

105TH CONGRESS  
2D SESSION

# H. R. 3279

To provide a scientific basis for the Secretary of Veterans Affairs to determine whether service connection for veterans of service during the Persian Gulf War should be presumed for certain diseases and disabilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1998

Mr. EVANS (for himself, Mr. MASCARA, Mr. GUTIERREZ, Mr. FILNER, Mr. BLAGOJEVICH, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. ORTIZ, Mr. PETERSON of Minnesota, Ms. BROWN of Florida, Mr. REYES, Mr. BISHOP, Mr. CLYBURN, Mr. UNDERWOOD, Ms. CARSON, and Mr. KENNEDY of Massachusetts) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide a scientific basis for the Secretary of Veterans Affairs to determine whether service connection for veterans of service during the Persian Gulf War should be presumed for certain diseases and disabilities, 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; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Persian Gulf Veterans Act of 1998”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Presumption of service connection for diseases and disabilities associ-  
ated with service in the Persian Gulf during the Persian Gulf  
War.

Sec. 3. Agreement with National Academy of Sciences.

Sec. 4. Monitoring of health status and treatment of Persian Gulf veterans.

Sec. 5. Research on diagnostic technologies and technologies for measuring ex-  
posure to certain toxic agents or environmental or wartime  
hazards associated with Gulf War service.

Sec. 6. Outreach to Persian Gulf veterans.

Sec. 7. Definitions.

6 **SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DIS-**  
7 **EASES AND DISABILITIES ASSOCIATED WITH**  
8 **SERVICE IN THE PERSIAN GULF DURING THE**  
9 **PERSIAN GULF WAR.**

10 (a) **IN GENERAL.**—(1) Subchapter II of chapter 11  
11 of title 38, United States Code, is amended by adding at  
12 the end the following new section:

13 **“§ 1118. Presumptions of service connection for dis-**  
14 **eases and disabilities associated with**  
15 **service in Southwest Asia during the Per-**  
16 **sian Gulf War**

17 “(a)(1) For purposes of section 1110 of this title, and  
18 subject to section 1113 of this title, a disease or disability  
19 described in paragraph (2) or (3) occurring in a Persian  
20 Gulf veteran shall be considered to be a disease incurred

1 in or aggravated by service in the Southwest Asia theater  
2 of operations during the Persian Gulf War, notwithstand-  
3 ing that there is no record of evidence of such disease or  
4 disability during the period of such service.

5 “(2) A disease or disability described in this para-  
6 graph is any diagnosed or undiagnosed disease or disabil-  
7 ity that—

8 “(A) the Secretary determines in regulations  
9 prescribed under this section warrants a presump-  
10 tion of service connection by reason of having a posi-  
11 tive association with exposure to a biological, chemi-  
12 cal, or other toxic agent or environmental or war-  
13 time hazard known or presumed to be associated  
14 with service in the Armed Forces in the Southwest  
15 Asia theater of operations during the Persian Gulf  
16 War; and

17 “(B) becomes manifest within the period (if  
18 any) prescribed in such regulations in a Persian  
19 Gulf veteran who by reason of service on active duty  
20 in that theater of operations during the Persian Gulf  
21 War was exposed to such agent or hazard.

22 “(3) A disease or disability described in this para-  
23 graph is any disease or disability (in addition to the dis-  
24 eases or disabilities covered by paragraph (2)) that—

1           “(A) the Secretary determines in regulations  
2           prescribed under this section warrants a presump-  
3           tion of service connection by reason of having a  
4           prevalence among Persian Gulf veterans greater  
5           than its prevalence among matched peers who are  
6           veterans or active duty servicemembers of the same  
7           era who were neither deployed nor vaccinated for de-  
8           ployment; and

9           “(B) becomes manifest within the period (if  
10          any) prescribed in such regulations in a Persian  
11          Gulf veteran.

12          “(4) For purposes of this subsection, a Persian Gulf  
13          veteran who has a disease or disability described in para-  
14          graph (2) shall be presumed to have been exposed by rea-  
15          son of service on active duty in that theater of operations  
16          during the Persian Gulf War to an agent or hazard in  
17          the regulations prescribed under this section unless there  
18          is conclusive evidence to establish that the veteran was not  
19          exposed to the agent or hazard by reason of such service.

