

## Calendar No. 145

117TH CONGRESS  
1ST SESSION**S. 3003**

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2021

Mr. TESTER, from the Committee on Veterans' Affairs, reported the following  
original bill; which was read twice and placed on the calendar

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**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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Comprehensive and Overdue Support for Troops of War  
6       Act of 2021” or the “COST of War Act of 2021”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—EXPANSION OF HEALTH CARE FOR TOXIC EXPOSURE VETERANS

- Sec. 101. Health care for certain toxic exposure veterans.
- Sec. 102. Expansion of health care eligibility for certain veterans exposed to open burn pits.
- Sec. 103. Expansion of health care eligibility for veterans awarded certain medals.
- Sec. 104. Study on feasibility and advisability of furnishing hospital care and medical services to dependents of veterans who participated in toxic exposure risk activities.

## TITLE II—REFORMS TO THE TOXIC EXPOSURE PRESUMPTION PROCESS

- Sec. 201. Improvements to ability of Department of Veterans Affairs to establish presumptions of service connection based on toxic exposure.
- Sec. 202. Technical corrections.

## TITLE III—REFORMS TO THE SERVICE CONNECTION PROCESS FOR TOXIC EXPOSURE VETERANS

- Sec. 301. Presumptions of toxic exposure.
- Sec. 302. Presumption of exposure to airborne hazards and substances from burn pits.
- Sec. 303. Medical nexus examinations for toxic exposures.

## TITLE IV—EXPANSION OF PRESUMPTIONS OF SERVICE CONNECTION FOR FORGOTTEN VETERANS

- Sec. 401. Mark Takai Atomic Veterans Healthcare Parity Act of 2021.
- 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 the Republic of Vietnam.
- 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—STRENGTHENING FEDERAL RESEARCH ON TOXIC EXPOSURES

- Sec. 501. Coordination by Department of Veterans Affairs of toxic exposure research.
- Sec. 502. Collection, analysis, and report on treatment of veterans for medical conditions related to toxic exposure.
- Sec. 503. Studies relating to veterans who served in Southwest Asia.
- Sec. 504. Study on health trends of post 9/11 veterans.
- Sec. 505. Study on cancer rates among veterans.

## TITLE VI—IMPROVING SUPPORT TO TOXIC EXPOSURE VETERANS

Sec. 601. Definitions.

Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic exposure 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 exposure veterans.

Sec. 605. SFC Heath Robinson Burn Pit Transparency Act.

## TITLE VII—STRENGTHENING RECORD-KEEPING OF TOXIC EXPOSURES BY DEPARTMENT OF DEFENSE

Sec. 701. Definitions.

Sec. 702. Independent study on Individual Longitudinal Exposure Record.

Sec. 703. Biannual report on Individual Longitudinal Exposure Record.

Sec. 704. Correction of toxic exposure records.

# 1 **TITLE I—EXPANSION OF HEALTH** 2 **CARE FOR TOXIC EXPOSURE** 3 **VETERANS**

## 4 **SEC. 101. HEALTH CARE FOR CERTAIN TOXIC EXPOSURE** 5 **VETERANS.**

6 (a) IN GENERAL.—Section 1710(e) of title 38,  
 7 United States Code, is amended—

8 (1) paragraph (1), by adding at the end the fol-  
 9 lowing new subparagraph:

10 “(G) Subject to paragraph (2), any veteran who par-  
 11 ticipated in a toxic exposure risk activity while serving on  
 12 active duty, active duty for training, or inactive duty train-  
 13 ing is eligible for hospital care, medical services, and nurs-  
 14 ing home care under subsection (a)(2)(F) for any illness,  
 15 notwithstanding that there is insufficient medical evidence  
 16 to conclude that such illness is attributable to such toxic  
 17 exposure risk activity.”; and

1 (2) in paragraph (2)(B)—

2 (A) by striking “or (F)” and inserting  
3 “(F), or (G)”; and

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

6 (b) DEFINITIONS.—Section 101 of such title is  
7 amended by adding at the end the following new para-  
8 graphs:

9 “(37) The term ‘toxic exposure’ includes the  
10 following:

11 “(A) A toxic exposure risk activity.

12 “(B) An exposure to a toxic or hazardous  
13 substance that is subject to regulation by the  
14 Occupational Safety and Health Administra-  
15 tion.

16 “(38) The term ‘toxic exposure veteran’ means  
17 any veteran who—

18 “(A) carried out a toxic exposure risk ac-  
19 tivity; or

20 “(B) received or receives hospital care,  
21 medical services, or nursing home care pursuant  
22 to section 1710(e)(1) of this title.

23 “(39) The term ‘toxic exposure risk activity’  
24 means any activity—

1 “(A) that requires a corresponding entry in  
 2 the Individual Longitudinal Exposure Record of  
 3 the veteran who carried out the activity; or

4 “(B) that the Secretary determines quali-  
 5 fies for purposes of section 1710(e)(1) of this  
 6 title when taking into account what is reason-  
 7 ably prudent to protect the health of veterans.

8 “(40) The term ‘Individual Longitudinal Expo-  
 9 sure Record’ includes any pilot program or other  
 10 program used by the Department of Veterans Af-  
 11 fairs or the Department of Defense to track how  
 12 members of the Armed Forces or veterans have been  
 13 exposed to various occupational or environmental  
 14 hazards.”.

15 **SEC. 102. EXPANSION OF HEALTH CARE ELIGIBILITY FOR**  
 16 **CERTAIN VETERANS EXPOSED TO OPEN**  
 17 **BURN PITS.**

18 (a) IN GENERAL.—Section 1710(e) of title 38,  
 19 United States Code, as amended by section 101(a)(2)(A),  
 20 is further amended—

21 (1) in paragraph (1), by adding at the end the  
 22 following new subparagraph:

23 “(H)(i) Subject to paragraph (2), a covered veteran  
 24 is eligible for hospital care, medical services, and nursing  
 25 home care under subsection (a)(2)(F) for any illness.

1       “(ii) For purposes of this subparagraph, a covered  
2 veteran is a veteran who—

3               “(I) is eligible for inclusion in the Airborne  
4 Hazards and Open Burn Pit Registry; or

5               “(II) has been identified by the Secretary of  
6 Defense to have been possibly exposed, inside or out-  
7 side the United States, during active duty, active  
8 duty for training, or inactive duty training, to an  
9 open burn pit.

10       “(iii) In this subparagraph:

11               “(I) The term ‘Airborne Hazards and Open  
12 Burn Pit Registry’ means the registry established by  
13 the Secretary under section 201 of the Dignified  
14 Burial and Other Veterans’ Benefits Improvement  
15 Act of 2012 (Public Law 112–260; 38 U.S.C. 527  
16 note).

17               “(II) The term ‘open burn pit’ has the meaning  
18 given that term in section 201(c) of the Dignified  
19 Burial and Other Veterans’ Benefits Improvement  
20 Act of 2012 (Public Law 112–260; 38 U.S.C. 527  
21 note).”; and

22               (2) in paragraph (2)(B), as amended by section  
23 101(a)(2)(A), by striking “or (G)” and inserting  
24 “(G), or (H)”.

1 (b) EFFECTIVE DATE.—The amendments made by  
 2 subsection (a) shall take effect on the date that is 90 days  
 3 after the date of the enactment of this Act.

4 **SEC. 103. EXPANSION OF HEALTH CARE ELIGIBILITY FOR**  
 5 **VETERANS AWARDED CERTAIN MEDALS.**

6 (a) IN GENERAL.—Section 1710(e) of title 38,  
 7 United States Code, as amended by section 102(a)(1), is  
 8 further amended—

9 (1) in paragraph (1), by adding at the end the  
 10 following new subparagraph:

11 “(I) Subject to paragraph (2), a veteran is eligible  
 12 for hospital care, medical services, and nursing home care  
 13 under subsection (a)(2)(F) for any illness if the veteran  
 14 was awarded any of the following:

15 “(i) The Afghanistan Campaign Medal.

16 “(ii) The Armed Forces Expeditionary Medal.

17 “(iii) The Global War on Terrorism Expedi-  
 18 tionary Medal.

19 “(iv) The Inherent Resolve Campaign Medal.

20 “(v) The Iraqi Campaign Medal.

21 “(vi) The Southwest Asia Service Medal.”; and

22 (2) in paragraph (2)(B), as amended by section  
 23 102(a)(2), by striking “or (H)” and inserting “(H),  
 24 or (I)”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect on the date that is 90 days  
3 after the date of the enactment of this Act.

4 **SEC. 104. STUDY ON FEASIBILITY AND ADVISABILITY OF**  
5 **FURNISHING HOSPITAL CARE AND MEDICAL**  
6 **SERVICES TO DEPENDENTS OF VETERANS**  
7 **WHO PARTICIPATED IN TOXIC EXPOSURE**  
8 **RISK ACTIVITIES.**

9 (a) IN GENERAL.—The Secretary of Veterans Affairs  
10 shall conduct a study on the feasibility and advisability  
11 of furnishing hospital care and medical services to quali-  
12 fying dependents of veterans described in section  
13 1710(e)(1)(G) of title 38, United States Code, as added  
14 by section 101(a)(1), for any illness or condition deter-  
15 mined by the Secretary to be connected to a toxic exposure  
16 risk activity carried out by the veteran, as determined by  
17 the Secretary, notwithstanding that there is insufficient  
18 medical evidence to conclude that such illness or condition  
19 is attributable to such activity.

