

FEBRUARY 18, 2022

**RULES COMMITTEE PRINT 117-33**  
**TEXT OF H.R. 3967, THE HONORING OUR PACT**  
**ACT**

**[Showing the text of H.R. 3967, as ordered reported by the  
Committee on Veterans' Affairs, with modifications.]**

1 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**  
2 **UNITED STATES CODE; TABLE OF CONTENTS.**

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

6 (b) **MATTERS RELATING TO AMENDMENTS TO TITLE**  
7 **38, UNITED STATES CODE.**—

8 (1) **REFERENCES.**—Except as otherwise ex-  
9 pressly provided, when in this Act an amendment or  
10 repeal is expressed in terms of an amendment to, or  
11 repeal of, a section or other provision, the reference  
12 shall be considered to be made to a section or other  
13 provision of title 38, United States Code.

14 (2) **AMENDMENTS TO TABLES OF CONTENTS.**—  
15 Except as otherwise expressly provided, when an  
16 amendment made by this Act to title 38, United  
17 States Code, adds a section or larger organizational  
18 unit to that title or amends the designation or head-

1       ing of a section or larger organizational unit in that  
2       title, that amendment also shall have the effect of  
3       amending any table of sections in that title to alter  
4       the table to conform to the changes made by the  
5       amendment.

6       (c) TABLE OF CONTENTS.—The table of contents for  
7 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

Subtitle A—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 and veterans supporting certain overseas contingency operations.

Sec. 104. Assessments of implementation and operation.

Subtitle B—Certain Veterans of Combat Service

Sec. 111. Expansion of period of eligibility for health care for certain veterans of combat service.

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.
- Sec. 706. Federal cause of action relating to water at Camp Lejeune, North Carolina.

1 **TITLE I—EXPANSION OF HEALTH**  
2 **CARE ELIGIBILITY**

3 **Subtitle A—Toxic-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 identified in the list under section  
24 1119(b)(2) of this title.

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 an exposure tracking record system (as defined  
10 in section 1119(c) of this title) for the veteran  
11 who carried out 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 AND**  
18 **VETERANS SUPPORTING CERTAIN OVERSEAS**  
19 **CONTINGENCY OPERATIONS.**

20 (a) IN GENERAL.—

21 (1) EXPANSION.—Subsection (e) of section  
22 1710, as amended by section 102(c), is further  
23 amended—

24 (A) in paragraph (1), by adding at the end  
25 the following new subparagraphs:

1 “(G) Beginning not later than the applicable date  
2 specified in paragraph (6), and subject to paragraph (2),  
3 a veteran who participated in a toxic exposure risk activity  
4 while serving on active duty, active duty for training, or  
5 inactive duty training is eligible for hospital care, medical  
6 services, and nursing home care under subsection  
7 (a)(2)(F) for any illness.

8 “(H) Beginning not later than the applicable date  
9 specified in paragraph (6), and subject to paragraph (2),  
10 a covered veteran (as defined in section 1119(c) of this  
11 title) is eligible for hospital care, medical services, and  
12 nursing home care under subsection (a)(2)(F) for any ill-  
13 ness.

14 “(I)(i) Beginning not later than the applicable date  
15 specified in paragraph (6), and subject to paragraph (2),  
16 a veteran who deployed in support of a contingency oper-  
17 ation specified in clause (ii) is eligible for hospital care,  
18 medical services, and nursing home care under subsection  
19 (a)(2)(F) for any illness.

20 “(ii) A contingency operation specified in this clause  
21 is any of the following:

22 “(I) Operation Enduring Freedom.

23 “(II) Operation Freedom’s Sentinel.

24 “(III) Operation Iraqi Freedom.

25 “(IV) Operation New Dawn.

1 “(V) Operation Inherent Resolve.

2 “(VI) Resolute Support Mission.”; and

3 (B) in paragraph (2)(B)—

4 (i) by striking “or (F)” and inserting  
5 “(F), (G), (H), or (I)”; and

6 (ii) by striking “service or testing”  
7 and inserting “service, testing, or activity”.

8 (2) PHASE IN.—Such subsection is further  
9 amended by adding at the end the following new  
10 paragraph:

11 “(6)(A) The Secretary shall determine the dates in  
12 subparagraphs (G), (H), and (I) of paragraph (1) as fol-  
13 lows:

14 “(i) October 1, 2024, with respect to a veteran  
15 described in such subparagraph (G) or (H) who was  
16 discharged or released from the active military,  
17 naval, air, or space service during the period begin-  
18 ning on August 2, 1990, and ending on September  
19 11, 2001.

20 “(ii) October 1, 2026, with respect to a veteran  
21 described in such subparagraph (G) or (H) who was  
22 discharged or released from the active military,  
23 naval, air, or space service during the period begin-  
24 ning on September 12, 2001, and ending on Decem-  
25 ber 31, 2006.

1           “(iii) October 1, 2028, with respect to a veteran  
2 described in such subparagraph (G) or (H) who was  
3 discharged or released from the active military,  
4 naval, air, or space service during the period begin-  
5 ning on January 1, 2007, and ending on December  
6 31, 2012.

7           “(iv) October 1, 2030, with respect to a veteran  
8 described in such subparagraph (G) or (H) who was  
9 discharged or released from the active military,  
10 naval, air, or space service during the period begin-  
11 ning on January 1, 2013, and ending on December  
12 31, 2018.

13           “(v) October 1, 2032, with respect to a veteran  
14 described in such subparagraph (I).

15           “(B) The Secretary may modify a date specified in  
16 subparagraph (A) to an earlier date, as the Secretary de-  
17 termines appropriate based on the number of veterans re-  
18 ceiving hospital care, medical services, and nursing home  
19 care under subparagraphs (G), (H), and (I) of paragraph  
20 (1) and the resources available to the Secretary. If the  
21 Secretary determines to so modify a date, the Secretary  
22 shall—

23           “(i) notify the Committees on Veterans’ Affairs  
24 of the House of Representatives and the Senate of  
25 the proposed modification; and

1           “(ii) publish such modified date in the Federal  
2     Register.”.

3           (b) **OUTREACH PLANS.**—With respect to each of  
4     clauses (i) through (v) of section 1710(e)(6)(A) of title  
5     38, United States Code (as added by subsection (a)(2)),  
6     not later than 180 days prior to the date specified in the  
7     clause (including a date modified pursuant to such sec-  
8     tion), the Secretary shall submit to the Committees on  
9     Veterans’ Affairs of the House of Representatives and the  
10    Senate a plan to conduct outreach to the veterans referred  
11    to in the clause to notify such veterans of their eligibility  
12    for hospital care, medical services, or nursing home care  
13    under subparagraph (G), (H), or (I), of section 1710(e)(1)  
14    of such title, as the case may be.

15    **SEC. 104. ASSESSMENTS OF IMPLEMENTATION AND OPER-**  
16                                   **ATION.**

17           (a) **INITIAL RESOURCE ASSESSMENT AND RE-**  
18    **PORT.**—Not later than 180 days after the date of the en-  
19    actment of this Act, the Secretary of Veterans Affairs  
20    shall—

21                   (1) complete an assessment to determine—

22                                   (A) the personnel and material resources  
23                   necessary to implement section 103 (including  
24                   the amendments made by such section); and

1 (B) the total number of covered veterans,  
2 as such term is defined in section 1119(c) of  
3 title 38, United States Code (as added by sec-  
4 tion 302), who receive hospital care or medical  
5 services furnished by the Secretary under chap-  
6 ter 17 of such title, disaggregated by priority  
7 group specified in section 1705(a) of such title;  
8 and

9 (2) submit to the Committees on Veterans' Af-  
10 fairs of the House of Representatives and the Senate  
11 a report containing the findings of the assessment  
12 completed under paragraph (1), including a specific  
13 determination as to whether the Department has the  
14 personnel and material resources necessary to imple-  
15 ment section 103.

16 (b) INFORMATION SYSTEMS.—Not later than October  
17 1, 2024, the Secretary shall establish information systems  
18 to assess the implementation of section 103, including the  
19 amendments made by such section, and use the results  
20 of assessments under such systems to inform the reports  
21 under subsection (c).

22 (c) ANNUAL REPORTS.—

23 (1) REPORTS.—Not later than October 1, 2025,  
24 and on an annual basis thereafter until October 1,  
25 2033, the Secretary shall submit to the Committees

1 on Veterans' Affairs of the House of Representatives  
2 and the Senate a report on the following:

3 (A) The effect of the implementation of,  
4 and the provision and management of care  
5 under, section 103, (including the amendments  
6 made by such section) on the demand by vet-  
7 erans described in subparagraphs (G), (H), and  
8 (I) of section 1710(e)(1) of title 38, United  
9 States Code (as added by such section 103) for  
10 health care services furnished by the Secretary.