20          “(b)(1)(A) Whenever the Secretary makes a deter-  
21          mination described in subparagraph (B) or (C), the Sec-  
22          retary shall prescribe regulations providing that a pre-  
23          sumption of service connection is warranted for the dis-  
24          ease or disability covered by that determination for the  
25          purposes of this section.

1 “(B) A determination described in this subparagraph  
2 is a determination based on sound medical and scientific  
3 evidence that a positive association exists between—

4 “(i) the exposure of humans to a biological,  
5 chemical, or other toxic agent or environmental or  
6 wartime hazard known or presumed to be associated  
7 with service in the Southwest Asia theater of oper-  
8 ations during the Persian Gulf War; and

9 “(ii) the occurrence of a diagnosed or  
10 undiagnosed disease or disability in humans.

11 “(C) A determination described in this subparagraph  
12 is a determination based on sound medical and scientific  
13 evidence that a disease or disability (other than a disease  
14 or disability covered by a determination under subpara-  
15 graph (B)) has a prevalence among Persian Gulf veterans  
16 greater than its prevalence in a population of matched  
17 peers who are veterans or active duty servicemembers of  
18 the same era who were neither deployed nor vaccinated  
19 for deployment.

20 “(2)(A) In making determinations for purposes of  
21 paragraph (1), the Secretary shall take into account—

22 “(i) the reports submitted to the Secretary by  
23 the National Academy of Sciences under section 3 of  
24 the Persian Gulf Veterans Act of 1998; and

1           “(ii) all other sound medical and scientific in-  
2           formation and analyses available to the Secretary.

3           “(B) In evaluating any report, information, or analy-  
4           sis for purposes of making such determinations, the Sec-  
5           retary shall take into consideration whether the results  
6           are—

7           “(i) statistically significant;

8           “(ii) capable of replication; and

9           “(iii) withstand peer review.

10          “(3) An association between the occurrence of a dis-  
11          ease or disability in humans and exposure to an agent or  
12          hazard shall be considered to be positive for purposes of  
13          this subsection if the credible evidence for the association  
14          is equal to or outweighs the credible evidence against the  
15          association.

16          “(c)(1)(A) Not later than 60 days after the date on  
17          which the Secretary receives a report from the National  
18          Academy of Sciences under section 3 of the Persian Gulf  
19          Veterans Act of 1998, the Secretary shall determine  
20          whether a presumption of service connection under this  
21          section is warranted for each disease or disability (if any)  
22          covered by the report.

23          “(B) If the Secretary determines that a presumption  
24          of service connection is warranted, the Secretary shall, not  
25          later than 60 days after making the determination, issue

1 proposed regulations setting forth the Secretary’s deter-  
2 mination.

3 “(C)(i) If the Secretary determines that a presump-  
4 tion of service connection is not warranted, the Secretary  
5 shall, not later than 60 days after making the determina-  
6 tion, publish in the Federal Register a notice of the deter-  
7 mination. The notice shall include an explanation of the  
8 scientific basis for the determination.

9 “(ii) If a disease or disability already presumed to  
10 be service connected under this section is subject to a de-  
11 termination under clause (i), the Secretary shall, not later  
12 than 60 days after publication of the notice under that  
13 clause, issue proposed regulations removing the presump-  
14 tion of service connection for the disease or disability.

15 “(2) Not later than 90 days after the date on which  
16 the Secretary issues any proposed regulations under para-  
17 graph (1), the Secretary shall issue final regulations. Such  
18 regulations shall be effective on the date of issuance.

19 “(d) Whenever a presumption of service connection  
20 for a disease or disability under this section is removed  
21 under subsection (c)—

22 “(1) a veteran who was awarded compensation  
23 for the disease or disability on the basis of the pre-  
24 sumption before the effective date of the removal of

1 the presumption shall continue to be entitled to re-  
2 ceive compensation on that basis; and

3 “(2) a survivor of a veteran who was awarded  
4 dependency and indemnity compensation for the  
5 death of a veteran resulting from the disease or dis-  
6 ability on the basis of the presumption before that  
7 date shall continue to be entitled to receive depend-  
8 ency and indemnity compensation on that basis.