20 (b) ELEMENTS OF STUDY.—The study required  
21 under subsection (a) shall—

22 (1) assess the impact of furnishing hospital care  
23 and medical services to qualifying dependents as de-  
24 scribed in such subsection on the ability of the De-



1       partment of Veterans Affairs to furnish hospital care  
2       and medical services to veterans;

3           (2) assess the potential cost of furnishing hos-  
4       pital care and medical services to qualifying depend-  
5       ents as described in such subsection;

6           (3) estimate the resources required to furnish  
7       such care and services;

8           (4) assess any stress or other impact furnishing  
9       such care and services would have on the claims and  
10      appeals system of the Department;

11          (5) estimate the number of qualifying depend-  
12      ents who would be eligible for such care and serv-  
13      ices; and

14          (6) assess the feasibility of adjudicating claims  
15      for such care and services.

16      (c) PHASED IN APPLICATION.—In conducting the  
17      study under subsection (a), the Secretary shall assess the  
18      feasibility and advisability of phasing in the furnishing of  
19      hospital care and medical services to qualifying depend-  
20      ents described in such subsection by the decade in which  
21      such toxic exposure risk activity occurred, starting with  
22      the most recent decade.

23      (d) REVIEW OF EXPOSURE CASES REGARDING LI-  
24      ABILITY OF DEPARTMENT OF DEFENSE.—In conducting  
25      the study under subsection (a), the Secretary shall—

1           (1) review known cases of toxic exposure on in-  
2           stallations of the Department of Defense in the  
3           United States;

4           (2) explore the liability of the Department of  
5           Defense in each such case; and

6           (3) assess whether the Department of Defense  
7           should provide care and services relating to such  
8           toxic exposures under the TRICARE program.

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

13          (f) DEFINITIONS.—In this section:

14           (1) HOSPITAL CARE AND MEDICAL SERVICES.—  
15          The terms “hospital care” and “medical services”  
16          have the meanings given those terms in section 1701  
17          of title 38, United States Code.

18           (2) QUALIFYING DEPENDENT.—The term  
19          “qualifying dependent” means—

20           (A) a dependent of a veteran described in  
21          section 1710(e)(1)(G) of title 38, United States  
22          Code, as added by section 101(a)(2) who re-  
23          sided with the veteran during the period in  
24          which, and on the installation at which, the vet-

eran participated in a toxic exposure risk activity;

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

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

(3) TRICARE PROGRAM.—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

## **TITLE II—REFORMS TO THE TOXIC EXPOSURE PRESUMPTION PROCESS**

### **SEC. 201. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF VETERANS AFFAIRS TO ESTABLISH PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE.**

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

1           (1) ESTABLISHMENT.—Chapter 11 of title 38,  
 2       United States Code, is amended by adding at the  
 3       end the following new subchapter:

4   “SUBCHAPTER VII—RESEARCH AND DETER-  
 5       MINATIONS RELATING TO PRESUMPTIONS  
 6       OF SERVICE CONNECTION BASED ON TOXIC  
 7       EXPOSURE

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

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

15           “(1) the Toxic Exposure Review Commission  
 16   advises the Secretary and makes recommendations  
 17   pursuant to section 1172 of this title;

18           “(2) the National Academies of Sciences, Engi-  
 19   neering, and Medicine, reviews and evaluates the  
 20   available scientific evidence pursuant to an agree-  
 21   ment under section 1173 of this title;

22           “(3) the working group established under sec-  
 23   tion 1174 of this title evaluates the conclusions of  
 24   the National Academies of Sciences, Engineering,  
 25   and Medicine pursuant to the agreement described

1 in paragraph (2) and makes recommendations to the  
2 Secretary under such section; and

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

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

8 “(c) NONAPPLICATION OF FACCA.—The Federal Ad-  
9 visory Committee Act (5 U.S.C. App.) shall not apply to  
10 an entity established under this subchapter.

11 **“§ 1172. Toxic Exposure Review Commission**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-  
13 lish an independent commission to be known as the ‘Toxic  
14 Exposure Review Commission’ (in this section referred to  
15 as the ‘Commission’).

16 “(b) PURPOSE.—The Commission shall—

17 “(1) advise the Secretary on questions relating  
18 to toxic exposures that require scientific research;  
19 and

20 “(2) assist in the consideration of possible pre-  
21 sumptions of service connection relating to toxic ex-  
22 posure.

23 “(c) DUTIES.—(1) The Commission shall carry out  
24 the following duties:

1           “(A) Collect any relevant information from the  
2     Department of Defense and other sources to identify  
3     possible toxic exposures relating to service during ac-  
4     tive duty, active duty for training, or inactive duty  
5     training in order to determine the need for a com-  
6     prehensive review under an agreement with the Na-  
7     tional Academies of Sciences, Engineering, and Med-  
8     icine under section 1173 of this title.

9           “(B) Recommend to the Secretary, by majority  
10    vote, whether a review should be conducted under an  
11    agreement with the National Academies of Sciences,  
12    Engineering, and Medicine under section 1173 of  
13    this title.

14          “(C) Recommend to the Secretary, by majority  
15    vote, whether new, independent studies regarding  
16    the health outcomes of toxic exposures, or any other  
17    new, independent studies that the Commission  
18    deems necessary and appropriate, should be con-  
19    ducted.

20          “(D) Annually report to Congress on progress  
21    regarding the duties set forth in subparagraphs (A)  
22    through (C), any recommendations made to the Sec-  
23    retary, and any responses of the Secretary to such  
24    recommendations.

1       “(2)(A) Relevant information may be collected under  
2 paragraph (1)(A) from the following:

3           “(i) Any Federal agency as the Commission  
4 considers necessary to carry out this section.

5           “(ii) Public meetings or hearings, which may be  
6 held to take such testimony and receive such evi-  
7 dence as the Commission considers advisable to  
8 carry out the duties of the Commission.

9       “(B) Upon request of the chairperson of the Commis-  
10 sion, the head of a Federal agency shall furnish informa-  
11 tion collected under subparagraph (A)(i) to the Commis-  
12 sion unless such information is classified.

13       “(d) MEMBERSHIP.—(1)(A) The Commission shall be  
14 composed of nine members, appointed as follows:

15           “(i) Two members appointed by the majority  
16 leader of the Senate.

17           “(ii) Two members appointed by the minority  
18 leader of the Senate.

19           “(iii) Two members appointed by the Speaker  
20 of the House of Representatives.

21           “(iv) Two members appointed by the minority  
22 leader of the House of Representatives.

23           “(v) One member appointed by the Secretary.

24       “(B) The initial members of the Commission shall be  
25 appointed under subparagraph (A) not later than 180

1 days after the date of the enactment of the Comprehensive  
2 and Overdue Support for Troops of War Act of 2021.

3 “(2) In appointing individuals under paragraph  
4 (1)(A), the majority leader of the Senate, the minority  
5 leader of the Senate, the Speaker of the House of Rep-  
6 resentatives, the minority leader of the House of Rep-  
7 resentatives, and the Secretary shall jointly ensure that  
8 at least five members of the Commission are scientists or  
9 health care professionals—

10 “(A) of whom—

11 “(i) one has a background in the field of  
12 respiratory medicine;

13 “(ii) one has a background in the field of  
14 endocrinology and metabolic medicine;

15 “(iii) one has a background in hematology;

16 “(iv) one has a background in oncology;

17 and

18 “(v) one has a background in occupational  
19 and environmental health; and

20 “(B) who are not officials or employees of the  
21 Federal Government.

22 “(3) In appointing individuals under paragraph  
23 (1)(A), the majority leader of the Senate, the minority  
24 leader of the Senate, the Speaker of the House of Rep-  
25 resentatives, the minority leader of the House of Rep-



1 representatives, and the Secretary shall jointly ensure that  
2 at least two members of the Commission represent an or-  
3 ganization recognized by the Secretary for the representa-  
4 tion of veterans under section 5902 of this title.

5 “(4) In appointing individuals under paragraph  
6 (1)(A), the majority leader of the Senate, the minority  
7 leader of the Senate, the Speaker of the House of Rep-  
8 resentatives, the minority leader of the House of Rep-  
9 resentatives, and the Secretary shall jointly give consider-  
10 ation to including in the Commission at least one member  
11 who works with survivors of illnesses relating to toxic ex-  
12 posures and has a background in the field of study of toxic  
13 exposures.

14 “(e) MEETINGS.—(1) The Commission shall meet not  
15 less frequently than twice each year.

16 “(2)(A) Each meeting of the Commission shall be  
17 open to the public.

18 “(B) All the proceedings, information, and delibera-  
19 tions of the Commission shall be available for review by  
20 the public.

21 “(C) Meetings of the Commission may be carried out  
22 through the use of telephonic or other appropriate tele-  
23 communication technology if the Commission determines  
24 that such technology will allow the members to commu-  
25 nicate simultaneously.