11 (B) Any differing patterns of demand for  
12 health care services by such veterans,  
13 disaggregated by factors such as the relative  
14 distance of the veteran from medical facilities of  
15 the Department and whether the veteran had  
16 previously received hospital care or medical  
17 services furnished by the Secretary under chap-  
18 ter 17 of such title.

19 (C) The extent to which the Secretary has  
20 met such demand.

21 (D) Any changes, during the year covered  
22 by the report, in the delivery patterns of health  
23 care furnished by the Secretary under chapter  
24 17 of such title, and the fiscal impact of such  
25 changes.

1           (2) MATTERS.—Each report under paragraph  
2 (1) shall include, with respect to the year covered by  
3 the report, detailed information on the following:

4           (A) The total number of veterans enrolled  
5 in the patient enrollment system who, during  
6 such year, received hospital care or medical  
7 services furnished by the Secretary under chap-  
8 ter 17 of title 38, United States Code.

9           (B) Of the veterans specified in subpara-  
10 graph (A), the number of such veterans who,  
11 during the preceding three fiscal years, had not  
12 received such care or services.

13           (C) With respect to the veterans specified  
14 in subparagraph (B), the cost of providing  
15 health care to such veterans during the year  
16 covered by the report, shown in total and  
17 disaggregated by—

18                   (i) the level of care; and

19                   (ii) whether the care was provided  
20 through the Veterans Community Care  
21 Program.

22           (D) With respect to the number of vet-  
23 erans described in subparagraphs (G), (H), and  
24 (I) of section 1710(e)(1) of title 38, United  
25 States Code (as added by section 103), the fol-

1           lowing (shown in total and disaggregated by  
2           medical facility of the Department, as applica-  
3           ble):

4                   (i) The number of such veterans who,  
5                   during the year covered by the report, en-  
6                   rolled in the patient enrollment system.

7                   (ii) The number of such veterans who  
8                   applied for, but were denied, such enroll-  
9                   ment.

10                   (iii) The number of such veterans who  
11                   were denied hospital care or a medical  
12                   service furnished by the Secretary that was  
13                   considered to be medically necessary but  
14                   not of an emergency nature.

15                   (E) The numbers and characteristics of,  
16                   and the type and extent of health care fur-  
17                   nished by the Secretary to, veterans enrolled in  
18                   the patient enrollment system (shown in total  
19                   and disaggregated by medical facility of the De-  
20                   partment).

21                   (F) The numbers and characteristics of,  
22                   and the type and extent of health care fur-  
23                   nished by the Secretary to, veterans not en-  
24                   rolled in the patient enrollment system  
25                   (disaggregated by each class of eligibility for

1 care under section 1710 of title 38, United  
2 States Code, and further shown as a total per  
3 class and disaggregated by medical facility of  
4 the Department).

5 (G) The specific fiscal impact (shown in  
6 total and disaggregated by geographic health  
7 care delivery areas) of changes in the delivery  
8 patterns of health care furnished by the Sec-  
9 retary under chapter 17 of such title as a result  
10 of the implementation of section 103 (including  
11 the amendments made by such section).

12 (d) DEFINITIONS.—In this section:

13 (1) The term “patient enrollment system”  
14 means the patient enrollment system of the Depart-  
15 ment of Veterans Affairs established and operated  
16 under section 1705 of title 38, United States Code.

17 (2) The term “Veterans Community Care Pro-  
18 gram” means the program established under section  
19 1703 of title 38, United States Code.

1           **Subtitle B—Certain Veterans of**  
2                           **Combat Service**

3   **SEC. 111. EXPANSION OF PERIOD OF ELIGIBILITY FOR**  
4                           **HEALTH CARE FOR CERTAIN VETERANS OF**  
5                           **COMBAT SERVICE.**

6           (a) **EXPANDED PERIOD.**—Section 1710(e)(3) is  
7 amended—

8                   (1) in subparagraph (A)—

9                           (A) by striking “January 27, 2003” and  
10                           inserting “September 11, 2001”; and

11                           (B) by striking “five-year period” and in-  
12                           serting “10-year period”;

13                   (2) by amending subparagraph (B) to read as  
14 follows:

15                           “(B) With respect to a veteran described in  
16                           paragraph (1)(D) who was discharged or released  
17                           from the active military, naval, air, or space service  
18                           after September 11, 2001, and before October 1,  
19                           2013, but did not enroll to receive such hospital  
20                           care, medical services, or nursing home care under  
21                           such paragraph pursuant to subparagraph (A) be-  
22                           fore October 1, 2022, the one-year period beginning  
23                           on October 1, 2022.”; and

24                           (3) by striking subparagraph (C).

1 (b) CLARIFICATION OF COVERAGE.—Section  
2 1710(e)(1)(D) is amended by inserting after “Persian  
3 Gulf War” the following: “(including any veteran who, in  
4 connection with service during such period, received the  
5 Armed Forces Expeditionary Medal, Service Specific Ex-  
6 peditionary Medal, Combat Era Specific Expeditionary  
7 Medal, Campaign Specific Medal, or any other combat the-  
8 ater award established by a Federal statute or an Execu-  
9 tive order)”.

10 (c) OUTREACH PLAN.—Not later than December 1,  
11 2022, the Secretary shall submit to the Committees on  
12 Veterans’ Affairs of the House of Representatives and the  
13 Senate a plan to conduct outreach to veterans described  
14 in subparagraph (B) of section 1710(e)(3) of title 38,  
15 United States Code, as amended by subsection (a)(2), to  
16 notify such veterans of their eligibility for hospital care,  
17 medical services, or nursing home care pursuant to such  
18 subparagraph.

19 (d) REPORT ON ENROLLMENTS.—Not later than  
20 January 30, 2024, the Secretary shall submit to the Com-  
21 mittees on Veterans’ Affairs of the House of Representa-  
22 tives and the Senate a report identifying, with respect to  
23 the one-year period beginning on October 1, 2022, the  
24 number of veterans described in section 1710(e)(3)(B) of  
25 title 38, United States Code, as amended by subsection

1 (a)(2), who, during such period, enrolled in the patient  
2 enrollment system of the Department of Veterans Affairs  
3 established and operated under section 1705 of such title.

4 (e) EFFECTIVE DATE.—This section and the amend-  
5 ments made by this section shall take effect on October  
6 1, 2022.

## 7 **TITLE II—TOXIC EXPOSURE** 8 **PRESUMPTION PROCESS**

### 9 **SEC. 201. SHORT TITLE.**

10 This subtitle may be cited as the “Fairly Assessing  
11 Service-related Toxic Exposure Residuals Presumptions  
12 Act” or the “FASTER Presumptions Act”.

### 13 **SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF** 14 **VETERANS AFFAIRS TO ESTABLISH PRE-** 15 **SUMPTIONS OF SERVICE CONNECTION** 16 **BASED ON TOXIC EXPOSURE.**

17 (a) ADVISORY COMMITTEES, PANELS, AND  
18 BOARDS.—Chapter 11 is amended by adding at the end  
19 the following new subchapter:

1 “SUBCHAPTER VII—DETERMINATIONS RELAT-  
2 ING TO PRESUMPTIONS OF SERVICE CON-  
3 NECTION BASED ON TOXIC EXPOSURE

4 “§ 1171. **Procedures to determine presumptions of**  
5 **service connection based on toxic expo-**  
6 **sure; definitions**

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

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

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

21 “(B) provides to the Secretary rec-  
22 ommendations on corrections needed in the In-  
23 dividual Longitudinal Exposure Record, or suc-  
24 cessor system, to better reflect veterans and de-  
25 pendents described in subparagraph (A); and

1           “(C) provides to the Secretary rec-  
2           ommendations regarding which cases of possible  
3           toxic exposure should be reviewed; and

4           “(2) the Secretary provides for formal evalua-  
5           tions of such recommendations under section 1173  
6           of this title; and

7           “(3) the Secretary issues regulations under sec-  
8           tion 1174 of this title.

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

12       **“§ 1172. Formal Advisory Committee on Toxic Expo-**  
13                               **sure**

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

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

20               “(i) Five members shall be appointed by the  
21               Secretary.

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

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

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

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

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

7           “(i) Not more than three members shall be ap-  
8 pointed from among individuals who are officials or  
9 employees of the Veterans Benefits Administration  
10 or the Veterans Health Administration.

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

18           “(iii) At least two members shall represent an  
19 organization recognized by the Secretary for the rep-  
20 resentation of veterans under section 5902 of this  
21 title.

22           “(iv) At least one member shall be appointed  
23 from among individuals in the private sector, State  
24 or local government, or academia, who are experts in  
25 toxicology and epidemiology.

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

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

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

10          “(b) CONSULTATION.—The Secretary may consult  
11 with, and seek the advice of, the Committee with respect  
12 to cases in which veterans who, during active military,  
13 naval, air, or space service, are suspected of having experi-  
14 enced a toxic exposure or dependents of veterans who may  
15 have experienced a toxic exposure during such service.

