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117TH CONGRESS
2D SESSION

H. R. 3967

[Report No. 117-249, Part I]

To improve health care and benefits for veterans exposed to toxic substances,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2021

Mr. TAKANO (for himself, Mrs. LURIA, Mr. RUIZ, Ms. SLOTKIN, Mr. TRONE, Ms. BROWNLEY, Mr. LEVIN of California, Mr. PAPPAS, Mr. LAMB, Mr. BROWN of Maryland, Mr. GALLEGRO, Ms. UNDERWOOD, Mr. SABLAN, Mr. MRVAN, Mr. ALLRED, Ms. KAPTUR, Ms. LOIS FRANKEL of Florida, Mr. RYAN, Mr. MCGOVERN, Mr. HARDER of California, Mr. FITZPATRICK, Mr. KILMER, Mr. SOTO, Ms. MENG, Ms. STRICKLAND, and Ms. SPANBERGER) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

FEBRUARY 22, 2022

Additional sponsors: Mrs. KIRKPATRICK, Ms. NORTON, Mr. MALINOWSKI, Ms. NEWMAN, Ms. SHERRILL, Mr. KHANNA, Mr. RUSH, Mr. AGUILAR, Mrs. HAYES, Mrs. TRAHAN, Ms. OMAR, Mr. LEVIN of Michigan, Mr. O'HALLERAN, Mr. KIND, Mr. CARSON, Mr. SAN NICOLAS, Mr. PERLMUTTER, Mr. NEGUSE, Ms. LOFGREN, Mrs. DINGELL, Ms. DAVIDS of Kansas, Mr. COHEN, Mrs. AXNE, Mr. GRIJALVA, Mr. GROTHMAN, Mr. COOPER, Mr. MOULTON, Mr. POCAN, Mr. SWALWELL, Mr. TONKO, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Ms. PORTER, Mr. KRISHNAMOORTHY, Mr. BLUMENAUER, Mrs. BUSTOS, Ms. DEGETTE, Mr. JONES, Mr. COURTNEY, Ms. PINGREE, Ms. BOURDEAUX, Ms. MANNING, Mr. WELCH, Ms. LEGER FERNANDEZ, Mr. LANGEVIN, Mr. KEATING, Mr. BISHOP of Georgia, Mr. LIEU, Mr. CLINE, Mr. LARSEN of Washington, Ms. KELLY of Illinois, Mr. LYNCH, Mrs. TORRES of California, Ms. WILLIAMS of Georgia, Ms. HOULAHAN, Ms. SEWELL, Mr. CASTEN, Mr. CICILLINE, Mr. SCHIFF, Mr. CARTWRIGHT, Mr. ESPAILLAT, Mr.

HORSFORD, Mr. DEFazio, Mr. SCHRADER, Mr. CARBAJAL, Ms. CASTOR of Florida, Ms. JACOBS of California, Mr. CASTRO of Texas, Mr. RASKIN, Mrs. CHERFILUS-McCORMICK, Ms. SCANLON, Mr. STANTON, Mr. COSTA, Mr. GOTTHEIMER, and Ms. BASS

FEBRUARY 22, 2022

Reported from the Committee on Veterans' Affairs

FEBRUARY 22, 2022

Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To improve health care and benefits for veterans exposed to toxic substances, 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; REFERENCES TO TITLE 38,**
 4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
 6 “Honoring our Promise to Address Comprehensive Toxics
 7 Act of 2021” or the “Honoring our PACT Act of 2021”.

8 (b) REFERENCES TO TITLE 38, UNITED STATES
 9 CODE.—Except as otherwise expressly provided, whenever
 10 in this title an amendment or repeal is expressed in terms
 11 of an amendment to, or repeal of, a section or other provi-
 12 sion, the reference shall be considered to be made to a
 13 section or other provision of title 38, United States Code.

14 (c) TABLE OF CONTENTS.—The table of contents for
 15 this Act is as follows:

Sec. 1. Short title; references to title 38, United States Code; table of contents.

**TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY FOR TOXIC
 EXPOSED VETERANS**

Sec. 101. Short title.

Sec. 102. Definitions relating to toxic exposed veterans.

Sec. 103. Expansion of health care for specific categories of toxic exposed veterans.

TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

Sec. 201. Short title.

Sec. 202. Improvements to ability of Department of Veterans Affairs to establish presumptions of service connection based on toxic exposure.

Sec. 203. Reevaluation of claims for compensation involving presumptions of service connection.

**TITLE III—IMPROVING THE ESTABLISHMENT OF SERVICE
 CONNECTION PROCESS FOR TOXIC EXPOSED VETERANS**

Sec. 301. Short title.

Sec. 302. Presumptions of toxic exposure.

Sec. 303. Medical nexus examinations for toxic exposure risk activities.

TITLE IV—PRESUMPTIONS OF SERVICE CONNECTION

- Sec. 401. Treatment of veterans who participated in cleanup of Enewetak Atoll as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 402. Treatment of veterans who participated in nuclear response near Palomares, Spain, as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 403. Presumptions of service connection for diseases associated with exposures to certain herbicide agents for veterans who served in certain locations.
- Sec. 404. Addition of additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in certain locations.
- Sec. 405. Improving compensation for disabilities occurring in Persian Gulf War veterans.
- Sec. 406. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.

TITLE V—RESEARCH MATTERS

- Sec. 501. Coordination by Department of Veterans Affairs of toxic exposure research.
- Sec. 502. Data collection, analysis, and report on treatment of veterans for illnesses related to toxic exposure.
- Sec. 503. Studies related to veterans who served in Southwest Asia and certain other locations.
- Sec. 504. Study on health trends of post 9/11 veterans.
- Sec. 505. Study on cancer rates among veterans.
- Sec. 506. Study on feasibility and advisability of furnishing hospital care and medical services to dependents of veterans who participated in toxic exposure risk activities.

TITLE VI—IMPROVEMENT OF RESOURCES AND TRAINING REGARDING TOXIC EXPOSED VETERANS

- Sec. 601. Short title; definitions.
- Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic exposed veterans and outreach program for such veterans and caregivers and survivors of such veterans.
- Sec. 603. Incorporation of toxic exposure questionnaire during primary care appointments.
- Sec. 604. Training for personnel of the Department of Veterans Affairs with respect to toxic exposed veterans.

TITLE VII—REGISTRIES, RECORDS, AND OTHER MATTERS

- Sec. 701. Registry of individuals exposed to per- and polyfluoroalkyl substances on military installations.
- Sec. 702. Fort McClellan Health Registry.
- Sec. 703. Independent study on Individual Longitudinal Exposure Record.
- Sec. 704. Biannual report on Individual Longitudinal Exposure Record.

Sec. 705. Correction of exposure records by members of the Armed Forces and veterans.

1 **TITLE I—EXPANSION OF HEALTH**
2 **CARE ELIGIBILITY FOR TOXIC**
3 **EXPOSED VETERANS**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Conceding Our Vet-
6 erans’ Exposures Now And Necessitating Training Act”
7 or the “COVENANT Act”.

8 **SEC. 102. DEFINITIONS RELATING TO TOXIC EXPOSED VET-**
9 **ERANS.**

10 (a) IN GENERAL.—Section 1710(a)(2)(F) is amend-
11 ed by striking “who was exposed to a toxic substance, ra-
12 diation, or other conditions, as provided in subsection (e)”
13 and inserting “in accordance with subsection (e), who is
14 a toxic exposed veteran”.

15 (b) DEFINITIONS OF TOXIC EXPOSURE AND TOXIC
16 EXPOSED VETERAN.—Section 101 is amended by adding
17 at the end the following new paragraphs:

18 “(37) The term ‘toxic exposure’ includes the fol-
19 lowing:

20 “(A) A toxic exposure risk activity, as defined
21 in section 1710(e)(4) of this title.

22 “(B) An exposure to a substance, chemical, or
23 airborne hazard specified in section 1119(b)(2).

1 “(38) The term ‘toxic exposed veteran’ means a vet-
2 eran described in section 1710(e)(1) of this title.”.

3 (c) DEFINITION OF TOXIC EXPOSURE RISK ACTIV-
4 ITY.—Section 1710(e)(4) is amended by adding at the end
5 the following new subparagraph:

6 “(C) The term ‘toxic exposure risk activity’
7 means any activity—

8 “(i) that requires a corresponding entry in
9 the Individual Longitudinal Exposure Record of
10 the Department for the veteran who carried out
11 the activity; or

12 “(ii) that the Secretary determines quali-
13 fies for purposes of this subsection when taking
14 into account what is reasonably prudent to pro-
15 tect the health of veterans.”.

16 **SEC. 103. EXPANSION OF HEALTH CARE FOR SPECIFIC CAT-**
17 **EGORIES OF TOXIC EXPOSED VETERANS.**

18 (a) IN GENERAL.—Section 1710(e), as amended by
19 section 102(c), is further amended—

20 (1) in paragraph (1), by adding at the end the
21 following new subparagraphs:

22 “(G) Subject to paragraph (2), a veteran who partici-
23 pated in a toxic exposure risk activity while serving on
24 active duty, active duty for training, or inactive duty train-

1 ing is eligible for hospital care, medical services, and nurs-
2 ing home care under subsection (a)(2)(F) for any illness.

3 “(H) Subject to paragraph (2), a covered veteran (as
4 defined in section 1119(c) of this title) is eligible for hos-
5 pital care, medical services, and nursing home care under
6 subsection (a)(2)(F) for any illness.”; and

7 (2) in paragraph (2)(B)—

8 (A) by striking “or (F)” and inserting
9 “(F), (G), or (H)”;

10 (B) by striking “service or testing” and in-
11 serting “service, testing, or activity”.

12 (b) RESOURCE ASSESSMENT AND REPORT.—

13 (1) INITIAL ASSESSMENT AND REPORT.—Not
14 later than 180 days after the date of the enactment
15 of this Act, the Secretary of Veterans Affairs shall—

16 (A) complete an assessment to deter-
17 mine—

18 (i) the personnel and material re-
19 sources necessary to implement the amend-
20 ments made by subsection (a); and

21 (ii) the total number of covered vet-
22 erans, as such term is defined in section
23 1119(c) of title 38, United States Code (as
24 added by section 301), who receive hospital
25 care or medical services furnished by the

1 Secretary under chapter 17 of such title,
2 disaggregated by priority group specified in
3 section 1705(a) of such title; and

4 (B) submit to the Committees on Veterans'
5 Affairs of the House of Representatives and the
6 Senate an initial report containing the findings
7 of the assessment completed under subpara-
8 graph (A), including a specific determination as
9 to whether the Department has the personnel
10 and material resources necessary to implement
11 the amendments made by subsection (a).