9 “(e) Subsections (b) through (d) shall cease to be ef-  
10 fective 10 years after the first day of the fiscal year in  
11 which the National Academy of Sciences submits to the  
12 Secretary the first report under section 3 of the Persian  
13 Gulf Veterans Act of 1998.

14 “(f) In this section, the term ‘Persian Gulf veteran’  
15 means a veteran who served on active duty in the South-  
16 west Asia theater of operations during the Persian Gulf  
17 War.”.

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

“1118. Presumptions of service connection for diseases or disabilities associated  
with service in Southwest Asia during the Persian Gulf War.”.

21 (b) CONFORMING AMENDMENTS.—Section 1113 of  
22 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           (c) COMPENSATION FOR UNDIAGNOSED GULF WAR  
7 DISEASES AND DISABILITIES.—Section 1117 of title 38,  
8 United States Code, is amended—

9           (1) by redesignating subsections (c), (d), and  
10          (e) as subsections (d), (e), and (f), respectively; and

11          (2) by inserting after subsection (b) the follow-  
12          ing new subsection (c):

13          “(c)(1) Whenever the Secretary determines as a re-  
14          sult of a determination under section 1118(c) of this title  
15          that a presumption of service connection for an  
16          undiagnosed disease or disability (or combination of  
17          undiagnosed diseases or disabilities) is no longer war-  
18          ranted under this section—

19                 “(A) a veteran who was awarded compensation  
20                 under this section for such disease (or combination  
21                 of diseases or disabilities) on the basis of the pre-  
22                 sumption shall continue to be entitled to receive  
23                 compensation under this section on that basis; and

24                 “(B) a survivor of a veteran who was awarded  
25                 dependency and indemnity compensation for the

1 death of a veteran resulting from the disease on the  
2 basis of the presumption before that date shall con-  
3 tinue to be entitled to receive dependency and in-  
4 demnity compensation on that basis.

5 “(2) This subsection shall cease to be effective 10  
6 years after the first day of the fiscal year in which the  
7 National Academy of Sciences submits to the Secretary  
8 the first report under section 3 of the Persian Gulf Veter-  
9 ans Act of 1998.”.

10 **SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF**  
11 **SCIENCES.**

12 (a) **PURPOSE.**—The purpose of this section is to pro-  
13 vide for the National Academy of Sciences, an independent  
14 nonprofit scientific organization with appropriate exper-  
15 tise, to—

16 (1) review and evaluate the available scientific  
17 evidence, including animal studies, regarding asso-  
18 ciations between various diseases and exposure to  
19 toxic agents or environmental or wartime hazards  
20 associated with Gulf War service; and

21 (2) determine the comparative prevalence of  
22 various symptoms and diseases in the population of  
23 Persian Gulf veterans to the prevalence of those  
24 symptoms and diseases in a population of matched  
25 peers who are veterans or active duty

1 servicemembers of the same era who were neither  
2 deployed nor vaccinated for deployment.

3 (b) AGREEMENT.—The Secretary of Veterans Affairs  
4 shall seek to enter into an agreement with the National  
5 Academy of Sciences for the Academy to perform the serv-  
6 ices covered by this section and sections 4(a)(6), 5(d), and  
7 6(d). The Secretary shall seek to enter into the agreement  
8 not later than two months after the date of the enactment  
9 of this Act.

10 (c) IDENTIFICATION OF AGENTS AND DISEASES AND  
11 DISABILITIES.—(1) Under the agreement under sub-  
12 section (b), the National Academy of Sciences shall—

13 (A) identify the biological, chemical, or other  
14 toxic agents or environmental or wartime hazards to  
15 which members of the Armed Forces who served in  
16 the Southwest Asia theater of operations during the  
17 Persian Gulf War may have been exposed by reason  
18 of such service; and

19 (B) identify the diseases (including diagnosed  
20 diseases and undiagnosed diseases, symptoms, and  
21 conditions) that are manifest in those members.

