

114TH CONGRESS
2D SESSION

S. _____

To provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, 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 “The Arla Harrell Act”.

1 **SEC. 2. RECONSIDERATION OF CLAIMS FOR DISABILITY**
2 **COMPENSATION FOR VETERANS WHO WERE**
3 **THE SUBJECTS OF MUSTARD GAS OR LEW-**
4 **ISITE EXPERIMENTS DURING WORLD WAR II.**

5 (a) RECONSIDERATION OF CLAIMS FOR DISABILITY
6 COMPENSATION IN CONNECTION WITH EXPOSURE TO
7 MUSTARD GAS OR LEWISITE.—

8 (1) IN GENERAL.—The Secretary of Veterans
9 Affairs, in consultation with the Secretary of De-
10 fense, shall reconsider all claims for compensation
11 described in paragraph (2) and make a new deter-
12 mination regarding each such claim.

13 (2) CLAIMS FOR COMPENSATION DESCRIBED.—
14 Claims for compensation described in this paragraph
15 are claims for compensation under chapter 11 of
16 title 38, United States Code, that the Secretary of
17 Veterans Affairs determines are in connection with
18 exposure to mustard gas or lewisite during active
19 military, naval, or air service during World War II
20 and that were denied before the date of the enact-
21 ment of this Act.

22 (3) PRESUMPTION OF EXPOSURE.—In carrying
23 out paragraph (1), if the Secretary of Veterans Af-
24 fairs or the Secretary of Defense makes a deter-
25 mination regarding whether a veteran experienced

1 full-body exposure to mustard gas or lewisite, such
2 Secretary—

3 (A) shall presume that the veteran experi-
4 enced full-body exposure to mustard gas or lew-
5 isite, as the case may be, unless proven other-
6 wise; and

7 (B) may not use information contained in
8 the DoD and VA Chemical Biological Warfare
9 Database or any list of known testing sites for
10 mustard gas or lewisite maintained by the De-
11 partment of Veterans Affairs or the Depart-
12 ment of Defense as the sole reason for deter-
13 mining that the veteran did not experience full-
14 body exposure to mustard gas or lewisite.

15 (4) REPORT.—Not later than 90 days after the
16 date of the enactment of this Act, and not less fre-
17 quently than once every 90 days thereafter, the Sec-
18 retary of Veterans Affairs shall submit to the appro-
19 priate committees of Congress a report specifying
20 any claims reconsidered under paragraph (1) that
21 were denied during the 90-day period preceding the
22 submittal of the report, including the rationale for
23 each such denial.

24 (b) DEVELOPMENT OF POLICY.—Not later than one
25 year after the date of the enactment of this Act, the Sec-

1 retary of Veterans Affairs and the Secretary of Defense
2 shall jointly establish a policy for processing future claims
3 for compensation under chapter 11 of title 38, United
4 States Code, that the Secretary of Veterans Affairs deter-
5 mines are in connection with exposure to mustard gas or
6 lewisite during active military, naval, or air service during
7 World War II.

8 (c) INVESTIGATION AND REPORT BY SECRETARY OF
9 DEFENSE.—Not later than 180 days after the date of the
10 enactment of this Act, the Secretary of Defense shall—

11 (1) for purposes of determining whether a site
12 should be added to the list of the Department of De-
13 fense of sites where mustard gas or lewisite testing
14 occurred, investigate and assess sites where—

15 (A) the Army Corps of Engineers has un-
16 covered evidence of mustard gas or lewisite test-
17 ing; or

18 (B) more than two veterans have sub-
19 mitted claims for compensation under chapter
20 11 of title 38, United States Code, in connec-
21 tion with exposure to mustard gas or lewisite at
22 such site and such claims were denied; and

23 (2) submit to the appropriate committees of
24 Congress a report on experiments conducted by the
25 Department of Defense during World War II to as-

1 assess the effects of mustard gas and lewisite on peo-
2 ple, which shall include—

3 (A) a list of each location where such an
4 experiment occurred, including locations inves-
5 tigated and assessed under paragraph (1);

6 (B) the dates of each such experiment; and

7 (C) the number of members of the Armed
8 Forces who were exposed to mustard gas or
9 lewisite in each such experiment.

10 (d) INVESTIGATION AND REPORT BY SECRETARY OF
11 VETERANS AFFAIRS.—Not later than 180 days after the
12 date of the enactment of this Act, the Secretary of Vet-
13 erans Affairs shall—

14 (1) investigate and assess—

15 (A) the actions taken by the Secretary to
16 reach out to individuals who had been exposed
17 to mustard gas or lewisite in the experiments
18 described in subsection (c)(2)(A); and

19 (B) the claims for disability compensation
20 under laws administered by the Secretary that
21 were filed with the Secretary and the percent-
22 age of such claims that were denied by the Sec-
23 retary; and

24 (2) submit to the appropriate committees of
25 Congress—

1 (A) a report on the findings of the Sec-
2 retary with respect to the investigations and as-
3 sessments carried out under paragraph (1); and

4 (B) a comprehensive list of each location
5 where an experiment described in subsection
6 (c)(2)(A) was conducted.

7 (e) DEFINITIONS.—In this section:

8 (1) The terms “active military, naval, or air
9 service”, “veteran”, and “World War II” have the
10 meanings given such terms in section 101 of title 38,
11 United States Code.

12 (2) The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Veterans’ Affairs,
15 the Committee on Armed Services, and the Spe-
16 cial Committee on Aging of the Senate; and

17 (B) the Committee on Veterans’ Affairs
18 and the Committee on Armed Services of the
19 House of Representatives.

20 (3) The term “full-body exposure”, with respect
21 to mustard gas or lewisite, has the meaning given
22 that term by the Secretary of Defense.