16          “(c) ASSESSMENTS.—(1) The Committee shall assess  
17 cases of the toxic exposure of veterans and their depend-  
18 ents that occurred during active military, naval, air, or  
19 space service, including by conducting ongoing surveillance  
20 and reviewing such exposure described in scientific lit-  
21 erature, media reports, information from veterans, and in-  
22 formation from Congress.

23          “(2) The assessments under paragraph (1) shall  
24 cover suspected and known toxic exposures occurring dur-  
25 ing active military, naval, air, or space service, including

1 by identifying and evaluating new and emerging toxic ex-  
2 posures that are not recognized under existing presump-  
3 tions of service connection.

4 “(3) The Committee may conduct an assessment  
5 under paragraph (1) in response to comments by a person  
6 described in subsection (e)(2), by a majority vote of the  
7 members of the Committee.

8 “(4) The Committee shall on a periodic basis assess  
9 the Individual Longitudinal Exposure Record, or successor  
10 system, to ensure the accuracy of data collected.

11 “(d) RESEARCH RECOMMENDATIONS.—(1) Following  
12 an assessment of a case of the toxic exposure of veterans  
13 or their dependents that occurred during active military,  
14 naval, air, or space service under subsection (c), the Com-  
15 mittee may develop a recommendation for formal evalua-  
16 tion under section 1173 of this title to conduct a review  
17 of the health effects related to the case of exposure if the  
18 Committee determines that the research may change the  
19 current understanding of the relationship between an ex-  
20 posure to an environmental hazard and adverse health  
21 outcomes in humans.

22 “(2) Upon receipt of evidence suggesting that pre-  
23 vious findings regarding the periods and locations of expo-  
24 sure covered by an existing presumption of service connec-  
25 tion are no longer supported, the Committee may nomi-

1 nate such evidence for formal evaluation under section  
2 1173 of this title to modify the periods and locations.

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

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

10 “(A) veterans, the families of veterans, veterans  
11 service organizations and representatives, research-  
12 ers, and other members of the general public; and

13 “(B) departments and agencies of the Federal  
14 Government.

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

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

22 “(2) recommendations for such legislative or  
23 administrative action as the Committee considers  
24 necessary for the Committee to be more effective in  
25 carrying out the requirements of this section.

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

6               “(1) the findings and opinions of the Secretary  
7 with respect to the report most recently submitted  
8 under subsection (f); and

9               “(2) whether the Secretary will conduct re-  
10 search recommended under subsection (f) included  
11 in the report, and if not, an explanation of why, in-  
12 cluding citations and sources.

13       “(h) NONAPPLICATION OF SUNSET REQUIRE-  
14 MENTS.—Section 14 of the Federal Advisory Committee  
15 Act (5 U.S.C. App.) shall not apply to the Committee.

16 **“§ 1173. Formal evaluation of recommendations**

17       “(a) FORMAL EVALUATION.—The Secretary shall es-  
18 tablish a process to conduct a formal evaluation with re-  
19 spect to each recommendation made by the Formal Advi-  
20 sory Committee on Toxic Exposure under section 1172 of  
21 this title—

22               “(1) to conduct research regarding the health  
23 effects related to a case of toxic exposure; or

1           “(2) to evaluate evidence regarding the periods  
2           and locations of exposure covered by an existing pre-  
3           sumption of service connection.

4           “(b) EVIDENCE, DATA, AND FACTORS.—The Sec-  
5           retary shall ensure that each formal evaluation under  
6           paragraph (1) covers the following:

7           “(1) Scientific evidence, based on the review of  
8           available scientific literature, including human, toxi-  
9           cological, animal, and methodological studies, and  
10          other factors.

11          “(2) Claims data, based on the review of claim  
12          rate, grant rate, and service connection prevalence,  
13          and other factors.

14          “(3) Other factors the Secretary determines ap-  
15          propriate, such as—

16                 “(A) the level of disability and mortality  
17                 caused by the health effects related to the case  
18                 of toxic exposure being evaluated;

19                 “(B) the level of assistance required to re-  
20                 main in the community because of such health  
21                 effects;

22                 “(C) the quantity and quality of the infor-  
23                 mation available and reviewed;

24                 “(D) the feasibility of and period for gen-  
25                 erating relevant information and evidence;

1           “(E) whether such health effects are  
2           combat- or deployment-related; and

3           “(F) the ubiquity or rarity of the health  
4           effects.

5           “(c) CONDUCT OF EVALUATIONS.—(1) The Secretary  
6           shall ensure that each formal evaluation under subsection  
7           (a)—

8           “(A) reviews scientific evidence in a manner  
9           that—

10           “(i) conforms to principles of scientific and  
11           data integrity;

12           “(ii) is free from suppression or distortion  
13           of scientific or technological findings, data, in-  
14           formation, conclusions, or technical results; and

15           “(B)(i) evaluates the likelihood that a positive  
16           association exists between an illness and a toxic ex-  
17           posure while serving in the active military, naval,  
18           air, or space service; and

19           “(ii) assesses the toxic exposures and illnesses  
20           and determines whether the evidence supports a  
21           finding of a positive association between the toxic  
22           exposure and the illness.

23           “(2) In carrying out paragraph (1)(B)(ii), a formal  
24           evaluation under subsection (a) shall include reviewing all

1 relevant data to determine the strength of evidence for a  
2 positive association based on the following four categories:

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

6           “(B) The ‘equipose and above’ category, where  
7           the evidence is sufficient to conclude that a positive  
8           association is at least as likely as not, but not suffi-  
9           cient to conclude that a positive association exists.

10           “(C) The ‘below equipose’ category, where the  
11           evidence is not sufficient to conclude that a positive  
12           association is at least as likely as not, or is not suffi-  
13           cient to make a scientifically informed judgment.

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

16           “(d) RECOMMENDATION FOR RULEMAKING.—Not  
17 later than 120 days after the date on which a formal eval-  
18 uation is commenced, the element of the Department that  
19 conducts the evaluation shall submit to the Secretary a  
20 recommendation with respect to establishing a presump-  
21 tion of service connection for the toxic exposure and ill-  
22 ness, or modifying an existing presumption of service con-  
23 nection, covered by the evaluation.

1 **“§ 1174. Regulations regarding presumptions of serv-**  
2 **ice connection based on toxic exposure**

3 “(a) ACTION UPON RECOMMENDATION.—Not later  
4 than 160 days after the date on which the Secretary re-  
5 ceives a recommendation to establish or modify a pre-  
6 sumption of service connection under section 1173 of this  
7 title—

8 “(1) if the Secretary determines that the pre-  
9 sumption, or modification, is warranted, the Sec-  
10 retary shall commence issuing regulations in accord-  
11 ance with the provisions of subchapter II of chapter  
12 5 of title 5 (commonly referred to as the Administra-  
13 tive Procedures Act) setting forth the presumption  
14 or commence revising regulations to carry out such  
15 modification; or

16 “(2) if the Secretary determines that the pre-  
17 sumption, or modification, is not warranted, the Sec-  
18 retary shall publish in the Federal Register a notice  
19 of the determination, including the reasons sup-  
20 porting the determination.

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

25 “(2) Whenever an illness is removed from regulations  
26 pursuant to paragraph (1), or the periods and locations

1 of exposure covered by a presumption of service connection  
2 are modified under subsection (a)—

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

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

15 **“§ 1175. Authority to modify process; congressional**  
16 **oversight**

17 “(a) **AUTHORITY.**—(1) The Secretary may modify the  
18 process under which the Secretary conducts formal evalua-  
19 tions under section 1173 of this title and issues regula-  
20 tions under section 1174 if—

21 “(A) such evaluations cover the evidence, data,  
22 and factors required by subsection (b) of such sec-  
23 tion 1173; and

1           “(B) a period of 180 days has elapsed following  
2           the date on which the Secretary submits the notice  
3           under paragraph (2) regarding the modification.

4           “(2) If the Secretary proposes to modify the process  
5           under which the Secretary conducts formal evaluations  
6           under section 1173 of this title or issues regulations under  
7           section 1174, the Secretary shall submit to the Commit-  
8           tees on Veterans’ Affairs of the House of Representatives  
9           and the Senate a notice of the proposed modifications con-  
10          taining the following:

11           “(A) A description of the proposed modifica-  
12          tions.

13           “(B) A description of any exceptions to the re-  
14          quirements of such sections that are proposed be-  
15          cause of limited available scientific evidence, and a  
16          description of how such evaluations will be con-  
17          ducted.

18          “(b) REPORTS AND BRIEFINGS.—(1)(A) Not later  
19          than two years after the date of the enactment of the Hon-  
20          oring our Promise to Address Comprehensive Toxics Act  
21          of 2021, the Secretary shall submit to the Committees on  
22          Veterans’ Affairs of the House of Representatives and the  
23          Senate a report on the implementation of, and rec-  
24          ommendations for, this subchapter.

