

113TH CONGRESS
2^D SESSION

H. R. 4517

To authorize the provision of health care for certain individuals exposed to environmental hazards at Atsugi Naval Air Facility, to establish an advisory board to examine exposures to environmental hazards at such Air Facility, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2014

Mr. SCHRADER introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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

A BILL

To authorize the provision of health care for certain individuals exposed to environmental hazards at Atsugi Naval Air Facility, to establish an advisory board to examine exposures to environmental hazards at such Air Facility, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Examination of Expo-
5 sures to Environmental Hazards During Military Service

1 and Health Care for Atsugi Naval Air Facility Veterans
2 and their Families Act of 2014”.

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

5 (a) ESTABLISHMENT.—The Secretary of Defense and
6 the Secretary of Veterans Affairs shall jointly establish an
7 advisory board (to be known as the “Advisory Board on
8 Environmental Exposures at Atsugi Naval Air Facility”)
9 to provide expert advice to the Department of Defense and
10 the Department of Veterans Affairs on matters relating
11 to the exposure of current and former members of the
12 Armed Forces and their dependants to environmental haz-
13 ards at Atsugi Naval Air Facility, Japan, during the pe-
14 riod beginning in 1983, as determined by the Advisory
15 Board, in which the air, water, or soil at Atsugi Naval
16 Air Facility were contaminated due to an incinerator.

17 (b) COMPOSITION.—The Advisory Board shall consist
18 of seven members, appointed by the President, in consulta-
19 tion with the Secretary of Defense and the Secretary of
20 Veterans Affairs, of whom—

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

1 (2) two members shall be officials of appro-
2 priate Federal agencies, other than the Department
3 of Defense or the Department of Veterans Affairs,
4 with experience in environmental exposure or envi-
5 ronmental exposure assessments, health monitoring,
6 or other relevant fields; and

7 (3) three members shall be scientists who—

8 (A) have backgrounds in environmental ex-
9 posure or environmental exposure assessments,
10 health monitoring, or other relevant fields; and

11 (B) are not officials or employees of the
12 Federal Government.

13 (c) APPOINTMENTS.—

14 (1) DEADLINE.—All members of the Advisory
15 Board shall be appointed not later than 90 days
16 after the date of the enactment of this Act.

17 (2) DURATION.—Members of the Advisory
18 Board shall serve for three-year terms, subject to re-
19 newal, but not longer than six years in total.

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

23 (d) CHAIRPERSON.—The members of the Advisory
24 Board shall select from among its membership a Chair-
25 person to serve a one-year term.

1 (e) QUORUM.—A majority of the members of the
2 Board shall constitute a quorum.

3 (f) MEETINGS.—The Board shall meet at the call of
4 the Chairperson.

5 (g) COMPENSATION.—

6 (1) OFFICERS OF THE FEDERAL GOVERN-
7 MENT.—

8 (A) IN GENERAL.—A member of the Board
9 who is an employee of the Federal Government
10 may not receive additional pay, allowances, or
11 benefits by reason of the member's service on
12 the Board.

13 (B) TRAVEL EXPENSES.—Each such mem-
14 ber of the Board shall receive travel expenses,
15 including per diem in lieu of subsistence, in ac-
16 cordance with applicable provisions under sub-
17 chapter I of chapter 57 of title 5, United States
18 Code.

19 (2) OTHER MEMBERS.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), a member of the Advisory
22 Board who is not an employee of the Federal
23 Government—

24 (i) shall be paid compensation out of
25 funds made available for the purposes of

1 this title at the daily equivalent of the
2 highest rate payable under section 5332 of
3 title 5, United States Code, for each day
4 (including travel time) during which the
5 member is engaged in the actual perform-
6 ance of duties as a member of the Advisory
7 Board; and

8 (ii) while away from the member's
9 home or regular place of business on nec-
10 essary travel in the actual performance of
11 duties as a member of the Advisory Board,
12 shall be paid per diem, travel, and trans-
13 portation expenses in the same manner as
14 is provided under subchapter I of chapter
15 57 of title 5, United States Code.

16 (B) LIMITATION.—A member of the Advi-
17 sory Board may not be paid compensation
18 under subparagraph (A)(ii) for more than 120
19 days in any calendar year.

20 (h) STAFF.—

21 (1) IN GENERAL.—The Chairperson of the Ad-
22 visory Board may, without regard to the civil service
23 laws and regulations, appoint an executive director
24 of the Advisory Board, who shall be a civilian em-
25 ployee of the Department of Defense, and such other

1 personnel as may be necessary to enable the Advi-
2 sory Board to perform its duties. The appointment
3 of an executive director shall be subject to approval
4 by the Advisory Board.

