

ARM91.015

[DISCUSSION DRAFT—AGENT
ORANGE COMPROMISE]

102D CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. _____ introduced the following bill; which was read twice and referred to the
Committee on _____

A BILL

To provide for resolution of remaining uncertainty about the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides for the purposes of eligibility for veterans' benefits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assem-*
3 *bled,*

4 SECTION 1. SHORT TITLE.

5 This Act may be cited as the "Agent Orange Act of
6 1991".

1 SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES
2 ASSOCIATED WITH EFFECTS OF EXPOSURE TO
3 CERTAIN HERBICIDE AGENTS.

4 (a) PURPOSE.—The purpose of this section is to pro-
5 vide for the National Academy of Sciences, an independ-
6 ent nonprofit scientific organization with appropriate ex-
7 pertise which is not part of the Federal Government, to
8 review and evaluate the available scientific evidence re-
9 garding associations between diseases and exposure to
10 dioxin and other chemical compounds in herbicides.

11 (b) IN GENERAL.—(1) Chapter 11 of title 38, United
12 States Code, is amended by adding at the end of subchap-
13 ter II the following new section:

14 “§316. Presumptions of service connection for diseases associat-
15 ed with effects of exposure to certain herbicide
16 agents

17 “(a)(1) For the purposes of section 310 of this title,
18 and subject to section 313 of this title—

19 “(A) a disease specified in paragraph (2) of this
20 subsection becoming manifest as specified in that
21 paragraph in a veteran who, during active military,
22 naval, or air service, served in the Republic of Viet-
23 nam during the Vietnam era; and

24 “(B) each additional disease (if any) that (1)
25 the Secretary determines in regulations prescribed
26 under this section warrants a presumption of service-

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enpt 5 of
H.R. 3004*

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1 connection by reason of having positive association
2 with exposure to an herbicide agent, and (2) be-
3 comes manifest within the period (if any) prescribed
4 in such regulations in a veteran who, during active
5 military, naval, or air service, served in the Republic
6 of Vietnam during the Vietnam era and while so
7 serving was exposed to that herbicide agent,

8 shall be considered to have been incurred in or aggravated
9 by such service, notwithstanding that there is no record of
10 evidence of such disease during the period of such service.

11 “(2) The diseases referred to in paragraph (1)(A) of
12 this subsection are the following:

13 “(A) Non-Hodgkin’s lymphoma becoming
14 manifest to a degree of disability of 10 percent or
15 more.

16 “(B) Each soft-tissue sarcoma becoming mani-
17 fest to a degree of disability of 10 percent or more
18 other than osteosarcoma, chondrosarcoma, Kaposi’s
19 sarcoma, or mesothelioma.

20 “(C) Chloracne or another acneform disease
21 consistent with chloracne becoming manifest to a
22 degree of disability of 10 percent or more within one
23 year after the last date on which the veteran per-
24 formed active military, naval, or air service in the
25 Republic of Vietnam during the Vietnam era.

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1 “(3) For the purposes of this subsection, a veteran
2 who, during active military, naval, or air service, served in
3 the Republic of Vietnam during the Vietnam era and has a
4 disease referred to in paragraph (1)(B) of this subsection
5 shall be presumed to have been exposed during such serv-
6 ice to an herbicide agent containing dioxin or 2,4-dichloro-
7 phenoxyacetic acid, and may be presumed to have been
8 exposed during such service to any other chemical com-
9 pound in an herbicide agent, unless there is affirmative
10 evidence to establish that the veteran was not exposed to
11 any such agent during that service.

12 “(4) For purposes of this section, the term ‘herbicide
13 agent’ means a chemical in an herbicide used in support of
14 the United States^{and} allied military operations in the Republic
15 of Vietnam during the Vietnam era.

16 “(b)(1) Whenever the Secretary determines, on the
17 basis of sound medical and scientific evidence, ^{including} that a posi-
18 tive association exists between (A) the exposure of humans
19 to an herbicide agent, and (B) the occurrence of a disease
20 in humans, the Secretary shall prescribe regulations pro-
21 viding that a presumption of service connection is warrant-
22 ed for that disease for the purposes of this section. (2.)