12 (2) SUBSEQUENT REPORTS.—If the initial re-
13 port submitted under paragraph (1)(B) contains a
14 determination that the Department does not have
15 the personnel or material resources necessary to im-
16 plement the amendments made by subsection (a),
17 beginning not later than 90 days after the submis-
18 sion of such initial report and every 90 days there-
19 after until the effective date specified in subsection
20 (c), the Secretary shall submit to the Committees on
21 Veterans' Affairs of the House of Representatives
22 and the Senate a subsequent report containing an
23 update to such determination.

1 (c) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date that is the ear-
3 lier of the following:

4 (1) The date on which the Secretary submits a
5 report under subsection (b) containing a determina-
6 tion that the Department has the personnel and ma-
7 terial resources necessary to implement such amend-
8 ments, and notifies the Law Revision Counsel of the
9 House of Representatives of the submission of the
10 report so the Law Revision Counsel may execute the
11 amendments.

12 (2) The date that is 18 months after the date
13 of the enactment of this Act.

14 **TITLE II—TOXIC EXPOSURE**
15 **PRESUMPTION PROCESS**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “Fairly Assessing Serv-
18 ice-related Toxic Exposure Residuals Presumptions Act”
19 or the “FASTER Presumptions Act”.

20 **SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF**
21 **VETERANS AFFAIRS TO ESTABLISH PRE-**
22 **SUMPTIONS OF SERVICE CONNECTION**
23 **BASED ON TOXIC EXPOSURE.**

24 (a) ADVISORY COMMITTEES, PANELS, AND
25 BOARDS.—

1 (1) ESTABLISHMENT.—Chapter 11 is amended
2 by adding at the end the following new subchapter:
3 “SUBCHAPTER VII—RESEARCH AND DETER-
4 MINATIONS RELATING TO PRESUMPTIONS
5 OF SERVICE CONNECTION BASED ON TOXIC
6 EXPOSURE

7 “§ 1171. **Procedures to determine presumptions of**
8 **service connection based on toxic expo-**
9 **sure; definitions**

10 “(a) PROCEDURES.—The Secretary shall determine
11 whether to establish, or to remove, presumptions of service
12 connection based on toxic exposure pursuant to this sub-
13 chapter, whereby—

14 “(1) the Formal Advisory Committee on Toxic
15 Exposure under section 1172 of this title—

16 “(A) provides advice to the Secretary on
17 toxic exposed veterans and cases in which vet-
18 erans who, during active military, naval, or air
19 service, may have experienced a toxic exposure
20 or their dependents may have experienced a
21 toxic exposure while the veterans were serving
22 in the active military, naval, or air service;

23 “(B) provides to the Secretary rec-
24 ommendations on corrections needed in the In-
25 dividual Longitudinal Exposure Record to bet-

1 ter reflect veterans and dependents described in
2 subparagraph (A); and

3 “(C) provides to the Secretary rec-
4 ommendations regarding which cases of possible
5 toxic exposure described in subparagraph (A)
6 the Science Review Board should review;

7 “(2) the Science Review Board under section
8 1173 of this title—

9 “(A) reviews cases of possible toxic expo-
10 sure nominated by the Secretary;

11 “(B) reviews research nominated by the
12 Secretary;

13 “(C) develops recommendations for new re-
14 search; and

15 “(D) determines the strength of evidence
16 supporting positive association between toxic ex-
17 posure and an illness;

18 “(3) the Working Group under section 1174 of
19 this title evaluates the conclusions of the Science Re-
20 view Board and recommends to the Secretary wheth-
21 er to establish or modify a presumption of service
22 connection; and

23 “(4) the Secretary prescribes regulations under
24 section 1175 of this title.

1 “(b) ILLNESS DEFINED.—In this subchapter, the
2 term ‘illness’ includes a disease or other condition affect-
3 ing the health of an individual.

4 “(c) NONAPPLICATION OF SUNSET REQUIRE-
5 MENTS.—Section 14 of the Federal Advisory Committee
6 Act (5 U.S.C. App.) shall not apply to an entity estab-
7 lished under this subchapter.

8 **“§ 1172. Formal Advisory Committee on Toxic Expo-**
9 **sure**

10 “(a) ESTABLISHMENT.—(1) There is in the Veterans
11 Health Administration of the Department the Formal Ad-
12 visory Committee on Toxic Exposure (in this section re-
13 ferred to as the ‘Committee’).

14 “(2)(A) The Committee shall be composed of nine
15 members appointed as follows:

16 “(i) Five members shall be appointed by the
17 Secretary.

18 “(ii) One member shall be appointed by the
19 Speaker of the House of Representatives.

20 “(iii) One member shall be appointed by the mi-
21 nority leader of the House of Representatives.

22 “(iv) One member shall be appointed by the
23 majority leader of the Senate.

24 “(v) One member shall be appointed by the mi-
25 nority leader of the Senate.

1 “(B) The members appointed under subparagraph
2 (A) shall meet the following criteria:

3 “(i) Not more than three members shall be ap-
4 pointed from among individuals who are officials or
5 employees of the Veterans Benefits Administration
6 or the Veterans Health Administration.

7 “(ii) At least one member shall be appointed
8 from among individuals who are officials or employ-
9 ees of other departments or agencies of the Federal
10 Government, including the Department of Defense
11 and the Agency of Toxic Substances and Disease
12 Registry of the Centers for Disease Control and Pre-
13 vention.

14 “(iii) At least one member shall be appointed
15 from among individuals who are representatives of
16 disabled veterans.

17 “(iv) At least one member shall be appointed
18 from among individuals in the private sector, State
19 or local government, or academia, who are experts in
20 toxicology and epidemiology.

21 “(3) The Secretary shall determine the pay and al-
22 lowances of the members of the Committee, including with
23 respect to any additional pay and allowances for members
24 who are officials or employees of the Federal Government.

1 “(4) Each member of the Committee shall be ap-
2 pointed for a two-year term, and may serve not more than
3 three successive terms.

4 “(5) A vacancy in the Committee shall be filled in
5 the manner in which the original appointment was made.

6 “(b) CONSULTATION.—The Secretary may consult
7 with, and seek the advice of, the Committee with respect
8 to cases in which veterans who, during active military,
9 naval, or air service, are suspected of having experienced
10 a toxic exposure or dependents of veterans who may have
11 experienced a toxic exposure during such service.

12 “(c) ASSESSMENTS.—(1) The Committee shall assess
13 cases of the toxic exposure of veterans and their depend-
14 ents that occurred during active military, naval, or air
15 service.

16 “(2) The assessments under paragraph (1) shall
17 cover suspected and known toxic exposures occurring dur-
18 ing active military, naval, or air service, including by iden-
19 tifying and evaluating new and emerging toxic exposures
20 that are not recognized under existing presumptions of
21 service connection.

22 “(3) The Committee may conduct an assessment
23 under paragraph (1) in response to a person described in
24 subsection (e)(2), by a majority vote of the members of
25 the Committee.

1 “(4) The Committee shall on a periodic basis assess
2 the Individual Longitudinal Exposure Record to ensure
3 the accuracy of data collected.

4 “(d) RESEARCH RECOMMENDATIONS.—(1) Following
5 an assessment of a case of the toxic exposure of veterans
6 or their dependents that occurred during active military,
7 naval, or air service under subsection (c), the Committee
8 may develop a recommendation for the Secretary regard-
9 ing whether there should be a review of the health effects
10 related to the case of exposure conducted by the Science
11 Review Board established under section 1173 of this title.

12 “(2) Upon receipt of evidence suggesting that pre-
13 vious findings regarding the periods and locations of expo-
14 sure covered by an existing presumption of service connec-
15 tion are no longer supported, the Committee may nomi-
16 nate such evidence for evaluation by the Working Group
17 to modify the periods and locations.

18 “(e) INPUT.—(1) Not less than quarterly, the Com-
19 mittee shall provide an opportunity for persons described
20 in paragraph (2) to present written or oral comments to
21 the Committee.

22 “(2) The persons described in this paragraph are per-
23 sons who may be affected by the actions of the Committee,
24 including—

1 “(A) veterans, the families of veterans, veterans
2 service organizations and representatives, research-
3 ers, and other members of the general public; and

4 “(B) departments and agencies of the Federal
5 Government.

6 “(f) REPORTS BY THE COMMITTEE.—Not less fre-
7 quently than once each year, the Committee shall submit
8 to the Secretary and the Committees on Veterans’ Affairs
9 of the Senate and the House of Representatives, and make
10 publicly available, a report on—

11 “(1) recommendations for research under sub-
12 section (d), if any; and

13 “(2) recommendations for such legislative or
14 administrative action as the Committee considers
15 necessary for the Committee to be more effective in
16 carrying out the requirements of this section.

17 “(g) RESPONSES BY SECRETARY.—In response to
18 each report submitted under subsection (f), the Secretary
19 shall submit to the Secretary and the Committees on Vet-
20 erans’ Affairs of the Senate and the House of Representa-
21 tives, and make publicly available, a report on—

22 “(1) the findings and opinions of the Secretary
23 with respect to the report most recently submitted
24 under subsection (f); and

1 “(2) whether the Secretary intends to nominate
2 to the Science Review Board the review rec-
3 ommended by the Committee in the report, and if
4 not, an explanation of why, including citations and
5 sources.

6 **“§ 1173. Science Review Board**

7 “(a) ESTABLISHMENT.—(1) There is in the Veterans
8 Health Administration of the Department the Science Re-
9 view Board (in this section referred to as the ‘Board’).

10 “(2)(A) The members of the Board shall be appointed
11 by the Secretary, in consultation with the National Acad-
12 emies of Sciences, Engineering, and Medicine, from the
13 general public from among individuals who are distin-
14 guished in the fields of medicine, biological sciences, or
15 health administration.

16 “(B) An individual may not concurrently serve on the
17 Board and the Formal Advisory Committee on Toxic Ex-
18 posure under section 1172 of this title.

19 “(C) The Secretary shall determine the number,
20 terms of service, and pay and allowances of members of
21 the Board appointed by the Secretary.

22 “(b) DUTIES.—(1) Upon receiving a nomination for
23 the evaluation of research on the health effects of toxic
24 exposures of members of the active military, naval, or air

1 service or dependents of such members made by the Sec-
2 retary, the Board shall—

3 “(A) evaluate the likelihood that a positive as-
4 sociation exists between an illness and a toxic expo-
5 sure while serving in the active military, naval, or
6 air service; and

7 “(B) assess the toxic exposures and illnesses
8 identified by the Secretary and determine whether
9 the evidence supports a finding of a positive associa-
10 tion between the toxic exposure and the illness.

