

107TH CONGRESS  
2D SESSION

# S. 2704

To provide for the disclosure of information on projects of the Department of Defense, such as Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), that included testing of biological or chemical agents involving potential exposure of members of the Armed Forces to toxic agents, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 28, 2002

Mr. NELSON of Florida (for himself and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

---

## A BILL

To provide for the disclosure of information on projects of the Department of Defense, such as Project 112 and the Shipboard Hazard and Defense Project (Project SHAD), that included testing of biological or chemical agents involving potential exposure of members of the Armed Forces to toxic agents, 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 “Veterans Right-To-  
5       Know Act of 2002”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “Project SHAD” means a series  
4 of tests, known as the Shipboard Hazard and De-  
5 fense Project, conducted by the Department of De-  
6 fense between approximately 1962 and 1970 that  
7 were intended to evaluate the effectiveness of ship-  
8 board detection and protective procedures against  
9 chemical warfare agents and biological warfare  
10 agents.

11 (2) The term “Project 112” means a series of  
12 tests conducted by the Department of Defense pri-  
13 marily during the 1960s in and around Alaska using  
14 chemical and biological agents.

15 **SEC. 3. IDENTIFICATION OF PROJECTS.**

16 (a) IDENTIFICATION.—The Secretary of Defense  
17 shall identify each developmental or operational test of the  
18 Department of Defense (or a contractor of the Depart-  
19 ment of Defense) involving chemical or biological weapons,  
20 or defense against such weapons, in which members of the  
21 Armed Forces or civilians were or may have been exposed  
22 to actual or simulated hazardous agents, whether with or  
23 without their knowledge or consent. The Secretary shall  
24 identify such tests based on a thorough review of the  
25 records of the Department, including classified and un-  
26 classified records.

1 (b) REPORT.—Not later than 270 days after the date  
2 of the enactment of this Act, the Secretary shall submit  
3 to Congress a report on the actions of the Secretary under  
4 subsection (a). The report shall include, with respect to  
5 each test identified pursuant to subsection (a), the fol-  
6 lowing:

7 (1) A description of the test, including the test  
8 name, the date and location of the test, the test ob-  
9 jective, an identification of each biological or chem-  
10 ical agent involved, and the name of any solvent  
11 used to cleanup after the test.

12 (2) The number of members of the Armed  
13 Forces, and the number of persons who were not  
14 members of the Armed Forces, who may have been  
15 affected by the test.

16 (3) An identification of any vessels or other  
17 major equipment involved in the test.

18 **SEC. 4. OVERSIGHT WORKING GROUP ON BIOLOGICAL AND**  
19 **CHEMICAL TESTING.**

20 (a) ESTABLISHMENT OF OVERSIGHT GROUP.—

21 (1) IN GENERAL.—The Comptroller General  
22 shall establish within the General Accounting Office  
23 an Oversight Working Group on Biological and  
24 Chemical Testing. The Oversight Working Group  
25 shall work to review activities of the Department of

1 Defense being carried out to investigate all chemical  
2 and biological tests conducted by the Department  
3 that involved, or may have exposed, members of the  
4 Armed Forces or civilians to chemical or biological  
5 agents.

6 (2) TIME FOR ESTABLISHMENT.—The Over-  
7 sight Working Group shall be established by the  
8 Comptroller General not later than 30 days after the  
9 date of the enactment of this Act.

10 (3) COMMENCEMENT OF ACTIVITIES.—The  
11 Oversight Working Group shall begin their review of  
12 Department of Defense materials immediately upon  
13 being established.

14 (b) REPORT ON PROJECT SHAD (AND PROJECT  
15 112).—Not later than six months after the date of the  
16 enactment of this Act, the Oversight Working Group shall  
17 submit to Congress a report providing information con-  
18 cerning Project SHAD and Project 112. The report shall  
19 include the following:

20 (1) A description of efforts underway within the  
21 Department of Defense to identify tests that were  
22 conducted as part of Project SHAD and to declas-  
23 sify information concerning such tests.

24 (2) A description of each test identified under  
25 section 3(a), including the test name, test objective,

1 chemical or biological agents involved, solvents in-  
2 volved, and number of members of the Armed  
3 Forces, and number of civilians, potentially affected  
4 by such test.

5 (3) A description of the plans of the Secretary  
6 of Defense for the release of information on each  
7 test so identified.

8 (4) A description of the actions the Secretary of  
9 Defense proposes to undertake with the Secretary of  
10 Veterans Affairs in order to notify former members  
11 of the Armed Forces potentially affected by each  
12 test so identified of their participation in the test.

13 (5) A description of the actions the Secretary of  
14 Defense proposes to undertake in order to notify  
15 persons other than former members of the Armed  
16 Forces who were potentially affected by each test so  
17 identified of their participation in such test.

18 (6) Information, to the extent feasible, on tests  
19 conducted as part of Project SHAD for which infor-  
20 mation has not been declassified.

21 (7) An evaluation of the effectiveness of efforts  
22 described under paragraph (1) and any rec-  
23 ommendations for improvement in future investiga-  
24 tion efforts.

1       (c) CONTINUING FUNCTIONS.—Upon completion of  
2 the report under subsection (b), the Oversight Working  
3 Group shall continue to review Department of Defense in-  
4 vestigations of any other cases of chemical or biological  
5 testing by the Department of Defense in which members  
6 of the Armed Forces or civilians may have been exposed  
7 to chemical or biological agents with or without their  
8 knowledge or consent.

