

**Calendar No. 602**

116TH CONGRESS  
2D SESSION

**S. 4393**

To improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

Mr. TILLIS (for himself, Mrs. BLACKBURN, Ms. MCSALLY, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

DECEMBER 8, 2020

Reported by Mr. MORAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

---

**A BILL**

To improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Toxic Exposure in the American Military Act of 2020”  
 4 or the “TEAM Act of 2020”

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—EXPANSION OF HEALTH CARE AND BENEFITS FOR  
 VETERANS EXPOSED TO TOXIC SUBSTANCES**

Sec. 101. Consultation, testing, and treatment for certain veterans who received  
 hazardous duty pay or were exposed to toxic substances.

Sec. 102. Permanent reauthorization of authority of Secretary of Veterans Af-  
 fairs to prescribe regulations providing that a presumption of  
 service connection is warranted for a disease associated with  
 exposure to a herbicide agent.

Sec. 103. Presumptions of service connection for diseases associated with expo-  
 sure to certain toxic substances.

**TITLE II—RESEARCH AND REVIEW REGARDING EXPOSURE TO  
 TOXIC SUBSTANCES**

Sec. 201. Establishment of Toxic Exposure Review Commission.

Sec. 202. Agreement with National Academies of Sciences, Engineering, and  
 Medicine concerning the exposure of humans to toxic sub-  
 stances.

Sec. 203. Analysis of results of consultation, testing, and treatment of veterans  
 for disabilities related to exposure to toxic substances.

Sec. 204. Report to evaluate and identify groups at-risk of exposure to toxic  
 substances.

**TITLE III—IMPROVEMENT OF RESOURCES OF DEPARTMENT OF  
 VETERANS AFFAIRS REGARDING EXPOSURES TO TOXIC SUB-  
 STANCES**

Sec. 301. Publication of list of resources of Department of Veterans Affairs for  
 veterans exposed to toxic substances and outreach program for  
 such veterans and caregivers and survivors of such veterans.

Sec. 302. Incorporation of toxic exposure questionnaire during primary care ap-  
 pointments.

Sec. 303. Portal for access by veterans to individual longitudinal exposure  
 record.

Sec. 304. Training of personnel of Department of Veterans Affairs on illnesses  
 related to exposure to toxic substances.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ACTIVE MILITARY, NAVAL, OR AIR SERV-**  
 4 **ICE.**—The term “active military, naval, or air serv-  
 5 **ice”** has the meaning given that term in section  
 6 101(24) of title 38, United States Code.

7 (2) **TOXIC SUBSTANCE.**—The term “toxic sub-

8 stance” has the meaning given that term in section

9 1720J(i) of such title, as added by section 101(a).

10 **TITLE I—EXPANSION OF HEALTH**  
 11 **CARE AND BENEFITS FOR**  
 12 **VETERANS EXPOSED TO**  
 13 **TOXIC SUBSTANCES**

14 **SEC. 101. CONSULTATION, TESTING, AND TREATMENT FOR**  
 15 **CERTAIN VETERANS WHO RECEIVED HAZ-**  
 16 **ARDOUS DUTY PAY OR WERE EXPOSED TO**  
 17 **TOXIC SUBSTANCES.**

18 (a) **IN GENERAL.**—Subchapter H of chapter 17 of  
 19 title 38, United States Code, is amended by adding at the  
 20 end the following new section:

21 **“§ 1720J. Consultation, testing, and treatment of vet-**  
 22 **erans for exposure to toxic substances**

23 **“(a) IN GENERAL.**—The Secretary shall furnish to  
 24 covered veterans—

1           ~~“(1) covered consultation and testing regarding~~  
 2           ~~the exposure of those veterans to toxic substances;~~  
 3           ~~and~~

4           ~~“(2) treatment for any illness relating to such~~  
 5           ~~exposure diagnosed under subsection (b)(2), subject~~  
 6           ~~to approval by the Under Secretary for Health.~~

7           ~~“(b) COVERED CONSULTATION AND TESTING.—For~~  
 8           ~~purposes of this section, covered consultation and testing~~  
 9           ~~is—~~

10           ~~“(1) consultation with a primary care physician~~  
 11           ~~or other treating physician to determine whether the~~  
 12           ~~covered veteran has an illness related to exposure to~~  
 13           ~~a toxic substance while serving in the Armed Forces;~~

14           ~~“(2) diagnosis by such physician of any illness~~  
 15           ~~related to exposure to a toxic substance; and~~

16           ~~“(3) any medical testing necessary to carry out~~  
 17           ~~paragraphs (1) and (2), including a referral to a~~  
 18           ~~specialist physician.~~

19           ~~“(c) COVERED VETERANS.—For purposes of this sec-~~  
 20           ~~tion, a covered veteran is a veteran who—~~

21           ~~“(1) received hazardous duty incentive pay~~  
 22           ~~under section 351 of title 37 for more than one day;~~  
 23           ~~or~~

24           ~~“(2) has been identified by the Secretary of De-~~  
 25           ~~fense to have been possibly exposed, inside or out-~~

1 side the United States, during service in the Armed  
2 Forces, to—

3 “(A) an open burn pit;

4 “(B) a toxic substance; or

5 “(C) a site at which members of the  
6 Armed Forces were potentially exposed to a  
7 toxic substance, as indicated in a database  
8 shared by the Department of Defense and the  
9 Department of Veterans Affairs.

10 “(d) CONSULTATION.—A covered veteran is eligible  
11 under this section for three consultations each year unless  
12 a treating physician for such veteran determines that more  
13 consultations are necessary under subsection (b)(1).

14 “(e) PROVISION OF SERVICES.—Covered consultation  
15 and testing and treatment may be provided under this sec-  
16 tion at facilities of the Department or under contract ar-  
17 rangements with the Department for such services.

18 “(f) DETERMINATIONS RELATING TO TREATMENT.—  
19 (1) When determining whether to approve eligibility for  
20 treatment under subsection (a)(2), the Under Secretary  
21 for Health shall give heavy weight to the diagnosis by the  
22 treating physician under subsection (b)(2).

23 “(2) The Under Secretary shall support any denial  
24 of eligibility under subsection (a)(2) with specific scientific  
25 evidence.

1       “(3) Determinations by the Under Secretary under  
 2 subsection (a)(2) shall be made not later than five busi-  
 3 ness days after a request for approval has been made by  
 4 the treating physician under subsection (b)(2).

5       “(g) INFORMATION AND TRAINING.—The Secretary  
 6 shall provide information and training on eligibility for  
 7 services under this section and the services covered under  
 8 this section to—

9               “(1) health care providers of the Department;

10              “(2) health care providers providing services  
 11 under this section under contract arrangements; and

12              “(3) covered veterans.

13       “(h) COPAYMENT.—A covered veteran is not required  
 14 to pay a copayment for covered consultation and testing  
 15 or treatment under this section.

16       “(i) DEFINITIONS.—In this section:

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

22              “(2) The term ‘toxic substance’ means a toxi-  
 23 cant or a toxin.

24              “(3) The term ‘toxicant’ means any substance  
 25 that can injure or kill humans, animals, or plants

1 and that is produced by humans or is a by-product  
2 of human activities.