11 “(2) In carrying out paragraph (1)(B), the Board
12 shall review all relevant data to determine the strength
13 of evidence for a positive association based on the fol-
14 lowing four categories:

15 “(A) The ‘sufficient’ category, where the evi-
16 dence is sufficient to conclude that a positive asso-
17 ciation exists.

18 “(B) The ‘equipoise and above’ category, where
19 the evidence is sufficient to conclude that a positive
20 association is at least as likely as not, but not suffi-
21 cient to conclude that a positive association exists.

22 “(C) The ‘below equipoise’ category, where the
23 evidence is not sufficient to conclude that a positive
24 association is at least as likely as not, or is not suffi-
25 cient to make a scientifically informed judgment.

1 “(D) The ‘against’ category, where the evidence
2 suggests the lack of a positive association.

3 “(3)(A) With respect to an evaluation conducted
4 under this subsection, if the Board determines that the
5 evidence for a positive association is categorized as either
6 the sufficient or equipoise and above categories, the Board
7 shall estimate the size of the positive association effect
8 among those exposed by calculating the relative risk and
9 exposure prevalence.

10 “(B)(i) The Board shall use the relative risk and ex-
11 posure prevalence calculated under subparagraph (A) to
12 estimate the service-attributable fraction of illness in a
13 military setting to determine the probability of positive as-
14 sociation for an individual.

15 “(ii) In calculating the service-attributable fraction of
16 illness, the Board shall consider the dose-response rela-
17 tionships.

18 “(4)(A) With respect to an evaluation conducted
19 under this subsection, if the Board determines that the
20 evidence for a positive association is categorized as the
21 below equipoise category, the Board shall develop a rec-
22 ommendation as to whether additional data gathering and
23 research are necessary.

24 “(B) If the Board recommends additional data gath-
25 ering and research pursuant to subparagraph (A), the Sec-

1 retary shall seek to enter into an agreement with the Na-
2 tional Academies of Sciences, Engineering, and Medicine,
3 or another nonprofit, nongovernmental entity that the
4 Secretary determines has similar expertise and objectivity
5 as the National Academies, to conduct such data gath-
6 ering and research.

7 “(c) REPORTS.—(1) For each evaluation conducted
8 under subsection (b) where the Board determines that the
9 evidence for positive association is categorized as either
10 the sufficient or equipoise and above categories, the Board
11 shall submit to the Secretary a report identifying the evi-
12 dence found to reach such positive association determina-
13 tions.

14 “(2) In addition to submitting reports under para-
15 graph (1), the Board shall submit to the Secretary reports,
16 at such times and at such frequencies as the Board con-
17 siders appropriate, containing such recommendations as
18 the Board may have for additional or new research on
19 matters relating to toxic exposures described in subsection
20 (b)(1).

21 “(d) RESPONSES FROM THE SECRETARY.—(1) In re-
22 sponse to each report received by the Secretary under sub-
23 section (c)(1), the Secretary shall submit to the Commit-
24 tees on Veterans’ Affairs of the Senate and the House of
25 Representatives, and make publicly available, a report on

1 the findings and opinions of the Secretary with respect
2 to the report received under such subsection.

3 “(2) Each report submitted under paragraph (1) of
4 this subsection shall include, with respect to a report re-
5 ceived under subsection (c)(1), the following:

6 “(A) The findings and opinions of the Secretary
7 with respect to the report received under subsection
8 (c)(1).

9 “(B) Whether the Secretary intends to nomi-
10 nate to the Working Group, established under sec-
11 tion 1174(a) of this title, the work of the Science
12 Review Board covered by the report received under
13 subsection (c)(1) for further action, and if not, an
14 explanation of why, including citations and sources.

15 **“§ 1174. Working group on presumptions of service**
16 **connection**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish a working group (in this section referred to as the
19 ‘Working Group’) to—

20 “(1) evaluate—

21 “(A) the conclusions of the Science Review
22 Board contained in each report submitted under
23 section 1173(e)(1) of this title; and

24 “(B) evidence nominated by the Formal
25 Advisory Committee on Toxic Exposure under

1 section 1172(d)(2) regarding the periods and
2 locations of exposure covered by an existing
3 presumption of service connection; and

4 “(2) develop and submit to the Secretary a rec-
5 ommendation with respect to whether—

6 “(A) to establish a presumption of service
7 connection for the toxic exposure and illness
8 covered by the report described in subparagraph
9 (A) of paragraph (1); or

10 “(B) to modify an existing presumption of
11 service connection described in subparagraph
12 (B) of such paragraph.

13 “(b) RECOMMENDATIONS.—(1) In making a rec-
14 ommendation under subsection (a)(2), the Working Group
15 shall—

16 “(A) in cases where the evidence for a positive
17 association is categorized as either the sufficient or
18 equipoise and above categories, as described in sub-
19 paragraph (A) or (B) of section 1173(b)(2) of this
20 title, weigh such evidence heavily in favor of estab-
21 lishing a presumption of service connection;

22 “(B) take into consideration such factors as
23 may be determined appropriate by the Secretary;
24 and

1 “(C) if the Working Group determines that ad-
2 ditional research, studies, or reports are appropriate
3 before making a final recommendation with respect
4 to establishing or modifying a presumption of service
5 connection, submit to the Secretary a description of
6 such appropriate additional research, studies, or re-
7 ports.

8 “(2) At the same time as when the Working Group
9 submits to the Secretary a recommendation under para-
10 graph (2) of subsection (a) with respect to an evaluation
11 under paragraph (1) of such subsection, the Working
12 Group shall submit to the Committees on Veterans’ Af-
13 fairs of the Senate and the House of Representatives a
14 description of such recommendation.

15 “(c) REPORT.—The Secretary shall periodically pub-
16 lish on the internet website of the Department a report
17 identifying any factors for the Working Group to consider
18 under subsection (b)(1)(B), as determined appropriate by
19 the Secretary.

20 **“§ 1175. Regulations regarding presumptions of serv-**
21 **ice connection based on toxic exposure**

22 “(a) ACTION UPON WORKING GROUP RECOMMENDA-
23 TION.—Not later than 60 days after the date on which
24 the Secretary receives a recommendation to establish or

1 modify a presumption of service connection under section
2 1174(a)(2) of this title—

3 “(1) if the Secretary determines that the pre-
4 sumption, or modification, is warranted, the Sec-
5 retary shall issue proposed regulations setting forth
6 the presumption or revise regulations to carry out
7 such modification; or

8 “(2) if the Secretary determines that the pre-
9 sumption, or modification, is not warranted, the Sec-
10 retary shall publish in the Federal Register a notice
11 of the determination, including the reasons sup-
12 porting the determination.

13 “(b) FINAL REGULATION.—Not later than 180 days
14 after the date on which the Secretary issues any proposed
15 regulations under subsection (a)(1), the Secretary shall
16 issue final regulations. Such regulations shall be effective
17 on the date of issuance.

18 “(c) REMOVAL OF PRESUMPTION.—(1) The Sec-
19 retary may issue regulations to remove an illness from a
20 presumption of service connection previously established
21 pursuant to a regulation issued under subsection (b).

22 “(2) Whenever an illness is removed from regulations
23 pursuant to paragraph (1), or the periods and locations
24 of exposure covered by a presumption of service connection
25 are modified under subsection (a)—

1 “(A) a veteran who was awarded compensation
2 for such illness on the basis of the presumption pro-
3 vided under such regulations before the effective
4 date of the removal or modification shall continue to
5 be entitled to receive compensation on that basis;
6 and

7 “(B) a survivor of a veteran who was awarded
8 dependency and indemnity compensation for the
9 death of a veteran resulting from such illness on the
10 basis of such presumption shall continue to be enti-
11 tled to receive dependency and indemnity compensa-
12 tion on such basis.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of such chapter is amended
15 by inserting after the item relating to section 1165
16 the following new items:

“SUBCHAPTER VII—RESEARCH AND DETERMINATIONS RELATING TO
PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE

“1171. Procedures to determine presumptions of service connection based on
toxic exposure; definitions.

“1172. Formal Advisory Committee on Toxic Exposure.

“1173. Science Review Board.

“1174. Working group on presumptions of service connection.

“1175. Regulations regarding presumptions of service connection based on toxic
exposure.”.

17 (b) CONFORMING AMENDMENTS.—Chapter 11 is
18 amended—

19 (1) in section 1116—

20 (A) by striking subsections (b), (c), (d),
21 and (e);

1 (B) by inserting after subsection (a) the
2 following new subsection (b):

3 “(b) The Secretary shall ensure that any determina-
4 tion made on or after the date of the enactment of the
5 Honoring our Promise to Address Comprehensive Toxics
6 Act of 2021 regarding a presumption of service connection
7 based on exposure to an herbicide agent under this section
8 is made pursuant to subchapter VII of this chapter, in-
9 cluding with respect to assessing reports received by the
10 Secretary from the National Academy of Sciences under
11 section 3 of the Agent Orange Act of 1991 (Public Law
12 102–4).”; and

13 (C) by redesignating subsection (f) as sub-
14 section (e);

15 (2) in section 1116B(b)(2)(A), by inserting
16 “pursuant to subchapter VII of this chapter,” before
17 “the Secretary determines”; and

18 (3) in section 1118—

19 (A) by striking subsections (b) through (e);
20 and

21 (B) by inserting after subsection (a) the
22 following new subsection (b):

23 “(b) The Secretary shall ensure that any determina-
24 tion made on or after the date of the enactment of the
25 Honoring our Promise to Address Comprehensive Toxics

1 Act of 2021 regarding a presumption of service connection
2 based on a toxic exposure under this section is made pur-
3 suant to subchapter VII of this chapter.”.

