

Statement for the Record

of

**The Honorable Michael L. Dominguez
Principal Deputy Under Secretary of Defense
(Personnel and Readiness)**

For the

House Committee on Veterans' Affairs

"Pending Legislation"

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Mr. Chairman and members of this distinguished Committee, thank you for the opportunity to provide views on draft legislation. Our comments on several of the bills are below.

H.R. 3795, the bill provides that veterans of service in the 1991 Persian Gulf War and subsequent conflicts shall be considered to be radiation-exposed veterans for purposes of the service connection of certain diseases and disabilities.

The Department of Defense (DoD) opposes this legislation. This bill is very broad and assumes any participation in the 1990-1991 Persian Gulf War with subsequent development of diseases, as specified in sections 3.309 and 3.311 of Title 38 of the Code of Federal Regulations (cancers and other diseases) is based on radiation exposure. It eliminates any requirement for evidence of radiation exposure. More to the point, the premise that depleted uranium causes a radiation hazard that is sufficient to cause adverse health effects in humans is unsupportable. Uranium is a very common naturally occurring heavy metal, and depleted uranium is 40% less radioactive than natural uranium. There is no evidence that the extremely low radiation levels emitted by depleted uranium can cause illnesses in humans. There is no evidence that natural or depleted uranium exposure causes cancer in humans.

H.R. 5454, the bill establishes a presumption of service connection of amyotrophic lateral sclerosis (ALS) for purposes of the laws administered by the Secretary of Veterans Affairs.

DoD opposes this legislation. The scientific evidence does not support a presumption of service connection of ALS. Although there are a couple of reports that show a possible association between ALS and military service, there is currently insufficient evidence to conclude that ALS is caused by military service. In the general population, approximately 10% of cases are genetic and the causes of the other 90% of cases are unknown. Similarly, the causes of 90% of ALS cases in military veterans are unknown. Several research projects are underway that will determine whether military veterans are at increased risk for developing ALS, compared with individuals who did not serve in the military.

H.R. 5954, the bill provides veterans presumptions of service-connection for purposes of benefits under laws administered by Secretary of Veterans Affairs for diseases associated with service in the Armed Forces and exposure to biological chemical or other toxic agents as part of Project 112.

DoD opposes this legislation. The scientific evidence does not support a presumption of service connection for any diseases associated with exposure to biological, chemical, or other toxic agents that resulted from Project 112 (also frequently called Shipboard Hazard and Detection – SHAD, although SHAD was only a component of Project 112). Project 112/SHAD was a series of tests which took place in 1962-73. The Department of Veterans Affairs requested civilian medical experts in the Institute of Medicine (IOM) to perform a comprehensive study of the possible long-term health effects of participation in Project 112. The IOM study was published in 2007 and

concluded that there was no clear evidence of specific health effects that were associated with participation in Project SHAD.

In addition, having conducted an exhaustive search for information on Project 112/SHAD, DoD does not agree that additional archives searching would result in a more complete documentation. However, DoD will investigate any new information that may be presented and share that information with the Department of Veterans Affairs and the public.

H.R. 5985, the bill clarifies the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury.

DoD opposes this legislation. This provision equates service in a combat zone with engaging in combat with the enemy for the purposes of establishing service connection for combat-related diseases or injuries. While supporting evidence is often difficult to obtain for disability compensation for a combat-related disability, this bill provides that all veterans in a combat zone are faced with the same difficulty in documenting treatment for injury or illness. However, the same difficulty does not exist for service members who, although serving in a combat zone, have access to a medical facility for treatment and whose treatment would be documented in service treatment records.

H.R. 6032, the bill directs the VA Secretary to provide wartime disability compensation for certain veterans with Parkinson's disease.

DoD opposes this legislation. This legislation would provide a presumption of service connection for Parkinson's disease for veterans of the Vietnam War. From 1994 to 2006, the IOM has published seven exhaustive reports on the possible health effects of Agent Orange and other herbicides used during the Vietnam War, and another report will be published during the next year. The IOM has consistently concluded that there is insufficient evidence for a link between exposure and Parkinson's disease. Therefore, scientific evidence is lacking to support a presumption of service connection.