22 (2) In identifying diseases under paragraph (1)(B),  
23 the Academy shall review and summarize the relevant sci-  
24 entific evidence regarding diseases among Persian Gulf  
25 veterans and among other appropriate populations of indi-

1 viduals. The evidence reviewed and summarized shall in-  
2 clude evidence regarding mortality, symptoms, adverse re-  
3 productive health outcomes among those veterans and  
4 among other individuals, and such other matters as the  
5 Academy considers appropriate. With respect to each such  
6 disease and disability, the Academy shall also identify all  
7 scientific evidence that indicates a prevalence of that dis-  
8 ease in Persian Gulf veterans greater than its prevalence  
9 among matched peers who are veterans or active duty  
10 servicemembers of the same era who were neither deployed  
11 nor vaccinated for deployment.

12 (d) DETERMINATIONS OF ASSOCIATIONS BETWEEN  
13 AGENTS AND DISEASES AND DISABILITIES.—(1) For each  
14 agent or hazard and disease identified under subsection  
15 (c), the National Academy of Sciences shall determine (to  
16 the extent that available scientific data permit meaningful  
17 determinations) the following:

18 (A) Whether a statistical association exists be-  
19 tween exposure to the agent or hazard and the dis-  
20 ease, taking into account the strength of the sci-  
21 entific evidence and the appropriateness of the sci-  
22 entific methodology used to detect the association.

23 (B) The increased risk of the disease among  
24 human populations exposed to the agent or hazard.

1           (C) Whether a plausible biological mechanism  
2           or other evidence of a causal relationship exists be-  
3           tween exposure to the agent or hazard and the dis-  
4           ease.

5           (D) The latency period which may be associated  
6           between exposure to the agent or hazard and the  
7           manifestation of the disease.

8           (2) In a case in which the determination of the Acad-  
9           emy under paragraph (1)(C) with respect to whether there  
10          is a causal relationship between exposure to an agent or  
11          hazard and a disease is that such a relationship does not  
12          exist, the Academy shall determine whether that disease  
13          nevertheless occurs in Persian Gulf veterans with a preva-  
14          lence greater than its prevalence in matched peers who  
15          are veterans or active duty servicemembers of the same  
16          era who were neither deployed nor vaccinated for deploy-  
17          ment.

18          (3) The Academy shall include in its reports under  
19          subsection (i) a full discussion of the scientific evidence  
20          and reasoning that led to its conclusions under this sub-  
21          section.

22          (e) REVIEW OF POTENTIAL TREATMENT MODELS  
23          FOR CERTAIN DISEASES AND DISABILITIES.—Under the  
24          agreement under subsection (b), the National Academy of  
25          Sciences shall separately review, for each chronic

1 undiagnosed disease identified under subsection (c)(1)(B)  
2 and for any additional chronic disease that the Academy  
3 determines to warrant such review, the available scientific  
4 information in order to identify empirically valid models  
5 of successful treatment for those populations with similar  
6 diseases or symptoms.

7 (f) REVIEW OF EVOLVING TECHNOLOGIES.—Under  
8 the agreement under subsection (b), the National Acad-  
9 emy of Sciences shall—

10 (1) identify the evolving technologies that are  
11 available to identify the level of exposure of Persian  
12 Gulf veterans to biological, chemical, or other toxic  
13 agents or environmental or wartime hazards to  
14 which members of the Armed Forces who served in  
15 the Southwest Asia theater of operations during the  
16 Persian Gulf War may have been exposed by reason  
17 of such service; and

18 (2) assess the applicability of those technologies  
19 in diagnosing conditions and symptoms of those vet-  
20 erans.