4 **SEC. 203. REEVALUATION OF CLAIMS FOR COMPENSATION**
5 **INVOLVING PRESUMPTIONS OF SERVICE**
6 **CONNECTION.**

7 (a) IN GENERAL.—Subchapter VI of chapter 11 is
8 amended by adding at the end the following new section:

9 **“§ 1167. Reevaluation of compensation determina-**
10 **tions pursuant to changes in presump-**
11 **tions of service connection**

12 “(a) REEVALUATION.—Except as provided in sub-
13 section (b), whenever a law, including through a regulation
14 or Federal court decision, establishes or modifies a pre-
15 sumption of service connection, the Secretary shall—

16 “(1) identify all claims for compensation under
17 this chapter that—

18 “(A) were submitted to the Secretary;

19 “(B) were evaluated and denied by the
20 Secretary before the date on which such provi-
21 sion of law went into effect; and

22 “(C) might have been evaluated differently
23 had the establishment or modification been ap-
24 plicable to the claim;

1 “(2) allow for the reevaluation of such claims at
2 the election of the veteran; and

3 “(3) with respect to claims approved pursuant
4 to such reevaluation, provide compensation under
5 this chapter effective as if the establishment or
6 modification of the presumption of service connec-
7 tion had been in effect on the date of the submission
8 of the original claim described in paragraph (1).

9 “(b) OUTREACH.—With respect to each claim identi-
10 fied under subsection (a), the Secretary shall conduct out-
11 reach to inform relevant veterans that they may elect to
12 have a claim be reevaluated in light of the establishment
13 or modification of a presumption of service connection de-
14 scribed in such subsection. Such outreach shall include the
15 following:

16 “(1) The Secretary shall publish on the internet
17 website of the Department a notice that such vet-
18 erans may elect to have a claim so reevaluated.

19 “(2) The Secretary shall notify, in writing or by
20 electronic means, veterans service organizations of
21 the ability of such veterans to elect to have a claim
22 so reevaluated.

23 “(c) RELATION TO OTHER LAWS.—The Secretary
24 shall carry out subsection (a) to the degree that doing so
25 does not conflict with any other provision of law.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 11 of such title is amended
 3 by inserting after the item relating to section 1165 the
 4 following new item:

“1167. Reevaluation of compensation determinations pursuant to changes in
 presumptions of service connection.”.

5 (c) APPLICATION.—Section 1167 of title 38, United
 6 States Code, as added by subsection (a), shall apply with
 7 respect to presumptions of service connection established
 8 or modified on or after the date of the enactment of this
 9 Act, including pursuant to amendments made by this Act.

10 **TITLE III—IMPROVING THE ES-**
 11 **TABLISHMENT OF SERVICE**
 12 **CONNECTION PROCESS FOR**
 13 **TOXIC EXPOSED VETERANS**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Veterans Burn Pits
 16 Exposure Recognition Act”.

17 **SEC. 302. PRESUMPTIONS OF TOXIC EXPOSURE.**

18 (a) IN GENERAL.—Subchapter II of chapter 11 is
 19 amended by adding at the end the following new section:

20 **“§ 1119. Presumptions of toxic exposure**

21 **“(a) CONSIDERATION OF INDIVIDUAL LONGITU-**
 22 **DINAL EXPOSURE RECORD REQUIRED.—**If a veteran sub-
 23 mits to the Secretary a claim for compensation for a serv-
 24 ice-connected disability under section 1110 of this title

1 with evidence of a disability and a toxic exposure that oc-
2 curred during active military, naval, or air service, the
3 Secretary shall, in adjudicating such claim, consider—

4 “(1) the Individual Longitudinal Exposure
5 Record of the veteran; and

6 “(2) if the Individual Longitudinal Exposure
7 Record of the veteran does not indicate that the vet-
8 eran was subject to a toxic exposure during active
9 military, naval, or air service, the totality of the cir-
10 cumstances of the service of the veteran.

11 “(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE
12 FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—

13 (1) The Secretary shall, for purposes of section 1110 and
14 chapter 17 of this title, presume that any covered veteran
15 was exposed to the substances, chemicals, and hazards
16 listed in paragraph (2) during the service of the covered
17 veteran specified in subsection (c)(1), unless there is af-
18 firmative evidence to establish that the covered veteran
19 was not exposed to any such substances, chemicals, or haz-
20 ards in connection with such service.

21 “(2)(A) Subject to subparagraph (B), the substances,
22 chemicals, and airborne hazards listed in this paragraph
23 are as follows:

24 “(i) Particulate matter, including the following:

25 “(I) PM-10.

1 “(II) PM-2.5.

2 “(ii) Polycyclic aromatic hydrocarbons (PAHs),
3 including the following:

4 “(I) Acenaphthene.

5 “(II) Acenaphthylene.

6 “(III) Anthracene.

7 “(IV) Benzo(a)anthracene.

8 “(V) Benzo(a)pyrene.

9 “(VI) Benzo(b)fluoranthene.

10 “(VII) Benzo(g,h,i)perylene.

11 “(VIII) Benzo(k)fluoranthene.

12 “(IX) Chrysene.

13 “(X) Dibenz(a,h)anthracene.

14 “(XI) Fluoranthene.

15 “(XII) Fluorene.

16 “(XIII) Indeno(1,2,3-cd)pyrene.

17 “(XIV) Naphthalene.

18 “(XV) Phenanthrene.

19 “(XVI) Pyrene.

20 “(iii) Volatile organic compounds (VOCs), in-
21 cluding the following:

22 “(I) Acetone.

23 “(II) Acrolein.

24 “(III) Benzene.

25 “(IV) Carbon Disulfide.

- 1 “(V) Chlorodifluoromethane.
- 2 “(VI) Chloromethane.
- 3 “(VII) Ethylbenzene.
- 4 “(VIII) Hexachlorobutadiene.
- 5 “(IX) Hexane.
- 6 “(X) m/p-Xylene.
- 7 “(XI) Methylene Chloride.
- 8 “(XII) Pentane.
- 9 “(XIII) Propylene.
- 10 “(XIV) Styrene.
- 11 “(XV) Toluene.
- 12 “(iv) Toxic organic halogenated dioxins and
- 13 furans (dioxins), including the following:
- 14 “(I) 1,2,3,4,6,7,8 HPCDD.
- 15 “(II) 1,2,3,4,6,7,8 HPCDF.
- 16 “(III) 1,2,3,4,7,8,9 HPCDF.
- 17 “(IV) 1,2,3,4,7,8 HXCDD.
- 18 “(V) 1,2,3,6,7,8 HXCDD.
- 19 “(VI) 1,2,3,7,8,9 HXCDD.
- 20 “(VII) 1,2,3,4,7,8 HXCDF.
- 21 “(VIII) 1,2,3,6,7,8 HXCDF.
- 22 “(IX) 1,2,3,7,8,9 HXCDF.
- 23 “(X) 1,2,3,7,8 PECDD.
- 24 “(XI) 1,2,3,7,8 PECDF.
- 25 “(XII) 2,3,4,6,7,8 HXCDF.

1 “(XIII) 2,3,4,7,8 PECDF.

2 “(XIV) 2,3,7,8 TCDD.

3 “(XV) 2,3,7,8 TCDF.

4 “(XVI) Octachlorodibenzodioxin.

5 “(XVII) Octachlorodibenzofuran.

6 “(v) Such other substances, chemicals, and air-
7 borne hazards as the Secretary, in collaboration with
8 the Secretary of Defense, may determine appro-
9 priate.

10 “(B)(i) The Secretary may add to or remove from
11 the list under subparagraph (A) as the Secretary, in col-
12 laboration with the Secretary of Defense, determines ap-
13 propriate.

14 “(ii) Beginning not later than two years after the
15 date of the enactment of the Honoring our Promise to Ad-
16 dress Comprehensive Toxics Act of 2021, and not less fre-
17 quently than once every two years thereafter, the Sec-
18 retary shall submit to Congress a report identifying any
19 additions or removals made pursuant to subparagraph (A)
20 during the period covered by the report.

21 “(c) DEFINITIONS.—In this section:

22 “(1) The term ‘covered veteran’ means any vet-
23 eran who—

1 “(A) on or after August 2, 1990, per-
2 formed active military, naval, or air service
3 while assigned to a duty station in—

4 “(i) Bahrain;

5 “(ii) Iraq;

6 “(iii) Kuwait;

7 “(iv) Oman;

8 “(v) Qatar;

9 “(vi) Saudi Arabia;

10 “(vii) Somalia; or

11 “(viii) United Arab Emirates; or

12 “(B) on or after September 11, 2001, per-
13 formed active military, naval, or air service
14 while assigned to a duty station in—

15 “(i) Afghanistan;

16 “(ii) Djibouti;

17 “(iii) Egypt;

18 “(iv) Jordan;

19 “(v) Lebanon;

20 “(vi) Syria;

21 “(vii) Yemen;

22 “(viii) Uzbekistan;

23 “(ix) the Philippines; or

24 “(x) any other country determined rel-
25 evant by the Secretary.

1 “(2) The term ‘Individual Longitudinal Expo-
 2 sure Record’ includes any pilot program or other
 3 program used by the Department of Veterans Af-
 4 fairs or the Department of Defense to track how
 5 members of the Armed Forces or veterans have been
 6 exposed to various occupational or environmental
 7 hazards.

8 “(3) The term ‘toxic exposure risk activity’ has
 9 the meaning given such term in section 1710(e)(4)
 10 of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 11 is amended by inserting
 13 after the item relating to section 1118 the following new
 14 item:

 “1119. Presumptions of toxic exposure.”.

15 **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**
 16 **POSURE RISK ACTIVITIES.**

17 (a) IN GENERAL.—Subchapter VI of chapter 11, as
 18 amended by section 203 of this Act, is further amended
 19 by adding at the end the following new section:

20 **“§ 1168. Medical nexus examinations for toxic expo-**
 21 **sure risk activities**

22 “(a) MEDICAL EXAMINATIONS AND MEDICAL OPIN-
 23 IONS.—(1) Except as provided in subsection (b), if a vet-
 24 eran submits to the Secretary a claim for compensation
 25 for a service-connected disability under section 1110 of

1 this title with evidence of a disability and evidence of par-
2 ticipation in a toxic exposure risk activity during active
3 military, naval, or air service, and such evidence is not
4 sufficient to establish a service connection for the dis-
5 ability, the Secretary shall—

6 “(A) provide the veteran with a medical exam-
7 ination under section 5103A(d) of this title; and

8 “(B) request a medical opinion as to whether it
9 is at least as likely as not that there is a nexus be-
10 tween the disability and the toxic exposure risk ac-
11 tivity.

12 “(2) When providing the Secretary with a medical
13 opinion requested under paragraph (1), the health care
14 provider shall consider the total potential exposure
15 through all applicable military deployments, and the syn-
16 ergistic, combined effect of all applicable toxic exposure
17 risk activities.

18 “(b) EXCEPTION.—Subsection (a) shall not apply if
19 the Secretary determines there is no indication of an asso-
20 ciation between the disability claimed by the veteran and
21 the toxic exposure risk activity for which the veteran sub-
22 mitted evidence.