1           “(B) The Secretary shall develop the report under  
2 subparagraph (A) in consultation with organizations rec-  
3 ognized by the Secretary for the representation of veterans  
4 under section 5902 of this title and any other entity the  
5 Secretary determines appropriate.

6           “(2) On a quarterly basis during the two-year period  
7 beginning on the date of the enactment of the Honoring  
8 our Promise to Address Comprehensive Toxics Act of  
9 2021, the Secretary shall provide to the Committees on  
10 Veterans’ Affairs of the House of Representatives and the  
11 Senate a briefing on the implementation of this sub-  
12 chapter.

13           “(c) INDEPENDENT REVIEW.—The Secretary shall  
14 seek to enter into an agreement with a nongovernmental  
15 entity or a federally funded research and development cen-  
16 ter to conduct a review of the implementation of this sub-  
17 chapter. Not later than 540 days after the date of the  
18 enactment of the Honoring our Promise to Address Com-  
19 prehensive Toxics Act of 2021, the Secretary shall submit  
20 to the Committees on Veterans’ Affairs of the House of  
21 Representatives and the Senate a report containing such  
22 review.”.

23           (b) CONFORMING AMENDMENTS.—Chapter 11 is  
24 amended—

25                   (1) in section 1116—

1 (A) by striking subsections (b), (c), (d),  
2 and (e);

3 (B) by inserting after subsection (a) the  
4 following new subsection (b):

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

15 (C) by redesignating subsection (f) as sub-  
16 section (e);

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

20 (3) in section 1118—

21 (A) by striking subsections (b) through (e);  
22 and

23 (B) by inserting after subsection (a) the  
24 following new subsection (b):

1 “(b) The Secretary shall ensure that any determina-  
2 tion made on or after the date of the enactment of the  
3 Honoring our Promise to Address Comprehensive Toxics  
4 Act of 2021 regarding a presumption of service connection  
5 based on a toxic exposure under this section is made pur-  
6 suant to subchapter VII of this chapter.”.

7 **SEC. 203. REEVALUATION OF CLAIMS FOR COMPENSATION**  
8 **INVOLVING PRESUMPTIONS OF SERVICE**  
9 **CONNECTION.**

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

12 **“§ 1167. Reevaluation of compensation determina-**  
13 **tions pursuant to changes in presump-**  
14 **tions of service connection**

15 “(a) REEVALUATION.—Whenever a law, including  
16 through a regulation or Federal court decision, establishes  
17 or modifies a presumption of service connection, the Sec-  
18 retary shall—

19 “(1) identify all claims for compensation under  
20 this chapter that—

21 “(A) were submitted to the Secretary;

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

1           “(C) might have been evaluated differently  
2           had the establishment or modification been ap-  
3           plicable to the claim;

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

6           “(3) notwithstanding section 5110 of this title,  
7           with respect to claims approved pursuant to such re-  
8           evaluation, provide compensation under this chapter  
9           effective as if the establishment or modification of  
10          the presumption of service connection had been in  
11          effect on the date of the submission of the original  
12          claim described in paragraph (1).

13          “(b) OUTREACH.—The Secretary shall conduct out-  
14 reach to inform relevant veterans that they may elect to  
15 have a claim be reevaluated in light of the establishment  
16 or modification of a presumption of service connection de-  
17 scribed in subsection (a). Such outreach shall include the  
18 following:

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

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

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

6 **TITLE III—IMPROVING THE ES-**  
7 **TABLISHMENT OF SERVICE**  
8 **CONNECTION PROCESS FOR**  
9 **TOXIC-EXPOSED VETERANS**

10 **SEC. 301. SHORT TITLE.**

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

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

14 Subchapter II of chapter 11 is amended by adding  
15 at the end the following new section:

16 **“§ 1119. Presumptions of toxic exposure**

17 “(a) CONSIDERATION OF RECORDS.—If a veteran  
18 submits to the Secretary a claim for compensation for a  
19 service-connected disability under section 1110 of this title  
20 with evidence of a disability and a toxic exposure that oc-  
21 curred during active military, naval, air, or space service,  
22 the Secretary may, in adjudicating such claim, consider—

23 “(1) any record of the veteran in an exposure  
24 tracking record system; and

1           “(2) if no record of the veteran in an exposure  
2 tracking record system indicates that the veteran  
3 was subject to a toxic exposure during active mili-  
4 tary, naval, air, or space service, the totality of the  
5 circumstances of the service of the veteran.

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

8 (1) The Secretary shall, for purposes of section 1110 and  
9 chapter 17 of this title, presume that any covered veteran  
10 was exposed to the substances, chemicals, and airborne  
11 hazards identified in the list under paragraph (2) during  
12 the service of the covered veteran specified in subsection  
13 (c)(1), unless there is affirmative evidence to establish  
14 that the covered veteran was not exposed to any such sub-  
15 stances, chemicals, or hazards in connection with such  
16 service.

17           “(2) The Secretary shall establish and maintain a list  
18 that contains an identification of one or more such sub-  
19 stances, chemicals, and airborne hazards as the Secretary,  
20 in collaboration with the Secretary of Defense, may deter-  
21 mine appropriate for purposes of this section.

22           “(3) Beginning not later than two years after the  
23 date of the enactment of the Honoring our Promise to Ad-  
24 dress Comprehensive Toxics Act of 2021, and not less fre-  
25 quently than once every two years thereafter, the Sec-

1 retary shall submit to the Committees on Veterans' Affairs  
2 of the House of Representatives and the Senate a report  
3 identifying any additions or removals to the list under  
4 paragraph (2) during the period covered by the report.

5 “(c) DEFINITIONS.—In this section:

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

8 “(A) on or after August 2, 1990, per-  
9 formed active military, naval, air, or space serv-  
10 ice while assigned to a duty station in—

11 “(i) Bahrain;

12 “(ii) Iraq;

13 “(iii) Kuwait;

14 “(iv) Oman;

15 “(v) Qatar;

16 “(vi) Saudi Arabia;

17 “(vii) Somalia; or

18 “(viii) United Arab Emirates; or

19 “(B) on or after September 11, 2001, per-  
20 formed active military, naval, air, or space serv-  
21 ice while assigned to a duty station in—

22 “(i) Afghanistan;

23 “(ii) Djibouti;

24 “(iii) Egypt;

25 “(iv) Jordan;

1 “(v) Lebanon;  
2 “(vi) Syria;  
3 “(vii) Yemen;  
4 “(viii) Uzbekistan;  
5 “(ix) the Philippines; or  
6 “(x) any other country determined rel-  
7 evant by the Secretary.

8 “(2) The term ‘exposure tracking record sys-  
9 tem’—

10 “(A) means any system, program, or pilot  
11 program used by the Secretary of Veterans Af-  
12 fairs or the Secretary of Defense to track how  
13 veterans or members of the Armed Forces have  
14 been exposed to various occupational or envi-  
15 ronmental hazards; and

16 “(B) includes the Individual Longitudinal  
17 Exposure Record, or successor system.

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

21 **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**  
22 **POSURE RISK ACTIVITIES.**

23 Subchapter VI of chapter 11, as amended by section  
24 203, is further amended by adding at the end the following  
25 new section:

1 **“§ 1168. Medical nexus examinations for toxic expo-**  
2 **sure risk activities**

3 “(a) MEDICAL EXAMINATIONS AND MEDICAL OPIN-  
4 IONS.—(1) Except as provided in subsection (b), if a vet-  
5 eran submits to the Secretary a claim for compensation  
6 for a service-connected disability under section 1110 of  
7 this title with evidence of a disability and evidence of par-  
8 ticipation in a toxic exposure risk activity during active  
9 military, naval, air, or space service, and such evidence  
10 is not sufficient to establish a service connection for the  
11 disability, the Secretary shall—

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

14 “(B) obtain a medical opinion (to be requested  
15 by the Secretary in connection with the medical ex-  
16 amination under subparagraph (A)) as to whether it  
17 is at least as likely as not that there is a nexus be-  
18 tween the disability and the toxic exposure risk ac-  
19 tivity.

20 “(2) When providing the Secretary with a medical  
21 opinion under paragraph (1)(B) for a veteran, the health  
22 care provider shall consider—

23 “(A) the total potential exposure through all  
24 applicable military deployments of the veteran; and

25 “(B) the synergistic, combined effect of all toxic  
26 exposure risk activities of the veteran.

1       “(3) The requirement under paragraph (2)(B) shall  
2 not be construed as requiring a health care provider to  
3 consider the synergistic, combined effect of each of the  
4 substances, chemicals, and airborne hazards identified in  
5 the list under section 1119(b)(2) of this title.

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

11       “(c) TOXIC EXPOSURE RISK ACTIVITY DEFINED.—  
12 In this section, the term ‘toxic exposure risk activity’ has  
13 the meaning given that term in section 1710(e)(4) of this  
14 title.”.

