

Public Law 102-578
102d Congress

An Act

Oct. 30, 1992
[S. 775]

To improve the program of compensation for veterans exposed to ionizing radiation while in military service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Radiation Exposure Amendments of 1992".

SEC. 2. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE CONNECTED FOR CERTAIN RADIATION-EXPOSED VETERANS AND ELIMINATION OF LATENCY-PERIOD LIMITATIONS.

(a) **IN GENERAL.**—Section 1112(c) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out "to a degree" and all that follows through "subsection";

(2) in paragraph (2), by adding at the end the following new subparagraphs:

"(N) Cancer of the salivary gland.

"(O) Cancer of the urinary tract.;"

(3) by striking out paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 1992.

SEC. 3. IDENTIFICATION OF CERTAIN ACTIVITIES RELATING TO EXPOSURE TO IONIZING RADIATION.

The Veterans' Dioxin and Radiation Exposure Compensation Standards Act (38 U.S.C. 1154 note) is amended by adding at the end the following new section:

"IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE BEFORE
JANUARY 1, 1970

"SEC. 10. (a) **IN GENERAL.**—(1) In order to determine whether activities (other than the tests or occupation activities referred to in section 5(a)(1)(B)) resulted in the exposure of veterans to ionizing radiation during the service of such veterans that occurred before January 1, 1970, and whether adverse health effects have been observed or may have resulted from such exposure in a significant number of such veterans, the Advisory Committee established under section 6 shall—

"(A) review all available scientific studies and other relevant information relating to the exposure of such veterans to ionizing radiation during such service;

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38 USC 101 note.

38 USC 1112
note.

38 USC 1154
note.

“(B) identify any activity during which significant numbers of veterans received exposure; and

“(C) on the basis of such review, submit to the Secretary of Veterans Affairs a report containing the recommendation of the Advisory Committee on the feasibility and appropriateness for the purpose of the determination under this paragraph of any additional investigation with respect to any activity of such veterans during such service.

Reports.

“(2) Upon the request of the Advisory Committee, the Secretary of Veterans Affairs (after seeking such assistance from the Secretary of Defense as is necessary and appropriate) shall make available to the Advisory Committee records and other information relating to the service referred to in paragraph (1) that may assist the Advisory Committee in carrying out the review and recommendation referred to in that paragraph.

Records.

“(3) The Advisory Committee shall submit to the Secretary of Veterans Affairs the report referred to in paragraph (1)(C) not later than August 1, 1993.

“(b) INVESTIGATION PLAN AND REPORT.—(1) Upon receipt of the report referred to in subparagraph (C) of subsection (a)(1), the Secretary of Veterans Affairs shall—

“(A) identify which of the activities referred to in that subparagraph, if any, that the Secretary intends to investigate more fully for the purpose of making the determination referred to in that subsection; and

“(B) prepare a plan (including a deadline for the plan) to carry out that investigation and make that determination.

“(2) Not later than December 1, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

Reports.

“(A) a list of the activities identified by the Secretary pursuant to paragraph (1)(A) and the basis of such identification;

“(B) a copy of the report of the Advisory Committee referred to in subsection (a)(1)(C); and

“(C) the plan referred to in paragraph (1)(B).”.

SEC. 4. REVIEW OF BRONCHIO-ALVEOLAR CARCINOMA.

(a) ADVISORY COMMITTEE REVIEW.—The Secretary of Veterans Affairs shall direct the Advisory Committee on Environmental Hazards to review pertinent scientific data relating to bronchio-alveolar carcinoma to determine whether such disease entity should be considered to be radiogenic. Based on its review, the Advisory Committee shall report its findings to the Secretary.

Reports.

Reports.

(b) **DECISION BY SECRETARY.**—The Secretary, based on the Advisory Committee's findings, shall, not later than April 1, 1993, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the Secretary's decision as to whether such disease entity should be presumed to be service connected if suffered by a radiation-exposed veteran (as defined by section 1112(c)(4)(A) of title 38, United States Code).

Approved October 30, 1992.

LEGISLATIVE HISTORY—S. 775:

SENATE REPORTS: No. 102-139 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD:

Vol. 137 (1991): Nov. 20, considered and passed Senate.

Vol. 138 (1992): Sept. 30, considered and passed House, amended.

Oct. 7, Senate concurred in House amendments.