21 (g) RECOMMENDATIONS FOR ADDITIONAL SCI-  
22 ENTIFIC STUDIES.—Under the agreement under sub-  
23 section (b), the National Academy of Sciences shall make  
24 any recommendations that it considers appropriate for ad-  
25 ditional scientific studies (including studies relating to

1 treatment models) to resolve areas of continuing scientific  
2 uncertainty relating to the health consequences of expo-  
3 sure to toxic agents or environmental or wartime hazards  
4 associated with Gulf War service and for determining the  
5 prevalence of symptoms and conditions in Persian Gulf  
6 veterans. In making recommendations for additional stud-  
7 ies, the Academy shall consider the available scientific in-  
8 formation, the value and relevance of the information that  
9 could result from such additional studies, and the cost and  
10 feasibility of carrying out such additional studies.

11 (h) SUBSEQUENT REVIEWS.—Under the agreement  
12 under subsection (b), the National Academy of Sciences  
13 shall conduct on a periodic and ongoing basis additional  
14 reviews of the evidence and data relating to its activities  
15 under this section. As part of each such review, the Acad-  
16 emy shall—

17 (1) conduct as comprehensive a review as is  
18 practicable of the evidence referred to in subsection  
19 (c) and the information and other matters referred  
20 to in subsections (d), (e), (f), and (g) that became  
21 available since the last review of such evidence and  
22 data under this section; and

23 (2) make its determinations on the basis of the  
24 results of such review and all other reviews con-  
25 ducted for the purposes of this section.

1 (i) REPORTS.—(1) Under the agreement under sub-  
2 section (b), the National Academy of Sciences shall submit  
3 periodic written reports regarding the Academy’s activities  
4 under the agreement to the Secretary of Veterans Affairs,  
5 the Secretary of Defense, and the designated congressional  
6 committees. Such reports shall be submitted at least once  
7 every two years.

8 (2) The first report under paragraph (1) shall be  
9 transmitted not later than 18 months after the date of  
10 the enactment of this Act. That report shall include the  
11 following:

12 (A) The determinations and discussion referred  
13 to in subsection (d).

14 (B) The results of the review of models of  
15 treatment under subsection (e).

16 (C) Any recommendation of the Academy under  
17 subsection (g).

18 (3) In any report under this subsection after the first  
19 report, the Academy may specify an absence of meaningful  
20 developments in the scientific or medical community with  
21 respect to the activities of the Academy under this section  
22 during the two-year period preceding the date of the re-  
23 port.

24 (j) SUNSET.—This section, and any agreement en-  
25 tered into under this section, shall cease to be effective

1 10 years after the last day of the fiscal year during which  
2 the National Academy of Sciences submits the first report  
3 under subsection (i).

4 (k) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-  
5 TION.—(1) If the Secretary of Veterans Affairs is unable  
6 within the time period set forth in subsection (b) to enter  
7 into an agreement with the National Academy of Sciences  
8 for the purposes of this section on terms acceptable to the  
9 Secretary, the Secretary shall seek to enter into an agree-  
10 ment for the purposes of this section with another appro-  
11 priate scientific organization that is not part of the Gov-  
12 ernment and operates as a not-for-profit entity and that  
13 has expertise and objectivity comparable to that of the Na-  
14 tional Academy of Sciences.

15 (2) If the Secretary enters into such an agreement  
16 with another organization, any reference in this section  
17 and in section 1118 of title 38, United States Code (as  
18 added by section 2), to the National Academy of Sciences  
19 shall be treated as a reference to that other organization.

20 **SEC. 4. MONITORING OF HEALTH STATUS AND TREATMENT**  
21 **OF PERSIAN GULF VETERANS.**

22 (a) INFORMATION DATABASE.—(1) The Secretary of  
23 Veterans Affairs shall, in consultation with the Secretary  
24 of Defense, develop a plan for the establishment and oper-

1 ation of a single computerized information database for  
2 the collection, storage, and analysis of information on—

3 (A) the diagnosed and undiagnosed diseases  
4 suffered by current and former members of the  
5 Armed Forces who served in the Southwest Asia the-  
6 ater of operations during the Persian Gulf War; and

7 (B) the treatment provided such members for—

8 (i) any chronic undiagnosed diseases; and

9 (ii) any chronic diseases for which the Na-  
10 tional Academy of Sciences has identified a  
11 valid model of treatment pursuant to its review  
12 under section 3(e).

