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

Page 54, add after line 2 the following:

SEC. 11. ADVISORY BOARD ON ENVIRONMENTAL EXPOSURES AT ATSUGI NAVAL AIR FACILITY.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish an advisory board (to be known as the “Advisory Board on Environmental Exposures at Atsugi Naval Air Facility”) to provide expert advice to the Department of Defense and the Department of Veterans Affairs on matters relating to the exposure of current and former members of the Armed Forces and their dependants to environmental hazards at Atsugi Naval Air Facility, Japan, during the period beginning in 1983, as determined by the Advisory Board, in which the air, water, or soil at Atsugi Naval Air Facility was contaminated due to an incinerator.

(2) COMPOSITION.—The Advisory Board shall consist of seven members, appointed by the Presi-
dent, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, of whom—

(A) two members shall be members of military service organizations or organizations recognized by the Secretary of Veterans Affairs under section 5902 of title 38, United States Code (commonly referred to as “veterans service organizations”);

(B) two members shall be officials of appropriate Federal agencies, other than the Department of Defense or the Department of Veterans Affairs, with experience in environmental exposure or environmental exposure assessments, health monitoring, or other relevant fields; and

(C) three members shall be scientists who—

(i) have backgrounds in environmental exposure or environmental exposure assessments, health monitoring, or other relevant fields; and

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

(3) APPOINTMENTS.—
(A) DEADLINE.—All members of the Advisory Board shall be appointed not later than 90 days after the date of the enactment of this section.

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

(C) VACANCIES.—A vacancy in the Advisory Board shall be filled in the manner in which the original appointment was made.

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

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

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

(7) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board who is an employee of the Federal Government may not receive additional
pay, allowances, or benefits by reason of the member’s service on the Board.

(ii) Travel Expenses.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) Other Members.—

(i) In General.—Except as provided in clause (ii), a member of the Advisory Board who is not an employee of the Federal Government—

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

(II) while away from the member’s home or regular place of busi-
ness on necessary travel in the actual performance of duties as a member of the Advisory Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Advisory Board may not be paid compensation under clause (i)(II) for more than 120 days in any calendar year.

(8) STAFF.—

(A) IN GENERAL.—The Chairperson of the Advisory Board may, without regard to the civil service laws and regulations, appoint an executive director of the Advisory Board, who shall be a civilian employee of the Department of Defense, and such other personnel as may be necessary to enable the Advisory Board to perform its duties. The appointment of an executive director shall be subject to approval by the Advisory Board.

(B) COMPENSATION.—The Chairperson of the Advisory Board may fix the compensation of the executive director and other personnel
without regard to the provisions of chapter 51
and subchapter III of chapter 53 of title 5,
United States Code, relating to classification of
positions and General Schedule pay rates, ex-
cept that the rate of pay for the executive direc-
tor and other personnel may not exceed the rate
payable for level V of the Executive Schedule
under section 5316 of such title.

(9) DETAIL OF GOVERNMENT EMPLOYEES.—
Upon request of the Chairperson of the Advisory
Board, the head of any Federal department or agen-
cy may detail, on a nonreimbursable basis, any per-
sonnel of that department or agency to the Advisory
Board to assist it in carrying out its duties.

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

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

(1) IN GENERAL.—The purpose of the Advisory
Board established under this section is to consider
and study cases of exposure of current and former
members of the Armed Forces and their dependants
to potential environmental hazards at Atsugi Naval Air Facility, Japan, during the period beginning in 1983, as determined by the Advisory Board, in which the air, water, or soil at Atsugi Naval Air Facility was contaminated due to an incinerator. The Advisory Board shall evaluate claims related to hazardous environmental exposures at such Air Facility that are submitted to the Advisory Board by members of the Armed Forces, veterans, dependants of members of the Armed Forces and veterans, veterans advocacy groups, and officials of the Department of Defense and the Department of Veterans Affairs with responsibility or experience monitoring the health of current and former members of the Armed Forces.