1       “(f) CHAIRPERSON AND VICE CHAIR.—At the initial  
2 meeting of the Commission under subsection (e), the Com-  
3 mission shall select a chairperson and vice chairperson  
4 from among the members of the Commission by a majority  
5 vote of the members of the Commission.

6       “(g) PERIOD OF APPOINTMENT; VACANCIES.—(1) A  
7 member of the Commission shall be appointed for a term  
8 that may not exceed four years.

9       “(2) The Secretary shall ensure that terms of mem-  
10 bers of the Commission are staggered so that no such  
11 terms end on the same date.

12       “(3) A vacancy in the Commission shall be filled in  
13 the same manner as the original appointment, but the in-  
14 dividual appointed to fill the vacancy shall serve only for  
15 the unexpired portion of the term for which the individ-  
16 ual’s predecessor was appointed.

17       “(4) In appointing the initial members of the Com-  
18 mission, each official who is authorized to appoint two  
19 members of the Commission shall appoint—

20               “(A) one member whose term expires after two  
21 years; and

22               “(B) one member whose term expires after four  
23 years.

24       “(h) PAY.—(1) Members of the Commission shall  
25 serve without pay.

1       “(2) Each member of the Commission who is an offi-  
 2 cer or employee of the United States shall serve without  
 3 compensation in addition to that received for service as  
 4 an officer or employee of the United States.

5       “(3) Members shall receive travel expenses, including  
 6 per diem in lieu of subsistence, in accordance with sections  
 7 5702 and 5703 of title 5.

8       “(i) DIRECTOR OF STAFF.—(1) The Commission  
 9 shall appoint a Director who—

10           “(A) has not served as an employee of the De-  
 11 partment during the one-year period preceding the  
 12 date of such appointment; and

13           “(B) is not otherwise barred or prohibited from  
 14 serving as Director under Federal ethics laws and  
 15 regulations, by reason of post-employment conflict of  
 16 interest.

17       “(2) The Director shall be paid at the rate of basic  
 18 pay payable for level IV of the Executive Schedule under  
 19 section 5315 of title 5.

20       “(j) STAFF.—(1) Subject to paragraphs (2) and (3),  
 21 the Director, with the approval of the Commission, may  
 22 appoint and fix the pay of additional personnel.

23       “(2) The Director may make such appointments  
 24 without regard to the provisions of title 5 governing ap-  
 25 pointments in the competitive service, and any personnel

1 so appointed may be paid without regard to the provisions  
2 of chapter 51 and subchapter III of chapter 53 of that  
3 title relating to classification and General Schedule pay  
4 rates, except that an individual so appointed may not re-  
5 ceive pay in excess of the annual rate of basic pay payable  
6 for GS-15 of the General Schedule.

7 “(3)(A) Not more than two-thirds of the personnel  
8 employed by or detailed to the Commission may be on de-  
9 tail from the Department.

10 “(B) Not more than half of the professional analysts  
11 of the Commission staff may be persons detailed from the  
12 Department to the Commission.

13 “(4) Subject to paragraph (3), the head of any Fed-  
14 eral agency, upon the request of the Director, may detail  
15 any of the personnel of that agency to the Commission  
16 to assist the Commission in carrying out its duties under  
17 this section.

18 “(5) The Commission may secure directly from any  
19 Federal agency such information as the Commission con-  
20 siderers necessary to carry out this section. Upon request  
21 of the chairperson of the Commission, the head of such  
22 agency shall furnish such information to the Commission,  
23 unless such information is classified.

24 “(k) OTHER AUTHORITY.—(1) The Commission may  
25 procure by contract, to the extent funds are available, the

1 temporary or intermittent services of experts or consult-  
2 ants pursuant to section 3109 of title 5.

3 “(2) To the extent funds are available, the Commis-  
4 sion may lease real property and acquire personal property  
5 either of its own accord or in consultation with the General  
6 Services Administration.

7 “(l) COMMUNICATIONS.—(1)(A) Except as provided  
8 in subparagraph (B), no person may restrict an employee  
9 of the Department in communicating with the Commis-  
10 sion.

11 “(B) Subparagraph (A) does not apply to a commu-  
12 nication that is unlawful.

13 “(2) All ex parte communications with the Commis-  
14 sion shall be made part of the public record.

15 “(m) RESPONSES BY SECRETARY.—In response to  
16 each report submitted to the Secretary by the Commission  
17 under subsection (c)(1), the Secretary shall submit to the  
18 Committee on Veterans’ Affairs of the Senate and the  
19 Committee on Veterans’ Affairs of the House of Rep-  
20 resentatives and make available to the public a report  
21 on—

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

1           “(2) whether the Secretary intends to nominate  
 2           for review under an agreement with the National  
 3           Academies of Sciences, Engineering, and Medicine  
 4           under section 1173 of this title the review rec-  
 5           ommended by the Committee in the report, and if  
 6           not, an explanation of why, including citations and  
 7           sources; and

8           “(3) whether the Secretary intends to follow  
 9           any other recommendation made by the Commission.

10   **“§ 1173. Science review agreement**

11           “(a) PURPOSE.—The purpose of this section is to  
 12           provide for the National Academies of Sciences, Engineer-  
 13           ing, and Medicine (in this section referred to as the ‘Acad-  
 14           emies’), an independent nonprofit scientific organization  
 15           with appropriate expertise that is not part of the Federal  
 16           Government, to review and evaluate the available scientific  
 17           evidence regarding associations between illnesses and toxic  
 18           exposures.

19           “(b) AGREEMENT.—(1) The Secretary shall seek to  
 20           enter into a 10-year agreement with the Academies to per-  
 21           form the services covered by this section.

22           “(2) The Secretary shall seek to enter into an agree-  
 23           ment described in paragraph (1) not later than 60 days  
 24           after the date of the enactment of the Comprehensive and  
 25           Overdue Support for Troops of War Act of 2021.

1       “(3) An agreement under this section may be ex-  
2 tended in five-year or 10-year increments.

3       “(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an  
4 agreement between the Secretary and the Academies  
5 under this section, the Academies shall review and summa-  
6 rize the scientific evidence, and assess the strength there-  
7 of, concerning the association between toxic exposures  
8 during active military, naval, or air service and each illness  
9 suspected to be associated with such exposure in the  
10 human population.

11       “(d) SCIENTIFIC DETERMINATIONS CONCERNING  
12 ILLNESSES.—For each illness reviewed under subsection  
13 (c), the Academies shall determine, to the extent that  
14 available scientific data permit meaningful determina-  
15 tions—

16               “(1) whether an association exists between a  
17 toxic exposure and the occurrence of the illness, tak-  
18 ing into account the strength of the scientific evi-  
19 dence and the appropriateness of the statistical and  
20 epidemiological methods used to detect the associa-  
21 tion;

22               “(2) the increased risk of the illness among  
23 those subject to toxic exposures during active mili-  
24 tary, naval, or air service; and

1           “(3) whether there exists a plausible biological  
2           mechanism or other evidence of a causal relationship  
3           between the toxic exposure and the occurrence of the  
4           illness.

5           “(e) COOPERATION OF FEDERAL AGENCIES.—The  
6           head of each relevant Federal agency, including the Sec-  
7           retary of Defense, shall cooperate fully with the Academies  
8           in performing the services covered by this section.

9           “(f) RECOMMENDATIONS FOR ADDITIONAL SCI-  
10          ENTIFIC STUDIES.—(1) Under an agreement between the  
11          Secretary and the Academies under this section, the Acad-  
12          emies shall make any recommendations for additional sci-  
13          entific studies to resolve areas of continuing scientific un-  
14          certainty relating to toxic exposures.

15          “(2) In making recommendations under paragraph  
16          (1), the Academies shall consider—

17               “(A) the scientific information that is available  
18               at the time of the recommendation;

19               “(B) the value and relevance of the information  
20               that could result from additional studies; and

21               “(C) the cost and feasibility of carrying out  
22               such additional studies.

23          “(g) REPORTS.—(1) Under an agreement between  
24          the Secretary and the Academies under this section, for  
25          each review conducted under subsection (c), the Acad-



1 emies shall submit to the Secretary, the Committee on  
2 Veterans' Affairs of the Senate, and the Committee on  
3 Veterans' Affairs of the House of Representatives an ini-  
4 tial report on the activities of the Academies under the  
5 agreement.

6 “(2) The report submitted under paragraph (1) shall  
7 include the following:

8 “(A) The determinations described in sub-  
9 section (d).

10 “(B) A full explanation of the scientific evi-  
11 dence and reasoning that led to such determinations.

12 “(C) Any recommendations of the Academies  
13 under subsection (f).

14 “(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANI-  
15 ZATION.—(1) If the Secretary is unable to enter into an  
16 agreement with the Academies for the purposes of this sec-  
17 tion on terms acceptable to the Secretary, the Secretary  
18 shall seek to enter into an agreement for the purposes of  
19 this section with another appropriate scientific organiza-  
20 tion that—

21 “(A) is not part of the Federal Government;

22 “(B) operates as a not-for-profit entity; and

23 “(C) has expertise and objectivity comparable  
24 to that of the Academies.

