

STATEMENT OF
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BEFORE THE
SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
HOUSE COMMITTEE ON THE JUDICIARY
FEBRUARY 2, 1994

Mr. Chairman and members of the Subcommittee, I am pleased to be here today to discuss our efforts to determine if VA has ever conducted or sponsored inappropriate radiation-related experiments on humans, and to assist you in determining the appropriate government response to concerns about those issues.

Secretary of Veterans Affairs Jesse Brown is a member of the cabinet-level Human Radiation Interagency Working Group. The Working Group is coordinating Executive-branch efforts to determine whether experimental abuses have occurred, and if so the appropriate governmental response. Secretary Brown has committed the Department to a thorough, accurate and energetic review of its nuclear medicine activities and records. He has appointed me to chair VA's internal coordinating committee for this effort. We are determined to learn whether any radiation-related

2.

experimentation of dubious merit or means was ever performed under our aegis, and to share our findings fully with the Congress and the American people.

Our search for the truth is an ambitious undertaking. During the early years of the Nuclear Age, VA was a pioneer in nuclear medicine and conducted a great deal of research using radioisotopes which produced major advancements in patient care. When a review of centrally held research and nuclear medicine records revealed no information on specific research projects, protocols or human subjects, the Secretary required each of our 172 VA medical centers to search its files to determine if it exists locally. All VA facilities are currently engaged in this effort, which includes a search for any documentation of experiments VA conducted in conjunction with its affiliated medical schools or which it contracted out. We hope to have initial reports from all facilities regarding their searches by February 4.

We are currently preparing a protocol for the formal retrieval and inventory of these records. These procedures, being developed in coordination with the Interagency Working Group, will facilitate the orderly provision of documentation to the President's Advisory Committee on Human Radiation Experiments. Of course, due care will be taken to

3.

protect the privacy of research subjects throughout the review.

The President's Advisory Committee is being charged with determining whether:

- (1) there was a clear medical or scientific purpose for the experiments;
- (2) appropriate medical follow-up was conducted; and
- (3) the experiments' design and administration adequately met the standards of informed consent that prevailed at the time of the experiments and meet the standards that exist today.

Mr. Chairman, we share in the insistence that, should inappropriate experimentation be identified, there be a prompt and adequate governmental response. Such a response will be developed in a timely fashion. Certainly, at a minimum the Government should provide appropriate information to experimental subjects and their families and, where required to protect their health, notify them of any potential health risk or need for medical follow-up. Whether

4.

anything more is warranted must necessarily await the findings of what transpired and the likelihood of any resulting injury.

VA is perhaps unique among the concerned Federal agencies in already having statutory authority to compensate for injuries to veterans resulting from radiation exposure that occurred either during their military service or in connection with negligent clinical treatment at VA health-care facilities following service. Under title 38 of the U.S. Code, if it were determined that veterans were injured as a result of human experimentation while in service, or due to fault (including failure to obtain informed consent) on the part of VA-care providers, VA would be authorized to compensate veterans for disabilities or their surviving spouses or children for resulting deaths, and VA health care could be provided the veterans for their disabilities.

I hope I have conveyed the strength of the Secretary's commitment to addressing the very real concerns of our nation's veterans that their Government may have misled some of them or otherwise abused its trust in the interests of radiation-related research. We want veterans to continue to use our toll-free number (1-800-827-1000) to share their concerns with us. We intend to do all we can to learn

5.

whether abuses have occurred, and to do the right thing if indeed they have.

I would be pleased to respond to any questions you or others members may have.