23 “(2) In making determinations for the purpose of this
24 subsection, the Secretary shall take into account (A) re-
25 ports received by the Secretary from the National Acade-

including relevant medical studies

documented

1 my of Sciences, and (B) all other valid medical and scien-
2 tific information and analyses available to the Secretary. [In
3 *In determining the weight* evaluating any study for the purpose of making such deter-
4 minations, the Secretary shall take into consideration
5 whether the results are statistically significant, are capable
6 of replication, and withstand peer review.]

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7 “(3) An association between the occurrence of a dis-
8 ease in humans and exposure to an herbicide agent in Viet-
9 nam shall be considered to be positive for the purposes of
10 this section if the credible evidence for the association is
11 equal to or outweighs the credible evidence against the as-
12 sociation.

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13 “(c)(1)(A) Not later than 120 days after the date on
14 which the Secretary receives a report from the National
15 Academy of Sciences under this section, the Secretary
16 shall determine whether a presumption of service connec-
17 tion is warranted for each disease covered by the report. If
18 the Secretary determines that such a presumption is war-
19 ranted, the Secretary, not later than 60 days after making
20 the determination, shall issue proposed regulations setting
21 forth the Secretary's determination.

30 too long

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22 “(B) If the Secretary determines that a presumption
23 of service connection is not warranted, the Secretary, not
24 later than 60 days after making the determination, shall
25 publish in the Federal Register a notice of that determina-

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1 tion. The notice shall include an explanation of the scien-
2 tific basis for that determination. If the disease already is
3 included in regulations providing for a presumption of
4 service connection, the Secretary, not later than 60 days
5 after publication of the notice of a determination that the
6 presumption is not warranted, shall issue proposed regula-
7 tions removing the presumption for the disease.

8 “(2) Not later than ⁹⁰120 days after the date on which
9 the Secretary issues any proposed regulations under this
10 subsection, the Secretary shall issue final regulations. Such
11 regulations shall be effective on the date of issuance.

12 “(d) Whenever a disease is removed from regulations
13 prescribed under this section—

14 “(1) a veteran who was awarded compensation
15 for such disease on the basis of the presumption pro-
16 vided in subsection (a) before the effective date of
17 the removal shall continue to be entitled to receive
18 compensation on that basis; and

19 “(2) a survivor of a veteran who was awarded
20 dependency and indemnity compensation for the
21 death of a veteran resulting from such disease on the
22 basis of such presumption shall continue to be enti-
23 tled to receive dependency and indemnity compensa-
24 tion on such basis.

1 “(e) Subsections (b) through (d) shall cease to be ef-
2 fective 10 years after the first day of the fiscal year in
3 which the National Academy of Sciences transmits to the
4 Secretary the first report under section 3 of the Agent
5 Orange Act of 1991.”.

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6 (2) The table of sections at the beginning of such
7 chapter is amended by inserting after the item relating to
8 section 315 the following new item:

“316. Presumptions of service connection for diseases associated with effects of
exposure to certain herbicide agents.”.

9 (c) CONFORMING AMENDMENT.—Section 313 of title
10 38, United States Code, is amended by inserting “or 316”
11 after “section 312” each place it appears.

12 SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

13 (a) AGREEMENT.—The Secretary shall seek to enter
14 into an agreement with the National Academy of Sciences
15 for the Academy to perform the services covered by this
16 section. The Secretary shall seek to enter into such agree-
17 ment not later than six months after the date of the enact-
18 ment of this Act.

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19 (b) REVIEW OF SCIENTIFIC EVIDENCE.—Under an
20 agreement between the Secretary and the National Acade-
21 my of Sciences under this section, the Academy shall
22 review and summarize the strength of the scientific evi-
23 dence concerning the association between herbicide expo-
24 sure during service in the Republic of Vietnam during the

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1 Vietnam era and each disease suspected to be associated
2 with such exposure.

