

Public Law 100-321
100th Congress

An Act

To amend title 38, United States Code, to provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and other purposes.

May 20, 1988
[H.R. 1811]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation-Exposed Veterans Compensation Act of 1988".

Radiation-
Exposed
Veterans
Compensation
Act of 1988.
38 USC 101 note.

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN RADIATION-EXPOSED VETERANS.

(a) PRESUMPTION.—Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, a disease specified in paragraph (2) of this subsection becoming manifest in a radiation-exposed veteran to a degree of 10 percent or more within the presumption period (as specified in paragraph (3) of this subsection) shall be considered to have been incurred in or aggravated during the veteran's service on active duty, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1) of this subsection are the following:

- "(A) Leukemia (other than chronic lymphocytic leukemia).
- "(B) Cancer of the thyroid.
- "(C) Cancer of the breast.
- "(D) Cancer of the pharynx.
- "(E) Cancer of the esophagus.
- "(F) Cancer of the stomach.
- "(G) Cancer of the small intestine.
- "(H) Cancer of the pancreas.
- "(I) Multiple myeloma.
- "(J) Lymphomas (except Hodgkin's disease).
- "(K) Cancer of the bile ducts.
- "(L) Cancer of the gall bladder.
- "(M) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).

"(3) The presumption period for purposes of paragraph (1) of this subsection is the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity, except that such period shall be the 30-year period beginning on that date in the case of leukemia (other than chronic lymphocytic leukemia).

"(4) For the purposes of this subsection:

“(A) The term ‘radiation-exposed veteran’ means a veteran who, while serving on active duty, participated in a radiation-risk activity.

“(B) The term ‘radiation-risk activity’ means any of the following:

“(i) Onsite participation in a test involving the atmospheric detonation of a nuclear device.

“(ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

“(iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Administrator) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.”

38 USC 312 note. (b) EFFECTIVE DATE.—Subsection (c) of section 312 of title 38, United States Code, as added by subsection (a), shall take effect on May 1, 1988.

(c) REQUIREMENTS REGARDING VETERANS’ ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE SCIENTIFIC COUNCIL REPORTS.—Section 6(d)(3) of the Veterans’ Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542) is amended by striking out “the Committee and the Administrator” and inserting in lieu thereof “the Committee, the Administrator, and the Committees on Veterans’ Affairs of the Senate and House of Representatives”.

38 USC 354 note.

Approved May 20, 1988.

LEGISLATIVE HISTORY—H.R. 1811:

HOUSE REPORTS: No. 100-235 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD:

Vol. 133 (1987): July 28, considered and passed House.

Vol. 134 (1988): Apr. 25, considered and passed Senate, amended.

May 2, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):
May 20, Presidential statement.