3 “(4) The term ‘toxin’ means any substance that  
4 can injure or kill humans, animals, or plants and  
5 that is produced naturally.

6 “(5) The term ‘treatment’ means any com-  
7 monly accepted medical treatment practiced by the  
8 medical community at large.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of subchapter H of chapter 17 of such  
11 title is amended by adding at the end the following new  
12 item:

“1720J. Consultation, testing, and treatment of veterans for exposure to toxic  
substances.”.

13 **SEC. 102. PERMANENT REAUTHORIZATION OF AUTHORITY**  
14 **OF SECRETARY OF VETERANS AFFAIRS TO**  
15 **PRESCRIBE REGULATIONS PROVIDING THAT**  
16 **A PRESUMPTION OF SERVICE CONNECTION**  
17 **IS WARRANTED FOR A DISEASE ASSOCIATED**  
18 **WITH EXPOSURE TO A HERBICIDE AGENT.**

19 (a) IN GENERAL.—Section 1116 of title 38, United  
20 States Code, is amended by striking subsection (c).

21 (b) EFFECTIVE DATE.—Subsection (a) of this section  
22 and subsections (b) through (d) of section 1116 of such  
23 title shall take effect on the date of the enactment of this  
24 Act.

1 **SEC. 103. PRESUMPTIONS OF SERVICE CONNECTION FOR**  
 2 **DISEASES ASSOCIATED WITH EXPOSURE TO**  
 3 **CERTAIN TOXIC SUBSTANCES.**

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

7 **“§ 1119. Presumptions of service connection for dis-**  
 8 **eases associated with exposure to certain**  
 9 **toxic substances**

10 **“(a) PRESUMPTIONS OF SERVICE CONNECTION.—(1)**  
 11 **For purposes of section 1110 of this title, and subject to**  
 12 **section 1112 of this title, each disease specified in para-**  
 13 **graph (2) becoming manifest as specified in that para-**  
 14 **graph shall be considered to have been incurred in or ag-**  
 15 **gravated by service referred to in that paragraph, notwith-**  
 16 **standing that there is no record of evidence of such disease**  
 17 **during the period of such service.**

18 **“(2) A disease specified in this paragraph is any dis-**  
 19 **ease that—**

20 **“(A) the Secretary determines in regulations**  
 21 **prescribed under this section warrants a presump-**  
 22 **tion of service connection by reason of having a posi-**  
 23 **tive association with exposure to a toxic substance;**  
 24 **and**

25 **“(B) becomes manifest within the period, if**  
 26 **any, prescribed in such regulations in a veteran who**



1        was exposed to that toxic substance during active  
 2        military, naval, or air service.

3        ~~“(3)(A) For purposes of this subsection, the Sec-~~  
 4        ~~retary may presume that a veteran who has a disease spec-~~  
 5        ~~ified in paragraph (2) was exposed to the toxic substance~~  
 6        ~~for which the Secretary has determined under paragraph~~  
 7        ~~(2)(A) warrants a presumption of service connection by~~  
 8        ~~reason of having a positive association with exposure to~~  
 9        ~~the toxic substance, notwithstanding that there is no~~  
 10       ~~record of evidence of such exposure, if the Secretary deter-~~  
 11       ~~mines based on one or more of the factors set forth in~~  
 12       ~~subparagraph (B) that a presumption of exposure is war-~~  
 13       ~~ranted.~~

14       ~~“(B) The factors set forth in this subparagraph are~~  
 15       ~~as follows:~~

16                ~~“(i) The duty location of the veteran.~~

17                ~~“(ii) The length of service of the veteran.~~

18                ~~“(iii) Such other factors as the Secretary con-~~  
 19        ~~siders appropriate.~~

20        ~~“(b) DETERMINATIONS RELATING TO DISEASES.—~~

21        ~~(1) Whenever the Secretary determines, on the basis of~~  
 22        ~~sound medical and scientific evidence, that a positive asso-~~  
 23        ~~ciation exists between the exposure of humans to a toxic~~  
 24        ~~substance and the occurrence of a disease in humans, the~~  
 25        ~~Secretary shall prescribe regulations providing that a pre-~~

1 sumption of service connection is warranted for that dis-  
 2 ease for purposes of this section.

3       ~~“(2) In making determinations under paragraph (1),~~  
 4 ~~the Secretary shall take into account—~~

5           ~~“(A) reports received by the Secretary from the~~  
 6       ~~National Academies of Sciences, Engineering, and~~  
 7       ~~Medicine under section 202(g) of the Toxic Expo-~~  
 8       ~~sure in the American Military Act of 2020; and~~

9           ~~“(B) all other sound medical and scientific in-~~  
 10       ~~formation and analyses available to the Secretary.~~

11       ~~“(3)(A) In evaluating any report, information, or~~  
 12       ~~analysis for purposes of making such determinations, the~~  
 13       ~~Secretary shall consider only scientific studies that are~~  
 14       ~~valid in accordance with contemporary scientific stand-~~  
 15       ~~ards.~~

16       ~~“(B) The Secretary may define the standards de-~~  
 17       ~~scribed in subparagraph (A) for purposes of that subpara-~~  
 18       ~~graph.~~

19       ~~“(c) RESPONSE TO REPORTS BY THE NATIONAL~~  
 20       ~~ACADEMIES OF SCIENCES, ENGINEERING, AND MEDI-~~  
 21       ~~CINE.—(1) Not later than 60 days after the date on which~~  
 22       ~~the Secretary receives a report from the National Acad-~~  
 23       ~~emies of Sciences, Engineering, and Medicine under sec-~~  
 24       ~~tion 202(g) of the Toxic Exposure in the American Mili-~~  
 25       ~~tary Act of 2020, the Secretary shall determine whether~~

1 a presumption of service connection is warranted for each  
 2 disease covered by the report.

3 “(2) If the Secretary determines under paragraph (1)  
 4 that a presumption of service connection is warranted for  
 5 a disease, the Secretary shall, not later than 60 days after  
 6 making the determination, issue proposed regulations set-  
 7 ting forth the determination.

8 “(3)(A) If the Secretary makes a determination de-  
 9 scribed in subparagraph (B), the Secretary shall, not later  
 10 than 60 days after making the determination, publish in  
 11 the Federal Register a notice of the determination.

12 “(B) A determination described in this subparagraph  
 13 is a determination by the Secretary under paragraph (1)  
 14 that—

15 “(i) a presumption of service connection is not  
 16 warranted for a disease; and

17 “(ii)(I) sufficient evidence of an association ex-  
 18 ists between the exposure of humans to a toxic sub-  
 19 stance and the occurrence of the disease in humans;  
 20 or

21 “(II) limited evidence or suggestive evidence of  
 22 such an association exists.

23 “(C) Any notice published under subparagraph (A)  
 24 shall include an explanation of the scientific basis for the  
 25 determination described in subparagraph (B).

1       “(D) If a disease already presumed to be service con-  
 2       nected under this section is subject to a determination de-  
 3       scribed in subparagraph (B), the Secretary shall, not later  
 4       than 60 days after publication of the notice under sub-  
 5       paragraph (A), issue proposed regulations removing the  
 6       presumption of service connection for the disease.

