21 (ii) by striking out subparagraph (A);

22 (iii) by redesignating subparagraph (B)
23 as subparagraph (A); and

24 (iv) by redesignating subparagraph (C)
25 as subparagraph (B) and striking out "five

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1 individuals" in that subparagraph and in-
2 serting in lieu thereof "three individuals";
3 and

4 (C) in paragraph (2)—

5 (i) by striking out "four individuals"
6 and inserting in lieu thereof "three individ-
7 uals"; and

8 (ii) by striking out "or dioxin".

9 (2) Subsection (d) is amended—

10 (A) by striking out "eleven" in paragraph
11 (1) and inserting in lieu thereof "six"; and

12 (B) by striking out "be divided into" in
13 paragraph (2) and all that follows through "(B)
14 an eight-member panel with" and inserting in
15 lieu thereof "have".

16 (e) EFFECTIVE DATE.—(1) Except as provided in para-
17 graph (2), the amendments made by this section shall take
18 effect at the end of the six-month period beginning on the
19 date of the enactment of this Act.

20 (2)(A) If the Secretary of Veterans Affairs determines
21 before the end of such six-month period that the Environ-
22 mental Hazards Advisory Committee established under
23 section 6 of Public Law 98-542 (38 U.S.C. 354 note) has
24 completed its responsibilities under that section and the di-
25 rectives of the Secretary pursuant to the Nehmer case court

1 order, the amendments made by this section shall take
2 effect as of the date of such determination.

3 (B) For purposes of this paragraph, the term "Nehmer
4 case court order" means the court order dated May 2,
5 1989, in the case of Nehmer v. Department of Veterans
6 Affairs, in the United States district court for the northern
7 district of California (civil action docket number C-86-
8 6160 TEH).

9 (3) If the Secretary makes a determination under para-
10 graph (2), the Secretary shall promptly publish in the Fed-
11 eral Register a notice that such determination has been
12 made and that such amendments have thereby taken effect
13 as of the date of such determination.