23 “(c) TOXIC EXPOSURE RISK ACTIVITY DEFINED.—
24 In this section, the term ‘toxic exposure risk activity’ has

1 the meaning given such term in section 1710(e)(4) of this
2 title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 11 of such title, as amended
5 by title II of this Act, is further amended by inserting
6 after the item relating to section 1167, as added by such
7 title, the following new item:

“1168. Medical nexus examinations for toxic exposure risk activities.”.

8 **TITLE IV—PRESUMPTIONS OF**
9 **SERVICE CONNECTION**

10 **SEC. 401. TREATMENT OF VETERANS WHO PARTICIPATED**
11 **IN CLEANUP OF ENEWETAK ATOLL AS RADI-**
12 **ATION-EXPOSED VETERANS FOR PURPOSES**
13 **OF PRESUMPTION OF SERVICE CONNECTION**
14 **OF CERTAIN DISABILITIES BY DEPARTMENT**
15 **OF VETERANS AFFAIRS.**

16 (a) SHORT TITLE.—This section may be cited as the
17 “Mark Takai Atomic Veterans Healthcare Parity Act”.

18 (b) ENEWETAK ATOLL.—Section 1112(c)(3)(B) is
19 amended by adding at the end the following new clause:

20 “(v) Cleanup of Enewetak Atoll during the
21 period beginning on January 1, 1977, and end-
22 ing on December 31, 1980.”.

1 **SEC. 402. TREATMENT OF VETERANS WHO PARTICIPATED**
2 **IN NUCLEAR RESPONSE NEAR PALOMARES,**
3 **SPAIN, AS RADIATION-EXPOSED VETERANS**
4 **FOR PURPOSES OF PRESUMPTION OF SERV-**
5 **ICE CONNECTION OF CERTAIN DISABILITIES**
6 **BY DEPARTMENT OF VETERANS AFFAIRS.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Palomares Veterans Act”.

9 (b) **PALOMARES.**—Section 1112(c)(3)(B), as amend-
10 ed by section 401, is further amended by adding at the
11 end the following new clause:

12 “(vi) Onsite participation in the response
13 effort following the collision of a United States
14 Air Force B-52 bomber and refueling plane
15 that caused the release of four thermonuclear
16 weapons in the vicinity of Palomares, Spain,
17 during the period beginning January 17, 1966,
18 and ending March 31, 1967.”.

19 **SEC. 403. PRESUMPTIONS OF SERVICE CONNECTION FOR**
20 **DISEASES ASSOCIATED WITH EXPOSURES TO**
21 **CERTAIN HERBICIDE AGENTS FOR VETERANS**
22 **WHO SERVED IN CERTAIN LOCATIONS.**

23 (a) **SHORT TITLE.**—This section may be cited as the
24 “Veterans Agent Orange Exposure Equity Act”.

25 (b) **IN GENERAL.**—Section 1116, as amended by sec-
26 tion 202, is further amended—

1 (1) by striking “, during active military, naval,
2 or air service, served in the Republic of Vietnam
3 during the period beginning on January 9, 1962,
4 and ending on May 7, 1975” each place it appears
5 and inserting “performed covered service”;

6 (2) by striking “performed active military,
7 naval, or air service in the Republic of Vietnam dur-
8 ing the period beginning on January 9, 1962, and
9 ending on May 7, 1975” each place it appears and
10 inserting “performed covered service”; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(d) In this section, the term ‘covered service’ means
14 active military, naval, or air service—

15 “(1) performed in the Republic of Vietnam dur-
16 ing the period beginning on January 9, 1962, and
17 ending on May 7, 1975;

18 “(2) performed in Thailand at any United
19 States or Royal Thai base during the period begin-
20 ning on January 9, 1962, and ending on June 30,
21 1976, without regard to where on the base the vet-
22 eran was located or what military job specialty the
23 veteran performed;

1 “(3) performed in Laos during the period be-
2 ginning on December 1, 1965, and ending on Sep-
3 tember 30, 1969;

4 “(4) performed in Cambodia at Mimot or Krek,
5 Kampong Cham Province during the period begin-
6 ning on April 16, 1969, and ending on April 30,
7 1969; or

8 “(5) performed on Guam or American Samoa,
9 or in the territorial waters thereof, during the period
10 beginning on January 9, 1962, and ending on July
11 31, 1980, or served on Johnston Atoll or on a ship
12 that called at Johnston Atoll during the period be-
13 ginning on January 1, 1972, and ending on Sep-
14 tember 30, 1977.”.

15 (c) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL
16 SERVICES.—Section 1710(e)(4), as amended by section
17 103, is further amended by striking subparagraph (A) and
18 inserting the following new subparagraph:

19 “(A) The term ‘Vietnam-era herbicide-exposed
20 veteran’ means a veteran who—

21 “(i) performed covered service, as defined
22 in section 1116(d) of this title; or

23 “(ii) the Secretary finds may have been ex-
24 posed during such service to dioxin or was ex-
25 posed during such service to a toxic substance

1 found in a herbicide or defoliant used for mili-
2 tary purposes during such period.”.

3 (d) CLERICAL AMENDMENTS.—

4 (1) SECTION HEADING.—The heading for sec-
5 tion 1116 is amended by striking “**the Republic**
6 **of Vietnam**” and inserting “**certain loca-**
7 **tions**”.

8 (2) TABLE OF SECTIONS.—The table of sections
9 at the beginning of chapter 11 is amended by strik-
10 ing the item relating to section 1116 and inserting
11 the following new item:

“1116. Presumptions of service connection for diseases associated with exposure
to certain herbicide agents; presumption of exposure for veter-
ans who served in certain locations.”.

12 **SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCI-**
13 **ATED WITH EXPOSURE TO CERTAIN HERBI-**
14 **CIDE AGENTS FOR WHICH THERE IS A PRE-**
15 **SUMPTION OF SERVICE CONNECTION FOR**
16 **VETERANS WHO SERVED IN CERTAIN LOCA-**
17 **TIONS.**

18 (a) SHORT TITLE.—This section may be cited as the
19 “Fair Care for Vietnam Veterans Act”.

20 (b) ADDITIONAL DISEASES.—Section 1116(a)(2), as
21 amended by section 9109 of the William M. (Mac) Thorn-
22 berry National Defense Authorization Act for Fiscal Year
23 2021 (Public Law 116–283), is further amended by add-
24 ing at the end the following new subparagraphs:

1 “(L) Hypertension.

2 “(M) Monoclonal gammopathy of undetermined
3 significance.”.

4 **SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES**
5 **OCCURRING IN PERSIAN GULF WAR VET-**
6 **ERANS.**

7 (a) REDUCTION IN THRESHOLD OF ELIGIBILITY.—
8 Subsection (a)(1) of section 1117 is amended by striking
9 “became manifest—” and all that follows through the pe-
10 riod at the end and inserting “became manifest to any
11 degree at any time.”.

12 (b) PERMANENT EXTENSION OF PERIOD OF ELIGI-
13 BILITY.—Such section is further amended—

14 (1) by striking subsection (b);

15 (2) by redesignating subsections (c) and (d) as
16 subsections (b) and (c), respectively; and

17 (3) in subsection (a)(2)(C), by striking “under
18 subsection (d)” and inserting “under subsection
19 (c)”.

20 (c) ESTABLISHING SINGULAR DISABILITY-BASED
21 QUESTIONNAIRE.—Such section is further amended by in-
22 serting after subsection (c) (as redesignated by subsection
23 (b)) the following new subsection (d):

24 “(d) If a Persian Gulf veteran at a medical facility
25 of the Department presents with any one symptom associ-

1 ated with Gulf War Illness, the Secretary shall ensure that
2 health care personnel of the Department use a disability
3 benefits questionnaire, or successor questionnaire, to iden-
4 tify Gulf War Illness.”.

5 (d) EXPANSION OF DEFINITION OF PERSIAN GULF
6 VETERAN.—Subsection (f) of such section is amended by
7 inserting “, Afghanistan, Israel, Egypt, Turkey, Syria, or
8 Jordan,” after “operations”.

9 (e) TRAINING.—Such section is further amended by
10 adding at the end the following new subsection:

11 “(i)(1) The Secretary shall take such actions as may
12 be necessary to ensure that health care personnel of the
13 Department are appropriately trained to effectively carry
14 out this section.

15 “(2) Not less frequently than once each year, the Sec-
16 retary shall submit to Congress a report on the actions
17 taken by the Secretary to carry out paragraph (1).”.

18 **SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR**
19 **CERTAIN DISEASES ASSOCIATED WITH EXPO-**
20 **SURE TO BURN PITS AND OTHER TOXINS.**

21 (a) SHORT TITLE.—This section may be cited as the
22 “Presumptive Benefits for War Fighters Exposed to Burn
23 Pits and Other Toxins Act”.

1 (b) IN GENERAL.—Subchapter II of chapter 11, as
2 amended by section 303(a), is further amended by insert-
3 ing after section 1119 the following new section:

4 **“§ 1120. Presumption of service connection for cer-**
5 **tain diseases associated with exposure to**
6 **burn pits and other toxins**

7 “(a) PRESUMPTION OF SERVICE CONNECTION.—For
8 the purposes of section 1110 of this title, and subject to
9 section 1113 of this title, a disease specified in subsection
10 (b) becoming manifest in a covered veteran shall be con-
11 sidered to have been incurred in or aggravated during ac-
12 tive military, naval, or air service, notwithstanding that
13 there is no record of evidence of such disease during the
14 period of such service.

15 “(b) DISEASES SPECIFIED.—The diseases specified
16 in this subsection are the following:

17 “(1) Asthma that was diagnosed after service of
18 the covered veteran as specified in subsection (c).

19 “(2) The following types of cancer:

20 “(A) Head cancer of any type.

21 “(B) Neck cancer of any type.

22 “(C) Respiratory cancer of any type.

23 “(D) Gastrointestinal cancer of any type.

24 “(E) Reproductive cancer of any type.

25 “(F) Lymphoma cancer of any type.