1 “(2) If the Secretary enters into an agreement with  
 2 another organization as described in paragraph (1), any  
 3 reference in this subchapter to the National Academies of  
 4 Sciences, Engineering, and Medicine shall be treated as  
 5 a reference to the other organization.

6 **“§ 1174. Working group on presumptions of service**  
 7 **connection**

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

11 “(1) to evaluate the conclusions of the National  
 12 Academies of Sciences, Engineering, and Medicine  
 13 contained in each report submitted under section  
 14 1173(g) of this title; and

15 “(2) to develop and submit to the Secretary a  
 16 recommendation within 60 days of the Secretary’s  
 17 receipt of a report under section 1173(g) of this title  
 18 with respect to whether—

19 “(A) to establish a presumption of service  
 20 connection between each toxic exposure and ill-  
 21 ness covered by a report described in paragraph  
 22 (1); or

23 “(B) to modify an existing presumption of  
 24 service connection covered by a report described  
 25 in paragraph (1).

1       “(b) RECOMMENDATIONS.—(1) In making a rec-  
 2 ommendation under subsection (a)(2), the Working Group  
 3 shall, if the Working Group determines that additional re-  
 4 search, studies, or reports are appropriate before making  
 5 a final recommendation with respect to establishing or  
 6 modifying a presumption of service connection, submit to  
 7 the Secretary a description of such additional research,  
 8 studies, or reports.

9       “(2) In making a recommendation under subsection  
 10 (a)(2), the Working Group shall consider only the positive  
 11 association between a toxic exposure and an illness.

12       “(3) Concurrent with the submittal of a recommenda-  
 13 tion to the Secretary under subsection (a)(2), the Working  
 14 Group shall submit to the Committee on Veterans’ Affairs  
 15 of the Senate and the Committee on Veterans’ Affairs of  
 16 the House of Representatives a description of such rec-  
 17 ommendation.

18       **“§ 1175. Regulations regarding presumptions of serv-**  
 19                               **ice connection based on toxic exposure**

20       “(a) ACTION UPON WORKING GROUP RECOMMENDA-  
 21 TION.—Not later than 60 days after the date on which  
 22 the Secretary receives a recommendation to establish or  
 23 modify a presumption of service connection under section  
 24 1174(a)(2) of this title—

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

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

12          “(b) FINAL REGULATION.—Not later than 90 days  
13          after the date on which the Secretary issues any proposed  
14          regulations under subsection (a)(1), the Secretary shall  
15          issue final regulations. Such regulations shall be effective  
16          on the date of issuance.

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

21          “(2) Whenever an illness is removed from regulations  
22          pursuant to paragraph (1), or the periods or locations of  
23          exposure covered by a presumption of service connection  
24          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 adding at the end 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. Toxic Exposure Review Commission.

“1173. Science review agreement.

“1174. Working group on presumptions of service connection.

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

16          (b) ESTABLISHMENT OF WORKING GROUP.—Not  
 17          later than 120 days after the date of the enactment of  
 18          this Act, the Secretary of Veterans Affairs shall establish  
 19          the working group required by section 1174(a) of title 38,  
 20          United States Code, as added by subsection (a).

1       (c) CONFORMING AMENDMENTS.—Chapter 11 of title  
2 38, United States Code, is amended—

3           (1) in section 1116—

4               (A) by striking subsections (b), (c), (d),  
5               and (e);

6               (B) by inserting after subsection (a) the  
7               following new subsection (b):

8           “(b) The Secretary shall ensure that any determina-  
9           tion made on or after the date of the enactment of the  
10          Comprehensive and Overdue Support for Troops of War  
11          Act of 2021 regarding a presumption of service connection  
12          based on exposure to an herbicide agent under this section  
13          is made pursuant to subchapter VII of this chapter, in-  
14          cluding with respect to assessing reports received by the  
15          Secretary from the National Academy of Sciences under  
16          section 3 of the Agent Orange Act of 1991 (Public Law  
17          102–4).”; and

18               (C) by redesignating subsection (f) as sub-  
19               section (c).

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

23           (3) in section 1118—

24               (A) by striking subsections (b) through (e);  
25               and

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 Comprehensive and Overdue Support for Troops of War  
 6 Act of 2021 regarding a presumption of service connection  
 7 based on a toxic exposure under this section is made pur-  
 8 suant to subchapter VII of this chapter.”.

9 **SEC. 202. TECHNICAL CORRECTIONS.**

10 (a) IN GENERAL.—Subchapter VI of chapter 11 of  
 11 title 38, United States Code, is amended—

12 (1) by redesignating section 1165 as section  
 13 1166; and

14 (2) by redesignating the section 1164 that was  
 15 added by section 5501(a)(1) of the Johnny Isakson  
 16 and David P. Roe, M.D. Veterans Health Care and  
 17 Benefits Improvement Act of 2020 (Public Law  
 18 116–315) as section 1165.

19 (b) CONFORMING CLERICAL AMENDMENTS.—The  
 20 table of sections at the beginning of such chapter is  
 21 amended by striking the items relating to the section 1164  
 22 that was added by section 5501(a)(1) of the Johnny Isak-  
 23 son and David P. Roe, M.D. Veterans Health Care and  
 24 Benefits Improvement Act of 2020 (Public Law 116–315)  
 25 and section 1165 and inserting the following new items:

“1165. Specialized teams to evaluate claims involving military sexual trauma.  
 “1166. Choice of sex of medical examiner for certain disabilities.”.

1 **TITLE III—REFORMS TO THE**  
 2 **SERVICE CONNECTION PROC-**  
 3 **ESS FOR TOXIC EXPOSURE**  
 4 **VETERANS**

5 **SEC. 301. PRESUMPTIONS OF TOXIC EXPOSURE.**

6 (a) IN GENERAL.—Subchapter II of chapter 11 of  
 7 title 38, United States Code, is amended by adding at the  
 8 end the following new section:

9 **“§ 1119. Presumptions of toxic exposure**

10 “(a) PRESUMPTION OF TOXIC EXPOSURE.—Except  
 11 as provided in section 1120 of this title, if a veteran sub-  
 12 mits to the Secretary a claim for compensation for a serv-  
 13 ice-connected disability under section 1110 of this title  
 14 with indication of a toxic exposure that occurred during  
 15 active military, naval, or air service, the Secretary shall  
 16 presume that the veteran was subject to such toxic expo-  
 17 sure—

18 “(1) if the Individual Longitudinal Exposure  
 19 Record of the veteran includes evidence of the toxic  
 20 exposure; or

21 “(2) in a case in which the Individual Longitu-  
 22 dinal Exposure Record of the veteran does not indi-  
 23 cate that the veteran was subject to the claimed  
 24 toxic exposure during active military, naval, or air



1 service, if credible evidence of the facts, places, and  
 2 circumstances of the service of the veteran in the ac-  
 3 tive military, naval, or air service, including evidence  
 4 of the veteran's unit assignments, military specialty,  
 5 or date and location of service, shows the veteran  
 6 was subject to the claimed toxic exposure during  
 7 such service.

8 “(b) ROLE OF LAY STATEMENTS.—In a case de-  
 9 scribed in subsection (a)(2), the Secretary shall accept as  
 10 credible evidence under such subsection a lay statement  
 11 by the veteran or another that is consistent with the other  
 12 credible evidence of the facts, places, and circumstances  
 13 of the veteran's service in the active military, naval, or  
 14 air service.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
 16 at the beginning of chapter 11 of such title is amended  
 17 by inserting after the item relating to section 1118 the  
 18 following new item:

“1119. Presumptions of toxic exposure.”.

19 (c) CONFORMING AMENDMENT.—Section 1113 of  
 20 such title is amended by striking “or 1118” each place  
 21 it appears and inserting “1118, or 1119”.

22 **SEC. 302. PRESUMPTION OF EXPOSURE TO AIRBORNE HAZ-**  
 23 **ARDS AND SUBSTANCES FROM BURN PITS.**

24 (a) IN GENERAL.—Subchapter II of chapter 11 of  
 25 title 38, United States Code, as amended by section

1 301(a), is further amended by adding at the end the fol-  
 2 lowing new section:

3 **“§ 1120. Presumption of exposure to certain airborne**  
 4 **hazards and substances from participa-**  
 5 **tion in contingency operations**

6 “(a) IN GENERAL.—For purposes of section 1110  
 7 and chapter 17 of this title, any veteran described in sub-  
 8 section (b) shall be presumed to have been exposed to the  
 9 substances, chemicals, and hazards listed in subsection  
 10 (c), unless there is affirmative evidence to establish that  
 11 the veteran was not exposed to any such substances,  
 12 chemicals, or hazards during that service.

13 “(b) VETERANS DESCRIBED.—(1) A veteran de-  
 14 scribed in this paragraph is any veteran who—

15 “(A) during active military, naval, or air serv-  
 16 ice, was deployed in support of a contingency oper-  
 17 ation while so serving and as part of such deploy-  
 18 ment served in a covered location during a cor-  
 19 responding period set forth under paragraph (2); or

20 “(B) on or after August 2, 1990, was awarded  
 21 any of the following:

22 “(i) The Afghanistan Campaign Medal.