## 15       **TITLE IV—PRESUMPTIONS OF** 16       **SERVICE CONNECTION**

### 17       **SEC. 401. TREATMENT OF VETERANS WHO PARTICIPATED** 18                               **IN CLEANUP OF ENEWETAK ATOLL AS RADI-** 19                               **ATION-EXPOSED VETERANS FOR PURPOSES** 20                               **OF PRESUMPTION OF SERVICE CONNECTION** 21                               **OF CERTAIN DISABILITIES BY DEPARTMENT** 22                               **OF VETERANS AFFAIRS.**

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

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

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

6 **SEC. 402. TREATMENT OF VETERANS WHO PARTICIPATED**  
7 **IN NUCLEAR RESPONSE NEAR PALOMARES,**  
8 **SPAIN, AS RADIATION-EXPOSED VETERANS**  
9 **FOR PURPOSES OF PRESUMPTION OF SERV-**  
10 **ICE CONNECTION OF CERTAIN DISABILITIES**  
11 **BY DEPARTMENT OF VETERANS AFFAIRS.**

12 (a) SHORT TITLE.—This section may be cited as the  
13 “Palomares Veterans Act”.

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

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

1 **SEC. 403. PRESUMPTIONS OF SERVICE CONNECTION FOR**  
2 **DISEASES ASSOCIATED WITH EXPOSURES TO**  
3 **CERTAIN HERBICIDE AGENTS FOR VETERANS**  
4 **WHO SERVED IN CERTAIN LOCATIONS.**

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

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

9 (1) by striking “, during active military, naval,  
10 air, or space service, served in the Republic of Viet-  
11 nam during the period beginning on January 9,  
12 1962, and ending on May 7, 1975” each place it ap-  
13 pears and inserting “performed covered service”;

14 (2) by striking “performed active military,  
15 naval, air, or space service in the Republic of Viet-  
16 nam during the period beginning on January 9,  
17 1962, and ending on May 7, 1975” each place it ap-  
18 pears and inserting “performed covered service”;  
19 and

20 (3) by adding at the end the following new sub-  
21 section:

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

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

1           “(2) performed in Thailand at any United  
2 States or Royal Thai base during the period begin-  
3 ning on January 9, 1962, and ending on June 30,  
4 1976, without regard to where on the base the vet-  
5 eran was located or what military job specialty the  
6 veteran performed;

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

10           “(4) performed in Cambodia at Mimot or Krek,  
11 Kampong Cham Province during the period begin-  
12 ning on April 16, 1969, and ending on April 30,  
13 1969; or

14           “(5) performed on Guam or American Samoa,  
15 or in the territorial waters thereof, during the period  
16 beginning on January 9, 1962, and ending on July  
17 31, 1980, or served on Johnston Atoll or on a ship  
18 that called at Johnston Atoll during the period be-  
19 ginning on January 1, 1972, and ending on Sep-  
20 tember 30, 1977.”.

21           (c) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL  
22 SERVICES.—Section 1710(e)(4), as amended by section  
23 102(c), is further amended by striking subparagraph (A)  
24 and inserting the following new subparagraph:

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

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

5                   “(ii) the Secretary finds may have been ex-  
6                   posed during such service to dioxin or was ex-  
7                   posed during such service to a toxic substance  
8                   found in a herbicide or defoliant used for mili-  
9                   tary purposes during such period.”.

10          (d) CONFORMING AMENDMENT.—The heading for  
11          section 1116 is amended by striking “**the Republic of**  
12          **Vietnam**” and inserting “**certain locations**”.

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

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

21          (b) ADDITIONAL DISEASES.—Section 1116(a)(2), as  
22          amended by section 9109 of the William M. (Mac) Thorn-  
23          berry National Defense Authorization Act for Fiscal Year  
24          2021 (Public Law 116–283), is further amended by add-  
25          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, de-  
4 signed to identify Gulf War Illness, in addition to any  
5 other diagnostic actions the personnel determine appro-  
6 priate.”.

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

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

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

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

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

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

1 (b) IN GENERAL.—Subchapter II of chapter 11, as  
2 amended by section 302, is further amended by inserting  
3 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, air, or space service, notwithstanding  
13 that there is no record of evidence of such disease during  
14 the 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 iden-
- 24                  tified in the list under section 1119(b)(2) of this
- 25                  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) CONFORMING AMENDMENT.—Section 1113 is  
5 amended by striking “or 1118” each place it appears and  
6 inserting “1118, or 1120”.

## 7 **TITLE V—RESEARCH MATTERS**

### 8 **SEC. 501. COORDINATION BY DEPARTMENT OF VETERANS** 9 **AFFAIRS OF TOXIC EXPOSURE RESEARCH.**

10 Subchapter II of chapter 73 is amended by adding  
11 at the end the following new section:

#### 12 **“§ 7330D. Coordination of toxic exposure research**

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

18 “(b) STRATEGIC PLAN.—In carrying out subsection  
19 (a), the Secretary shall establish a strategic plan, to be  
20 known as the Toxic Exposure Research Strategic Plan, to  
21 ensure that the research activities specified in such sub-  
22 section are collaborative, transparent, and highly coordi-  
23 nated.

24 “(c) REPORT.—Not later than one year after the date  
25 of the enactment of the Honoring our Promise to Address

1 Comprehensive Toxics Act of 2021, and annually there-  
2 after, the Secretary shall submit to the Committees on  
3 Veterans' Affairs of the House of Representatives and the  
4 Senate a report on any research activities specified in sub-  
5 section (a) carried out during the year covered by the re-  
6 port.”.

7 **SEC. 502. DATA COLLECTION, ANALYSIS, AND REPORT ON**  
8 **TREATMENT OF VETERANS FOR ILLNESSES**  
9 **RELATED TO TOXIC EXPOSURE.**

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

13 (1) is obtained by the Secretary in connection  
14 with hospital care, medical services, or nursing home  
15 care furnished to a veteran for an illness under sec-  
16 tion 1710(a)(2)(F) of title 38, United States Code,  
17 as amended by section 102; and

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

22 (b) CONSENT OF PATIENTS.—The Secretary shall en-  
23 sure that the compilation and analysis of the clinical data  
24 of a veteran under subsection (a) shall be conducted, and  
25 such data shall be used, in a manner that is consistent

1 with the informed consent of the veteran and in compli-  
2 ance with all applicable Federal law.

3 (c) ANNUAL REPORT.—Not later than one year after  
4 the date of the enactment of this Act, and annually there-  
5 after, the Secretary shall submit to the Committees on  
6 Veterans' Affairs of the House of Representatives and the  
7 Senate a report containing—

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

9 (2) an analysis of any such data;

10 (3) a description of the types and incidences of  
11 illnesses identified by the Secretary pursuant to such  
12 subsection;

13 (4) an explanation by the Secretary for the inci-  
14 dence of such illnesses and such alternate expla-  
15 nations for the incidence of such illnesses as the Sec-  
16 retary may consider reasonable; and

17 (5) a description of the views of the Secretary  
18 regarding the scientific validity of drawing conclu-  
19 sions from the incidence of such illnesses, as evi-  
20 denced by the data compiled under subsection (a),  
21 regarding the existence of a positive association be-  
22 tween such illness and a toxic exposure.

23 (d) DEFINITIONS.—In this section:

1           (1) The term “toxic exposure” has the meaning  
2           given that term in section 101 of title 38, United  
3           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   **SEC. 503. STUDIES RELATED TO VETERANS WHO SERVED IN**  
8                           **SOUTHWEST ASIA AND CERTAIN OTHER LO-**  
9                           **CATIONS.**

10          (a) ANALYSIS ON MORTALITY IN COVERED VET-  
11          ERANS.—

12               (1) ANALYSIS.—Not later than 180 days after  
13               the date of the enactment of this Act, the Secretary  
14               of Veterans Affairs shall conduct an updated anal-  
15               ysis of total and respiratory disease mortality in cov-  
16               ered veterans.

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

20                       (A) Metrics of airborne exposures.

21                       (B) The location and timing of any deploy-  
22                       ments of the veteran.

23                       (C) The military occupational specialty of  
24                       the veteran.

1 (D) The Armed Force in which the veteran  
2 served.

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

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

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

13 (1) the use of improved spatio-temporal esti-  
14 mates of ambient air pollution exposures that lever-  
15 age advances in retrospective exposure assessment;  
16 and

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

21 (A) personal information, including ciga-  
22 rette and e-cigarette smoking history, diet, sex,  
23 gender, age, race, and ethnicity;

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

1 (C) biospecimen data; and

2 (D) supplementary health status and out-  
3 comes data, including imaging and physiological  
4 parameters.