13 (2) The plan shall provide for the commencement of  
14 the operation of the database not later than 18 months  
15 after the date of the enactment of this Act.

16 (3) The Secretary of Veterans Affairs shall ensure  
17 in the plan that the database provides the capability of  
18 monitoring and analyzing information on—

19 (A) the diseases covered by paragraph (1)(A);

20 (B) the treatments covered by paragraph  
21 (1)(B); and

22 (C) the efficacy of such treatments.

23 (4) In order to meet the requirement under para-  
24 graph (3), the plan shall ensure that the database includes  
25 the following:

1 (A) Information in the Persian Persian Gulf  
2 Veterans Health Registry established under section  
3 702 of the Persian Gulf War Veterans' Health Sta-  
4 tus Act (title VII of Public Law 102-585; 38 U.S.C.  
5 527 note).

6 (B) Information in the Comprehensive Clinical  
7 Evaluation Program for Veterans established under  
8 section 734 of the National Defense Authorization  
9 Act for Fiscal Years 1992 and 1993 (10 U.S.C.  
10 1074 note).

11 (C) Information derived from other examina-  
12 tions and treatment provided to veterans who served  
13 in the Southwest Asia theater of operations during  
14 the Persian Gulf War.

15 (D) Information derived from other examina-  
16 tions and treatment provided to current members of  
17 the Armed Forces (including members on active  
18 duty and members of the reserve components) who  
19 served in that theater of operations during that war.

20 (E) Information on claims for compensation,  
21 and for dependency and indemnity compensation,  
22 arising from service in the Persian Gulf theater of  
23 operations during the Persian War, including the  
24 number of such claims filed, the number adju-  
25 dicated, the number and types of for which com-

1       pensation is granted, and the ratings granted for  
2       compensated disabilities.

3               (F) Such other information as the Secretary of  
4       Veterans Affairs, in consultation with the Secretary  
5       of Defense, considers appropriate.

6       (5) Not later than one year after the date of the en-  
7       actment of this Act, the Secretary of Veterans Affairs  
8       shall submit the plan developed under paragraph (1) to  
9       the following:

10              (A) The Secretary of Defense.

11              (B) The National Academy of Sciences.

12              (C) The designated congressional committees.

13       (6)(A) The agreement under section 3 shall require  
14       the National Academy of Sciences to evaluate the plan de-  
15       veloped under paragraph (1). The Academy shall complete  
16       the evaluation of the plan not later than 90 days after  
17       the date of its submittal to the Academy under paragraph  
18       (5).

19       (B) Upon completion of its evaluation, the Academy  
20       shall submit a report on the evaluation to the officers and  
21       committees specified in paragraph (5).

22       (7) Not later than 90 days after receipt of the report  
23       under paragraph (6), the Secretary of Veterans Affairs  
24       shall—

1 (A) modify the plan in light of the evaluation  
2 of the Academy in the report; and

3 (B) commence implementation of the plan as so  
4 modified.

5 (b) COMPILATION AND ANALYSIS OF INFORMATION  
6 IN DATABASE.—(1) The Secretary of Veterans Affairs  
7 shall compile and analyze, on an ongoing basis, all clinical  
8 data in the database under subsection (a) that may be  
9 scientifically useful in determining the association, if any,  
10 between the diseases (including diagnosed diseases and  
11 undiagnosed diseases) of veterans covered by such data  
12 and exposure to toxic agents or environmental or wartime  
13 hazards associated with Gulf War service.

14 (2) The Secretary of Defense shall compile and ana-  
15 lyze, on an ongoing basis, all clinical data in the database  
16 that may be scientifically useful in determining the asso-  
17 ciation, if any, between the diseases (including diagnosed  
18 diseases and undiagnosed diseases) of current members of  
19 the Armed Forces (including members on active duty and  
20 members of the reserve components) and exposure to such  
21 agents or hazards.