23 “(ii) The Armed Forces Expeditionary  
 24 Medal.

1                   “(iii) The Global War On Terrorism Expe-  
2                   ditionary Medal.

3                   “(iv) The Inherent Resolve Campaign  
4                   Medal.

5                   “(v) The Iraqi Campaign Medal.

6                   “(vi) The Southwest Asia Service Medal.

7                   “(2)(A) The covered locations and corresponding pe-  
8                   riods set forth under this subsection are as follows:

9                   “(i) Iraq and the following periods:

10                   “(I) The period beginning on August 2,  
11                   1990, and ending on February 28, 1991.

12                   “(II) The period beginning on March 19,  
13                   2003, and ending on such date as the Secretary  
14                   determines burn pits are no longer used in Iraq.

15                   “(ii) The Southwest Asia Theater of operations,  
16                   other than Iraq, and the period beginning on August  
17                   2, 1990, and ending on such date as the Secretary  
18                   determines burn pits are no longer used in such lo-  
19                   cation, including the following:

20                   “(I) Kuwait.

21                   “(II) Saudi Arabia.

22                   “(III) Oman.

23                   “(IV) Qatar.

24                   “(iii) Afghanistan and the period beginning on  
25                   September 11, 2001, and ending on such date as the

1 Secretary determines burn pits are no longer used in  
2 Afghanistan.

3 “(iv) Djibouti and the period beginning on Sep-  
4 tember 11, 2001, and ending on such date as the  
5 Secretary determines burn pits are no longer used in  
6 Djibouti.

7 “(v) Syria and the period beginning on Sep-  
8 tember 11, 2001, and ending on such date as the  
9 Secretary determines burn pits are no longer used in  
10 Syria.

11 “(vi) Jordan and the period beginning on Sep-  
12 tember 11, 2001, and ending on such date as the  
13 Secretary determines burn pits are no longer used in  
14 Jordan.

15 “(vii) Egypt and the period beginning on Sep-  
16 tember 11, 2001, and ending on such date as the  
17 Secretary determines burn pits are no longer used in  
18 Egypt.

19 “(viii) Lebanon and the period beginning on  
20 September 11, 2001, and ending on such date as the  
21 Secretary determines burn pits are no longer used in  
22 Lebanon.

23 “(ix) Yemen and the period beginning on Sep-  
24 tember 11, 2001, and ending on such date as the

1 Secretary determines burn pits are no longer used in  
2 Yemen.

3 “(x) Such other locations as are set forth by the  
4 Airborne Hazards and Open Burn Pit Registry es-  
5 tablished under section 201 of the Dignified Burial  
6 and Other Veterans’ Benefits Improvement Act of  
7 2012 (Public Law 112–260; 38 U.S.C. 527 note)  
8 and corresponding periods set forth in such registry.

9 “(xi) Such other locations and corresponding  
10 periods as the Secretary, in collaboration with the  
11 Secretary of Defense, may determine appropriate in  
12 a report the Secretary of Veterans Affairs shall sub-  
13 mit to Congress not later than two years after the  
14 date of the enactment of the Veterans Burn Pits Ex-  
15 posure Recognition Act of 2021 and not less fre-  
16 quently than once every two years thereafter.

17 “(B) A location set forth under this paragraph shall  
18 not include any body of water around or any airspace  
19 above such location.

20 “(c) SUBSTANCES, CHEMICALS, AND AIRBORNE HAZ-  
21 ARDS.—(1) Subject to paragraph (2), the substances,  
22 chemicals, and airborne hazards listed in this subsection  
23 are as follows:

24 “(A) Particulate matter, including the fol-  
25 lowing:

1 “(i) PM-10.

2 “(ii) PM-2.5.

3 “(B) Polycyclic aromatic hydrocarbons (PAHs),

4 including the following:

5 “(i) Acenaphthene.

6 “(ii) Acenaphthylene.

7 “(iii) Anthracene.

8 “(iv) Benzo(a)anthracene.

9 “(v) Benzo(a)pyrene.

10 “(vi) Benzo(b)fluoroanthene.

11 “(vii) Benzo(g,h,i)perylene.

12 “(viii) Benzo(k)fluoroanthene.

13 “(ix) Chrysene.

14 “(x) Dibenz(a,h)anthracene.

15 “(xi) Fluoranthene.

16 “(xii) Fluorene.

17 “(xiii) Indeno(1,2,3-cd)pyrene.

18 “(xiv) Naphthalene.

19 “(xv) Phenanthrene.

20 “(xvi) Pyrene.

21 “(C) Volatile organic compounds (VOCs), in-

22 cluding the following:

23 “(i) Acetone.

24 “(ii) Acrolein.

25 “(iii) Benzene.

- 1                   “(iv) Carbon Disulfide.
- 2                   “(v) Chlorodifluoromethane.
- 3                   “(vi) Chloromethane.
- 4                   “(vii) Ethylbenzene.
- 5                   “(viii) Hexane.
- 6                   “(ix) Hexachlorobutadiene.
- 7                   “(x) m/p-Xylene.
- 8                   “(xi) Methylene Chloride.
- 9                   “(xii) Pentane.
- 10                  “(xiii) Propylene.
- 11                  “(xiv) Styrene.
- 12                  “(xv) Toluene.
- 13                  “(D) Toxic organic halogenated dioxins and
- 14                  furans (dioxins), including the following:
- 15                   “(i) 1,2,3,4,6,7,8 HPCDD.
- 16                   “(ii) 1,2,3,4,6,7,8 HPCDF.
- 17                   “(iii) 1,2,3,4,7,8,9 HPCDF.
- 18                   “(iv) 1,2,3,4,7,8 HXCDD.
- 19                   “(v) 1,2,3,4,7,8 HXCDF.
- 20                   “(vi) 1,2,3,6,7,8 HXCDD.
- 21                   “(vii) 1,2,3,6,7,8 HXCDF.
- 22                   “(viii) 1,2,3,7,8,9 HXCDD.
- 23                   “(ix) 1,2,3,7,8,9 HXCDF.
- 24                   “(x) 1,2,3,7,8 PECDD.
- 25                   “(xi) 1,2,3,7,8 PECDF.

2 “(xiii) 2,3,4,7,8 PECDF.

3 “(xiv) 2,3,7,8 TCDD.

4 “(xv) 2,3,7,8 TCDF.

5 “(xvi) octachlorodibenzodioxin.

6 “(xvii) octachlorodibenzofuran.

7           “(E) Such other substances, chemicals, and air-  
8       borne hazards as the Secretary, in collaboration with  
9       the Secretary of Defense, may add under paragraph  
10      (2).

“(2) The Secretary may add to or remove from the list under paragraph (1) as the Secretary determines appropriate in a report the Secretary shall submit to Congress not later than two years after the date of the enactment of the Comprehensive and Overdue Support for Troops of War Act of 2021, and not less frequently than once every two years thereafter.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of such title, as amended by section 301(b), is further amended by inserting after the item relating to section 1119 the following new item:

“1120. Presumption of exposure to certain airborne hazards and substances from participation in contingency operations.”.

“1120. Presumption of exposure to certain airborne hazards and substances from participation in contingency operations.”.

22 (c) CONFORMING AMENDMENT.—Section 1113 of  
23 such title, as amended by section 301, is amended by



1 striking “or 1119” each place it appears and inserting  
 2 “1119, or 1120”.

3 **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**  
 4 **POSURES.**

5 (a) IN GENERAL.—Subchapter VI of chapter 11 of  
 6 title 38, United States Code, as amended by title II of  
 7 this Act, is further amended by adding at the end the fol-  
 8 lowing new section:

9 **“§ 1168. Medical nexus examinations for toxic expo-**  
 10 **sure**

11 “(a) IN GENERAL.—Except as provided in subsection  
 12 (c), if a covered veteran submits to the Secretary a claim  
 13 for compensation for a service-connected disability under  
 14 section 1110 of this title relating to a toxic exposure or  
 15 exposure to a substance, chemical, or hazard listed in sec-  
 16 tion 1120(c) of this title during active military, naval, or  
 17 air service, and such evidence is not sufficient to establish  
 18 a service connection for the disability, the Secretary  
 19 shall—

20 “(1) provide the veteran with a medical exam-  
 21 ination of the claimed disability relating to such ex-  
 22 posure;

23 “(2) provide the veteran the option to have the  
 24 examination provided under paragraph (1) con-

1       ducted by a specialist in the field of medicine which  
2       covers the specifically claimed disability; and

3               “(3) request a medical opinion, as part of the  
4       medical examination provided under paragraph (1),  
5       as to whether it is at least as likely as not that there  
6       is a nexus between the claimed disability and the ex-  
7       posure.

8       “(b) COVERED VETERANS.—For purposes of this  
9       section, a covered veteran is—

10              “(1) a veteran presumed under section 1119(a)  
11       of this title to have been subject to a toxic exposure;  
12       or

13              “(2) a veteran presumed under subsection (a)  
14       of section 1120 of this title to have been exposed to  
15       a substance, chemical, or hazard listed in subsection  
16       (c) of such section.

17       “(c) EXCEPTION.—Subsection (a) shall not apply in  
18       a case in which a covered veteran claims a disability that  
19       is clearly unrelated to the claimed exposure.