7       “(4) Not later than 180 days after the date on which  
 8       the Secretary issues any proposed regulations under this  
 9       subsection, the Secretary shall issue final regulations.

10       “(d) REMOVAL OF PRESUMPTION OF SERVICE CON-  
 11       NECTION.—Whenever the presumption of service connec-  
 12       tion for a disease under this section is removed under sub-  
 13       section (c)—

14               “(1) a veteran who was awarded compensation  
 15       for the disease on the basis of the presumption be-  
 16       fore the effective date of the removal of the pre-  
 17       sumption shall continue to be entitled to receive  
 18       compensation on that basis; and

19               “(2) a survivor of a veteran who was awarded  
 20       dependency and indemnity compensation for the  
 21       death of a veteran resulting from the disease on the  
 22       basis of the presumption before that date shall con-  
 23       tinue to be entitled to receive dependency and in-  
 24       demnity compensation on that basis.

1       “(e) REFERENCE TO NATIONAL ACADEMIES OF  
 2 SCIENCES, ENGINEERING, AND MEDICINE.—In the case  
 3 that the Secretary enters into an agreement with another  
 4 organization as described in section 202(i)(1) of the Toxic  
 5 Exposure in the American Military Act of 2020, any ref-  
 6 erence in this section to the National Academies of  
 7 Sciences, Engineering, and Medicine shall be treated as  
 8 a reference to the other organization.

9       “(f) DEFINITIONS.—In this section:

10           “(1) The term ‘positive association’ means, with  
 11       respect to an association between exposure to a toxic  
 12       substance and the occurrence of a disease in hu-  
 13       mans, that there is credible evidence for the associa-  
 14       tion and such evidence is equal to or outweighs the  
 15       credible evidence against the association.

16           “(2) The term ‘toxic substance’ has the mean-  
 17       ing given that term in section 1720J(i) of this  
 18       title.”.

19       “(b) CLERICAL AMENDMENT.—The table of sections  
 20 at the beginning of chapter 11 of such title is amended  
 21 by inserting after the item relating to section 1118 the  
 22 following new item:

“1119. Presumptions of service connection for diseases associated with exposure  
 to certain toxic substances.”.

1       (e) CONFORMING AMENDMENT.—Section 1113 of  
 2 such title is amended by striking “or 1118” each place  
 3 it appears and inserting “1118, or 1119”.

4       **TITLE II—RESEARCH AND RE-**  
 5       **VIEW REGARDING EXPOSURE**  
 6       **TO TOXIC SUBSTANCES**

7       **SEC. 201. ESTABLISHMENT OF TOXIC EXPOSURE REVIEW**  
 8               **COMMISSION.**

9       (a) IN GENERAL.—Subchapter III of chapter 5 of  
 10 title 38, United States Code, is amended by adding at the  
 11 end the following new section:

12       **“§ 547. Toxic Exposure Review Commission**

13               “(a) ESTABLISHMENT.—There is established within  
 14 the Department an independent commission to be known  
 15 as the ‘Toxic Exposure Review Commission’ (in this sec-  
 16 tion referred to as the ‘Commission’).

17               “(b) DUTIES.—The Commission shall carry out the  
 18 following duties:

19                       “(1) Collect any relevant public information  
 20 from the Department of Defense and other sources  
 21 to identify possible exposures to toxic substances  
 22 pertaining to active military, naval, or air service.

23                       “(2) Hold public meetings to gather relevant in-  
 24 formation regarding exposure to toxic substances.

1           ~~“(3) Review such information to assess whether~~  
 2           ~~to recommend that a study be conducted under sec-~~  
 3           ~~tion 202(e) of the Toxic Exposure in the American~~  
 4           ~~Military Act of 2020.~~

5           ~~“(4) Recommend, by majority vote, whether~~  
 6           ~~such a study should be conducted.~~

7           ~~“(5) Recommend to the Secretary, by majority~~  
 8           ~~vote, whether new, independent studies should be~~  
 9           ~~conducted regarding the health outcomes of exposure~~  
 10          ~~to toxic substances.~~

11          ~~“(6) Annually report to Congress on progress~~  
 12          ~~regarding the duties set forth in paragraphs (1)~~  
 13          ~~through (5).~~

14          ~~“(e) MEMBERSHIP.—(1)(A) The Commission shall be~~  
 15          ~~composed of 9 members, appointed as follows:~~

16               ~~“(i) Two members appointed by the Speaker of~~  
 17               ~~the House of Representatives.~~

18               ~~“(ii) Two members appointed by the minority~~  
 19               ~~leader of the House of Representatives.~~

20               ~~“(iii) Two members appointed by the majority~~  
 21               ~~leader of the Senate.~~

22               ~~“(iv) Two members appointed by the minority~~  
 23               ~~leader of the Senate.~~

24               ~~“(v) One member appointed by the Secretary.~~

1       “(B) The initial members of the Commission shall be  
 2 appointed under subparagraph (A) not later than 180  
 3 days after the date of the enactment of the Toxic Expo-  
 4 sure in the American Military Act of 2020.

5       “(2) In appointing individuals under paragraph  
 6 (1)(A), the Speaker of the House of Representatives, the  
 7 minority leader of the House of Representatives, the ma-  
 8 jority leader of the Senate, the minority leader of the Sen-  
 9 ate, and the Secretary shall ensure that the following  
 10 fields of experience are represented on the Commission:

11               “(A) The field of respiratory medicine.

12               “(B) The field of endocrinology and metabolic  
 13 medicine.

14               “(C) The field of hematology.

15               “(D) The field of oncology.

16               “(E) The field of public health.

17               “(F) The field of occupational and environ-  
 18 mental health.

19       “(3) In appointing individuals under paragraph  
 20 (1)(A), the Speaker of the House of Representatives, the  
 21 minority leader of the House of Representatives, the ma-  
 22 jority leader of the Senate, the minority leader of the Sen-  
 23 ate, and the Secretary shall ensure that at least two mem-  
 24 bers of the Commission represent an organization recog-



1 nized by the Secretary for the representation of veterans  
2 under section 5902 of this title.

3       “(4) In appointing individuals under paragraph  
4 (1)(A), the Speaker of the House of Representatives, the  
5 minority leader of the House of Representatives, the ma-  
6 jority leader of the Senate, the minority leader of the Sen-  
7 ate, and the Secretary shall give consideration to including  
8 in the Commission at least one member who works with  
9 survivors of illnesses related to exposure to toxic sub-  
10 stances and has a background in the field of study of expo-  
11 sure to toxic substances.

12       “(d) MEETINGS.—(1) The Commission shall meet not  
13 less frequently than twice each year.

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

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

19       “(e) CHAIR AND VICE CHAIR.—At the initial meeting  
20 of the Commission under subsection (d), the Commission  
21 shall select a Chair and Vice Chair from among the mem-  
22 bers of the Commission by a majority vote of the members  
23 of the Commission.