22 (c) ANNUAL REPORT.—Not later than April 1 of each  
23 year after a year in which the Secretary of Veterans Af-  
24 fairs and the Secretary of Defense carry out activities  
25 under subsection (b), the Secretaries shall jointly submit

1 to the designated congressional committees a report con-  
2 taining the following:

3 (1) With respect to the data compiled in accord-  
4 ance with subsection (b) during the preceding year—

5 (A) an analysis of the data;

6 (B) a discussion of the types, incidences,  
7 and prevalence of the disabilities and diseases  
8 identified through such data;

9 (C) with respect to each such disability or  
10 disease—

11 (i) an explanation for the incidence  
12 and prevalence of such disability or dis-  
13 ease;

14 (ii) other reasonable explanations for  
15 the incidence and prevalence of such dis-  
16 ability or disease;

17 (iii) an analysis of the scientific valid-  
18 ity of drawing conclusions from the inci-  
19 dence and prevalence of such disability or  
20 disease, as evidenced by such data, about  
21 any association between such disability or  
22 disease and exposure to a toxic agent or  
23 environmental or wartime hazard associ-  
24 ated with Gulf War service; and

1                   (iv) comparative information on the  
2                   incidence and prevalence of such disability  
3                   or disease in matched peers who are veter-  
4                   ans or active duty servicemembers of the  
5                   same era who were neither deployed nor  
6                   vaccinated for deployment.

7                   (2) With respect to the most current informa-  
8                   tion received under section 3(i) regarding treatment  
9                   models reviewed under section 3(e)—

10                   (A) an analysis of the information;

11                   (B) the results of any consultation between  
12                   such Secretaries regarding the implementation  
13                   of such treatment models in the health care sys-  
14                   tems of the Department of Veterans Affairs  
15                   and the Department of Defense; and

16                   (C) in the event either such Secretary de-  
17                   termines not to implement such treatment mod-  
18                   els, an explanation for such determination.

19                   (3) Identification of those diseases and disabil-  
20                   ities occurring among Persian Gulf veterans which  
21                   may merit service-connected compensation by virtue  
22                   of research completed by the Academy and the infor-  
23                   mation identified under paragraph (1)(C)(iv).

1 **SEC. 5. RESEARCH ON DIAGNOSTIC TECHNOLOGIES AND**  
2 **TECHNOLOGIES FOR MEASURING EXPOSURE**  
3 **TO CERTAIN TOXIC AGENTS OR ENVIRON-**  
4 **MENTAL OR WARTIME HAZARDS ASSOCIATED**  
5 **WITH GULF WAR SERVICE.**

6 (a) ESTABLISHMENT OF PROGRAM.—The Secretary  
7 of Veterans Affairs, in consultation with the Secretary of  
8 Defense and the Secretary of Health and Human Services,  
9 shall carry out a research program to provide for the con-  
10 duct of studies of the evolving technologies that are avail-  
11 able to facilitate—

12 (1) measurement of incidence of, and extent of  
13 exposure to, toxic agents or environmental or war-  
14 time hazards associated with Gulf War service; and

15 (2) diagnosis of diseases resulting from such ex-  
16 posure.

17 (b) PROGRAM REQUIREMENTS.—(1) Under the pro-  
18 gram under subsection (a), the Secretary of Veterans Af-  
19 fairs shall, pursuant to criteria prescribed pursuant to  
20 paragraph (2), award contracts or furnish financial assist-  
21 ance to non-Government entities for the conduct of studies  
22 referred to in subsection (a).

23 (2) The Secretaries shall jointly prescribe criteria  
24 for—

1           (A) the selection of entities to be awarded con-  
2           tracts or to receive financial assistance under the  
3           program; and

4           (B) the approval of studies to be conducted  
5           under such contracts or with such financial assist-  
6           ance.

7           (c) REPORT.—The Secretaries shall jointly report the  
8           results of studies conducted under the program to the des-  
9           ignated congressional committees.