9       (d) INFORMATION AND HISTORICAL KNOWLEDGE OF  
10 KEY VETERANS AND VETERAN SERVICE ORGANIZA-  
11 TIONS.—The Oversight Working Group shall seek to iden-  
12 tify veterans and veterans services organizations with sig-  
13 nificant information involving test projects such as Project  
14 SHAD and Project 112 and shall seek to have such infor-  
15 mation made available to the Secretary of Defense and  
16 the Secretary of Veterans Affairs. If feasible, such infor-  
17 mation shall be included in the reports of the Oversight  
18 Working Group.

19       (e) ANNUAL REPORT TO CONGRESS.—The Oversight  
20 Working Group shall submit an annual report to Con-  
21 gress. Each such report shall include the following:

22               (1) Information on the activities of the Over-  
23 sight Working Group during the year covered by the  
24 report.

1           (2) With respect to any tests identified since  
2           the previous report under this section that were con-  
3           ducted as part of any testing of chemical or biologi-  
4           cal agents by the Department of Defense in which  
5           members of the Armed Forces or civilians may have  
6           been exposed to chemical or biological agents with-  
7           out their knowledge or consent, information in the  
8           same manner as provided for under subsection (c).

9           (3) Information on costs associated with the  
10          work of the Oversight Working Group during the  
11          year covered by the report.

12          (f) ACCESS TO DECLASSIFIED INFORMATION.—As  
13          Department of Defense information relating to tests of re-  
14          ferred to in section 3(a) is declassified, the Secretary of  
15          Defense shall ensure that such information is immediately  
16          provided to the Oversight Working Group.

17      **SEC. 5. FUNCTIONS OF DEPARTMENT OF VETERANS AF-**  
18                                      **FAIRS.**

19          (a) NOTIFICATION OF VETERANS.—The Secretary of  
20          Veterans Affairs shall notify in writing each veteran who  
21          is determined to have been involved in any of the tests  
22          conducted as part of any testing of chemical or biological  
23          agents by the Department of Defense in which members  
24          of the Armed Forces may have been exposed to chemical  
25          or biological agents without their knowledge or consent,

1 including testing conducted as part of Project SHAD.  
2 Such notification shall include detailed information as to  
3 the veteran's participation in such testing and of the vet-  
4 eran's possible exposure to chemical or biological agents  
5 or solvents as a result of such testing, including when and  
6 where the testing was conducted and what type of chem-  
7 ical or biological agents or solvents were used in the test-  
8 ing. Such notification shall also include instructions on  
9 how to receive a health care evaluation from the Depart-  
10 ment of Veterans Affairs.

11 (b) EVALUATION OF ADDITIONAL INFORMATION.—  
12 As additional information becomes available concerning  
13 Project SHAD or any other testing of chemical or biologi-  
14 cal agents by the Department of Defense in which mem-  
15 bers of the Armed Forces or civilians may have been ex-  
16 posed to chemical or biological agents without their knowl-  
17 edge or consent, the Secretary of Veterans Affairs, work-  
18 ing in conjunction with the Director of the Institute of  
19 Medicine of the National Academy of Sciences, shall act  
20 expeditiously to review declassified material to determine  
21 any lasting health effects that may have been incurred by  
22 veterans as a result of such exposure. Any such health  
23 effects information shall be made available to the public  
24 and to Members of Congress upon request and to any vet-  
25 eran who may have incurred such health effects and shall



1 be made available through the public Internet world-wide-  
2 web site of the Department of Veterans Affairs.

3 (c) NOTIFICATION TO AFFECTED VETERANS.—When  
4 health effects due to exposures referred to in subsection  
5 (b) are identified, the Secretary of Veterans Affairs shall  
6 notify by mail any veteran who, based upon the informa-  
7 tion available to the Secretary, may have been subject to  
8 such exposure. Such notification shall include notice of the  
9 possible exposure of the veteran, a description of the po-  
10 tential health effects of such exposure, and instructions  
11 on how to receive a health care evaluation from the De-  
12 partment of Veterans Affairs.

13 (d) CLINICAL EVALUATION.—The Institute of Medi-  
14 cine shall undertake an overall clinical evaluation of all  
15 chemical and biological testing conducted by the Depart-  
16 ment of Defense to determine a history of how veterans’  
17 health status may have been affected by such testing and  
18 any other information acquired as a result of such testing.

19 **SEC. 6. EXPEDITED PROCESSING OF FOIA REQUESTS.**

20 (a) EXPEDITED PROCESSING.—For purposes of expe-  
21 dited processing under section 552(a)(6)(E) of title 5,  
22 United States Code, any covered requester of a record re-  
23 lating to any testing, including Project SHAD, of chemical  
24 or biological agents by the Department of Defense in  
25 which members of the Armed Forces or civilians may have

1 been exposed to chemical or biological agents without their  
2 knowledge or consent shall be deemed to have dem-  
3 onstrated a compelling need for such record.

4 (b) COVERED REQUESTERS.—For purposes of this  
5 section, the term “covered requester” means any Member  
6 of Congress and any person acting on behalf of a veterans’  
7 service organization.

○