

**AMENDMENT TO H.R. 5620, AS REPORTED
OFFERED BY MR. SCHRADER OF OREGON**

Page 54, add after line 2 the following:

1 **SEC. 11. ADVISORY BOARD ON ENVIRONMENTAL EXPO-**
2 **SURES AT ATSUGI NAVAL AIR FACILITY.**

3 (a) IN GENERAL.—

4 (1) ESTABLISHMENT.—The Secretary of De-
5 fense and the Secretary of Veterans Affairs shall
6 jointly establish an advisory board (to be known as
7 the “Advisory Board on Environmental Exposures
8 at Atsugi Naval Air Facility”) to provide expert ad-
9 vice to the Department of Defense and the Depart-
10 ment of Veterans Affairs on matters relating to the
11 exposure of current and former members of the
12 Armed Forces and their dependants to environ-
13 mental hazards at Atsugi Naval Air Facility, Japan,
14 during the period beginning in 1983, as determined
15 by the Advisory Board, in which the air, water, or
16 soil at Atsugi Naval Air Facility was contaminated
17 due to an incinerator.

18 (2) COMPOSITION.—The Advisory Board shall
19 consist of seven members, appointed by the Presi-

1 dent, in consultation with the Secretary of Defense
2 and the Secretary of Veterans Affairs, of whom—

3 (A) two members shall be members of mili-
4 tary service organizations or organizations rec-
5 ognized by the Secretary of Veterans Affairs
6 under section 5902 of title 38, United States
7 Code (commonly referred to as “veterans serv-
8 ice organizations”);

9 (B) two members shall be officials of ap-
10 propriate Federal agencies, other than the De-
11 partment of Defense or the Department of Vet-
12 erans Affairs, with experience in environmental
13 exposure or environmental exposure assess-
14 ments, health monitoring, or other relevant
15 fields; and

16 (C) three members shall be scientists
17 who—

18 (i) have backgrounds in environmental
19 exposure or environmental exposure assess-
20 ments, health monitoring, or other relevant
21 fields; and

22 (ii) are not officials or employees of
23 the Federal Government.

24 (3) APPOINTMENTS.—

1 (A) DEADLINE.—All members of the Advi-
2 sory Board shall be appointed not later than 90
3 days after the date of the enactment of this sec-
4 tion.

5 (B) DURATION.—Members of the Advisory
6 Board shall serve for three-year terms, subject
7 to renewal, but not longer than six years in
8 total.

9 (C) VACANCIES.—A vacancy in the Advi-
10 sory Board shall be filled in the manner in
11 which the original appointment was made.

12 (4) CHAIRPERSON.—The members of the Advi-
13 sory Board shall select from among its membership
14 a Chairperson to serve a one-year term.

15 (5) QUORUM.—A majority of the members of
16 the Board shall constitute a quorum.

17 (6) MEETINGS.—The Board shall meet at the
18 call of the Chairperson.

19 (7) COMPENSATION.—

20 (A) OFFICERS OF THE FEDERAL GOVERN-
21 MENT.—

22 (i) IN GENERAL.—A member of the
23 Board who is an employee of the Federal
24 Government may not receive additional

1 pay, allowances, or benefits by reason of
2 the member's service on the Board.

3 (ii) TRAVEL EXPENSES.—Each such
4 member of the Board shall receive travel
5 expenses, including per diem in lieu of sub-
6 sistence, in accordance with applicable pro-
7 visions under subchapter I of chapter 57 of
8 title 5, United States Code.

9 (B) OTHER MEMBERS.—

10 (i) IN GENERAL.—Except as provided
11 in clause (ii), a member of the Advisory
12 Board who is not an employee of the Fed-
13 eral Government—

14 (I) shall be paid compensation
15 out of funds made available for the
16 purposes of this section at the daily
17 equivalent of the highest rate payable
18 under section 5332 of title 5, United
19 States Code, for each day (including
20 travel time) during which the member
21 is engaged in the actual performance
22 of duties as a member of the Advisory
23 Board; and

24 (II) while away from the mem-
25 ber's home or regular place of busi-

1 ness on necessary travel in the actual
2 performance of duties as a member of
3 the Advisory Board, shall be paid per
4 diem, travel, and transportation ex-
5 penses in the same manner as is pro-
6 vided under subchapter I of chapter
7 57 of title 5, United States Code.

8 (ii) LIMITATION.—A member of the
9 Advisory Board may not be paid com-
10 pensation under clause (i)(II) for more
11 than 120 days in any calendar year.

12 (8) STAFF.—

13 (A) IN GENERAL.—The Chairperson of the
14 Advisory Board may, without regard to the civil
15 service laws and regulations, appoint an execu-
16 tive director of the Advisory Board, who shall
17 be a civilian employee of the Department of De-
18 fense, and such other personnel as may be nec-
19 essary to enable the Advisory Board to perform
20 its duties. The appointment of an executive di-
21 rector shall be subject to approval by the Advi-
22 sory Board.