20       “(d) CONSIDERATIONS IN PROVISION OF MEDICAL  
21       OPINIONS.—When providing the Secretary with a medical  
22       opinion requested under subsection (a)(3), the examiner  
23       shall consider the total potential exposure through all ap-  
24       plicable military deployments, and the synergistic, com-

1 bined effect of all applicable toxic exposure risk activi-  
 2 ties.”.

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 exposures.”.

8 **TITLE IV—EXPANSION OF PRE-**  
 9 **SUMPTIONS OF SERVICE CON-**  
 10 **NECTION FOR FORGOTTEN**  
 11 **VETERANS**

12 **SEC. 401. MARK TAKAI ATOMIC VETERANS HEALTHCARE**  
 13 **PARITY ACT OF 2021.**

14 Section 1112(c)(3)(B) of title 38, United States  
 15 Code, is amended by adding at the end the following new  
 16 clause:

17 “(v) Cleanup of Enewetak Atoll during the  
 18 period beginning on January 1, 1977, and end-  
 19 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 Section 1112(c)(3)(B) of title 38, United States  
 8 Code, as amended by section 401, is further amended by  
 9 adding at the end the following new clause:

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

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

21 (a) IN GENERAL.—Section 1116 of title 38, United  
 22 States Code, as amended by section 201, is further amend-  
 23 ed—

24 (1) by striking “, during active military, naval,  
 25 or air service, served in the Republic of Vietnam  
 26 during the period beginning on January 9, 1962,

1 and ending on May 7, 1975” each place it appears  
2 and inserting “performed covered service”;

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

8 (3) by adding at the end the following new sub-  
9 section:

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

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

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

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

24 “(4) performed in Cambodia at Mimot or Krek,  
25 Kompon Cham Province during the period beginning

1 on April 16, 1969, and ending on April 30, 1969;  
 2 or

3 “(5) performed on Guam or American Samoa,  
 4 or in the territorial waters thereof, during the period  
 5 beginning on January 9, 1962, and ending on July  
 6 31, 1980, or served on Johnston Atoll or on a ship  
 7 that called at Johnston Atoll during the period be-  
 8 ginning on January 1, 1972, and ending on Sep-  
 9 tember 30, 1977.”.

10 (b) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL  
 11 SERVICES.—Section 1710(e)(4) is amended by amending  
 12 subparagraph (A) to read as follows:

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

15 “(i) performed covered service, as defined  
 16 in section 1116(c) of this title; or

17 “(ii) the Secretary finds may have been ex-  
 18 posed during such service to dioxin or was ex-  
 19 posed during such service to a toxic substance  
 20 found in a herbicide or defoliant used for mili-  
 21 tary purposes during such period.”.

22 (c) CLERICAL AMENDMENTS.—

23 (1) SECTION HEADING.—The heading for sec-  
 24 tion 1116 is amended by striking and “**the Re-**

1       **public of Vietnam**” and inserting **“certain lo-**  
 2       **cations”**.

3               (2) TABLE OF SECTIONS.—The table of sections  
 4       at the beginning of chapter 11 of such title is  
 5       amended by striking the item relating to section  
 6       1116 and inserting the following new item:

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

7       **SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCI-**  
 8               **ATED WITH EXPOSURE TO CERTAIN HERBI-**  
 9               **CIDE AGENTS FOR WHICH THERE IS A PRE-**  
 10              **SUMPTION OF SERVICE CONNECTION FOR**  
 11              **VETERANS WHO SERVED IN THE REPUBLIC**  
 12              **OF VIETNAM.**

13       Section 1116(a)(2) of title 38, United States Code,  
 14       as amended by section 9109 of the William M. (Mac)  
 15       Thornberry National Defense Authorization Act for Fiscal  
 16       Year 2021 (Public Law 116–283), is further amended by  
 17       adding at the end the following new subparagraphs:

18              “(L) Hypertension.

19              “(M) Monoclonal gammopathy of undetermined  
 20       significance.”.

1 **SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES**  
 2 **OCCURRING IN PERSIAN GULF WAR VET-**  
 3 **ERANS.**

4 (a) REDUCTION IN THRESHOLD OF ELIGIBILITY.—  
 5 Subsection (a)(1) of section 1117 of title 38, United  
 6 States Code, is amended by striking “became manifest—  
 7 ” and all that follows through the period at the end and  
 8 inserting “became manifest to a degree of 10 percent or  
 9 more at any time.”.

10 (b) PERMANENT EXTENSION OF PERIOD OF ELIGI-  
 11 BILITY.—

12 (1) IN GENERAL.—Such section is amended by  
 13 striking subsection (b).

14 (2) CONFORMING AMENDMENTS.—Such section,  
 15 as amended by paragraph (1), is further amended—

16 (A) by redesignating subsections (c) and  
 17 (d) as subsections (b) and (c), respectively; and

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

21 (c) ESTABLISHING SINGULAR DISABILITY BASED  
 22 QUESTIONNAIRE.—Such section, as amended by sub-  
 23 section (b), is further amended by inserting after sub-  
 24 section (c) the following new subsection (d):

25 “(d) The Secretary shall develop a Disability Benefits  
 26 Questionnaire (DBQ), or successor questionnaire, such



1 that if a Persian Gulf veteran presents with any one symp-  
 2 tom associated with Gulf War Illness, use of such ques-  
 3 tionnaire is mandatory for health care personnel of the  
 4 Department for the identification of Gulf War Illness.”.

5 (d) TRAINING.—Such section is amended by adding  
 6 at the end the following new subsection:

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

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

14 **SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR**  
 15 **CERTAIN DISEASES ASSOCIATED WITH EXPO-**  
 16 **SURE TO BURN PITS AND OTHER TOXINS.**

17 (a) IN GENERAL.—Subchapter II of chapter 11 of  
 18 title 38, United States Code, as amended by section  
 19 302(a), is further amended by inserting after section 1120  
 20 the following new section:

21 **“§ 1120A. Presumption of service connection for cer-**  
 22 **tain diseases associated with exposure to**  
 23 **burn pits and other toxins**

24 “(a) PRESUMPTION OF SERVICE CONNECTION.—For  
 25 the purposes of section 1110 of this title, and subject to

1 section 1113 of this title, a disease specified in subsection  
 2 (c) becoming manifest in a covered veteran shall be consid-  
 3 ered to have been incurred in or aggravated during active  
 4 military, naval, or air service, notwithstanding that there  
 5 is no record of evidence of such disease during the period  
 6 of such service.

7 “(b) COVERED VETERANS.—For purposes of this  
 8 section, a covered veteran is a veteran presumed under  
 9 subsection (a) of section 1120 of this title to have been  
 10 exposed to a substance, chemical, or hazard listed in sub-  
 11 section (c) of such section.

12 “(c) DISEASES SPECIFIED.—The diseases specified  
 13 in this subsection are the following:

14 “(1) Asthma that was diagnosed after—

15 “(A) a deployment described in subpara-  
 16 graph (A) of section 1120(b)(1) of this title; or

17 “(B) a period of service for which a medal  
 18 set forth under subparagraph (B) of such sec-  
 19 tion was awarded.

20 “(2) Chronic obstructive pulmonary disease.

21 “(3) Chronic bronchitis.

22 “(4) Constrictive bronchiolitis or obliterative  
 23 bronchiolitis.

24 “(5) Emphysema.

25 “(6) Pleuritis.

- 1 “(7) Pulmonary fibrosis.
- 2 “(8) Interstitial lung disease.
- 3 “(9) Sarcoidosis.
- 4 “(10) Respiratory cancer of any type.
- 5 “(11) Glioblastoma.
- 6 “(12) Rhinitis.
- 7 “(13) Sinusitis.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of chapter 11 of title 38, United States  
 10 Code, as amended by section 302(b), is further amended  
 11 by inserting after the item relating to section 1120 the  
 12 following new item:

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

13 (c) CONFORMING AMENDMENT.—Section 1113 of  
 14 such title, as amended by section 302, is further amended  
 15 by striking “or 1120” each place it appears and inserting  
 16 “1120, or 1120A”.

17 **TITLE V—STRENGTHENING FED-**  
 18 **ERAL RESEARCH ON TOXIC**  
 19 **EXPOSURES**

20 **SEC. 501. COORDINATION BY DEPARTMENT OF VETERANS**  
 21 **AFFAIRS OF TOXIC EXPOSURE RESEARCH.**

22 (a) IN GENERAL.—Subchapter II of chapter 73 of  
 23 title 38, United States Code, is amended by adding at the  
 24 end the following new section:

1 **“§ 7330D. Coordination of toxic exposure research**

2 “(a) IN GENERAL.—The Secretary shall coordinate  
3 all research activities undertaken or funded by the Execu-  
4 tive Branch of the Federal Government on the health con-  
5 sequences of toxic exposures experienced during service in  
6 the Armed Forces.

7 “(b) STRATEGIC PLAN.—In carrying out subsection  
8 (a), the Secretary shall establish a strategic plan, to be  
9 known as the ‘Toxic Exposure Research Strategic Plan’,  
10 to ensure that the research activities described in such  
11 subsection are collaborative, transparent, and highly co-  
12 ordinated.

13 “(c) REPORT.—Not later than one year after the date  
14 of the enactment of the Comprehensive and Overdue Sup-  
15 port for Troops of War Act of 2021, and annually there-  
16 after, the Secretary shall submit to the Committee on Vet-  
17 erans’ Affairs of the Senate and the Committee on Vet-  
18 erans’ Affairs of the House of Representatives a report  
19 on all research activities described in subsection (a) under-  
20 taken during the year covered by the report.”.

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

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

1 **SEC. 502. COLLECTION, ANALYSIS, AND REPORT ON TREAT-**  
2 **MENT OF VETERANS FOR MEDICAL CONDI-**  
3 **TIONS RELATED TO TOXIC EXPOSURE.**

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

7 (1) is obtained by the Department of Veterans  
8 Affairs in connection with hospital care, medical  
9 services, and nursing home care furnished under sec-  
10 tion 1710(a)(2)(F) of title 38, United States Code;  
11 and

12 (2) is likely to be scientifically useful in deter-  
13 mining the association, if any, between the medical  
14 condition of a veteran and a toxic exposure.

15 (b) CONSENT OF PATIENTS.—Compilation and anal-  
16 ysis by the Secretary of clinical data of a veteran under  
17 subsection (a) shall be conducted, and such data shall be  
18 used, consistent with the informed consent of the veteran  
19 and in compliance with all applicable Federal law.

20 (c) ANNUAL REPORT.—Not later than one year after  
21 the date of the enactment of this Act, and annually there-  
22 after, the Secretary shall submit to the Committee on Vet-  
23 erans' Affairs of the Senate and the Committee on Vet-  
24 erans' Affairs of the House of Representatives a report  
25 containing—

26 (1) the data compiled under subsection (a);

1 (2) an analysis of such data;

2 (3) a description of the types and incidences of  
3 medical conditions identified by the Department  
4 under such subsection;

5 (4) the explanation of the Secretary for the in-  
6 cidence of such medical conditions and other expla-  
7 nations for the incidence of such conditions as the  
8 Secretary considers reasonable; and

9 (5) the views of the Secretary on the scientific  
10 validity of drawing conclusions from the incidence of  
11 such medical conditions, as evidenced by the data  
12 compiled under subsection (a), regarding any asso-  
13 ciation between such conditions and a toxic expo-  
14 sure.

15 (d) TOXIC EXPOSURE DEFINED.—In this section, the  
16 term “toxic exposure” has the meaning given that term  
17 in section 101(37) of title 38, United States Code.

18 **SEC. 503. STUDIES RELATING TO VETERANS WHO SERVED**  
19 **IN SOUTHWEST ASIA.**

20 (a) ANALYSIS.—

21 (1) IN GENERAL.—Not later than 180 days  
22 after the date of the enactment of this Act, the Sec-  
23 retary of Veterans Affairs, in coordination with the  
24 Secretary of Defense, shall conduct an updated anal-

1        ysis of total and respiratory disease mortality in cov-  
2        ered veterans.

3            (2) ELEMENTS.—The analysis required by  
4        paragraph (1) shall include, to the extent prac-  
5        ticable, the following:

6            (A) Metrics of airborne exposures.

7            (B) The location and timing of deploy-  
8        ments.

9            (C) The military occupational specialty.

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

12          (E) Pre-existing health status, including  
13        with respect to asthma.

14          (F) Relevant personal information, includ-  
15        ing cigarette and e-cigarette smoking history,  
16        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 uses the following:

21            (1) Improved spatio-temporal estimates of am-  
22        bient air pollution exposures using advances in retro-  
23        spective exposure assessment.

1           (2) Detailed information on the study subjects  
2           obtained through medical records, administrative  
3           data, and other existing sources, that include—

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

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

9                   (C) biospecimen data; and

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

13       (c) TOXICOLOGY STUDY.—

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

21           (2) ELEMENTS.—The study required under  
22           paragraph (1) shall—

23                   (A) analyze the study results for mecha-  
24                   nistic markers and clinically relevant outcomes;  
25                   and



1 (B) validate serum, tissue, and other bio-  
2 markers of exposure, susceptibility, or effect.

3 (d) COVERED VETERAN DEFINED.—In this section,  
4 the term “covered veteran” means any veteran who—

5 (1) on or after August 2, 1990, served on active  
6 duty in—

7 (A) Bahrain;

8 (B) Iraq;

9 (C) Kuwait;

10 (D) Oman;

11 (E) Qatar;

12 (F) Saudi Arabia;

13 (G) Somalia; or

14 (H) the United Arab Emirates; or

15 (2) on or after September 11, 2001, served on  
16 active duty in—

17 (A) Afghanistan;

18 (B) Djibouti;

19 (C) Egypt;

20 (D) Jordan;

21 (E) Lebanon;

22 (F) Syria; or

23 (G) Yemen.

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

3 The Secretary of Veterans Affairs shall conduct an  
 4 epidemiological study on the health trends of veterans who  
 5 served in the Armed Forces after September 11, 2001.

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

7 (a) IN GENERAL.—The Secretary of Veterans Affairs  
 8 shall conduct a study on the incidence of cancer in vet-  
 9 erans to determine trends in the rates of the incidence  
 10 of cancer in veterans.

11 (b) ELEMENTS.—The study required by subsection  
 12 (a) shall assess, with respect to each veteran included in  
 13 the study, the following:

- 14 (1) The age of the veteran.
- 15 (2) The period of service and length of service
- 16 of the veteran in the Armed Forces.
- 17 (3) The military occupational speciality or spe-
- 18 cialties of the veteran.
- 19 (4) The gender of the veteran.
- 20 (5) The type or types of cancer that the veteran
- 21 has.

22 **TITLE VI—IMPROVING SUPPORT**  
 23 **TO TOXIC EXPOSURE VETERANS**

24 **SEC. 601. DEFINITIONS.**

25 In this title, the terms “active military, naval, or air  
 26 service”, “toxic exposure”, and “toxic exposure veteran”

1 have the meanings given those terms in section 101 of title  
 2 38, United States Code.

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

8 (a) PUBLICATION OF LIST OF RESOURCES.—

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

14 (A) toxic exposure veterans;

15 (B) families and caregivers of toxic expo-  
 16 sure veterans; and

17 (C) survivors of toxic exposure veterans (or  
 18 who would be toxic exposure veterans were the  
 19 veterans alive) who are receiving death benefits  
 20 under the laws administered by the Secretary.

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

23 (b) OUTREACH.—The Secretary shall develop, with  
 24 input from the community, an informative outreach pro-  
 25 gram for veterans on illnesses that may be related to toxic

1 exposure, including outreach with respect to benefits and  
2 support programs.

3 **SEC. 603. INCORPORATION OF TOXIC EXPOSURE QUES-**  
4 **TIONNAIRE DURING PRIMARY CARE AP-**  
5 **POINTMENTS.**

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

14 (b) DETERMINATION OF QUESTIONS.—The questions  
15 included in the questionnaire required under subsection  
16 (a) shall be determined by the Secretary with input from  
17 medical professionals.

18 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPART-**  
19 **MENT OF VETERANS AFFAIRS WITH RESPECT**  
20 **TO TOXIC EXPOSURE VETERANS.**

21 (a) HEALTH CARE PERSONNEL.—The Secretary of  
22 Veterans Affairs shall provide to health care personnel of  
23 the Department of Veterans Affairs education and train-  
24 ing to identify, treat, and assess the impact on toxic expo-  
25 sure veterans of illnesses related to toxic exposure and in-

1 form such personnel of how to ask for additional informa-  
2 tion from veterans regarding different toxic exposures.

3 (b) BENEFITS PERSONNEL.—

4 (1) IN GENERAL.—The Secretary shall establish  
5 a training program for processors of claims under  
6 the laws administered by the Secretary who review  
7 claims for disability benefits relating to service-con-  
8 nected disabilities based on toxic exposure.

9 (2) ANNUAL TRAINING.—Training provided to  
10 processors under paragraph (1) shall be provided not  
11 less frequently than annually.

12 **SEC. 605. SFC HEATH ROBINSON BURN PIT TRANSPARENCY**  
13 **ACT.**

14 (a) SHORT TITLE.—This section may be cited as the  
15 “SFC Heath Robinson Burn Pit Transparency Act”.

16 (b) QUARTERLY NOTIFICATIONS.—

17 (1) IN GENERAL.—On a quarterly basis, the  
18 Secretary of Veterans Affairs shall submit to the ap-  
19 propriate congressional committees a report on each  
20 reported case of burn pit exposure by a covered vet-  
21 eran reported during the previous quarter.

22 (2) ELEMENTS.—Each report submitted under  
23 paragraph (1) shall include, with respect to each re-  
24 ported case of burn pit exposure of a covered vet-  
25 eran included in the report, the following:

1 (A) Notice of the case, including the med-  
2 ical facility at which the case was reported.