- 1 “(G) Lymphomatic cancer of any type.
- 2 “(H) Kidney cancer.
- 3 “(I) Brain cancer.
- 4 “(J) Melanoma.
- 5 “(K) Pancreatic cancer.
- 6 “(3) Chronic bronchitis.
- 7 “(4) Chronic obstructive pulmonary disease.
- 8 “(5) Constrictive bronchiolitis or obliterative
- 9 bronchiolitis.
- 10 “(6) Emphysema.
- 11 “(7) Granulomatous disease.
- 12 “(8) Interstitial lung disease.
- 13 “(9) Pleuritis.
- 14 “(10) Pulmonary fibrosis.
- 15 “(11) Sarcoidosis.
- 16 “(12) Chronic sinusitis.
- 17 “(13) Chronic rhinitis.
- 18 “(14) Glioblastoma.
- 19 “(15) Any other disease for which the Secretary
- 20 determines, pursuant to regulations prescribed under
- 21 subchapter VII that a presumption of service con-
- 22 nection is warranted based on a positive association
- 23 with a substance, chemical, or airborne hazard speci-
- 24 fied in section 1119(b)(2) of this title.

1 “(c) COVERED VETERAN DEFINED.—In this section,
2 the term ‘covered veteran’ has the meaning given that
3 term in section 1119(c) of this title.”.

4 (c) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 11, as amended by section
6 302(b), is further amended by inserting after the item re-
7 lating to section 1119 the following new item:

“1120. Presumption of service connection for certain diseases associated with
exposure to burn pits and other toxins.”.

8 (d) CONFORMING AMENDMENT.—Section 1113 is
9 amended by striking “or 1118” each place it appears and
10 inserting “1118, or 1120”.

11 **TITLE V—RESEARCH MATTERS**

12 **SEC. 501. COORDINATION BY DEPARTMENT OF VETERANS**

13 **AFFAIRS OF TOXIC EXPOSURE RESEARCH.**

14 (a) IN GENERAL.—Subchapter II of chapter 73 is
15 amended by adding at the end the following new section:

16 **“§ 7330D. Coordination of toxic exposure research**

17 “(a) IN GENERAL.—The Secretary shall coordinate
18 all research activities carried out or funded by the execu-
19 tive branch of the Federal Government on the health con-
20 sequences of toxic exposures experienced during service in
21 the Armed Forces.

22 “(b) STRATEGIC PLAN.—In carrying out subsection
23 (a), the Secretary shall establish a strategic plan, to be
24 known as the Toxic Exposure Research Strategic Plan, to

1 ensure that the research activities specified in such sub-
2 section are collaborative, transparent, and highly coordi-
3 nated.

4 “(c) REPORT.—Not later than one year after the date
5 of the enactment of the Honoring our Promise to Address
6 Comprehensive Toxics Act of 2021, and annually there-
7 after, the Secretary shall submit to the Committee on Vet-
8 erans’ Affairs of the House of Representatives and the
9 Senate a report on any research activities specified in sub-
10 section (a) carried out during the year covered by the re-
11 port.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such subchapter is amended by insert-
14 ing after the item relating to section 7330C the following
15 new item:

“7330D. Coordination of toxic exposure research.”.

16 **SEC. 502. DATA COLLECTION, ANALYSIS, AND REPORT ON**
17 **TREATMENT OF VETERANS FOR ILLNESSES**
18 **RELATED TO TOXIC EXPOSURE.**

19 (a) IN GENERAL.—The Secretary of Veterans Affairs
20 shall compile and analyze, on a continuous basis, all clin-
21 ical data that—

22 (1) is obtained by the Secretary in connection
23 with hospital care, medical services, or nursing home
24 care furnished to a veteran for an illness under sec-

1 tion 1710(a)(2)(F) of title 38, United States Code,
2 as amended by section 102; and

3 (2) is likely to be scientifically useful, as deter-
4 mined by the Secretary, in determining whether a
5 positive association exists between the illness of the
6 veteran and a toxic exposure.

7 (b) CONSENT OF PATIENTS.—The Secretary shall en-
8 sure that the compilation and analysis of the clinical data
9 of a veteran under subsection (a) shall be conducted, and
10 such data shall be used, in a manner that is consistent
11 with the informed consent of the veteran and in compli-
12 ance with all applicable Federal law.

13 (c) ANNUAL REPORT.—Not later than one year after
14 the date of the enactment of this Act, and annually there-
15 after, the Secretary shall submit to the Committee on Vet-
16 erans' Affairs of the House of Representatives and the
17 Senate a report containing—

18 (1) any data compiled under subsection (a);

19 (2) an analysis of any such data;

20 (3) a description of the types and incidences of
21 illnesses identified by the Secretary pursuant to such
22 subsection;

23 (4) an explanation by the Secretary for the inci-
24 dence of such illnesses and such alternate expla-

1 nations for the incidence of such illnesses as the Sec-
2 retary may consider reasonable; and

3 (5) a description of the views of the Secretary
4 regarding the scientific validity of drawing conclu-
5 sions from the incidence of such illnesses, as evi-
6 denced by the data compiled under subsection (a),
7 regarding the existence of a positive association be-
8 tween such illness and a toxic exposure.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “toxic exposure” has the meaning
11 given that term in section 101 of title 38, United
12 States Code.

13 (2) The term “illness” has the meaning given
14 that term in section 1171 of such title, as added by
15 section 202.

16 **SEC. 503. STUDIES RELATED TO VETERANS WHO SERVED IN**
17 **SOUTHWEST ASIA AND CERTAIN OTHER LO-**
18 **CATIONS.**

19 (a) ANALYSIS ON MORTALITY IN COVERED VET-
20 ERANS.—

21 (1) ANALYSIS.—Not later than 180 days after
22 the date of the enactment of this Act, the Secretary
23 of Veterans Affairs shall conduct an updated anal-
24 ysis of total and respiratory disease mortality in cov-
25 ered veterans.

1 (2) ELEMENTS.—The analysis under paragraph
2 (1) shall include, to the extent practicable, the fol-
3 lowing:

4 (A) Metrics of airborne exposures.

5 (B) The location and timing of any deploy-
6 ments of the veteran.

7 (C) The military occupational specialty of
8 the veteran.

9 (D) The Armed Force in which the veteran
10 served.

11 (E) The preexisting health status of the
12 veteran, including with respect to asthma.

13 (F) Such personal information of the vet-
14 eran as the Secretary may consider relevant, in-
15 cluding cigarette and e-cigarette smoking his-
16 tory, diet, sex, gender, age, race, and ethnicity.

17 (b) EPIDEMIOLOGICAL STUDY.—Not later than 180
18 days after the date of the enactment of this Act, the Sec-
19 retary shall conduct an epidemiological study of covered
20 veterans that involves—

21 (1) the use of improved spatio-temporal esti-
22 mates of ambient air pollution exposures that lever-
23 age advances in retrospective exposure assessment;
24 and

1 (2) the collection of detailed information on the
2 covered veterans studied through medical records,
3 administrative data, and other existing sources, in-
4 cluding, with respect to the covered veterans—

5 (A) personal information, including ciga-
6 rette and e-cigarette smoking history, diet, sex,
7 gender, age, race, and ethnicity;

8 (B) deployment history, including loca-
9 tions, periods, and number of deployments;

10 (C) biospecimen data; and

11 (D) supplementary health status and out-
12 comes data, including imaging and physiological
13 parameters.

14 (c) TOXICOLOGY STUDY.—

15 (1) STUDY.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary
17 shall conduct a toxicology study, to include varia-
18 bility, to replicate toxic exposures of healthy, young
19 members of the Armed Forces, as well as potentially
20 susceptible members, with preexisting health condi-
21 tions.

22 (2) ELEMENTS.—The study under paragraph
23 (1) shall include—

24 (A) an analysis of results for mechanistic
25 markers and clinically relevant outcomes; and

1 (B) a validation of any serum, tissue, or
2 other biomarkers of toxic exposure, suscepti-
3 bility, or effect with respect to the subjects of
4 the study.

5 (d) COVERED VETERAN DEFINED.—In this section,
6 the term “covered veteran” has the meaning given that
7 term in section 1119(c) of title 38, United States Code,
8 as added by section 302.

9 **SEC. 504. STUDY ON HEALTH TRENDS OF POST 9/11 VET-**
10 **ERANS.**

11 (a) STUDY.—The Secretary of Veterans Affairs shall
12 conduct an epidemiological study on the health trends of
13 veterans who served in the Armed Forces after September
14 11, 2001.

15 (b) REPORT.—Not later than two years after the date
16 of the enactment of this Act, the Secretary shall submit
17 to the Committees on Veterans’ Affairs of the House of
18 Representatives and the Senate a report on the study
19 under subsection (a).

20 **SEC. 505. STUDY ON CANCER RATES AMONG VETERANS.**

21 (a) STUDY.—The Secretary of Veterans Affairs shall
22 conduct a study on the incidence of cancer in veterans to
23 determine trends in the rates of the incidence of cancer
24 in veterans.

1 (b) ELEMENTS.—The study under subsection (a)
2 shall assess, with respect to each veteran included in the
3 study, the following:

4 (1) The age of the veteran.

5 (2) The period of service and length of service
6 of the veteran in the Armed Forces.

7 (3) Any military occupational speciality of the
8 veteran.

9 (4) The gender of the veteran.

10 (5) Any type of cancer that the veteran has.

11 (c) REPORT.—Not later than two years after the date
12 of the enactment of this Act, the Secretary shall submit
13 to the Committees on Veterans' Affairs of the House of
14 Representatives and the Senate a report on the study
15 under subsection (a).

16 **SEC. 506. STUDY ON FEASIBILITY AND ADVISABILITY OF**
17 **FURNISHING HOSPITAL CARE AND MEDICAL**
18 **SERVICES TO DEPENDENTS OF VETERANS**
19 **WHO PARTICIPATED IN TOXIC EXPOSURE**
20 **RISK ACTIVITIES.**

21 (a) STUDY.—The Secretary of Veterans Affairs shall
22 conduct a study on the feasibility and advisability of fur-
23 nishing hospital care and medical services to qualifying de-
24 pendents of veterans described in section 1710(e)(1)(G)
25 of title 38, United States Code, as added by section

1 103(a)(1), for any illness determined by the Secretary to
2 be connected to a toxic exposure risk activity carried out
3 by the veteran, as determined by the Secretary, notwith-
4 standing that there is insufficient medical evidence to con-
5 clude that such illness is attributable to such activity.

6 (b) ELEMENTS.—The study under subsection (a)
7 shall include—

8 (1) an assessment of the impact of furnishing
9 hospital care and medical services to qualifying de-
10 pendents as described in such subsection on the abil-
11 ity of the Department of Veterans Affairs to furnish
12 hospital care and medical services to veterans;

13 (2) an assessment of the potential cost of fur-
14 nishing hospital care and medical services to quali-
15 fying dependents as described in such subsection;

16 (3) an estimate of the resources required to fur-
17 nish such care and services;

18 (4) an assessment of any stress or other effect
19 furnishing such care and services would have on the
20 claims and appeals system of the Department;

21 (5) an estimate of the number of qualifying de-
22 pendents who would be eligible for such care and
23 services; and

24 (6) an assessment of the feasibility of adjudi-
25 cating claims for such care and services.