5 (2) COMPENSATION.—The Chairperson of the
6 Advisory Board may fix the compensation of the ex-
7 ecutive director and other personnel without regard
8 to the provisions of chapter 51 and subchapter III
9 of chapter 53 of title 5, United States Code, relating
10 to classification of positions and General Schedule
11 pay rates, except that the rate of pay for the execu-
12 tive director and other personnel may not exceed the
13 rate payable for level V of the Executive Schedule
14 under section 5316 of such title.

15 (i) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
16 request of the Chairperson of the Advisory Board, the
17 head of any Federal department or agency may detail, on
18 a nonreimbursable basis, any personnel of that depart-
19 ment or agency to the Advisory Board to assist it in car-
20 rying out its duties.

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

1 **SEC. 3. CONSIDERATION OF ENVIRONMENTAL EXPOSURES**

2 **AT ATSUGI NAVAL AIR FACILITY, JAPAN.**

3 (a) IN GENERAL.—The purpose of the Advisory
4 Board established under section 3 is to consider and study
5 cases of exposure of current and former members of the
6 Armed forces and their dependants to potential environ-
7 mental hazards at Atsugi Naval Air Facility, Japan, dur-
8 ing the period beginning in 1983, as determined by the
9 Advisory Board, in which the air, water, or soil at Atsugi
10 Naval Air Facility were contaminated due to an inciner-
11 ator. The Advisory Board shall evaluate claims related to
12 hazardous environmental exposures at such Air Facility
13 that are submitted to the Advisory Board by members of
14 the Armed Forces, veterans, dependants of members of
15 the Armed Forces and veterans, veterans advocacy groups,
16 and officials of the Department of Defense and the De-
17 partment of Veterans Affairs with responsibility or experi-
18 ence monitoring the health of current and former members
19 of the Armed Forces.

20 (b) CONSIDERATION OF EXPOSURE CLAIMS.—Not
21 later than 180 days after receiving such a claim, the Advi-
22 sory Board shall consider the claim and take one of the
23 following actions:

24 (1) If the Advisory Board determines that fur-
25 ther consideration of the claim is necessary to ade-
26 quately assess the extent of exposure, the Advisory

1 Board shall convene a science review panel under
2 subsection (c) to make such assessment and report
3 its findings to the Advisory Board.

4 (2) If the Advisory Board determines that the
5 extent of exposure is insufficient to warrant further
6 consideration of the claim, the Advisory Board shall
7 make a recommendation of such finding to the Sec-
8 retary of Defense and the Secretary of Veterans Af-
9 fairs.

10 (3) If the Advisory Board determines that dur-
11 ing the time period covered by such claim, members
12 of the Armed Forces and their dependants were ex-
13 posed to sufficient amounts of environmental haz-
14 ards to warrant health care or compensation, the
15 Advisory Board shall submit to the Secretary of De-
16 fense and the Secretary of Veterans Affairs a report
17 that includes the following:

18 (A) Recommendations that—

19 (i) such members should receive—

20 (I) health care benefits through
21 the Department of Defense specifi-
22 cally designed to address such expo-
23 sure, as determined by the Secretary
24 of Defense; or

1 (II) veterans health care or com-
2 pensation specifically designed to ad-
3 dress such exposure; and

4 (ii) dependents of such members
5 should receive health care benefits through
6 the Department of Defense specifically de-
7 signed to address such exposure, as deter-
8 mined by the Secretary of Defense, or fi-
9 nancial compensation, or both.

10 (B) Information on cost and attributable
11 exposure, as defined in regulations prescribed
12 pursuant to this Act.

13 (c) SCIENCE ADVISORY PANELS.—

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

17 (2) COMPOSITION.—A science advisory panel
18 convened under this subsection shall consist of seven
19 scientists who—

20 (A) have backgrounds in environmental ex-
21 posure or environmental exposure assessments,
22 health monitoring, or other relevant fields; and

23 (B) are not officials or employees of the
24 Federal Government.

1 (3) CHAIRPERSON.—The Chairperson of the
2 Advisory Board shall select from among the mem-
3 bership of a science advisory panel an individual to
4 serve as Chairperson of the panel. The individual so
5 selected shall serve a one-year term as Chairperson
6 of the panel.

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

12 (A) A recommendation that there is insuf-
13 ficient exposure to warrant further consider-
14 ation of the claim.

