

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Secretary of Defense to conduct a study on military aviators and aviation support personnel to determine the incidence of cancer diagnosis and mortality among such aviators and personnel.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4049

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. FEINSTEIN

Viz:

1 At the end of subtitle C of title VII, add the following:

2 **SEC. 752. STUDY ON THE INCIDENCE OF CANCER DIAG-**

3 **NOSIS AND MORTALITY AMONG MILITARY**

4 **AVIATORS AND AVIATION SUPPORT PER-**

5 **SONNEL.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Secretary of Defense, in

8 conjunction with the National Institutes of Health

9 and the National Cancer Institute, shall conduct a

1 study on cancer among covered individuals in two
2 phases as provided in this subsection.

3 (2) PHASE 1.—

4 (A) IN GENERAL.—Under the initial phase
5 of the study conducted under paragraph (1),
6 the Secretary of Defense shall determine if
7 there is a higher incidence of cancers occurring
8 for covered individuals as compared to similar
9 age groups in the general population through
10 the use of the database of the Surveillance, Epi-
11 demiology, and End Results program of the Na-
12 tional Cancer Institute.

13 (B) REPORT.—Not later than one year
14 after the date of the enactment of this Act, the
15 Secretary shall submit to the appropriate com-
16 mittees of Congress a report on the findings of
17 the initial phase of the study under subpara-
18 graph (A).

19 (3) PHASE 2.—

20 (A) IN GENERAL.—If, pursuant to the ini-
21 tial phase of the study under paragraph (2), the
22 Secretary concludes that there is an increased
23 rate of cancers among covered individuals, the
24 Secretary shall conduct a second phase of the

1 study under which the Secretary shall do the
2 following:

3 (i) Identify the carcinogenic toxins or
4 hazardous materials associated with mili-
5 tary flight operations from shipboard or
6 land bases or facilities, such as fuels,
7 fumes, and other liquids.

8 (ii) Identify the operating environ-
9 ments, including frequencies or electro-
10 magnetic fields, where exposure to ionizing
11 radiation (associated with high altitude
12 flight) and nonionizing radiation (associ-
13 ated with airborne, ground, and shipboard
14 radars) occurred in which covered individ-
15 uals could have received increased radi-
16 ation amounts.

17 (iii) Identify, for each covered indi-
18 vidual, duty stations, dates of service, air-
19 craft flown, and additional duties (includ-
20 ing Landing Safety Officer, Catapult and
21 Arresting Gear Officer, Air Liaison Offi-
22 cer, Tactical Air Control Party, or per-
23 sonnel associated with aircraft mainte-
24 nance, supply, logistics, fuels, or transpor-

1 tation) that could have increased the risk
2 of cancer for such covered individual.

3 (iv) Determine locations where a cov-
4 ered individual served or additional duties
5 of a covered individual that are associated
6 with higher incidences of cancers.

7 (v) Identify potential exposures due to
8 service in the Armed Forces that are not
9 related to aviation, such as exposure to
10 burn pits or toxins in contaminated water,
11 embedded in the soil, or inside bases or
12 housing.

13 (vi) Determine the appropriate age to
14 begin screening covered individuals for
15 cancer based on race, gender, flying hours,
16 period of service as aviation support per-
17 sonnel, Armed Force, type of aircraft, and
18 mission.

19 (B) DATA.—The Secretary shall format all
20 data included in the study conducted under this
21 paragraph in accordance with the Surveillance,
22 Epidemiology, and End Results program of the
23 National Cancer Institute, including by
24 disaggregating such data by race, gender, and
25 age.

1 (C) REPORT.—Not later than one year
2 after the submittal of the report under para-
3 graph (2)(B), if the Secretary conducts the sec-
4 ond phase of the study under this paragraph,
5 the Secretary shall submit to the appropriate
6 committees of Congress a report on the findings
7 of the study conducted under this paragraph.

8 (4) USE OF DATA FROM PREVIOUS STUDIES.—

9 In conducting the study under this subsection, the
10 Secretary of Defense shall incorporate data from
11 previous studies conducted by the Air Force, the
12 Navy, or the Marine Corps that are relevant to the
13 study under this subsection, including data from the
14 comprehensive study conducted by the Air Force
15 identifying each covered individual and documenting
16 the cancers, dates of diagnoses, and mortality of
17 each covered individual.

18 (b) DEFINITIONS.—In this section:

19 (1) APPROPRIATE COMMITTEE OF CONGRESS.—

20 The term “appropriate committees of Congress”
21 means—

22 (A) the Committee on Armed Services and
23 the Committee on Veterans’ Affairs of the Sen-
24 ate; and

1 (B) the Committee on Armed Services and
2 the Committee on Veterans' Affairs of the
3 House of Representatives.

4 (2) ARMED FORCES.—The term “Armed
5 Forces”—

6 (A) has the meaning given the term
7 “armed forces” in section 101 of title 10,
8 United States Code; and

9 (B) includes the reserve components
10 named in section 10101 of such title.

11 (3) COVERED INDIVIDUAL.—The term “covered
12 individual”—

13 (A) means an aviator or aviation support
14 personnel who—

15 (i) served in the Armed Forces on or
16 after February 28, 1961; and

17 (ii) receives benefits under chapter 55
18 of title 10, United States Code; and

19 (B) includes any air crew member of fixed-
20 wing aircraft and personnel supporting genera-
21 tion of the aircraft, including pilots, navigators,
22 weapons systems operators, aircraft system op-
23 erators, personnel associated with aircraft
24 maintenance, supply, logistics, fuels, or trans-
25 portation, and any other crew member who reg-

- 1 ularly flies in an aircraft or is required to com-
- 2 plete the mission of the aircraft.