23 (B) COMPENSATION.—The Chairperson of
24 the Advisory Board may fix the compensation
25 of the executive director and other personnel

1 without regard to the provisions of chapter 51
2 and subchapter III of chapter 53 of title 5,
3 United States Code, relating to classification of
4 positions and General Schedule pay rates, ex-
5 cept that the rate of pay for the executive direc-
6 tor and other personnel may not exceed the rate
7 payable for level V of the Executive Schedule
8 under section 5316 of such title.

9 (9) DETAIL OF GOVERNMENT EMPLOYEES.—

10 Upon request of the Chairperson of the Advisory
11 Board, the head of any Federal department or agen-
12 cy may detail, on a nonreimbursable basis, any per-
13 sonnel of that department or agency to the Advisory
14 Board to assist it in carrying out its duties.

15 (10) TERMINATION.—Notwithstanding section
16 14 of the Federal Advisory Committee Act (5 U.S.C.
17 App.), the Advisory Board shall terminate on the
18 date that is 12 years after the date of the enactment
19 of this section.

20 (b) CONSIDERATION OF ENVIRONMENTAL EXPO-
21 SURES AT ATSUGI NAVAL AIR FACILITY, JAPAN.—

22 (1) IN GENERAL.—The purpose of the Advisory
23 Board established under this section is to consider
24 and study cases of exposure of current and former
25 members of the Armed Forces and their dependants

1 to potential environmental hazards at Atsugi Naval
2 Air Facility, Japan, during the period beginning in
3 1983, as determined by the Advisory Board, in
4 which the air, water, or soil at Atsugi Naval Air Fa-
5 cility was contaminated due to an incinerator. The
6 Advisory Board shall evaluate claims related to haz-
7 ardous environmental exposures at such Air Facility
8 that are submitted to the Advisory Board by mem-
9 bers of the Armed Forces, veterans, dependants of
10 members of the Armed Forces and veterans, vet-
11 erans advocacy groups, and officials of the Depart-
12 ment of Defense and the Department of Veterans
13 Affairs with responsibility or experience monitoring
14 the health of current and former members of the
15 Armed Forces.

16 (2) CONSIDERATION OF EXPOSURE CLAIMS.—
17 Not later than 180 days after receiving such a claim,
18 the Advisory Board shall consider the claim and take
19 one of the following actions:

20 (A) If the Advisory Board determines that
21 further consideration of the claim is necessary
22 to adequately assess the extent of exposure, the
23 Advisory Board shall convene a science review
24 panel under paragraph (3) to make such assess-

1 ment and report its findings to the Advisory
2 Board.

3 (B) If the Advisory Board determines that
4 the extent of exposure is insufficient to warrant
5 further consideration of the claim, the Advisory
6 Board shall make a recommendation of such
7 finding to the Secretary of Defense and the
8 Secretary of Veterans Affairs.

9 (C) If the Advisory Board determines that
10 during the time period covered by such claim,
11 members of the Armed Forces and their de-
12 pendants were exposed to sufficient amounts of
13 environmental hazards to warrant health care
14 or compensation, the Advisory Board shall sub-
15 mit to the Secretary of Defense and the Sec-
16 retary of Veterans Affairs a report that in-
17 cludes the following:

18 (i) Recommendations that—

19 (I) such members should re-
20 ceive—

21 (aa) health care benefits
22 through the Department of De-
23 fense specifically designed to ad-
24 dress such exposure, as deter-

1 mined by the Secretary of De-
2 fense; or

3 (bb) veterans health care or
4 compensation specifically de-
5 signed to address such exposure;
6 and

7 (II) dependants of such members
8 should receive health care benefits
9 through the Department of Defense
10 specifically designed to address such
11 exposure, as determined by the Sec-
12 retary of Defense, or financial com-
13 pensation, or both.

14 (ii) Information on cost and attrib-
15 utable exposure, as defined in regulations
16 prescribed pursuant to this section.

17 (3) SCIENCE ADVISORY PANELS.—

18 (A) ESTABLISHMENT.—The Advisory
19 Board may convene a science advisory panel to
20 assist in the consideration of a claim under this
21 section.

22 (B) COMPOSITION.—A science advisory
23 panel convened under this paragraph shall con-
24 sist of seven scientists who—

1 (i) have backgrounds in environmental
2 exposure or environmental exposure assess-
3 ments, health monitoring, or other relevant
4 fields; and

5 (ii) are not officials or employees of
6 the Federal Government.

7 (C) CHAIRPERSON.—The Chairperson of
8 the Advisory Board shall select from among the
9 membership of a science advisory panel an indi-
10 vidual to serve as Chairperson of the panel. The
11 individual so selected shall serve a one-year
12 term as Chairperson of the panel.

13 (D) CONSIDERATION OF MILITARY EXPO-
14 SURE CLAIMS.—Not later than 180 days after
15 requested by the Advisory Board to review a
16 claim, a science advisory panel shall submit a
17 report to the Advisory Board with one of the
18 following recommendations:

19 (i) A recommendation that there is in-
20 sufficient exposure to warrant further con-
21 sideration of the claim.