3 (c) SCIENTIFIC DETERMINATIONS CONCERNING DIS-
4 EASES.—(1) For each disease reviewed, the Academy shall

5 determine (to the extent that available scientific data
6 permit meaningful determinations)—

with any disease and

7 (A) whether a statistical association ~~with~~ herbi-
8 cide exposure exists, taking into account the strength
9 of the scientific evidence and the appropriateness of
10 the statistical and epidemiological methods used to
11 detect the association;

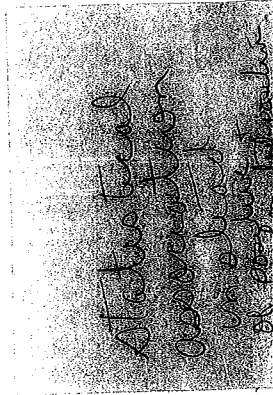
12 (B) the increased risk of the disease among
13 those exposed to herbicides during service in the Re-
14 public of Vietnam during the Vietnam era; and

15 (C) whether there exists a plausible biological
16 mechanism or other evidence of a causal relationship
17 between herbicide exposure and the disease.

18 (2) The Academy shall include in its reports under
19 subsection (f) a full discussion of the scientific evidence
20 and reasoning that led to its conclusions under this subsec-
21 tion.

22 (d) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC
23 STUDIES.—The Academy also shall make recommenda-
24 tions concerning the need, *feasibility* if any, for additional scientific
25 studies to resolve areas of continuing scientific uncertainty

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to cut out*



1 relating to herbicide exposure. In making these recommen-
2 dations, the Academy shall consider the scientific informa-
3 tion that is currently available, the value and relevance of
4 the information that could result from additional studies,
5 and the cost and feasibility of carrying out such additional
6 studies.

7 (e) SUBSEQUENT REVIEWS.—An agreement under sub-
8 section (a) shall require the National Academy of Sci-
9 ences—

10 (1) to conduct as comprehensive a review as is
11 practicable of the evidence referred to in subsection
12 (b) that became available since the last review of
13 such evidence under this section; and

14 (2) make its determinations and estimates on the
15 basis of the results of such review and all other re-
16 views conducted for the purposes of this section.

17 (f) REPORTS.—(1) The agreement between the Secre-
18 tary and the National Academy of Sciences shall require
19 the Academy to transmit to the Secretary and the Commit-
20 tees on Veterans' Affairs of the Senate and House of Rep-
21 resentatives periodic written reports regarding the Acade-
22 my's activities under the agreement. Such reports shall be
23 submitted at least once every two years (as measured from
24 the date of the first report).

1 (2) The first report under this subsection shall be
2 transmitted not later than the end of the one-year period
3 beginning on the date on which the agreement is entered
4 into. That report shall include (A) the determinations and
5 discussion referred to in subsection (c), and (B) the recom-
6 mendation of the Academy as to whether the provisions of
7 each of sections 6 through 9 should be implemented by the
8 Secretary. In making its recommendation with respect to
9 each such section, the Academy shall consider the scientif-
10 ic information that is currently available, the value and rel-
11 evance of the information that could result from imple-
12 menting that section, and the cost and feasibility of imple-
13 menting that section.

14 (g) LIMITATION ON CONTRACT AUTHORITY.—The au-
15 thority to enter into agreements under this section shall be
16 effective for a fiscal year to the extent that appropriations
17 are available.

18 (h) SUNSET.—This section shall cease to be effective
19 10 years after the last day of the fiscal year in which the
20 National Academy of Sciences transmits to the Secretary
21 the first report under subsection (f).