5 (c) TOXICOLOGY STUDY.—

6 (1) STUDY.—Not later than 180 days after the  
7 date of the enactment of this Act, the Secretary  
8 shall conduct a toxicology study, to include varia-  
9 bility, to replicate toxic exposures of healthy, young  
10 members of the Armed Forces, as well as potentially  
11 susceptible members, with preexisting health condi-  
12 tions.

13 (2) ELEMENTS.—The study under paragraph  
14 (1) shall include—

15 (A) an analysis of results for mechanistic  
16 markers and clinically relevant outcomes; and

17 (B) a validation of any serum, tissue, or  
18 other biomarkers of toxic exposure, suscepti-  
19 bility, or effect with respect to the subjects of  
20 the study.

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

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

3 (a) STUDY.—The Secretary of Veterans Affairs shall  
4 conduct an epidemiological study on the health trends of  
5 veterans who served in the Armed Forces after September  
6 11, 2001.

7 (b) REPORT.—Not later than two years after the date  
8 of the enactment of this Act, the Secretary shall submit  
9 to the Committees on Veterans' Affairs of the House of  
10 Representatives and the Senate a report on the study  
11 under subsection (a).

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

13 (a) STUDY.—The Secretary of Veterans Affairs shall  
14 conduct a study on the incidence of cancer in veterans to  
15 determine trends in the rates of the incidence of cancer  
16 in veterans.

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

20 (1) The age of the veteran.

21 (2) The period of service and length of service  
22 of the veteran in the Armed Forces.

23 (3) Any military occupational speciality of the  
24 veteran.

25 (4) The gender of the veteran.

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

1 (c) REPORT.—Not later than two years after the date  
2 of the enactment of this Act, the Secretary shall submit  
3 to the Committees on Veterans' Affairs of the House of  
4 Representatives and the Senate a report on the study  
5 under subsection (a).

6 **SEC. 506. STUDY ON FEASIBILITY AND ADVISABILITY OF**  
7 **FURNISHING HOSPITAL CARE AND MEDICAL**  
8 **SERVICES TO DEPENDENTS OF VETERANS**  
9 **WHO PARTICIPATED IN TOXIC EXPOSURE**  
10 **RISK ACTIVITIES.**

11 (a) STUDY.—The Secretary of Veterans Affairs shall  
12 conduct a study on the feasibility and advisability of fur-  
13 nishing hospital care and medical services to qualifying de-  
14 pendants of veterans described in section 1710(e)(1)(G)  
15 of title 38, United States Code, as added by section  
16 103(a)(1), for any illness determined by the Secretary to  
17 be connected to a toxic exposure risk activity carried out  
18 by the veteran, as determined by the Secretary, notwith-  
19 standing that there is insufficient medical evidence to con-  
20 clude that such illness is attributable to such activity.

21 (b) ELEMENTS.—The study under subsection (a)  
22 shall include—

23 (1) an assessment of the impact of furnishing  
24 hospital care and medical services to qualifying de-  
25 pendants as described in such subsection on the abil-

1           ity of the Department of Veterans Affairs to furnish  
2           hospital care and medical services to veterans;

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

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

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

11          (5) an estimate of the number of qualifying de-  
12          pendents who would be eligible for such care and  
13          services; and

14          (6) an assessment of the feasibility of adjudi-  
15          cating claims 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 TOXIC EXPOSURE CASES REGARDING  
24          LIABILITY OF DEPARTMENT OF DEFENSE.—In con-

1 ducting the study under subsection (a), the Secretary  
2 shall—

3 (1) review known cases of toxic exposure on  
4 military installations of the Department of Defense  
5 located in the United States;

6 (2) analyze the liability of the Department of  
7 Defense in each such case; and

8 (3) assess whether the Secretary of Defense  
9 should provide care and services relating to such  
10 toxic exposures under the TRICARE program.

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

15 (f) DEFINITIONS.—In this section:

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

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

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

23 (A) a dependent of a veteran described in  
24 section 1710(e)(1)(G) of title 38, United States  
25 Code, as added by section 104(a)(1), who re-

1           sided with the veteran during the period in  
2           which, and on the installation at which, the vet-  
3           eran participated in a toxic exposure risk activ-  
4           ity;

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

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

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

17           (5) The term “toxic exposure risk activity” has  
18          the meaning given that term in section 1710(e)(4)  
19          of such title, as added by section 102(c).

20           (6) The term “TRICARE program” has the  
21          meaning given that term in section 1072 of such  
22          title.

1 **TITLE VI—IMPROVEMENT OF RE-**  
2 **SOURCES AND TRAINING RE-**  
3 **GARDING TOXIC-EXPOSED**  
4 **VETERANS**

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

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

9 (b) **DEFINITIONS.**—In this title, the terms “active  
10 military, naval, air, or space service”, “toxic exposure”,  
11 and “toxic-exposed veteran” have the meanings given  
12 those terms in section 101 of title 38, United States Code.

13 **SEC. 602. PUBLICATION OF LIST OF RESOURCES OF DE-**  
14 **PARTMENT OF VETERANS AFFAIRS FOR**  
15 **TOXIC-EXPOSED VETERANS AND OUTREACH**  
16 **PROGRAM FOR SUCH VETERANS AND CARE-**  
17 **GIVERS AND SURVIVORS OF SUCH VETERANS.**

18 (a) **PUBLICATION OF LIST OF RESOURCES.**—

19 (1) **IN GENERAL.**—Not later than one year  
20 after the date of the enactment of this Act, and an-  
21 nually thereafter, the Secretary of Veterans Affairs  
22 shall publish a list of resources of the Department  
23 of Veterans Affairs for—

24 (A) toxic-exposed veterans, including with  
25 respect to—

1 (i) disability compensation under  
2 chapter 11 of title 38, United States Code;  
3 and

4 (ii) hospital care, medical services,  
5 and nursing home care under section  
6 1710(a)(2)(F) of such title;

7 (B) caregivers of toxic-exposed veterans  
8 who are participating in the program of com-  
9 prehensive assistance for family caregivers  
10 under section 1720G(a) of such title; and

11 (C) survivors of toxic-exposed veterans who  
12 are receiving death benefits under the laws ad-  
13 ministered by the Secretary.

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

16 (b) OUTREACH.—The Secretary shall develop, with  
17 input from the community, an informative outreach pro-  
18 gram for veterans on illnesses that may be related to toxic  
19 exposure, including outreach with respect to benefits and  
20 support programs.

21 **SEC. 603. INCORPORATION OF TOXIC EXPOSURE QUES-**  
22 **TIONNAIRE DURING PRIMARY CARE AP-**  
23 **POINTMENTS.**

24 (a) IN GENERAL.—The Secretary of Veterans Affairs  
25 shall incorporate a clinical questionnaire to help determine

1 potential toxic exposures during active military, naval, air,  
2 or space service as part of the initial screening conducted  
3 for an appointment of a veteran with a primary care pro-  
4 vider of the Department of Veterans Affairs to improve  
5 understanding by the Department of toxic exposures of  
6 veterans while serving in the Armed Forces.

7 (b) DETERMINATION OF QUESTIONS.—The questions  
8 included in the questionnaire required under subsection  
9 (a) shall be determined by the Secretary with input from  
10 medical professionals.

11 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPART-**  
12 **MENT OF VETERANS AFFAIRS WITH RESPECT**  
13 **TO TOXIC-EXPOSED VETERANS.**

14 (a) HEALTH CARE PERSONNEL.—The Secretary of  
15 Veterans Affairs shall provide to health care personnel of  
16 the Department of Veterans Affairs education and train-  
17 ing to identify, treat, and assess the impact on toxic-ex-  
18 posed veterans of illnesses related to toxic exposure and  
19 inform such personnel of how to ask for additional infor-  
20 mation from veterans regarding different toxic exposures.

21 (b) BENEFITS PERSONNEL.—

22 (1) STANDARD CLAIMS PROCESSOR TRAINING  
23 CURRICULUM.—

24 (A) CURRICULUM.—Not later than 180  
25 days after the date of the enactment of this

1 Act, the Secretary shall ensure that a standard  
2 training curriculum exists for processors of  
3 claims under the laws administered by the Sec-  
4 retary who review claims for disability benefits  
5 relating to service-connected disabilities based  
6 on toxic exposure, including employees who ad-  
7 judicate such claims.

8 (B) MATTERS INCLUDED.—The Secretary  
9 shall ensure that the training under subpara-  
10 graph (A) includes the following explanations  
11 with respect to claims relating to toxic expo-  
12 sure:

13 (i) A lack of a presumption of service  
14 connection is not by itself sufficient to de-  
15 termine that service connection does not  
16 exist.

17 (ii) The claims adjudicator shall al-  
18 ways consider whether direct service con-  
19 nection is applicable and request, as need-  
20 ed, an advisory medical opinion pursuant  
21 to section 1168 of title 38, United States  
22 Code, as added by section 303.