1 (c) PHASED-IN APPLICATION.—In conducting the
2 study under subsection (a), the Secretary shall assess the
3 feasibility and advisability of phasing in the furnishing of
4 hospital care and medical services to qualifying depend-
5 ents described in such subsection by the decade in which
6 such toxic exposure risk activity occurred, starting with
7 the most recent decade.

8 (d) REVIEW OF TOXIC EXPOSURE CASES REGARDING
9 LIABILITY OF DEPARTMENT OF DEFENSE.—In con-
10 ducting the study under subsection (a), the Secretary
11 shall—

12 (1) review known cases of toxic exposure on
13 military installations of the Department of Defense
14 located in the United States;

15 (2) analyze the liability of the Department of
16 Defense in each such case; and

17 (3) assess whether the Secretary of Defense
18 should provide care and services relating to such
19 toxic exposures under the TRICARE program.

20 (e) REPORT.—Not later than two years after the date
21 of the enactment of this Act, the Secretary shall submit
22 to Congress a report on the study conducted under sub-
23 section (a).

24 (f) DEFINITIONS.—In this section:

1 (1) The terms “hospital care” and “medical
2 services” have the meanings given those terms in
3 section 1701 of title 38, United States Code.

4 (2) The term “illness” has the meaning given
5 that term in section 1171 of such title, as added by
6 section 202.

7 (3) The term “qualifying dependent” means—

8 (A) a dependent of a veteran described in
9 section 1710(e)(1)(G) of title 38, United States
10 Code, as added by section 103(a)(1), who re-
11 sided with the veteran during the period in
12 which, and on the installation at which, the vet-
13 eran participated in a toxic exposure risk activ-
14 ity;

15 (B) an individual who was in utero of such
16 a veteran or other qualifying dependent when
17 the veteran participated in a toxic exposure risk
18 activity; or

19 (C) a dependent of such a veteran who is
20 not described in subparagraph (A) or (B) but
21 who may have an illness that is connected to
22 the toxic exposure risk activity of the veteran,
23 as determined by the Secretary.

1 (4) The term “toxic exposure” has the meaning
2 given that term in section 101 of such title, as
3 added by section 102(b).

4 (5) The term “toxic exposure risk activity” has
5 the meaning given that term in section 1710(e)(4)
6 of such title, as added by section 103(a)(3).

7 (6) The term “TRICARE program” has the
8 meaning given that term in section 1072 of such
9 title.

10 **TITLE VI—IMPROVEMENT OF RE-**
11 **SOURCES AND TRAINING RE-**
12 **GARDING TOXIC EXPOSED**
13 **VETERANS**

14 **SEC. 601. SHORT TITLE; DEFINITIONS.**

15 (a) **SHORT TITLE.**—This title may be cited as the
16 “Toxic Exposure in the American Military Act” or the
17 “TEAM Act”.

18 (b) **DEFINITIONS.**—In this title, the terms “active
19 military, naval, or air service”, “toxic exposure”, and
20 “toxic exposed veteran” have the meanings given those
21 terms in section 101 of title 38, United States Code.

1 **SEC. 602. PUBLICATION OF LIST OF RESOURCES OF DE-**
2 **PARTMENT OF VETERANS AFFAIRS FOR**
3 **TOXIC EXPOSED VETERANS AND OUTREACH**
4 **PROGRAM FOR SUCH VETERANS AND CARE-**
5 **GIVERS AND SURVIVORS OF SUCH VETERANS.**

6 (a) PUBLICATION OF LIST OF RESOURCES.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, and an-
9 nually thereafter, the Secretary of Veterans Affairs
10 shall publish a list of resources of the Department
11 of Veterans Affairs for—

12 (A) toxic exposed veterans, including with
13 respect to—

14 (i) disability compensation under
15 chapter 11 of title 38, United States Code;
16 and

17 (ii) hospital care, medical services,
18 and nursing home care under section
19 1710(a)(2)(F) of such title;

20 (B) caregivers of toxic exposed veterans
21 who are participating in the program of com-
22 prehensive assistance for family caregivers
23 under section 1720G(a) of such title; and

24 (C) survivors of toxic exposed veterans who
25 are receiving death benefits under the laws ad-
26 ministered by the Secretary.

1 (2) UPDATE.—The Secretary shall periodically
2 update the list published under paragraph (1).

3 (b) OUTREACH.—The Secretary shall develop, with
4 input from the community, an informative outreach pro-
5 gram for veterans on illnesses that may be related to toxic
6 exposure, including outreach with respect to benefits and
7 support programs.

8 **SEC. 603. INCORPORATION OF TOXIC EXPOSURE QUES-**
9 **TIONNAIRE DURING PRIMARY CARE AP-**
10 **POINTMENTS.**

11 (a) IN GENERAL.—The Secretary of Veterans Affairs
12 shall incorporate a clinical questionnaire to help determine
13 potential toxic exposures during active military, naval, or
14 air service as part of the initial screening conducted for
15 an appointment of a veteran with a primary care provider
16 of the Department of Veterans Affairs to improve under-
17 standing by the Department of toxic exposures of veterans
18 while serving in the Armed Forces.

19 (b) DETERMINATION OF QUESTIONS.—The questions
20 included in the questionnaire required under subsection
21 (a) shall be determined by the Secretary with input from
22 medical professionals.

1 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPART-**
2 **MENT OF VETERANS AFFAIRS WITH RESPECT**
3 **TO TOXIC EXPOSED VETERANS.**

4 (a) **HEALTH CARE PERSONNEL.**—The Secretary of
5 Veterans Affairs shall provide to health care personnel of
6 the Department of Veterans Affairs education and train-
7 ing to identify, treat, and assess the impact on toxic ex-
8 posed veterans of illnesses related to toxic exposure and
9 inform such personnel of how to ask for additional infor-
10 mation from veterans regarding different toxic exposures.

11 (b) **BENEFITS PERSONNEL.**—

12 (1) **STANDARD CLAIMS PROCESSOR TRAINING**
13 **CURRICULUM.**—

14 (A) **CURRICULUM.**—Not later than 180
15 days after the date of the enactment of this
16 Act, the Secretary shall establish a standard
17 training curriculum for processors of claims
18 under the laws administered by the Secretary
19 who review claims for disability benefits relating
20 to service-connected disabilities based on toxic
21 exposure, including employees who adjudicate
22 such claims.

23 (B) **MATTERS INCLUDED.**—The Secretary
24 shall ensure that the training under subpara-
25 graph (A) includes the following explanations

1 with respect to claims relating to toxic expo-
2 sure:

3 (i) A lack of a presumption of service
4 connection is not by itself sufficient to de-
5 termine that service connection does not
6 exist.

7 (ii) The claims adjudicator shall al-
8 ways consider whether direct service con-
9 nection is applicable and request, as need-
10 ed, an advisory medical opinion pursuant
11 to section 1168 of title 38, United States
12 Code, as added by section 303.

13 (iii) The claims adjudicator shall al-
14 ways review and consider the Individual
15 Longitudinal Exposure Record program of
16 the Department of Veterans Affairs pursu-
17 ant to section 1119 of such title, as added
18 by section 302, but a lack of such informa-
19 tion is not by itself sufficient to determine
20 that such exposure did not occur or suffi-
21 cient to deny the claim.

22 (C) PROVISION OF TRAINING.—The Sec-
23 retary shall—

24 (i) provide training under subpara-
25 graph (A) to each employee described in

1 such subparagraph not less frequently than
2 annually; and

3 (ii) using the Systematic Technical
4 Accuracy Review program, or such suc-
5 cessor program, conduct a nationwide,
6 quarterly, randomized review of the quality
7 of adjudication of claims relating to toxic
8 exposure.

9 (2) STANDARD MEDICAL EXAMINER TRAINING
10 CURRICULUM.—

11 (A) CURRICULUM.—Not later than 180
12 days after the date of the enactment of this
13 Act, the Secretary shall establish a standard
14 medical training curriculum for medical pro-
15 viders who conduct examinations and provide
16 opinions pursuant to section 1168 of title 38,
17 United States Code, as added by section 303,
18 regardless of whether the provider is an em-
19 ployee of the Department or a contractor.

20 (B) STANDARDIZED APPROACH.—The Sec-
21 retary shall ensure that the curriculum estab-
22 lished under subparagraph (A)—

23 (i) provides a standardized approach
24 to conducting and providing examinations

1 and opinions in accordance with such sec-
2 tion 1168; and

3 (ii) instructs medical providers to con-
4 sider, when conducting an examination or
5 providing an opinion—

6 (I) relevant medical and scientific
7 literature;

8 (II) the proximity, intensity, and
9 frequency of exposure of the indi-
10 vidual to the identified toxic exposure;

11 (III) medically unexplained
12 chronic multisymptom illnesses; and

13 (IV) all competent and credible
14 evidence of record.

15 **TITLE VII—REGISTRIES,**
16 **RECORDS, AND OTHER MATTERS**

17 **SEC. 701. REGISTRY OF INDIVIDUALS EXPOSED TO PER-**
18 **AND POLYFLUOROALKYL SUBSTANCES ON**
19 **MILITARY INSTALLATIONS.**

20 (a) ESTABLISHMENT OF REGISTRY.—

21 (1) IN GENERAL.—Not later than one year
22 after the date of the enactment of this Act, the Sec-
23 retary of Veterans Affairs shall—

24 (A) establish and maintain a registry for
25 eligible individuals who may have been exposed

1 to per- and polyfluoroalkyl substances (in this
2 section referred to as “PFAS”) due to the envi-
3 ronmental release of aqueous film-forming foam
4 (in this section referred to as “AFFF”) on mili-
5 tary installations to meet the requirements of
6 military specification MIL-F-24385F;

7 (B) include any information in such reg-
8 istry that the Secretary determines necessary to
9 ascertain and monitor the health effects of the
10 exposure of members of the Armed Forces to
11 PFAS associated with AFFF;

12 (C) develop a public information campaign
13 to inform eligible individuals about the registry,
14 including how to register and the benefits of
15 registering; and

16 (D) periodically notify eligible individuals
17 of significant developments in the study and
18 treatment of conditions associated with expo-
19 sure to PFAS.

20 (2) COORDINATION.—The Secretary of Vet-
21 erans Affairs shall coordinate with the Secretary of
22 Defense in carrying out paragraph (1).