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

19 (C) A recommendation that, during the
20 time period covered by such claim, members of
21 the Armed Forces and their dependants were
22 exposed to a sufficient risk of exposure to envi-
23 ronmental hazards to warrant compensation or
24 health care.

1 (d) SUBPOENA AUTHORITY.—The Advisory Board
2 and each science advisory panel convened by the Advisory
3 Board under subsection (c) are authorized to require by
4 subpoena the attendance and testimony of witnesses nec-
5 essary to consider hazardous environmental exposure
6 cases under this section.

7 (e) COOPERATION OF FEDERAL AGENCIES.—The
8 head of each relevant Federal agency, including the Ad-
9 ministrator of the Environmental Protection Agency, shall
10 cooperate fully with the Advisory Board and each science
11 advisory panel convened by the Advisory Board under sub-
12 section (c) for purposes of considering hazardous environ-
13 mental exposure cases under this section.

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

18 **SEC. 4. HEALTH CARE SERVICES FOR CERTAIN INDIVID-**
19 **UALS AT ATSUGI NAVAL AIR FACILITY,**
20 **JAPAN.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of the enactment of this Act, the Secretary of De-
23 fense, in coordination with the Secretary of Veterans Af-
24 fairs, shall establish procedures for identifying and com-
25 piling a list of individuals exposed to environmental haz-

1 ards at Atsugi Naval Air Facility, Japan, during the pe-
2 riod beginning in 1983, as determined by the Secretaries,
3 in which the air, water, or soil at Atsugi Naval Air Facility
4 were contaminated due to an incinerator. The list may in-
5 clude individuals who were exposed to such hazards as
6 fetuses in utero.

7 (b) ELIGIBILITY FOR HEALTH CARE.—Individuals
8 included on the list compiled under subsection (a) shall
9 be immediately eligible for health care as follows:

10 (1) Dependents shall be eligible for health care
11 benefits through the Department of Defense, as de-
12 termined by the Secretary of Defense, for any condi-
13 tion, or any disability that is associated with such
14 condition, that is associated with exposure to the
15 contaminants in the air from an incinerator at
16 Atsugi Naval Air Facility.

17 (2) Current and former members of the Armed
18 Forces shall be eligible to receive one of the fol-
19 lowing:

20 (A) Health care benefits through the De-
21 partment of Defense specifically designed to ad-
22 dress such exposure, as determined by the Sec-
23 retary of Defense.

1 (B) Health care benefits through the De-
2 partment of Veterans Affairs specifically de-
3 signed to address such exposure.

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 30 days after
6 compiling the list required under subsection (a), the
7 Secretary of Defense, in coordination with the Sec-
8 retary of Veterans Affairs, shall submit to the Com-
9 mittee on Armed Services and the Committee on
10 Veterans' Affairs of the Senate and the Committee
11 on Armed Services and the Committee on Veterans'
12 Affairs of the House of Representatives a report on
13 the compilation of such list.

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

16 (A) the evidence considered in selecting the
17 covered period of air contamination at Atsugi
18 Naval Air Facility; and

19 (B) the criteria used to determine whether
20 an individual was exposed to a contaminant
21 during the covered period and the rationale for
22 using those criteria.

23 **SEC. 5. ANNUAL REPORT.**

24 (a) IN GENERAL.—Not later than one year after the
25 date of the enactment of this Act, and annually thereafter,

1 the Secretary of Defense, in consultation with the Sec-
2 retary of Veterans Affairs, shall submit to the Committee
3 on Armed Services and the Committee on Veterans' Af-
4 fairs of the Senate and the Committee on Armed Services
5 and the Committee on Veterans' Affairs of the House of
6 Representatives a report on health care and other benefits
7 provided under this Act.

8 (b) CONTENT.—The report required under subsection
9 (a) shall include the following:

10 (1) A description of the classes of individuals
11 who have received health care and other benefits
12 under this Act during the reporting period.

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

15 (3) A description of the procedures used to
16 identify individuals exposed to environmental haz-
17 ards at Atsugi Naval Air Facility, Japan.

18 (4) Recommendations for any additional legisla-
19 tion necessary to implement this Act.

20 **SEC. 6. REGULATIONS.**

21 The Secretary of Defense and the Secretary of Vet-
22 erans Affairs shall jointly prescribe regulations to carry
23 out the provisions of this Act, including guidelines regard-
24 ing health conditions and symptoms that may be attrib-

1 uted to hazardous environmental exposures at Atsugi
2 Naval Air Facility, Japan.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this Act.

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