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

(A) If the Advisory Board determines that further consideration of the claim is necessary to adequately assess the extent of exposure, the Advisory Board shall convene a science review panel under paragraph (3) to make such assess-
ment and report its findings to the Advisory Board.

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

(C) If the Advisory Board determines that during the time period covered by such claim, members of the Armed Forces and their dependants were exposed to sufficient amounts of environmental hazards to warrant health care or compensation, the Advisory Board shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report that includes the following:

(i) Recommendations that—

   (I) such members should receive—

      (aa) health care benefits through the Department of Defense specifically designed to address such exposure, as deter-
mined by the Secretary of Defense; or

(bb) veterans health care or compensation specifically designed to address such exposure; and

(II) dependants of such members should receive health care benefits through the Department of Defense specifically designed to address such exposure, as determined by the Secretary of Defense, or financial compensation, or both.

(ii) Information on cost and attributable exposure, as defined in regulations prescribed pursuant to this section.

(3) SCIENCE ADVISORY PANELS.—

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

(B) COMPOSITION.—A science advisory panel convened under this paragraph shall consist of seven scientists who—
(i) have backgrounds in environmental exposure or environmental exposure assessments, health monitoring, or other relevant fields; and

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

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

(D) CONSIDERATION OF MILITARY EXPOSURE CLAIMS.—Not later than 180 days after requested by the Advisory Board to review a claim, a science advisory panel shall submit a report to the Advisory Board with one of the following recommendations:

(i) A recommendation that there is insufficient exposure to warrant further consideration of the claim.

(ii) A recommendation that further study of the claim is necessary, to be carried out by, or under the direction of, the
science advisory panel in coordination with
the Advisory Board.

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

(4) Subpoena Authority.—The Advisory
Board and each science advisory panel convened by
the Advisory Board under paragraph (3) are author-
ized to require by subpoena the attendance and test-
imony of witnesses necessary to consider hazardous
environmental exposure cases under this section.

(5) Cooperation of Federal Agencies.—
The head of each relevant Federal agency, including
the Administrator of the Environmental Protection
Agency, shall cooperate fully with the Advisory
Board and each science advisory panel convened by
the Advisory Board under paragraph (3) for pur-
poses of considering hazardous environmental expo-
sure cases under this section.

(6) Termination.—Notwithstanding section
14 of the Federal Advisory Committee Act (5 U.S.C.
App.), the Advisory Board shall terminate on the
date that is 12 years after the date of the enactment of this section.

(c) HEALTH CARE SERVICES FOR CERTAIN INDIVIDUALS AT ATSUGI NAVAL AIR FACILITY, JAPAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall establish procedures for identifying and compiling a list of individuals exposed to environmental hazards at Atsugi Naval Air Facility, Japan, during the period beginning in 1983, as determined by the Secretaries, in which the air, water, or soil at Atsugi Naval Air Facility was contaminated due to an incinerator. The list may include individuals who were exposed to such hazards as fetuses in utero.

(2) ELIGIBILITY FOR HEALTH CARE.—Individuals included on the list compiled under paragraph (1) shall be immediately eligible for health care as follows:

(A) Dependents shall be eligible for health care benefits through the Department of Defense, as determined by the Secretary of Defense, for any condition, or any disability that is associated with such condition, that is associ-
ated with exposure to the contaminants in the air from an incinerator at Atsugi Naval Air Facility.

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

(i) Health care benefits through the Department of Defense specifically designed to address such exposure, as determined by the Secretary of Defense.

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

(3) REPORT.—

(A) IN GENERAL.—Not later than 30 days after compiling the list required under paragraph (1), the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives a report on the compilation of such list.
(B) CONTENT.—The report required under paragraph (1) shall include—

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

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

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall submit to the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives a report on health care and other benefits provided under this section.

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

(A) A description of the classes of individuals who have received health care and other
benefits under this section during the reporting period.

(B) A description of the health care benefits that have been provided to such individuals.

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

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

(e) REGULATIONS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe regulations to carry out the provisions of this section, including guidelines regarding health conditions and symptoms that may be attributed to hazardous environmental exposures at Atsugi Naval Air Facility, Japan.

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