23 (iii) The claims adjudicator may re-  
24 view and consider any record of the claim-  
25 ant in an exposure tracking record system

1           pursuant to section 1119 of such title, as  
2           added by section 302, but a lack of such  
3           information is not by itself sufficient to de-  
4           termine that such exposure did not occur  
5           or sufficient to deny the claim.

6           (C) PROVISION OF TRAINING.—The Sec-  
7           retary shall—

8                   (i) provide training under subpara-  
9                   graph (A) to each employee described in  
10                  such subparagraph not less frequently than  
11                  annually; and

12                   (ii) using the Systematic Technical  
13                   Accuracy Review program, or such suc-  
14                   cessor program, conduct a nationwide,  
15                   quarterly, randomized review of the quality  
16                   of adjudication of claims relating to toxic  
17                   exposure.

18           (2) STANDARD MEDICAL EXAMINER TRAINING  
19           CURRICULUM.—

20                   (A) CURRICULUM.—Not later than 180  
21                   days after the date of the enactment of this  
22                   Act, the Secretary shall ensure that a standard  
23                   medical training curriculum exists for medical  
24                   providers who conduct examinations and pro-  
25                   vide opinions pursuant to section 1168 of title

1 38, United States Code, as added by section  
2 303, regardless of whether the provider is an  
3 employee of the Department or a contractor.

4 (B) STANDARDIZED APPROACH.—The Sec-  
5 retary shall ensure that the curriculum estab-  
6 lished under subparagraph (A)—

7 (i) provides a standardized approach  
8 to conducting and providing examinations  
9 and opinions in accordance with such sec-  
10 tion 1168; and

11 (ii) instructs medical providers to con-  
12 sider, when conducting an examination or  
13 providing an opinion—

14 (I) relevant medical and scientific  
15 literature;

16 (II) the proximity, intensity, and  
17 frequency of exposure of the indi-  
18 vidual to the identified toxic exposure;

19 (III) medically unexplained  
20 chronic multisymptom illnesses; and

21 (IV) all competent and credible  
22 evidence of record.

1           **TITLE VII—REGISTRIES,**  
2 **RECORDS, AND OTHER MATTERS**

3 **SEC. 701. REGISTRY OF INDIVIDUALS EXPOSED TO PER-**  
4                   **AND POLYFLUOROALKYL SUBSTANCES ON**  
5                   **MILITARY INSTALLATIONS.**

6           (a) ESTABLISHMENT OF REGISTRY.—

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

10                           (A) establish and maintain a registry for  
11 eligible individuals who may have been exposed  
12 to per- and polyfluoroalkyl substances (in this  
13 section referred to as “PFAS”) due to the envi-  
14 ronmental release of aqueous film-forming foam  
15 (in this section referred to as “AFFF”) on mili-  
16 tary installations to meet the requirements of  
17 military specification MIL-F-24385F;

18                           (B) include any information in such reg-  
19 istry that the Secretary determines necessary to  
20 ascertain and monitor the health effects of the  
21 exposure of members of the Armed Forces to  
22 PFAS associated with AFFF;

23                           (C) develop a public information campaign  
24 to inform eligible individuals about the registry,

1 including how to register and the benefits of  
2 registering; and

3 (D) periodically notify eligible individuals  
4 of significant developments in the study and  
5 treatment of conditions associated with expo-  
6 sure to PFAS.

7 (2) COORDINATION.—The Secretary of Vet-  
8 erans Affairs shall coordinate with the Secretary of  
9 Defense in carrying out paragraph (1).

10 (b) REPORTS.—

11 (1) INITIAL REPORT.—Not later than two years  
12 after the date on which the registry under subsection  
13 (a) is established, the Secretary of Veterans Affairs  
14 shall submit to Congress an initial report containing  
15 the following:

16 (A) An assessment of the effectiveness of  
17 actions taken by the Secretary of Veterans Af-  
18 fairs and the Secretary of Defense to collect  
19 and maintain information on the health effects  
20 of exposure to PFAS.

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

23 (C) Using established and previously pub-  
24 lished epidemiological studies, recommendations  
25 regarding the most effective and prudent means

1 of addressing the medical needs of eligible indi-  
2 viduals with respect to exposure to PFAS.

3 (2) FOLLOWUP REPORT.—Not later than five  
4 years after submitting the initial report under para-  
5 graph (1), the Secretary of Veterans Affairs shall  
6 submit to Congress a followup report containing the  
7 following:

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

10 (B) An assessment of whether and to what  
11 degree the content of the registry established  
12 under subsection (a) is current and scientif-  
13 ically up to date.

14 (3) INDEPENDENT SCIENTIFIC ORGANIZA-  
15 TION.—The Secretary of Veterans Affairs shall enter  
16 into an agreement with an independent scientific or-  
17 ganization to prepare the reports under paragraphs  
18 (1) and (2).

19 (c) RECOMMENDATIONS FOR ADDITIONAL EXPO-  
20 SURES TO BE INCLUDED.—Not later than five years after  
21 the date of the enactment of this Act, and every five years  
22 thereafter, the Secretary of Veterans Affairs, in consulta-  
23 tion with the Secretary of Defense and the Administrator  
24 of the Environmental Protection Agency, shall submit to  
25 Congress recommendations for additional chemicals with

1 respect to which individuals exposed to such chemicals  
2 should be included in the registry established under sub-  
3 section (a).

4 (d) **ELIGIBLE INDIVIDUAL DEFINED.**—In this sec-  
5 tion, the term “eligible individual” means any individual  
6 who, on or after a date specified by the Secretary of Vet-  
7 erans Affairs through regulations, served or is serving in  
8 the Armed Forces at a military installation where AFFF  
9 was used or at another location of the Department of De-  
10 fense where AFFF was used.

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

12 (a) **ESTABLISHMENT.**—The Secretary of Veterans  
13 Affairs shall establish and maintain a special record to be  
14 known as the Fort McClellan Health Registry (in this sec-  
15 tion referred to as the “Registry”).

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

18 (1) A list containing the name of each indi-  
19 vidual who, while serving as a member of the Armed  
20 Forces, was stationed at Fort McClellan, Alabama,  
21 at any time during the period beginning January 1,  
22 1935, and ending on May 20, 1999, and who—

23 (A) applies for care or services from the  
24 Department of Veterans Affairs under chapter  
25 17 of title 38, United States Code;

1 (B) files a claim for compensation under  
2 chapter 11 of such title on the basis of any dis-  
3 ability which may be associated with such serv-  
4 ice;

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

9 (D) requests from the Secretary a health  
10 examination under subsection (d); or

11 (E) receives from the Secretary a health  
12 examination similar to the health examination  
13 referred to in subparagraph (D) and requests  
14 inclusion in the Registry.

15 (2) Relevant medical data relating to the health  
16 status of, and other information that the Secretary  
17 considers relevant and appropriate with respect to,  
18 each individual described in paragraph (1) who—

19 (A) grants to the Secretary permission to  
20 include such information in the Registry; or

21 (B) at the time the individual is listed in  
22 the Registry, is deceased.

23 (c) INDIVIDUALS SUBMITTING CLAIMS OR MAKING  
24 REQUESTS BEFORE DATE OF ENACTMENT.—If in the  
25 case of an individual described in subsection (b)(1) the

1 application, claim, or request referred to in such sub-  
2 section was submitted, filed, or made before the date of  
3 the enactment of this Act, the Secretary shall, to the ex-  
4 tent feasible, include in the Registry such individual's  
5 name and the data and information, if any, described in  
6 subsection (b)(2) relating to the individual.

7 (d) EXAMINATIONS.—Upon the request of a veteran  
8 who was stationed at Fort McClellan, Alabama, at any  
9 time during the period beginning January 1, 1935, and  
10 ending on May 20, 1999, the Secretary shall provide the  
11 veteran with a health examination (including any appro-  
12 priate diagnostic tests) and consultation and counseling  
13 with respect to the results of the examination and the  
14 tests.

15 (e) OUTREACH.—

16 (1) ONGOING OUTREACH TO INDIVIDUALS LIST-  
17 ED IN REGISTRY.—The Secretary shall, from time to  
18 time, notify individuals listed in the Registry of sig-  
19 nificant developments in research on the health con-  
20 sequences of potential exposure to a toxic substance  
21 or environmental hazard related to service at Fort  
22 McClellan.

23 (2) EXAMINATION OUTREACH.—The Secretary  
24 shall carry out appropriate outreach activities with  
25 respect to the provision of any health examinations

1 (including any diagnostic tests) and consultation and  
2 counseling services under subsection (d).

3 (f) CONSULTATION.—The Secretary of Veterans Af-  
4 fairs shall consult with the Secretary of Defense to acquire  
5 information maintained by the Secretary of Defense that  
6 the Secretary of Veterans Affairs considers necessary to  
7 establish and maintain the Registry.