22 (i) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-
23 TION.—If the Secretary is unable within the time period
24 prescribed in subsection (a) to enter into an agreement
25 with the National Academy of Sciences for the purposes of

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1 this section on terms acceptable to the Secretary, the Sec-
2 retary shall seek to enter into an agreement for the pur-
3 poses of this section with another appropriate scientific or-
4 ganization that is not part of the Government, operates as a
5 not-for-profit entity, and has expertise and objectivity com-
6 parable to that of the National Academy of Sciences. If the
7 Secretary enters into such an agreement with another orga-
8 nization, then any reference in this section and in section
9 316 of title 38, United States Code (as added by section 2),
10 to the National Academy of Sciences shall be treated as a
11 reference to the other organization.

12 **SEC. 4. OUTREACH SERVICES.**

13 Section 1204(a) of the Veterans' Benefits Improve-
14 ment Act of 1988 (division B of Public Law 100-687; 102
15 Stat. 4125) is amended—

16 (1) in clause (1), by striking out “, as such in-
17 formation on health risks becomes known”;

18 (2) by redesignating clauses (1) and (2) as
19 clauses (A) and (B), respectively;

20 (3) by inserting “(1)” after “PROGRAM.—”;

21 and

22 (4) by adding at the end the following new
23 paragraph:

1 “(2) The Secretary of Veterans Affairs shall annually
2 furnish updated information on health risks described in
3 paragraph (1)(A) to veterans referred to in paragraph (1).”.

4 SEC. 5. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EX-
5 POSURE TO AGENT ORANGE OR IONIZING RADI-
6 ATION.

7 Section 610(e)(3) of title 38, United States Code, is
8 amended by striking out “December 31, 1990” and insert-
9 ing in lieu thereof “December 31, 1993”.

10 SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF VETER-
11 ANS FOR DISABILITIES RELATED TO EXPOSURE TO
12 CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

13 (a) IN GENERAL.—Subject to subsections (d) and (e),
14 the Secretary of Veterans Affairs shall compile and ana-
15 lyze, on a continuing basis, all clinical data that (1) is ob-
16 tained by the Department of Veterans Affairs in connec-
17 tion with examinations and treatment furnished to veterans
18 by the Department after November 3, 1981, by reason of
19 eligibility provided in section 610(e)(1)(A) of title 38,
20 United States Code, and (2) is likely to be scientifically
21 useful in determining the association, if any, between the
22 disabilities of veterans referred to in such section and ex-
23 posure to dioxin or any other toxic substance referred to in
24 such section or between such disabilities and active mili-

1 tary, naval, or air service in Vietnam during the Vietnam
2 era.

3 (b) ANNUAL REPORT.—The Secretary shall submit to
4 the Committees on Veterans' Affairs of the Senate and the
5 House of Representatives an annual report containing—

6 (1) the information compiled in accordance with
7 subsection (a);

8 (2) the Secretary's analysis of such information;

9 (3) a discussion of the types and incidences of
10 disabilities identified by the Department of Veterans
11 Affairs in the case of veterans referred to in subsec-
12 tion (a);

13 (4) the Secretary's explanation for the incidence
14 of such disabilities;

15 (5) other explanations for the incidence of such
16 disabilities considered reasonable by the Secretary;
17 and

18 (6) the Secretary's views on the scientific valid-
19 ity of drawing conclusions from the incidence of
20 such disabilities, as evidenced by the data compiled
21 under subsection (a), about any association between
22 such disabilities and exposure to dioxin or any other
23 toxic substance referred to in section 610(e)(1)(A) of
24 title 38, United States Code, or between such disabil-

1 ities and active military, naval, or air service, in
2 Vietnam during the Vietnam era.

3 (c) FIRST REPORT.—The first report under subsection
4 (b) shall be submitted not later than one year after the ef-
5 fective date of this section.

6 (d) FUNDING.—The authority of the Secretary to carry
7 out this section is effective in any fiscal year only to the
8 extent or in the amount specifically provided in statutory
9 language in appropriations Acts.

10 (e) EFFECTIVE DATE.—(1) This section shall take
11 effect at the end of the six-month period beginning on the
12 date on which the first report of the National Academy of
13 Sciences under section 3(f) is received by the Secretary,
14 except that this section shall not take effect if the Secre-
15 tary, after receiving that report and before the end of that
16 six-month period—

too long

17 (A) determines that it is not feasible or cost-ef-
18 fective to carry out this section or that carrying out
19 this section would not make a material contribution
20 to the body of scientific knowledge concerning the
21 health effects in humans of herbicide exposure; and

22 (B) notifies the Committees on Veterans' Af-
23 fairs of the Senate and the House of Representatives
24 of the Secretary's determination and the reasons
25 therefore.

1 (2) In making a determination under this subsection,
2 the Secretary shall give great weight to the views and rec-
3 ommendations of the Academy expressed in that report
4 with respect to the implementation of this section.

5 SEC. 7. TISSUE ARCHIVING SYSTEM.

6 (a) ESTABLISHMENT OF SYSTEM.—Subject to subsec-
7 tions (e) and (f), for the purpose of facilitating future sci-
8 entific research on the effects of exposure of veterans to
9 dioxin and other toxic agents in herbicides used in support
10 of United States and allied military operations in Vietnam
11 during the Vietnam era, the Secretary of Veterans Affairs
12 shall establish and maintain a system for the collection and
13 storage of voluntarily contributed samples of blood and
14 tissue of veterans who performed active military, naval, or
15 air service in Vietnam during the Vietnam era.

16 (b) SECURITY OF SPECIMENS.—The Secretary shall
17 ensure that the tissue is collected and stored under phys-
18 ically secure conditions and that the tissue is maintained in
19 a condition that is useful for research referred to in subsec-
20 tion (a).

21 (c) AUTHORIZED USE OF SPECIMENS.—The Secretary
22 *may* shall make blood and tissue available from the system for
23 research referred to in subsection (a) in a manner consist-
24 ent with the privacy rights and interests of the blood and
25 tissue donors.

1 (d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The
2 Secretary may prescribe such limitations on the acceptance
3 and storage of blood and tissue samples as the Secretary
4 considers appropriate consistent with the purpose specified
5 in the first sentence of subsection (a).

6 (e) FUNDING.—The authority of the Secretary to carry
7 out this section is effective in any fiscal year only to the
8 extent or in the amount specifically provided in statutory
9 language in appropriations Acts.

10 (f) EFFECTIVE DATE.—(1) This section shall take
11 effect at the end of the six-month period beginning on the
12 date on which the first report of the National Academy of
13 Sciences under section 3(f) is received by the Secretary,
14 except that this section shall not take effect if the Secre-
15 tary, after receiving that report and before the end of that
16 six-month period—

17 (A) determines that it is not feasible or cost-ef-
18 fective to carry out this section or that carrying out
19 this section would not make a material contribution
20 to the body of scientific knowledge concerning the
21 health effects in humans of herbicide exposure; and

22 (B) notifies the Committees on Veterans' Af-
23 fairs of the Senate and the House of Representatives
24 of the Secretary's determination and the reasons
25 therefore.

1 (2) In making a determination under this subsection,
2 the Secretary shall give great weight to the views and rec-
3 ommendations of the Academy expressed in that report
4 with respect to the implementation of this section.

5 **SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.**

6 (a) **ESTABLISHMENT OF PROGRAM.**—Subject to subsec-
7 tions (e) and (f), the Secretary of Veterans Affairs shall
8 establish a program to provide for the conduct of studies of
9 the feasibility of conducting additional scientific research
10 on—

11 (1) health hazards resulting from exposure to
12 dioxin;

13 (2) health hazards resulting from exposure to
14 other toxic agents in herbicides used in support of
15 United States and allied military operations in Viet-
16 nam during the Vietnam era; and

17 (3) health hazards resulting from active military,
18 naval, or air service in Vietnam during the Vietnam
19 era.

20 (b) **PROGRAM REQUIREMENTS.**—(1) Under the program
21 established pursuant to subsection (a), the Secretary shall,
22 pursuant to criteria prescribed pursuant to paragraph (2),
23 award contracts or furnish financial assistance to non-Gov-
24 ernment entities for the conduct of studies referred to in
25 subsection (a).

1 (2) The Secretary shall prescribe criteria for (A) the
2 selection of entities to be awarded contracts or to receive
3 financial assistance under the program, and (B) the approv-
4 al of studies to be conducted under such contracts or with
5 such financial assistance.

6 (c) REPORT.—The Secretary shall promptly report the
7 results of studies conducted under the program to the
8 Committees on Veterans' Affairs of the Senate and the
9 House of Representatives.

10 (d) CONSULTATION WITH THE NATIONAL ACADEMY OF
11 SCIENCES.—(1) To the extent provided under any agree-
12 ment entered into by the Secretary and the National Acad-
13 emy of Sciences under this Act—

14 (A) the Secretary shall consult with the Acade-
15 my regarding the establishment and administration of
16 the program under subsection (a); and

17 (B) the Academy shall review the studies con-
18 ducted under contracts awarded pursuant to the pro-
19 gram and the studies conducted with financial assist-
20 ance furnished pursuant to the program.

21 (2) The agreement shall require the Academy to
22 submit to the Secretary and the Committees on Veterans'
23 Affairs of the Senate and the House of Representatives any
24 recommendations that the Academy considers appropriate
25 regarding any studies reviewed under the agreement.

1 (e) FUNDING.—The authority of the Secretary to carry
2 out this section is effective in any fiscal year only to the
3 extent or in the amount specifically provided in statutory
4 language in appropriations Acts.

5 (f) EFFECTIVE DATE.—(1) This section shall take
6 effect at the end of the six-month period beginning on the
7 date on which the first report of the National Academy of
8 Sciences under section 3(f) is received by the Secretary,
9 except that this section shall not take effect if the Secre-
10 tary, after receiving that report and before the end of that
11 six-month period—

12 (A) determines that it is not feasible or cost-ef-
13 fective to carry out this section or that carrying out
14 this section would not make a material contribution
15 to the body of scientific knowledge concerning the
16 health effects in humans of herbicide exposure; and

17 (B) notifies the Committees on Veterans' Af-
18 fairs of the Senate and the House of Representatives
19 of the Secretary's determination and the reasons
20 therefore.

21 (2) In making a determination under this subsection,
22 the Secretary shall give great weight to the views and rec-
23 ommendations of the Academy expressed in that report
24 with respect to the implementation of this section.

1 SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS.

2 (a) BLOOD TESTING.—Subject to subsections (d) and
3 (e), in the case of a veteran described in section
4 610(e)(1)(A) of title 38, United States Code, who—

5 (1) has applied for medical care from the De-
6 partment of Veterans Affairs; or

7 (2) has filed a claim for, or is in receipt of dis-
8 ability compensation under chapter 11 of title 38,
9 United States Code,

10 the Secretary of Veterans Affairs shall, upon the veteran's
11 request, obtain a sufficient amount of blood serum from
12 the veteran to enable the Secretary to conduct a test of the
13 serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-
14 p-dioxin (TCDD) which may be present in the veteran's
15 body.

16 (b) NOTIFICATION OF TEST RESULTS.—Upon comple-
17 tion of such test, the Secretary shall notify the veteran of
18 the test results and provide the veteran a complete explana-
19 tion as to what the results of the test indicate regarding the
20 likelihood of the veteran's exposure to TCDD while serv-
21 ing in the Republic of Vietnam.

22 (c) INCORPORATION IN SYSTEM.—The Secretary shall
23 maintain the veteran's blood sample and the results of the
24 test as part of the system required by section 7.

25 (d) FUNDING.—The authority of the Secretary to carry
26 out this section is effective in any fiscal year only to the

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1 extent or in the amount specifically provided in statutory
2 language in appropriations Acts, but such amount shall not
3 exceed \$4,000,000 in any such year.

4 (e) EFFECTIVE DATE.—(1) This section shall take
5 effect at the end of the six-month period beginning on the
6 date on which the first report of the National Academy of
7 Sciences under section 3(f) is received by the Secretary,
8 except that this section shall not take effect if the Secre-
9 tary, after receiving that report and before the end of that
10 six-month period—

11 (A) determines that it is not feasible or cost-ef-
12 fective to carry out this section or that carrying out
13 this section would not make a material contribution
14 to the body of scientific knowledge concerning the
15 health effects in humans of herbicide exposure; and

16 (B) notifies the Committees on Veterans' Af-
17 fairs of the Senate and the House of Representatives
18 of the Secretary's determination and the reasons
19 therefore.

20 (2) In making a determination under this subsection,
21 the Secretary shall give great weight to the views and rec-
22 ommendations of the Academy expressed in that report
23 with respect to the implementation of this section.

1 SEC. 10. CONFORMING AMENDMENTS TO PUBLIC LAW 98-542.

2 (a) AMENDMENTS TO SECTION 2.—Section 2 of Public
3 Law 98-542 (38 U.S.C. 354 note) is amended by striking
4 out “that chloracne,” in paragraph (5) and all that follows
5 through “herbicides and”.

6 (b) AMENDMENTS TO SECTION 3.—Section 3 of such
7 Public Law is amended by striking out “during service in
8 the Armed Forces in the Republic of Vietnam to a herbi-
9 cide containing dioxin or”.

10 (c) AMENDMENTS TO SECTION 5.—Section 5 of such
11 Public Law is amended as follow:

12 (1) Subsection (a)(1) is amended by striking out
13 “during service—” and all that follows through “in
14 connection with” and inserting in lieu thereof
15 “during service in connection with”.

16 (2) Subsection (b) is amended—

17 (A) by striking out “of exposure to herbi-
18 cides containing dioxin or” in the first sentence
19 of paragraph (1)(A);

20 (B) by striking out “evidence indicating—
21 ” in paragraph (2)(B) and all that follows
22 through “(ii) a connection to” and inserting in
23 lieu thereof “evidence indicating a connection
24 to”; and

25 (C) in paragraph (3)—

1 (i) by striking out “herbicide or” in
2 subparagraph (A); and

3 (ii) by striking out “a herbicide con-
4 taining dioxin or” in subparagraph (B).

5 (d) AMENDMENTS TO SECTION 6.—Section 6 of such
6 Public Law is amended as follows:

7 (1) Subsection (a) is amended—

8 (A) in the matter preceding paragraph (1),
9 by striking out “fifteen members” and inserting
10 in lieu thereof “nine members”;

11 (B) in paragraph (1)—

12 (i) by striking out “eleven individ-
13 uals” and inserting in lieu thereof “six in-
14 dividuals”;

15 (ii) by striking out subparagraph (A);

16 (iii) by redesignating subparagraph (B)
17 as subparagraph (A); and

18 (iv) by redesignating subparagraph (C)
19 as subparagraph (B) and striking out “five
20 individuals” in that subparagraph and in-
21 serting in lieu thereof “three individuals”;
22 and

23 (C) in paragraph (2)—

1 (i) by striking out "four individuals"
2 and inserting in lieu thereof "three individ-
3 uals"; and

4 (ii) by striking out "or dioxin".

5 (2) Subsection (d) is amended—

6 (A) by striking out "eleven" in paragraph
7 (1) and inserting in lieu thereof "six"; and

8 (B) by striking out "be divided into" in
9 paragraph (2) and all that follows through "(B)
10 an eight-member panel with" and inserting in
11 lieu thereof "have".

12 (e) EFFECTIVE DATE.—The amendments made by this
13 section shall take effect on the day on which an agreement
14 is first entered into under section 3 of this Act. When such
15 a agreement is entered into, the Secretary of Veterans Af-
16 fairs shall promptly publish in the Federal Register a
17 notice that the agreement has been entered into and that
18 the amendments made by this section have thereby taken
19 effect.