10          (d) CONSULTATION WITH NATIONAL ACADEMY OF  
11          SCIENCES.—(1) To the extent provided under the agree-  
12          ment entered into by the Secretary of Veterans Affairs  
13          and the National Academy of Sciences under section 3—

14               (A) the Secretary shall consult with the Acad-  
15               emy regarding the establishment and administration  
16               of the program under subsection (a); and

17               (B) the Academy shall review the studies con-  
18               ducted under contracts awarded pursuant to the  
19               program and the studies conducted with financial  
20               assistance furnished pursuant to the program.

21          (2) The agreement shall require the Academy to sub-  
22          mit any recommendations that the Academy considers ap-  
23          propriate regarding any studies reviewed for purposes of  
24          this subsection to the following:

25               (A) The Secretary of Veterans Affairs.

1 (B) The Secretary of Defense.

2 (C) The Secretary of Health and Human Serv-  
3 ices.

4 (D) The designated congressional committees.

5 **SEC. 6. OUTREACH TO PERSIAN GULF VETERANS.**

6 (a) OUTREACH BY SECRETARY OF VETERANS AF-  
7 FAIRS.—(1) The Secretary of Veterans Affairs shall carry  
8 out an ongoing program to provide veterans who are Per-  
9 sian Gulf veterans the information described in subsection  
10 (c). The program shall be carried out in consultation with  
11 the Secretary of Defense and the Secretary of Health and  
12 Human Services.

13 (2) The Secretary shall include in the annual report  
14 of the Secretary under section 529 of title 38, United  
15 States Code, a report on outreach activities to Persian  
16 Gulf veterans carried out by the Secretary during the pe-  
17 riod covered by the report with respect to information de-  
18 scribed in subsection (c). The Secretary shall specifically  
19 describe the outreach efforts made to veterans service or-  
20 ganizations as part of such activities.

21 (b) OUTREACH BY SECRETARY OF DEFENSE.—The  
22 Secretary of Defense shall carry out an ongoing program  
23 to provide current members of the Armed Forces (includ-  
24 ing members on active duty and members of the reserve  
25 components) who are Persian Gulf veterans the informa-

1 tion described in subsection (c). The program shall be car-  
2 ried out in consultation with the Secretary of Veterans Af-  
3 fairs and the Secretary of Health and Human Services.

4 (c) COVERED INFORMATION.—Information under  
5 this subsection is information relating to—

6 (1) the health risks, if any, resulting from expo-  
7 sure to toxic agents or environmental or wartime  
8 hazards associated with Gulf War service; and

9 (2) any services or benefits available with re-  
10 spect to such health risks.

11 **SEC. 7. DEFINITIONS.**

12 For the purposes of this Act:

13 (1) The term “toxic agent or environmental or  
14 wartime hazard associated with Gulf War service”  
15 means a biological, chemical, or other toxic agent,  
16 anthrax vaccine or botulinum toxoid vaccine or  
17 pyridostigmine bromide, or an environmental or war-  
18 time hazard that is known or presumed to be associ-  
19 ated with service in the Armed Forces in the South-  
20 west Asia theater of operations during the Persian  
21 Gulf War, including the following:

22 (A) Pesticides and repellents.

23 (B) Medications to include pyridostigmine  
24 bromide.

25 (C) Vaccinations.

1 (D) Low-level exposures to biological and  
2 chemical warfare agents.

3 (E) Ionizing radiation, to include depleted  
4 uranium.

5 (F) Environmental particulates and pollut-  
6 ants.

7 (G) Endemic infectious diseases.

8 (H) The synergistic effects of the above ex-  
9 posures.

10 (2) The term “Persian Gulf veteran” means a  
11 veteran or member of the Armed Forces who served  
12 on active duty in the Southwest Asia theater of op-  
13 erations during the Persian Gulf War.

14 (3) The term “vaccinated for deployment”  
15 means vaccinated for anthrax or for botulinum tox-  
16 oid before deployment to the Southwest Asia theater  
17 of operations.

18 (4) The term “designated congressional com-  
19 mittees” means the following:

20 (A) The Committee on Veterans’ Affairs  
21 and the Committee on Armed Services of the  
22 Senate.

1                   (B) The Committee on Veterans' Affairs  
2                   and the Committee on National Security of the  
3                   House of Representatives.

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