8 **SEC. 703. INDEPENDENT STUDY ON INDIVIDUAL LONGITU-**  
9 **DINAL EXPOSURE RECORD.**

10 (a) IN GENERAL.—Not later than 60 days after the  
11 date of the enactment of this Act, the Secretary of Defense  
12 shall enter into a contract with an independent research  
13 entity described in subsection (b) to carry out a com-  
14 prehensive study of the development of the Individual Lon-  
15 gitudinal Exposure Record, or successor system, to deter-  
16 mine—

17 (1) the quality of the location data, occupa-  
18 tional and environmental exposure data, and health  
19 surveillance data; and

20 (2) whether a member of the Armed Forces can  
21 be reasonably assured that any toxic exposure they  
22 experience during service in the Armed Forces will  
23 be accurately reflected in the record of the member  
24 in such Individual Longitudinal Exposure Record.

1 (b) INDEPENDENT RESEARCH ENTITY.—The entity  
2 described in this subsection is an independent research en-  
3 tity that is a not-for-profit entity or a federally funded  
4 research and development center with appropriate exper-  
5 tise and analytical capability to carry out the study re-  
6 quired under subsection (a).

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

11 **SEC. 704. BIENNIAL REPORT ON INDIVIDUAL LONGITU-**  
12 **DINAL EXPOSURE RECORD.**

13 (a) IN GENERAL.—Not later than one year after the  
14 date on which the Individual Longitudinal Exposure  
15 Record, or successor system, achieves full operation capa-  
16 bility, as determined by the Secretary of Defense, and  
17 every 180 days thereafter, the Secretary of Defense, in  
18 consultation with the Secretary of Veterans Affairs, shall  
19 submit to the appropriate committees of Congress a report  
20 on—

21 (1) the data quality of the databases of the De-  
22 partment of Defense that provide the information  
23 presented in such Individual Longitudinal Exposure  
24 Record; and

1           (2) the usefulness of such Individual Longitu-  
2           dinal Exposure Record in supporting members of the  
3           Armed Forces and veterans in receiving health care  
4           and benefits from the Department of Defense and  
5           the Department of Veterans Affairs.

6           (b) ELEMENTS.—Each report required by subsection  
7 (a) shall include, for the period covered by the report, the  
8 following:

9           (1) An identification of toxic exposure events  
10          that may not be fully captured by the current sys-  
11          tems of the Department of Defense for environ-  
12          mental, occupational, and health monitoring, and  
13          recommendations for how to improve those systems.

14          (2) An analysis of the quality of the location  
15          data used by the Department of Defense in deter-  
16          mining toxic exposures of members of the Armed  
17          Forces and veterans, and recommendations for how  
18          to improve the quality of that location data if nec-  
19          essary.

20          (c) DEFINITIONS.—In this section:

21           (1) APPROPRIATE COMMITTEES OF CON-  
22           GRESS.—The term “appropriate committees of Con-  
23           gress” means—

1 (A) the Committee on Armed Services and  
2 the Committee on Veterans' Affairs of the Sen-  
3 ate; and

4 (B) the Committee on Armed Services and  
5 the Committee on Veterans' Affairs of the  
6 House of Representatives.

7 (2) TOXIC EXPOSURE.—The term “toxic expo-  
8 sure” has the meaning given that term in section  
9 101(37) of title 38, United States Code, as added by  
10 section 102(b).

11 **SEC. 705. CORRECTION OF EXPOSURE RECORDS BY MEM-**  
12 **BERS OF THE ARMED FORCES AND VET-**  
13 **ERANS.**

14 (a) IN GENERAL.—The Secretary of Defense shall  
15 provide a means for members of the Armed Forces and  
16 veterans to update their records as necessary to reflect a  
17 toxic exposure by such member or veteran in the Indi-  
18 vidual Longitudinal Exposure Record, or successor sys-  
19 tem.

20 (b) EVIDENCE.—

21 (1) PROVISION OF EVIDENCE.—To update a  
22 record under subsection (a), a member of the Armed  
23 Forces or veteran, as the case may be, shall provide  
24 such evidence as the Secretary of Defense considers  
25 necessary.

1           (2) **BENEFIT OF THE DOUBT.**—In reviewing  
2 evidence provided under paragraph (1), the Sec-  
3 retary of Defense shall give the benefit of the doubt  
4 to the member of the Armed Forces or veteran who  
5 provided the evidence, as the case may be, in a man-  
6 ner that is equivalent to the benefit of the doubt re-  
7 quired under section 5107(b) of title 38, United  
8 States Code.

9           (3) **REGULATIONS.**—The Secretary of Defense  
10 shall prescribe by regulation the evidence considered  
11 necessary under paragraph (1).

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

16 **SEC. 706. FEDERAL CAUSE OF ACTION RELATING TO**  
17 **WATER AT CAMP LEJEUNE, NORTH CARO-**  
18 **LINA.**

19       (a) **IN GENERAL.**—An individual, including a veteran  
20 (as defined in section 101 of title 38, United States Code),  
21 or the legal representative of such an individual, who re-  
22 sided, worked, or was otherwise exposed (including in  
23 utero exposure) for not less than 30 days during the pe-  
24 riod beginning on August 1, 1953, and ending on Decem-  
25 ber 31, 1987, to water at Camp Lejeune, North Carolina,

1 that was supplied by, or on behalf of, the United States  
2 may bring an action in the United States District Court  
3 for the Eastern District of North Carolina to obtain ap-  
4 propriate relief for harm that was caused by exposure to  
5 the water at Camp Lejeune.

6 (b) BURDENS AND STANDARD OF PROOF.—

7 (1) IN GENERAL.—The burden of proof shall be  
8 on the party filing the action to show one or more  
9 relationships between the water at Camp Lejeune  
10 and the harm.

11 (2) STANDARDS.—To meet the burden of proof  
12 described in paragraph (1), a party shall produce  
13 evidence showing that the relationship between expo-  
14 sure to the water at Camp Lejeune and the harm  
15 is—

16 (A) sufficient to conclude that a causal re-  
17 lationship exists; or

18 (B) sufficient to conclude that a causal re-  
19 lationship is at least as likely as not.

20 (c) EXCLUSIVE JURISDICTION AND VENUE.—The  
21 United States District Court for the Eastern District of  
22 North Carolina shall have exclusive jurisdiction over any  
23 action filed under subsection (a), and shall be the exclusive  
24 venue for such an action. Nothing in this subsection shall  
25 impair the right of any party to a trial by jury.

1 (d) EXCLUSIVE REMEDY.—

2 (1) IN GENERAL.—An individual, or legal rep-  
3 resentative of an individual, who brings an action  
4 under this section for a harm described in subsection  
5 (a), including a latent disease, may not thereafter  
6 bring a tort action against the United States for  
7 such harm pursuant to any other law.

8 (2) HEALTH AND DISABILITY BENEFITS RELAT-  
9 ING TO WATER EXPOSURE.—Any award made to an  
10 individual, or legal representative of an individual,  
11 under this section shall be offset by the amount of  
12 any disability award, payment, or benefit provided to  
13 the individual, or legal representative—

14 (A) under—

15 (i) any program under the laws ad-  
16 ministered by the Secretary of Veterans  
17 Affairs;

18 (ii) the Medicare program under title  
19 XVIII of the Social Security Act (42  
20 U.S.C. 1395 et seq.); or

21 (iii) the Medicaid program under title  
22 XIX of the Social Security Act (42 U.S.C.  
23 1396 et seq.); and

1 (B) in connection with health care or a dis-  
2 ability relating to exposure to the water at  
3 Camp Lejeune.

4 (e) IMMUNITY LIMITATION.—The United States may  
5 not assert any claim to immunity in an action under this  
6 section that would otherwise be available under section  
7 2680(a) of title 28, United States Code.

8 (f) NO PUNITIVE DAMAGES.—Punitive damages may  
9 not be awarded in any action under this section.

10 (g) DISPOSITION BY FEDERAL AGENCY RE-  
11 QUIRED.—An individual may not bring an action under  
12 this section before complying with section 2675 of title 28,  
13 United States Code.

14 (h) EXCEPTION FOR COMBATANT ACTIVITIES.—This  
15 section does not apply to any claim or action arising out  
16 of the combatant activities of the Armed Forces.

17 (i) APPLICABILITY; PERIOD FOR FILING.—

18 (1) APPLICABILITY.—This section shall apply  
19 only to a claim accruing before the date of enact-  
20 ment of this Act.

21 (2) STATUTE OF LIMITATIONS.—A claim in an  
22 action under this section may not be commenced  
23 after the later of—

24 (A) the date that is two years after the  
25 date of enactment of this Act; or

1 (B) the date that is 180 days after the  
2 date on which the claim is denied under section  
3 2675 of title 28, United States Code.

4 (3) INAPPLICABILITY OF OTHER LIMITA-  
5 TIONS.—Any applicable statute of repose or statute  
6 of limitations, other than under paragraph (2), shall  
7 not apply to a claim under this section.