3 (B) Notice of, as available—

4 (i) the enrollment status of the cov-  
5 ered veteran with respect to the patient en-  
6 rollment system of the Department of Vet-  
7 erans Affairs under section 1705(a) of title  
8 38, United States Code;

9 (ii) a summary of all health care visits  
10 by the covered veteran at the medical facil-  
11 ity at which the case was reported that are  
12 related to the case;

13 (iii) the demographics of the covered  
14 veteran, including age, sex, and race;

15 (iv) any non-Department of Veterans  
16 Affairs health care benefits that the cov-  
17 ered veteran receives;

18 (v) the Armed Force in which the cov-  
19 ered veteran served and the rank of the  
20 covered veteran;

21 (vi) the period in which the covered  
22 veteran served;

23 (vii) each location that the covered  
24 veteran reported as being a location at  
25 which the veteran was exposed to toxic air-

borne chemicals and fumes from an open  
burn pit;

(viii) the medical diagnoses of the covered veteran and the treatment provided to the veteran; and

(ix) whether the covered veteran is registered in the Airborne Hazards and Open Burn Pit Registry.

(3) PROTECTION OF INFORMATION.—The Secretary shall ensure that the reports submitted under paragraph (1) do not include the identity of covered veterans or contain other personally identifiable data.

(c) ANNUAL REPORT ON CASES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs, in collaboration with the Secretary of Defense, shall submit to the appropriate congressional committees a report detailing the following:

(A) The total number of covered veterans.

(B) The total number of claims for disability compensation under chapter 11 of title 38, United States Code, approved and the total number denied by the Secretary of Veterans Af-

1           fairs with respect to a covered veteran, and for  
2           each such denial, the rationale of the denial.

3           (C) A comprehensive list of—

4                 (i) the conditions for which covered  
5                 veterans seek treatment; and

6                 (ii) the locations that the covered vet-  
7                 erans reported as being locations at which  
8                 the veterans were exposed to toxic airborne  
9                 chemicals and fumes from open burn pits.

10          (D) Identification of any illnesses relating  
11          to exposure to open burn pits that formed the  
12          basis for the Secretary to award benefits, in-  
13          cluding entitlement to service connection or an  
14          increase in disability rating.

15          (E) The total number of covered veterans  
16          who died after seeking care for an illness relat-  
17          ing to exposure to an open burn pit.

18          (F) Any updates or trends with respect to  
19          the information described in subparagraphs (A),  
20          (B), (C), (D), and (E) that the Secretary deter-  
21          mines appropriate.

22          (2) MATTERS INCLUDED IN FIRST REPORT.—

23          The Secretary shall include in the first report under  
24          paragraph (1) information specified in subsection  
25          (b)(2) with respect to reported cases of burn pit ex-



1       posure made during the period beginning January 1,  
2       1990, and ending on the day before the date of the  
3       enactment of this Act.

4       (d) COMPTROLLER GENERAL REPORT.—Not later  
5       than 180 days after the date of the enactment of this Act,  
6       the Comptroller General of the United States shall submit  
7       to the appropriate congressional committees a report con-  
8       taining an assessment of the effectiveness of any memo-  
9       randum of understanding or memorandum of agreement  
10      entered into by the Secretary of Veterans Affairs with re-  
11      spect to—

12           (1) the processing of reported cases of burn pit  
13      exposure; and

14           (2) the coordination of care and provision of  
15      health care relating to such cases at medical facili-  
16      ties of the Department of Veterans Affairs and at  
17      non-Department facilities.

18      (e) DEFINITIONS.—In this section:

19           (1) The term “Airborne Hazards and Open  
20      Burn Pit Registry” means the registry established  
21      by the Secretary of Veterans Affairs under section  
22      201 of the Dignified Burial and Other Veterans’  
23      Benefits Improvement Act of 2012 (Public Law  
24      112–260; 38 U.S.C. 527 note).

1           (2) The term “appropriate congressional com-  
2       mittees” means—

3           (A) the Committee on Veterans’ Affairs  
4           and the Committee on Armed Services of the  
5           Senate; and

6           (B) The Committee on Veterans’ Affairs  
7           and the Committee on Armed Services of the  
8           House of Representatives.

9           (3) The term “covered veteran” means a vet-  
10       eran who presents at a medical facility of the De-  
11       partment of Veterans Affairs (or in a non-Depart-  
12       ment facility pursuant to section 1703 or 1703A of  
13       title 38, United States Code) for treatment that the  
14       veteran describes as being related to, or ancillary to,  
15       the exposure of the veteran to toxic airborne chemi-  
16       cals and fumes caused by open burn pits at any time  
17       while serving in the Armed Forces.

18           (4) The term “open burn pit” has the meaning  
19       given that term in section 201(c) of the Dignified  
20       Burial and Other Veterans’ Benefits Improvement  
21       Act of 2012 (Public Law 112–260; 38 U.S.C. 527  
22       note).

23           (5) The term “reported case of burn pit expo-  
24       sure” means each instance in which a veteran pre-  
25       sents at a medical facility of the Department of Vet-

erans Affairs (or in a non-Department facility pursuant to section 1703 or 1703A of title 38, United States Code) for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits at any time while serving in the Armed Forces.

## **TITLE VII—STRENGTHENING RECORD-KEEPING OF TOXIC EXPOSURES BY DEPARTMENT OF DEFENSE**

### **SEC. 701. DEFINITIONS.**

In this title:

(1) **INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.**—The term “Individual Longitudinal Exposure Record” has the meaning given that term in section 101(40) of title 38, United States Code, as added by section 101(b).

(2) **TOXIC EXPOSURE.**—The term “toxic exposure” has the meaning given that term in section 101(37) of such title, as so added.

### **SEC. 702. INDEPENDENT STUDY ON INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.**

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense

1 shall enter into a contract with an independent research  
2 entity described in subsection (b) to carry out a com-  
3 prehensive study of the development of the Individual Lon-  
4 gitudinal Exposure Record to evaluate—

5 (1) the quality of the location data, occupa-  
6 tional and environmental exposure data, and health  
7 surveillance data; and

8 (2) whether a member of the Armed Forces can  
9 be reasonably assured that any toxic exposure expe-  
10 rienced by the member during service in the Armed  
11 Forces will be accurately reflected in the Individual  
12 Longitudinal Exposure Record of the member.

13 (b) INDEPENDENT RESEARCH ENTITY DE-  
14 SCRIBED.—An independent research entity described in  
15 this subsection is a federally funded research and develop-  
16 ment center with appropriate expertise and analytical ca-  
17 pability to carry out the study required under subsection  
18 (a).

19 **SEC. 703. BIENNIAL REPORT ON INDIVIDUAL LONGITU-**  
20 **DINAL EXPOSURE RECORD.**

21 (a) IN GENERAL.—Not later than one year after the  
22 date on which the Individual Longitudinal Exposure  
23 Record achieves full operation capability, as determined  
24 by the Secretary of Defense, and every 180 days there-  
25 after, the Secretary of Defense shall, in consultation with

1 the Secretary of Veterans Affairs, submit to the appro-  
2 priate committees of Congress a report on the data quality  
3 of the databases of the Department of Defense that pro-  
4 vide the information presented in the Individual Longitu-  
5 dinal Exposure Record and the usefulness of the Indi-  
6 vidual Longitudinal Exposure Record in supporting mem-  
7 bers of the Armed Forces and veterans in receiving health  
8 care and benefits from the Department of Defense and  
9 the Department of Veterans Affairs.

10 (b) ELEMENTS.—Each report required by subsection  
11 (a) shall include, for the period covered by the report, the  
12 following:

13 (1) An identification of toxic exposures that  
14 may not be fully captured by the current systems of  
15 the Department of Defense for environmental and  
16 occupational health monitoring, and recommenda-  
17 tions for how to improve those systems.

18 (2) An analysis of the quality of the location  
19 data used by the Department of Defense in deter-  
20 mining toxic exposures of members of the Armed  
21 Forces and veterans, and recommendations for how  
22 to improve the quality of that location data.

23 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
24 FINED.—In this section, the term “appropriate commit-  
25 tees of Congress” means—

1           (1) the Committee on Armed Services and the  
2       Committee on Veterans' Affairs of the Senate; and  
3           (2) the Committee on Armed Services and the  
4       Committee on Veterans' Affairs of the House of  
5       Representatives.

6 **SEC. 704. CORRECTION OF TOXIC EXPOSURE RECORDS.**

7       (a) IN GENERAL.—The Secretary of Defense and the  
8       Secretary of Veterans Affairs shall provide a means for  
9       members of the Armed Forces and veterans to update  
10      their records as necessary to reflect a toxic exposure by  
11      such member or veteran in the Individual Longitudinal  
12      Exposure Record.

13      (b) EVIDENCE.—

14           (1) IN GENERAL.—To update a record under  
15      subsection (a), a member of the Armed Forces or  
16      veteran, as the case may be, must provide such evi-  
17      dence as the Secretary of Defense and the Secretary  
18      of Veterans Affairs jointly consider sufficient.

19           (2) REGULATIONS.—The Secretary of Veterans  
20      Affairs shall prescribe by regulation the evidence  
21      considered sufficient under paragraph (1).



**Calendar No. 145**

117TH CONGRESS  
1ST Session

**S. 3003**

**A BILL**

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

OCTOBER 19, 2021

Read twice and placed on the calendar