22 (ii) A recommendation that further
23 study of the claim is necessary, to be car-
24 ried out by, or under the direction of, the

1 science advisory panel in coordination with
2 the Advisory Board.

3 (iii) A recommendation that, during
4 the time period covered by such claim,
5 members of the Armed Forces and their
6 dependants were exposed to a sufficient
7 risk of exposure to environmental hazards
8 to warrant compensation or health care.

9 (4) SUBPOENA AUTHORITY.—The Advisory
10 Board and each science advisory panel convened by
11 the Advisory Board under paragraph (3) are author-
12 ized to require by subpoena the attendance and tes-
13 timony of witnesses necessary to consider hazardous
14 environmental exposure cases under this section.

15 (5) COOPERATION OF FEDERAL AGENCIES.—
16 The head of each relevant Federal agency, including
17 the Administrator of the Environmental Protection
18 Agency, shall cooperate fully with the Advisory
19 Board and each science advisory panel convened by
20 the Advisory Board under paragraph (3) for pur-
21 poses of considering hazardous environmental expo-
22 sure cases under this section.

23 (6) TERMINATION.—Notwithstanding section
24 14 of the Federal Advisory Committee Act (5 U.S.C.
25 App.), the Advisory Board shall terminate on the

1 date that is 12 years after the date of the enactment
2 of this section.

3 (c) HEALTH CARE SERVICES FOR CERTAIN INDIVID-
4 UALS AT ATSUGI NAVAL AIR FACILITY, JAPAN.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this section, the Sec-
7 retary of Defense, in coordination with the Secretary
8 of Veterans Affairs, shall establish procedures for
9 identifying and compiling a list of individuals ex-
10 posed to environmental hazards at Atsugi Naval Air
11 Facility, Japan, during the period beginning in
12 1983, as determined by the Secretaries, in which the
13 air, water, or soil at Atsugi Naval Air Facility was
14 contaminated due to an incinerator. The list may in-
15 clude individuals who were exposed to such hazards
16 as fetuses in utero.

17 (2) ELIGIBILITY FOR HEALTH CARE.—Individ-
18 uals included on the list compiled under paragraph
19 (1) shall be immediately eligible for health care as
20 follows:

21 (A) Dependants shall be eligible for health
22 care benefits through the Department of De-
23 fense, as determined by the Secretary of De-
24 fense, for any condition, or any disability that
25 is associated with such condition, that is associ-

1 ated with exposure to the contaminants in the
2 air from an incinerator at Atsugi Naval Air Fa-
3 cility.

4 (B) Current and former members of the
5 Armed Forces shall be eligible to receive one of
6 the following:

7 (i) Health care benefits through the
8 Department of Defense specifically de-
9 signed to address such exposure, as deter-
10 mined by the Secretary of Defense.

11 (ii) Health care benefits through the
12 Department of Veterans Affairs specifically
13 designed to address such exposure.

14 (3) REPORT.—

15 (A) IN GENERAL.—Not later than 30 days
16 after compiling the list required under para-
17 graph (1), the Secretary of Defense, in coordi-
18 nation with the Secretary of Veterans Affairs,
19 shall submit to the Committee on Armed Serv-
20 ices and the Committee on Veterans' Affairs of
21 the Senate and the Committee on Armed Serv-
22 ices and the Committee on Veterans' Affairs of
23 the House of Representatives a report on the
24 compilation of such list.

1 (B) CONTENT.—The report required under
2 paragraph (1) shall include—

3 (i) the evidence considered in selecting
4 the covered period of air contamination at
5 Atsugi Naval Air Facility; and

6 (ii) the criteria used to determine
7 whether an individual was exposed to a
8 contaminant during the covered period and
9 the rationale for using those criteria.

10 (d) ANNUAL REPORT.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this section, and
13 annually thereafter, the Secretary of Defense, in
14 consultation with the Secretary of Veterans Affairs,
15 shall submit to the Committee on Armed Services
16 and the Committee on Veterans' Affairs of the Sen-
17 ate and the Committee on Armed Services and the
18 Committee on Veterans' Affairs of the House of
19 Representatives a report on health care and other
20 benefits provided under this section.

21 (2) CONTENT.—The report required under
22 paragraph (1) shall include the following:

23 (A) A description of the classes of individ-
24 uals who have received health care and other

1 benefits under this section during the reporting
2 period.

3 (B) A description of the health care bene-
4 fits that have been provided to such individuals.

5 (C) A description of the procedures used to
6 identify individuals exposed to environmental
7 hazards at Atsugi Naval Air Facility, Japan.

8 (D) Recommendations for any additional
9 legislation necessary to implement this section.

10 (e) REGULATIONS.—The Secretary of Defense and
11 the Secretary of Veterans Affairs shall jointly prescribe
12 regulations to carry out the provisions of this section, in-
13 cluding guidelines regarding health conditions and symp-
14 toms that may be attributed to hazardous environmental
15 exposures at Atsugi Naval Air Facility, Japan.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as may be
18 necessary to carry out this section.