23 (b) REPORTS.—

24 (1) INITIAL REPORT.—Not later than two years
25 after the date on which the registry under subsection

1 (a) is established, the Secretary of Veterans Affairs
2 shall submit to Congress an initial report containing
3 the following:

4 (A) An assessment of the effectiveness of
5 actions taken by the Secretary of Veterans Af-
6 fairs and the Secretary of Defense to collect
7 and maintain information on the health effects
8 of exposure to PFAS.

9 (B) Recommendations to improve the col-
10 lection and maintenance of such information.

11 (C) Using established and previously pub-
12 lished epidemiological studies, recommendations
13 regarding the most effective and prudent means
14 of addressing the medical needs of eligible indi-
15 viduals with respect to exposure to PFAS.

16 (2) FOLLOWUP REPORT.—Not later than five
17 years after submitting the initial report under para-
18 graph (1), the Secretary of Veterans Affairs shall
19 submit to Congress a followup report containing the
20 following:

21 (A) An update to the initial report sub-
22 mitted under paragraph (1).

23 (B) An assessment of whether and to what
24 degree the content of the registry established

1 under subsection (a) is current and scientif-
2 ically up to date.

3 (3) INDEPENDENT SCIENTIFIC ORGANIZA-
4 TION.—The Secretary of Veterans Affairs shall enter
5 into an agreement with an independent scientific or-
6 ganization to prepare the reports under paragraphs
7 (1) and (2).

8 (c) RECOMMENDATIONS FOR ADDITIONAL EXPO-
9 SURES TO BE INCLUDED.—Not later than five years after
10 the date of the enactment of this Act, and every five years
11 thereafter, the Secretary of Veterans Affairs, in consulta-
12 tion with the Secretary of Defense and the Administrator
13 of the Environmental Protection Agency, shall submit to
14 Congress recommendations for additional chemicals with
15 respect to which individuals exposed to such chemicals
16 should be included in the registry established under sub-
17 section (a).

18 (d) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-
19 tion, the term “eligible individual” means any individual
20 who, on or after a date specified by the Secretary of Vet-
21 erans Affairs through regulations, served or is serving in
22 the Armed Forces at a military installation where AFFF
23 was used or at another location of the Department of De-
24 fense where AFFF was used.

1 **SEC. 702. FORT MCCLELLAN HEALTH REGISTRY.**

2 (a) ESTABLISHMENT.—The Secretary of Veterans
3 Affairs shall establish and maintain a special record to be
4 known as the Fort McClellan Health Registry (in this sec-
5 tion referred to as the “Registry”).

6 (b) CONTENTS.—Except as provided in subsection
7 (c), the Registry shall include the following information:

8 (1) A list containing the name of each indi-
9 vidual who, while serving as a member of the Armed
10 Forces, was stationed at Fort McClellan, Alabama,
11 at any time during the period beginning January 1,
12 1935, and ending on May 20, 1999, and who—

13 (A) applies for care or services from the
14 Department of Veterans Affairs under chapter
15 17 of title 38, United States Code;

16 (B) files a claim for compensation under
17 chapter 11 of such title on the basis of any dis-
18 ability which may be associated with such serv-
19 ice;

20 (C) dies and is survived by a spouse, child,
21 or parent who files a claim for dependency and
22 indemnity compensation under chapter 13 of
23 such title on the basis of such service;

24 (D) requests from the Secretary a health
25 examination under subsection (d); or

1 (E) receives from the Secretary a health
2 examination similar to the health examination
3 referred to in subparagraph (D) and requests
4 inclusion in the Registry.

5 (2) Relevant medical data relating to the health
6 status of, and other information that the Secretary
7 considers relevant and appropriate with respect to,
8 each individual described in paragraph (1) who—

9 (A) grants to the Secretary permission to
10 include such information in the Registry; or

11 (B) at the time the individual is listed in
12 the Registry, is deceased.

13 (c) INDIVIDUALS SUBMITTING CLAIMS OR MAKING
14 REQUESTS BEFORE DATE OF ENACTMENT.—If in the
15 case of an individual described in subsection (b)(1) the
16 application, claim, or request referred to in such sub-
17 section was submitted, filed, or made before the date of
18 the enactment of this Act, the Secretary shall, to the ex-
19 tent feasible, include in the Registry such individual's
20 name and the data and information, if any, described in
21 subsection (b)(2) relating to the individual.

22 (d) EXAMINATIONS.—Upon the request of a veteran
23 who was stationed at Fort McClellan, Alabama, at any
24 time during the period beginning January 1, 1935, and
25 ending on May 20, 1999, the Secretary shall provide the

1 veteran with a health examination (including any appro-
2 priate diagnostic tests) and consultation and counseling
3 with respect to the results of the examination and the
4 tests.

5 (e) OUTREACH.—

6 (1) ONGOING OUTREACH TO INDIVIDUALS LIST-
7 ED IN REGISTRY.—The Secretary shall, from time to
8 time, notify individuals listed in the Registry of sig-
9 nificant developments in research on the health con-
10 sequences of potential exposure to a toxic substance
11 or environmental hazard related to service at Fort
12 McClellan.

13 (2) EXAMINATION OUTREACH.—The Secretary
14 shall carry out appropriate outreach activities with
15 respect to the provision of any health examinations
16 (including any diagnostic tests) and consultation and
17 counseling services under subsection (d).

18 (f) CONSULTATION.—The Secretary of Veterans Af-
19 fairs shall consult with the Secretary of Defense to acquire
20 information maintained by the Secretary of Defense that
21 the Secretary of Veterans Affairs considers necessary to
22 establish and maintain the Registry.

1 **SEC. 703. INDEPENDENT STUDY ON INDIVIDUAL LONGITU-**
2 **DINAL EXPOSURE RECORD.**

3 (a) IN GENERAL.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall enter into a contract with an independent research
6 entity described in subsection (b) to carry out a com-
7 prehensive study of the development of the Individual Lon-
8 gitudinal Exposure Record to determine—

9 (1) the quality of the location data, occupa-
10 tional and environmental exposure data, and health
11 surveillance data; and

12 (2) whether a member of the Armed Forces can
13 be reasonably assured that any toxic exposure they
14 experience during service in the Armed Forces will
15 be accurately reflected in the Individual Longitu-
16 dinal Exposure Record of the member.

17 (b) INDEPENDENT RESEARCH ENTITY.—The entity
18 described in this subsection is an independent research en-
19 tity that is a not-for-profit entity or a federally funded
20 research and development center with appropriate exper-
21 tise and analytical capability to carry out the study re-
22 quired under subsection (a).

23 (c) TOXIC EXPOSURE DEFINED.—In this section, the
24 term “toxic exposure” has the meaning given that term
25 in section 101(37) of title 38, United States Code, as
26 added by section 102(b).

1 **SEC. 704. BIENNIAL REPORT ON INDIVIDUAL LONGITU-**
2 **DINAL EXPOSURE RECORD.**

3 (a) IN GENERAL.—Not later than one year after the
4 date on which the Individual Longitudinal Exposure
5 Record achieves full operation capability, as determined
6 by the Secretary of Defense, and every 180 days there-
7 after, the Secretary shall, in consultation with the Sec-
8 retary of Veterans Affairs, submit to the appropriate com-
9 mittees of Congress a report on the data quality of the
10 databases of the Department of Defense that provide the
11 information presented in the Individual Longitudinal Ex-
12 posure Record and the usefulness of the Individual Longi-
13 tudinal Exposure Record in supporting members of the
14 Armed Forces and veterans in receiving health care and
15 benefits from the Department of Defense and the Depart-
16 ment of Veterans Affairs.

17 (b) ELEMENTS.—Each report required by subsection
18 (a) shall include, for the period covered by the report, the
19 following:

20 (1) An identification of toxic exposure events
21 that may not be fully captured by the current sys-
22 tems of the Department of Defense for environ-
23 mental, occupational, and health monitoring, and
24 recommendations for how to improve those systems.

25 (2) An analysis of the quality of the location
26 data used by the Department of Defense in deter-

1 mining toxic exposures of members of the Armed
2 Forces and veterans, and recommendations for how
3 to improve the quality of that location data if nec-
4 essary.

5 (c) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Armed Services and
10 the Committee on Veterans’ Affairs of the Sen-
11 ate; and

12 (B) the Committee on Armed Services and
13 the Committee on Veterans’ Affairs of the
14 House of Representatives.

15 (2) TOXIC EXPOSURE.—The term “toxic expo-
16 sure” has the meaning given that term in section
17 101(37) of title 38, United States Code, as added by
18 section 102(b).

19 **SEC. 705. CORRECTION OF EXPOSURE RECORDS BY MEM-**
20 **BERS OF THE ARMED FORCES AND VET-**
21 **ERANS.**

22 (a) IN GENERAL.—The Secretary of Defense and the
23 Secretary of Veterans Affairs shall provide a means for
24 members of the Armed Forces and veterans to update
25 their records as necessary to reflect a toxic exposure by

1 such member or veteran in the Individual Longitudinal
2 Exposure Record.

3 (b) EVIDENCE.—

4 (1) PROVISION OF EVIDENCE.—To update a
5 record under subsection (a), a member of the Armed
6 Forces or veteran, as the case may be, shall provide
7 such evidence as the Secretary of Defense and the
8 Secretary of Veterans Affairs jointly consider nec-
9 essary.

10 (2) BENEFIT OF THE DOUBT.—In reviewing
11 evidence provided under paragraph (1), the Sec-
12 retary of Defense and the Secretary of Veterans Af-
13 fairs shall give the benefit of the doubt to the mem-
14 ber of the Armed Forces or veteran who provided
15 the evidence, as the case may be, in a manner that
16 is equivalent to the benefit of the doubt required
17 under section 5107(b) of title 38, United States
18 Code.

19 (3) REGULATIONS.—The Secretary of Veterans
20 Affairs, in consultation with the Secretary of De-
21 fense, shall prescribe by regulation the evidence con-
22 sidered necessary under paragraph (1).

23 (c) TOXIC EXPOSURE DEFINED.—In this section, the
24 term “toxic exposure” has the meaning given that term

1 in section 101(37) of title 38, United States Code, as
2 added by section 102(b).

Union Calendar No. 179

117TH CONGRESS
2^D SESSION

H. R. 3967

[Report No. 117-249, Part I]

A BILL

To improve health care and benefits for veterans exposed to toxic substances, and for other purposes.

FEBRUARY 22, 2022

Reported from the Committee on Veterans' Affairs

FEBRUARY 22, 2022

Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed