

Comparison sheet – Cold War Period Veteran Nuclear Weapons Technicians Act  
Proposed Draft Bill v11.3 21 January 2024

**AMENDMENT - 38 U.S.C. 1112**

**[38 U.S.C. 1112] PRESUMED IONIZING RADIATION EXPOSURE**

**Current Text - Amendment Changes Indicated in Red**

**1112(c)**

(3) For the purposes of this subsection:

(A) The term "radiation-exposed veteran" means (i) a veteran who, while serving on active duty, participated in a radiation-risk activity, or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training.

**(B) The term "radiation-risk activity" means any of the following:**

(i) Onsite participation in a test involving the atmospheric detonation of a nuclear device (without regard to whether the nation conducting the test was the United States or another nation).

(ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

(iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Secretary) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.

(iv) Service in a capacity which, if performed as an employee of the Department of Energy, would qualify the individual for inclusion as a member of the Special Exposure Cohort under section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(14)).

(v) Cleanup of Enewetak Atoll during the period beginning on January 1, 1977, and ending on December 31, 1980.

(vi) Onsite participation in the response effort following the collision of a United States Air Force B-52 bomber and refueling plane that caused the release of four thermonuclear weapons in the vicinity of Palomares, Spain, during the period beginning January 17, 1966, and ending March 31, 1967.

(vii) Onsite participation in the response effort following the on-board fire and crash of a United States Air Force B-52 bomber that caused the release of four thermonuclear weapons in the vicinity of Thule Air Force Base, Greenland, during the period beginning January 21, 1968, and ending September 25, 1968.

**ADDED- Subparagraph 1112(c)(3)(B) is amended by adding at the end the following:**

**“(viii) Service as an active-duty veteran Nuclear Weapons Technician whose primary duties and responsibilities were to perform maintenance, operations, and related tasks working on, with, or in close physical proximity to live nuclear weapons or nuclear warheads in the operational or custodial control of the Department of Defense, during the period beginning September 2, 1945, and ending on December 26, 1991.”**

**“(I) EXCEPTION.—Clause (viii) does not apply to administrative staff whose duties did not require active participation in live nuclear weapons maintenance activities or to remain in intrinsic radiation-risk areas. It does not apply to work with nuclear weapon trainers; nor to missile launch crew members, air crew members, and other job titles, classes, rates, ratings, or**

military operational specialties where close physical proximity to live nuclear weapons and exposure to ionizing radiation was both minimal and infrequent.”

**INSERTED** - Subsection 1112(c) is amended by adding the following new paragraph (5) as follows:

“(5) The Secretary may not require evidence of a certain ionizing radiation dose, dose rate, absorbed dose, biological dose, cumulative dose, effective dose, (any) dose equivalent, dose estimation, dose reconstruction, nor other dose to determine that a veteran Nuclear Weapons Technician as described in this Title is a radiation-exposed veteran.” [Clerical note: “nor” is the correct term as used.]

<b>AMENDMENT - 38 U.S.C. 1710</b> <b>ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES</b>
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**Current Text with Amendment Changes Indicated in Red**

**§1710. Eligibility for hospital, nursing home, and domiciliary care**

(a) (1) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services which the Secretary determines to be needed-

(A) to any veteran for a service-connected disability; and

(B) to any veteran who has a service-connected disability rated at 50 percent or more.

(2) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed to any veteran-

(A) who has a compensable service-connected disability rated less than 50 percent or, with respect to nursing home care during any period during which the provisions of section 1710A(a) of this title are in effect, a compensable service-connected disability rated less than 70 percent;

(B) whose discharge or release from active military, naval, air, or space service was for a disability that was incurred or aggravated in the line of duty;

(C) who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section;

(D) who is a former prisoner of war, who was awarded the medal of honor under section 7271, 8291, or 9271 of title 10 or section 491<sup>1</sup> of title 14, or who was awarded the Purple Heart;

(E) who is a veteran of-

(i) the Mexican border period;

(ii) World War I; or

(iii) World War II;

(F) who is a toxic-exposed veteran, in accordance with subsection (e); ~~or~~

**(G) who is a radiation-exposed veteran in accordance with 1112(c)(3) of this title;**

**or**

~~(G)~~ **(H)** who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

**AMENDMENT - 38 U.S.C. 1710**

**Sec. 111. DEFINITION AND ANALYSIS OF TOXIC EXPOSURE RISK ACTIVITY**

**Current Text with Amendment Changes Indicated in Red**

**1710(e)**

(4) For purposes of this subsection-

(A) The term "Vietnam-era herbicide-exposed veteran" means a veteran who-

(i) performed covered service, as defined in section 1116(d) of this title; or

(ii) the Secretary finds may have been exposed during active military, naval, air, or space service to dioxin during the Vietnam era, regardless of the geographic area of such service, or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such era, regardless of the geographic area of such service.

(B) The term "radiation-exposed veteran" has the meaning given that term in section 1112(c)(3) of this title.

(C) The term "toxic exposure risk activity" means any activity-

(i) that requires a corresponding entry in an exposure tracking record system (as defined in section 1119(c) of this title) for the veteran who carried out the activity; ~~or~~

(ii) that the Secretary determines qualifies for purposes of this subsection when taking into account what is reasonably prudent to protect the health of veterans; ~~or~~

Subparagraph 1710(e)(4)(C) is amended by adding at the end the following clause:

“(iii) that required a veteran Nuclear Weapons Technician to routinely use toxic and carcinogenic chemicals, organic solvents, and other substances to maintain nuclear weapons and their associated equipment during the period beginning September 2, 1945, and ending on December 26, 1991. Those tasks are defined as toxic exposure risk activity. Service-connection for toxic exposure is presumed.”

“(I) Substances described in clause (iii) include:

(aa) Acetone	(ao) Methyl ethyl ketone	(ay) Thiner, Dope and
(ab) Alodine	(ap) Methyl isobutyl	Lacquer, Acrylic/
(ac) Benzene	ketone	Nitrocellulose
(ad) Beryllium	(aq) Naptha aliphatic	(az) Toluene
(ae) Cadmium	(ar) N-Hexane	(ba) Trichloroethane
(af) Chromic acid	(as) Nitric acid	(methyl chloroform)
(ag) Chromium trioxide	(at) Phosphoric acid	(bb) Trichloroethylene
(ah) Dry cleaning solvent	(au) Resin-Acid	(TCE)
(ai) Epoxy & Vinyl Resins	(av) Tetrachloroethylene	(bc) Trichlorotrifluoroethane
(aj) Ethylbenzene	(PCE, PEC, PERC)	(bd) Triethylenetetramine
(ak) Hydrofluoric acid	(aw) Tetrachloromethane	(be) Xylene
(al) Kerosine	(Carbon Tetrachloride)	(bf) Zinc chromate
(am) Magnesium-thorium	(ax) Tetrahydrofuran	primer”
alloy	(THF)	
(an) Methanol, ACS		

Sources: AEC-DNA TP 35-51/Army TM-39-35-51/Navy SWOP 35-51/AF T.O. 11N-35-51, *General Instructions for Cleaning, Preservation, Packaging, and Identification Marking*, 26 Nov 1962, Change 6, 7 Jun 1972; and AEC-DNA TP/TM/SWOP/TO 11N-40-54, *General Maintenance Instructions*, 20 Aug 1962, Change 16, 6 Feb 1973; Mg-Th Alloy, NIOSH, Oak Ridge Association University Team, 13 Aug 2014

**38 U.S.C. 1710**

**Sec. 112. DEFINITION RELATING TO TOXIC-EXPOSED VETERANS**

**(a) [38 USC 1710] TOXIC-EXPOSED VETERAN NUCLEAR WEAPONS TECHNICIAN—**

**Current Text with Amendment Changes Indicated in Red**

**38 USC 1710**

(e)(1)(A) A Vietnam-era herbicide-exposed veteran is eligible...

(B) A radiation-exposed veteran is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disease suffered by the veteran that is-

(i) a disease listed in section 1112(c)(2) of this title; or

(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation.

(C) Subject to paragraph (2) of this subsection, a veteran who served on active duty between August 2, 1990...

(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations...

(E) Subject to paragraph (2), a veteran who participated in a test conducted by the Department of Defense Deseret Test Center...

(F) Subject to paragraph (2), a veteran who served on active duty in the Armed Forces at Camp Lejeune, North Carolina, for not fewer than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, is eligible for hospital care and medical services under subsection (a)(2)(F) for any of the following illnesses or conditions, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such service:

(i) Esophageal cancer. (ii) Lung cancer. (iii) Breast cancer. (iv) Bladder cancer. (v) Kidney cancer.

(vi) Leukemia. (vii) Multiple myeloma. (viii) Myelodysplastic syndromes. (ix) Renal toxicity. (x) Hepatic steatosis. (xi) Female infertility. (xii) Miscarriage. (xiii) Scleroderma. (xiv) Neurobehavioral effects. (xv) Non-Hodgkin's lymphoma.

(G) Beginning not later than the applicable date specified in paragraph...

(H) Beginning not later than the applicable date specified in paragraph...

(I) (i) Beginning not later than the applicable date specified in paragraph (6), and subject to paragraph (2)...

(ii) A contingency operation specified in this clause is any of the following:

(I) Operation Enduring Freedom.... (II) Operation... (VI) Resolute Support Mission.

**ADDED** - Paragraph 1710(e)(1) is amended by adding at the end, the following subparagraph:

“(J) In the case of a Nuclear Weapons Technician described in this Title, such veteran; while serving on active duty for a period of no less than ninety days, during the period beginning on September 2, 1945, and ending on December 26, 1991; has presumed service-connection for toxic exposure and is eligible for hospital care (including mental health services and counseling), medical services, and nursing home care under subsection (a)(2)(F) for any disease or disability, notwithstanding that there is insufficient medical evidence to conclude that such disease or disability may be associated with such exposure. In reference to the substances listed in (e)(4)(C)(iii), such services and care shall also include, but not be limited to, the illnesses or conditions listed in (e)(1)(F) and sections otherwise related in this Title.”