24       “(f) VACANCIES.—A vacancy in the Commission shall  
25 be filled in the same manner as the original appointment,

1 but the individual appointed to fill the vacancy shall serve  
 2 only for the unexpired portion of the term for which the  
 3 individual's predecessor was appointed.

4       “(g) PAY.—(1) Members of the Commission shall  
 5 serve without pay.

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

10       “(3) Members shall receive travel expenses, including  
 11 per diem in lieu of subsistence, in accordance with sections  
 12 5702 and 5703 of title 5.

13       “(h) DIRECTOR OF STAFF.—(1) The Commission  
 14 shall appoint a Director who—

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

18               “(B) is not otherwise barred or prohibited from  
 19 serving as Director under Federal ethics laws and  
 20 regulations, by reason of post-employment conflict of  
 21 interest.

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

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

4       “(2) The Director may make such appointments  
 5 without regard to the provisions of title 5 governing ap-  
 6 pointments in the competitive service, and any personnel  
 7 so appointed may be paid without regard to the provisions  
 8 of chapter 51 and subchapter III of chapter 53 of that  
 9 title relating to classification and General Schedule pay  
 10 rates, except that an individual so appointed may not re-  
 11 ceive pay in excess of the annual rate of basic pay payable  
 12 for GS-15 of the General Schedule.

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

16       “(B) Not more than half of the professional analysts  
 17 of the Commission staff may be persons detailed from the  
 18 Department to the Commission.

19       “(4) Subject to paragraph (3), the head of any Fed-  
 20 eral agency, upon the request of the Director, may detail  
 21 any of the personnel of that agency to the Commission  
 22 to assist the Commission in carrying out its duties under  
 23 this section.

24       “(5) The Commission may secure directly from any  
 25 Federal agency such information as the Commission con-

1   siders necessary to carry out this section. Upon request  
 2   of the Chair, the head of such agency shall furnish such  
 3   information to the Commission, unless such information  
 4   is classified.

5       “(j) OTHER AUTHORITY.—(1) The Commission may  
 6   procure by contract, to the extent funds are available, the  
 7   temporary or intermittent services of experts or consult-  
 8   ants pursuant to section 3109 of title 5.

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

13       “(k) COMMUNICATIONS.—(1)(A) Except as provided  
 14   in subparagraph (B), no person may restrict an employee  
 15   of the Department in communicating with the Commis-  
 16   sion.

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

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

21       “(b) CLERICAL AMENDMENT.—The table of sections  
 22   at the beginning of such subchapter is amended by adding  
 23   at the end the following new item:

“547. Toxic Exposure Review Commission.”.

1 **SEC. 202. AGREEMENT WITH NATIONAL ACADEMIES OF**  
2 **SCIENCES, ENGINEERING, AND MEDICINE**  
3 **CONCERNING THE EXPOSURE OF HUMANS TO**  
4 **TOXIC SUBSTANCES.**

5 (a) **PURPOSE.**—The purpose of this section is to pro-  
6 vide for the National Academies of Sciences, Engineering,  
7 and Medicine (in this section referred to as the “Acad-  
8 emies”), an independent nonprofit scientific organization  
9 with appropriate expertise that is not part of the Federal  
10 Government, to review and evaluate the available scientific  
11 evidence regarding associations between diseases and ex-  
12 posure to toxic substances.

13 (b) **AGREEMENT.**—

14 (1) **IN GENERAL.**—The Secretary of Veterans  
15 Affairs shall seek to enter into an agreement with  
16 the Academies to perform the services covered by  
17 this section.

18 (2) **TIMING.**—The Secretary shall seek to enter  
19 into an agreement described in paragraph (1) not  
20 later than 60 days after the date of the enactment  
21 of this Act.

22 (c) **REVIEW OF SCIENTIFIC EVIDENCE.**—Under an  
23 agreement between the Secretary and the Academies  
24 under this section, the Academies shall review and summa-  
25 rize the scientific evidence, and assess the strength there-  
26 of, concerning the association between exposure to toxic

1 substances during active military, naval, or air service and  
 2 each disease suspected to be associated with such exposure  
 3 in the human population.

4 (d) SCIENTIFIC DETERMINATIONS CONCERNING DIS-  
 5 EASES.—For each disease reviewed under subsection (c),  
 6 the Academies shall determine, to the extent that available  
 7 scientific data permit meaningful determinations—

8 (1) whether an association exists between expo-  
 9 sure to toxic substances and the occurrence of the  
 10 disease, taking into account the strength of the sci-  
 11 entific evidence and the appropriateness of the sta-  
 12 tistical and epidemiological methods used to detect  
 13 the association;

14 (2) the increased risk of the disease among  
 15 those exposed to toxic substances during active mili-  
 16 tary, naval, or air service; and

17 (3) whether there exists a plausible biological  
 18 mechanism or other evidence of a causal relationship  
 19 between the exposure and the occurrence of the dis-  
 20 ease.

21 (e) SCIENTIFIC STUDIES.—

22 (1) IN GENERAL.—Under an agreement be-  
 23 tween the Secretary and the Academies under this  
 24 section, the Academies shall conduct such scientific  
 25 studies as the Toxic Exposure Review Commission

1 recommends pursuant to section 547(b)(4) of title  
 2 38, United States Code, as added by section 201(a).

3 ~~(2) RECOMMENDATIONS FOR ADDITIONAL SCI-~~  
 4 ~~ENTIFIC STUDIES.—~~

5 (A) IN GENERAL.—Under an agreement  
 6 between the Secretary and the Academies under  
 7 this section, the Academies shall make any rec-  
 8 ommendations for additional scientific studies  
 9 to resolve areas of continuing scientific uncer-  
 10 tainty relating to the exposure of humans to  
 11 toxic substances.

12 (B) CONSIDERATIONS.—In making rec-  
 13 ommendations under subparagraph (A), the  
 14 Academies shall consider—

15 (i) the scientific information that is  
 16 available at the time of the recommenda-  
 17 tion;

18 (ii) the value and relevance of the in-  
 19 formation that could result from additional  
 20 studies; and

21 (iii) the cost and feasibility of ear-  
 22 rying out such additional studies.

23 (f) SUBSEQUENT REVIEWS.—Under an agreement  
 24 between the Secretary and the Academies under this sec-  
 25 tion, the Academies shall—

(1) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) that became available since the last review of such evidence under this section; and

(2) make determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(g) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Under an agreement between the Secretary and the Academies under this section, not later than one year after the date of the enactment of this Act, the Academies shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives an initial report on the activities of the Academies under the agreement.

(B) ELEMENTS.—The report submitted under subparagraph (A) shall include the following:

(i) The determinations described in subsection (d).



(ii) A full explanation of the scientific evidence and reasoning that led to such determinations.

(iii) Any recommendations of the Academies under subsection (e)(2).

(iv) The recommendation described in subparagraph (C).

(C) RECOMMENDATION FOR IMPLEMENTATION OF ANALYSIS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO TOXIC SUBSTANCES.—

(i) IN GENERAL.—The recommendation described in this subparagraph is the recommendation of the Academies as to whether section 203 should take effect as provided in subsection (d) of such section.

(ii) CONSIDERATIONS.—In making a recommendation under clause (i), the Academies shall consider—

(I) the scientific information that is available at the time of the recommendation;

(II) the value and relevance of the information that could result from

1 the implementation of section 203;  
2 and

3 (III) the cost and feasibility of  
4 such implementation.

5 (iii) MAINTENANCE OF CLINICAL  
6 DATA.—If the Academies recommend that  
7 section 203 should take effect, the Acad-  
8 emies shall recommend the means by which  
9 clinical data referred to in that section  
10 could be maintained in the most scientif-  
11 ically useful way.

12 (2) PERIODIC UPDATES.—Under an agreement  
13 between the Secretary and the Academies under this  
14 section, not less frequently than once every two  
15 years after the date on which the initial report is  
16 submitted under paragraph (1)(A), the Academies  
17 shall submit to the Secretary, the Committee on Vet-  
18 erans' Affairs of the Senate, and the Committee on  
19 Veterans' Affairs of the House of Representatives an  
20 updated report on the activities of the Academies  
21 under the agreement.

22 (h) LIMITATION ON AUTHORITY.—The authority to  
23 enter into agreements under this section shall be effective  
24 for a fiscal year to the extent that appropriations are  
25 available for such purpose.

1       (i) ~~ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-~~  
 2 ~~TION.—~~

3           (1) ~~IN GENERAL.—~~If the Secretary is unable  
 4 within the time period prescribed in subsection  
 5 (b)(2) to enter into an agreement with the Acad-  
 6 emies for the purposes of this section on terms ac-  
 7 ceptable to the Secretary, the Secretary shall seek to  
 8 enter into an agreement for the purposes of this sec-  
 9 tion with another appropriate scientific organization  
 10 that—

11                   (A) is not part of the Federal Government;  
 12                   (B) operates as a not-for-profit entity; and  
 13                   (C) has expertise and objectivity com-  
 14 parable to that of the Academies.

15       (2) ~~TREATMENT.—~~If the Secretary enters into  
 16 an agreement with another organization as described  
 17 in paragraph (1), any reference in this section, sec-  
 18 tion 203, and section 1119 of title 38, United States  
 19 Code, as added by section 102(a), to the National  
 20 Academies of Sciences, Engineering, and Medicine  
 21 shall be treated as a reference to the other organiza-  
 22 tion.

1 **SEC. 203. ANALYSIS OF RESULTS OF CONSULTATION, TEST-**  
2 **ING, AND TREATMENT OF VETERANS FOR**  
3 **DISABILITIES RELATED TO EXPOSURE TO**  
4 **TOXIC SUBSTANCES.**

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

8 (1) is obtained by the Department of Veterans  
9 Affairs in connection with consultation, testing, and  
10 treatment furnished to veterans by the Department  
11 under section 1720J of title 38, United States Code,  
12 as added by section 101(a); and

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

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

21 (c) **ANNUAL REPORT.**—Not later than one year after  
22 the effective date under subsection (d), and annually  
23 thereafter, the Secretary shall submit to the Committee  
24 on Veterans' Affairs of the Senate and the Committee on  
25 Veterans' Affairs of the House of Representatives a report  
26 containing—

1           (1) the information compiled under subsection  
2       (a);

3           (2) an analysis of such information;

4           (3) a description of the types and incidences of  
5       disabilities identified by the Department under such  
6       subsection;

7           (4) the explanation of the Secretary for the in-  
8       cidence of such disabilities and other explanations  
9       for the incidence of such disabilities as the Secretary  
10      considers reasonable; and

11          (5) the views of the Secretary on the scientific  
12      validity of drawing conclusions from the incidence of  
13      such disabilities, as evidenced by the data compiled  
14      under subsection (a), regarding any association be-  
15      tween such disabilities and exposure to a toxic sub-  
16      stance.

17      (d) EFFECTIVE DATE.—

18          (1) IN GENERAL.—Except as provided in para-  
19      graph (2), this section shall take effect on the date  
20      that is 90 days after the date on which the report  
21      submitted by the National Academies of Sciences,  
22      Engineering, and Medicine under section 202(g)(1)  
23      is received by the Secretary.

24          (2) EXCEPTION.—This section shall not take ef-  
25      fect if the Secretary, after receiving the report de-

1       scribed in paragraph (1) and before the end of the  
2       90-day period described in such paragraph—

3               (A) determines that it is not feasible or  
4       cost-effective to carry out this section or that  
5       carrying out this section would not make a ma-  
6       terial contribution to the body of scientific  
7       knowledge concerning the health effects in hu-  
8       mans of herbicide exposure; and

9               (B) notifies the Committee on Veterans'  
10       Affairs of the Senate and the Committee on  
11       Veterans' Affairs of the House of Representa-  
12       tives of that determination and the reasons  
13       therefor.

14   **SEC. 204. REPORT TO EVALUATE AND IDENTIFY GROUPS**  
15               **AT-RISK OF EXPOSURE TO TOXIC SUB-**  
16               **STANCES.**

17       (a) IN GENERAL.—Not later than one year after the  
18       date of the enactment of this Act, and every two years  
19       thereafter, the Secretary of Defense shall submit to the  
20       appropriate committees of Congress and, subject to appli-  
21       cable Federal privacy laws, make available to the public  
22       a report evaluating and identifying the groups of members  
23       of the Armed Forces and former members of the Armed  
24       Forces who are at-risk of exposure to toxic substances.

1       (b) ~~EXISTING DATA.~~—The Secretary shall use data  
 2 from existing record and tracking systems to develop each  
 3 report under subsection (a).

4       (c) ~~USE OF CAPABILITIES OF NATIONAL ARTIFICIAL~~  
 5 ~~INTELLIGENCE INSTITUTE.~~—In developing each report  
 6 under subsection (a), the Secretary shall use the capabili-  
 7 ties of the National Artificial Intelligence Institute of the  
 8 Department of Veterans Affairs to interpret the veteran  
 9 population data within the Individual Longitudinal Expo-  
 10 sure Record of the Department, including data compiled  
 11 under—

12               (1) the Million Veteran Program of the Depart-  
 13       ment;

14               (2) health records of veterans; and

15               (3) benefits records of veterans.

16       (d) ~~ELEMENTS OF REPORT.~~—Each report submitted  
 17 under subsection (a) shall—

18               (1) identify groups at a high-risk for illnesses  
 19 relating to exposure to toxic substances and rec-  
 20 ommend an outreach strategy for those groups; and

21               (2) determine the viability of correlating the In-  
 22 dividual Longitudinal Exposure Record and health  
 23 records maintained by the Veterans Health Adminis-  
 24 tration, including with respect to participation of a  
 25 veteran in the Million Veteran Program of the De-

1       partment, to provide more data to epidemiologists of  
2       the Department.

3       (c) ~~APPROPRIATE COMMITTEES OF CONGRESS DE-~~  
4 ~~FINED.~~—In this section, the term “appropriate commit-  
5 tees of Congress” means—

6           (1) the Committee on Armed Services and the  
7       Committee on Veterans’ Affairs of the Senate; and

8           (2) the Committee on Armed Services and the  
9       Committee on Veterans’ Affairs of the House of  
10      Representatives.

11 **TITLE    III—IMPROVEMENT    OF**  
12 **RESOURCES OF DEPARTMENT**  
13 **OF VETERANS AFFAIRS RE-**  
14 **GARDING   EXPOSURES   TO**  
15 **TOXIC SUBSTANCES**

16 **SEC. 301. PUBLICATION OF LIST OF RESOURCES OF DE-**  
17 **PARTMENT OF VETERANS AFFAIRS FOR VET-**  
18 **ERANS EXPOSED TO TOXIC SUBSTANCES AND**  
19 **OUTREACH PROGRAM FOR SUCH VETERANS**  
20 **AND CAREGIVERS AND SURVIVORS OF SUCH**  
21 **VETERANS.**

22       (a) ~~PUBLICATION OF LIST OF RESOURCES.~~—

23           (1) ~~IN GENERAL.~~—Not later than one year  
24       after the date of the enactment of this Act, and an-  
25       nually thereafter, the Secretary of Veterans Affairs



1 shall publish a list of resources of the Department  
 2 of Veterans Affairs for—

3 (A) veterans provided disability compensa-  
 4 tion under chapter 11 of title 38, United States  
 5 Code, relating to exposure to toxic substances;

6 (B) veterans eligible for consultation, test-  
 7 ing, and treatment under section 1720J of such  
 8 title, as added by section 101(a);

9 (C) caregivers of veterans described in sub-  
 10 paragraph (A) or (B) who are participating in  
 11 the program of comprehensive assistance for  
 12 family caregivers under section 1720G(a) of  
 13 such title; and

14 (D) survivors of veterans described in sub-  
 15 paragraph (A) or (B) (or who would be de-  
 16 scribed in any such subparagraph were the vet-  
 17 eran alive) who are receiving death benefits  
 18 under the laws administered by the Secretary.

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

21 (b) OUTREACH.—The Secretary shall develop, with  
 22 input from the community, an informative outreach pro-  
 23 gram for veterans on illnesses that may be related to expo-  
 24 sure to toxic substances, including outreach with respect  
 25 to benefits and support programs.

1 **SEC. 302. INCORPORATION OF TOXIC EXPOSURE QUES-**  
2 **TIONNAIRE DURING PRIMARY CARE AP-**  
3 **POINTMENTS.**

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

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

17 **SEC. 303. PORTAL FOR ACCESS BY VETERANS TO INDIV-**  
18 **IDUAL LONGITUDINAL EXPOSURE RECORD.**

19 (a) IN GENERAL.—The Secretary of Veterans Affairs  
20 shall establish a portal through which a veteran may ac-  
21 cess documents and information with respect to the vet-  
22 eran contained in the Individual Longitudinal Exposure  
23 Record of the Department of Veterans Affairs.

24 (b) ELEMENTS OF PORTAL.—The portal established  
25 under subsection (a) shall—

- 1           (1) present documents and information with re-  
 2       spect to a veteran contained in the Individual Longi-  
 3       tudinal Exposure Record of the veteran in a print-  
 4       able, read-only format; and
- 5           (2) be hosted on an internet website of the De-  
 6       partment that is commonly used by veterans.

7   **SEC. 304. TRAINING OF PERSONNEL OF DEPARTMENT OF**  
 8                   **VETERANS AFFAIRS ON ILLNESSES RELATED**  
 9                   **TO EXPOSURE TO TOXIC SUBSTANCES.**

10       (a) IN GENERAL.—The Secretary of Veterans Affairs  
 11       shall ensure that personnel of the Department of Veterans  
 12       Affairs, including personnel involved with establishing dis-  
 13       ability ratings under the laws administered by the Sec-  
 14       retary, and non-Department health care personnel who  
 15       provide care to veterans under the laws administered by  
 16       the Secretary are appropriately trained to identify, treat,  
 17       and assess the impact of illnesses related to exposure to  
 18       toxic substances.

19       (b) ELEMENTS OF TRAINING.—The training required  
 20       under subsection (a) shall—

- 21           (1) provide veterans and personnel with specific  
 22       education with respect to illnesses related to expo-  
 23       sure to toxic substances;

1           (2) inform disability raters of secondary effects  
2           that can be attributed to exposure to toxic sub-  
3           stances; and

4           (3) inform personnel of how to probe for addi-  
5           tional information regarding exposures to different  
6           toxicants.

7           (c) TOXICANT DEFINED.—In this section, the term  
8           “toxicant” has the meaning given that term in section  
9           1720J(i) of title 38, United States Code, as added by sec-  
10          tion 101(a).

11       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12           (a) *SHORT TITLE.*—*This Act may be cited as the*  
13           *“Toxic Exposure in the American Military Act of 2020”*  
14           *or the “TEAM Act of 2020”.*

15           (b) *TABLE OF CONTENTS.*—*The table of contents for*  
16           *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

**TITLE I—EXPANSION OF HEALTH CARE AND BENEFITS FOR  
VETERANS EXPOSED TO TOXIC SUBSTANCES**

*Sec. 101. Expansion of health care eligibility for certain individuals exposed to  
open burn pits and other toxic substances.*

*Sec. 102. Expansion of health care eligibility for veterans awarded certain med-  
als.*

*Sec. 103. Permanent reauthorization of authority of Secretary of Veterans Affairs  
to prescribe regulations providing that a presumption of service  
connection is warranted for a disease associated with exposure  
to a herbicide agent.*

*Sec. 104. Permanent reauthorization of authority of Secretary of Veterans Affairs  
to prescribe regulations providing that a presumption of service  
connection is warranted for an illness associated with service in  
the Persian Gulf during the Persian Gulf War.*

*Sec. 105. Presumptions of service connection for diseases associated with exposure  
to certain toxic substances.*

*TITLE II—RESEARCH AND REVIEW REGARDING EXPOSURE TO  
TOXIC SUBSTANCES*

*Sec. 201. Establishment of Toxic Exposure Review Commission.*

*Sec. 202. Agreement with National Academies of Sciences, Engineering, and Medicine concerning the exposure of humans to toxic substances.*

*Sec. 203. Collection, analysis, and report on treatment of veterans for medical conditions related to exposure to toxic substances.*

*TITLE III—IMPROVEMENT OF RESOURCES OF DEPARTMENT OF  
VETERANS AFFAIRS REGARDING EXPOSURES TO TOXIC SUB-  
STANCES*

*Sec. 301. Publication of list of resources of Department of Veterans Affairs for veterans exposed to toxic substances and outreach program for such veterans and caregivers and survivors of such veterans.*

*Sec. 302. Incorporation of toxic exposure questionnaire during primary care appointments.*

*Sec. 303. Portal for access by veterans to Individual Longitudinal Exposure Record.*

*Sec. 304. Training of health care personnel of Department of Veterans Affairs on illnesses related to exposure to toxic substances.*

**1 SEC. 2. DEFINITIONS.**

**2       *In this Act:***

**3               (1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—**

**4               *The term “active military, naval, or air service” has***  
**5               *the meaning given that term in section 101 of title***  
**6               *38, United States Code.***

**7               (2) OPEN BURN PIT.—*The term “open burn pit”***  
**8               *has the meaning given that term in section 201(c) of***  
**9               *the Dignified Burial and Other Veterans’ Benefits***  
**10              *Improvement Act of 2012 (Public Law 112–260; 38***  
**11              *U.S.C. 527 note).***

**12              (3) TOXIC SUBSTANCE.—*The term “toxic sub-***  
**13              *stance” has the meaning given that term in subpara-***  
**14              *graph (G)(iv) of section 1710(e)(1) of such title, as***  
**15              *added by section 101(a).***

1 ***TITLE I—EXPANSION OF HEALTH***  
 2 ***CARE AND BENEFITS FOR***  
 3 ***VETERANS EXPOSED TO***  
 4 ***TOXIC SUBSTANCES***

5 ***SEC. 101. EXPANSION OF HEALTH CARE ELIGIBILITY FOR***  
 6 ***CERTAIN INDIVIDUALS EXPOSED TO OPEN***  
 7 ***BURN PITS AND OTHER TOXIC SUBSTANCES.***

8 *(a) IN GENERAL.—Section 1710(e) of title 38, United*  
 9 *States Code, is amended—*

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

12 *“(G)(i) Subject to paragraph (2), a covered individual*  
 13 *is eligible for hospital care, medical services, and nursing*  
 14 *home care under subsection (a)(2)(F) for any illness.*

15 *“(ii) For purposes of this subparagraph, a covered in-*  
 16 *dividual is an individual who—*

17 *“(I) is eligible for inclusion in the Airborne Haz-*  
 18 *ards and Open Burn Pit Registry; or*

19 *“(II) has been identified by the Secretary of De-*  
 20 *fense to have been possibly exposed, inside or outside*  
 21 *the United States, during active duty, active duty for*  
 22 *training, or inactive duty training, to—*

23 *“(aa) an open burn pit;*

24 *“(bb) a toxic substance; or*

1           “(cc) a site included in a database main-  
 2           tained by the Department of Defense and shared  
 3           with the Department of Veterans Affairs to serve  
 4           as the central portal for exposure-related data  
 5           that compiles, collates, presents, and provides  
 6           available occupational and environmental expo-  
 7           sure information to support the needs of the De-  
 8           partment of Defense and the Department of Vet-  
 9           erans Affairs.

10          “(iii) A covered individual shall be enrolled in the sys-  
 11       tem of annual patient enrollment of the Department in the  
 12       priority group under subsection (a)(6) of section 1705 of  
 13       this title.

14          “(iv) In this subparagraph:

15               “(I) The term ‘Airborne Hazards and Open  
 16       Burn Pit Registry’ means the registry established by  
 17       the Secretary under section 201 of the Dignified Bur-  
 18       ial and Other Veterans’ Benefits Improvement Act of  
 19       2012 (Public Law 112–260; 38 U.S.C. 527 note).

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

24               “(III) The term ‘toxic substance’ means a toxi-  
 25       cant or a toxin.

1           “(IV) The term ‘toxicant’ means any substance  
2           that can injure or kill humans, animals, or plants  
3           and that is produced by humans or is a by-product  
4           of human activities.

5           “(V) The term ‘toxin’ means any substance that  
6           can injure or kill humans, animals, or plants and  
7           that is produced naturally.”; and

8           (2) in paragraph (2)(B), by striking “or (F)”  
9           and inserting “(F), or (G)”.

10          (b) *EFFECTIVE DATE.*—The amendments made by sub-  
11          section (a) shall take effect on the date that is 90 days after  
12          the date of the enactment of this Act.

13          (c) *DETERMINATIONS OF EXPOSURE.*—

14               (1) *IN GENERAL.*—The Secretary of Veterans Af-  
15          fairs shall, to the extent practicable, establish and  
16          maintain a mechanism by which veterans may deter-  
17          mine whether or not they have been possibly exposed  
18          to an open burn pit or toxic substance described in  
19          subparagraph (G)(ii)(II) of section 1710(e)(1) of title  
20          38, United States Code, as added by subsection (a),  
21          for purposes of being considered as covered individ-  
22          uals under such subparagraph.

23               (2) *APPROVAL OF SECRETARY.*—Any determina-  
24          tion made under paragraph (1) shall be subject to the  
25          approval of the Secretary.



1           (3) *APPEALS.*—*The Secretary shall establish a*  
2           *mechanism for appealing a decision made by the Sec-*  
3           *retary under paragraph (2).*

4           (d) *REPORT.*—

5           (1) *IN GENERAL.*—*Not later than 30 days after*  
6           *the date on which the Secretary of Defense identifies*  
7           *the individuals described in subparagraph (G)(ii)(II)*  
8           *of section 1710(e)(1) of title 38, United States Code,*  
9           *as added by subsection (a), the Secretary, in consulta-*  
10          *tion with the Secretary of Veterans Affairs, shall sub-*  
11          *mit to the appropriate committees of Congress a re-*  
12          *port.*

13          (2) *ELEMENTS.*—*The report required by para-*  
14          *graph (1) shall include the following:*

15               (A) *The duty locations or units of the indi-*  
16               *viduals described in paragraph (1), or other in-*  
17               *formation on groups to which such individuals*  
18               *belong.*

19               (B) *The evidence considered in identifying*  
20               *individuals who were possibly exposed to an*  
21               *open burn pit, toxic substance, or site as de-*  
22               *scribed in subparagraph (G)(ii)(II) of section*  
23               *1710(e)(1) of title 38, United States Code, as*  
24               *added by subsection (a).*

1                   (C) *The criteria used to determine whether*  
 2                   *an individual was so exposed.*

3                   (3) *APPROPRIATE COMMITTEES OF CONGRESS.—*  
 4                   *In this subsection, the term “appropriate committees*  
 5                   *of Congress” means—*

6                   (A) *the Committee on Veterans’ Affairs and*  
 7                   *the Committee on Armed Services of the Senate;*  
 8                   *and*

9                   (B) *the Committee on Veterans’ Affairs and*  
 10                   *the Committee on Armed Services of the House*  
 11                   *of Representatives.*

12 **SEC. 102. EXPANSION OF HEALTH CARE ELIGIBILITY FOR**  
 13 **VETERANS AWARDED CERTAIN MEDALS.**

14                   (a) *IN GENERAL.—Section 1710(e) of title 38, United*  
 15                   *States Code, as amended by section 101(a), is further*  
 16                   *amended—*

17                   (1) *in paragraph (1), by adding at the end the*  
 18                   *following new subparagraph:*

19                   “(H)(i) *Subject to paragraph (2), a veteran is eligible*  
 20                   *for hospital care, medical services, and nursing home care*  
 21                   *under subsection (a)(2)(F) for any illness if the veteran was*  
 22                   *awarded any of the following:*

23                   “(I) *The Armed Forces Service Medal.*

24                   “(II) *The Afghanistan Campaign Medal.*

1           “(III) *The Global War on Terrorism Expedi-*  
2           *tionary Medal.*

3           “(IV) *The Inherent Resolve Campaign Medal.*

4           “(V) *The Iraq Campaign Medal.*

5           “(VI) *The Southwest Asia Service Medal.*

6           “(ii) *A veteran described in clause (i) shall be enrolled*  
7           *in the system of annual patient enrollment of the Depart-*  
8           *ment in the priority group under subsection (a)(6) of sec-*  
9           *tion 1705 of this title.”; and*

10           (2) *in paragraph (2), by striking “or (G)” and*  
11           *inserting “(G), or (H)”.*

12           (b) *EFFECTIVE DATE.—The amendments made by sub-*  
13           *section (a) shall take effect on the date that is 90 days after*  
14           *the date of the enactment of this Act.*

15   **SEC. 103. PERMANENT REAUTHORIZATION OF AUTHORITY**  
16                   **OF SECRETARY OF VETERANS AFFAIRS TO**  
17                   **PRESCRIBE REGULATIONS PROVIDING THAT**  
18                   **A PRESUMPTION OF SERVICE CONNECTION IS**  
19                   **WARRANTED FOR A DISEASE ASSOCIATED**  
20                   **WITH EXPOSURE TO A HERBICIDE AGENT.**

21           (a) *IN GENERAL.—Section 1116 of title 38, United*  
22           *States Code, is amended by striking subsection (e).*

23           (b) *EFFECTIVE DATE.—Subsection (a) of this section*  
24           *and subsections (b) through (d) of section 1116 of such title*  
25           *shall take effect on the date of the enactment of this Act.*

1 **SEC. 104. PERMANENT REAUTHORIZATION OF AUTHORITY**  
 2 **OF SECRETARY OF VETERANS AFFAIRS TO**  
 3 **PRESCRIBE REGULATIONS PROVIDING THAT**  
 4 **A PRESUMPTION OF SERVICE CONNECTION IS**  
 5 **WARRANTED FOR AN ILLNESS ASSOCIATED**  
 6 **WITH SERVICE IN THE PERSIAN GULF DUR-**  
 7 **ING THE PERSIAN GULF WAR.**

8 (a) *IN GENERAL.*—Section 1118 of title 38, United  
 9 States Code, is amended by striking subsection (e).

10 (b) *EFFECTIVE DATE.*—Subsection (a) of this section  
 11 and subsections (b) through (d) of section 1118 of such title  
 12 shall take effect on the date of the enactment of this Act.

13 **SEC. 105. PRESUMPTIONS OF SERVICE CONNECTION FOR**  
 14 **DISEASES ASSOCIATED WITH EXPOSURE TO**  
 15 **CERTAIN TOXIC SUBSTANCES.**

16 (a) *IN GENERAL.*—Subchapter II of chapter 11 of title  
 17 38, United States Code, is amended by adding at the end  
 18 the following new section:

19 **“§1119. Presumptions of service connection for dis-**  
 20 **eases associated with exposure to certain**  
 21 **toxic substances**

22 **“(a) PRESUMPTIONS OF SERVICE CONNECTION.—(1)**  
 23 *For purposes of section 1110 of this title, and subject to*  
 24 *section 1113 of this title, each disease specified in para-*  
 25 *graph (2) becoming manifest as specified in that paragraph*  
 26 *shall be considered to have been incurred in or aggravated*

1 *by service referred to in that paragraph, notwithstanding*  
2 *that there is no record of evidence of such disease during*  
3 *the period of such service.*

4 “(2) *A disease specified in this paragraph is any dis-*  
5 *ease that—*

6 “(A) *the Secretary determines in regulations pre-*  
7 *scribed under this section warrants a presumption of*  
8 *service connection by reason of having a positive asso-*  
9 *ciation with exposure to a toxic substance; and*

10 “(B) *becomes manifest within the period, if any,*  
11 *prescribed in such regulations in a veteran who was*  
12 *exposed to that toxic substance during active mili-*  
13 *tary, naval, or air service.*

14 “(3)(A) *For purposes of this subsection, the Secretary*  
15 *may presume that a veteran who has a disease specified*  
16 *in paragraph (2) was exposed to the toxic substance for*  
17 *which the Secretary has determined under paragraph*  
18 *(2)(A) warrants a presumption of service connection by rea-*  
19 *son of having a positive association with exposure to the*  
20 *toxic substance, notwithstanding that there is no record of*  
21 *evidence of such exposure, if the Secretary determines based*  
22 *on one or more of the factors set forth in subparagraph (B)*  
23 *that a presumption of exposure is warranted.*

24 “(B) *The factors set forth in this subparagraph are as*  
25 *follows:*

1           “(i) *The duty location of the veteran.*

2           “(ii) *The length of service of the veteran.*

3           “(iii) *Such other factors as the Secretary con-*  
4           *siders appropriate.*

5           “(b) *DETERMINATIONS RELATING TO DISEASES.—(1)*

6 *Whenever the Secretary determines, on the basis of sound*  
7 *medical and scientific evidence, that a positive association*  
8 *exists between the exposure of humans to a toxic substance*  
9 *and the occurrence of a disease in humans, the Secretary*  
10 *shall prescribe regulations providing that a presumption of*  
11 *service connection is warranted for that disease for purposes*  
12 *of this section.*

13          “(2) *In making determinations under paragraph (1),*  
14 *the Secretary shall take into account—*

15               “(A) *reports received by the Secretary from the*  
16 *National Academies of Sciences, Engineering, and*  
17 *Medicine under section 202(g) of the Toxic Exposure*  
18 *in the American Military Act of 2020; and*

19               “(B) *all other sound medical and scientific infor-*  
20 *mation and analyses available to the Secretary.*

21          “(3)(A) *In evaluating any report, information, or*  
22 *analysis for purposes of making such determinations, the*  
23 *Secretary shall consider only scientific studies that are*  
24 *valid in accordance with contemporary scientific standards.*

1       “(B) *The Secretary may define the standards described*  
 2 *in subparagraph (A) for purposes of that subparagraph.*

3       “(c) *RESPONSE TO REPORTS BY THE NATIONAL ACAD-*  
 4 *EMIES OF SCIENCES, ENGINEERING, AND MEDICINE.—(1)*  
 5 *Not later than 60 days after the date on which the Secretary*  
 6 *receives a report from the National Academies of Sciences,*  
 7 *Engineering, and Medicine under section 202(g) of the*  
 8 *Toxic Exposure in the American Military Act of 2020, the*  
 9 *Secretary shall determine whether a presumption of service*  
 10 *connection is warranted for each disease covered by the re-*  
 11 *port.*

12       “(2) *If the Secretary determines under paragraph (1)*  
 13 *that a presumption of service connection is warranted for*  
 14 *a disease, the Secretary shall, not later than 60 days after*  
 15 *making the determination, issue proposed regulations set-*  
 16 *ting forth the determination.*

17       “(3)(A) *If the Secretary makes a determination de-*  
 18 *scribed in subparagraph (B), the Secretary shall, not later*  
 19 *than 60 days after making the determination, publish in*  
 20 *the Federal Register a notice of the determination.*

21       “(B) *A determination described in this subparagraph*  
 22 *is a determination by the Secretary under paragraph (1)*  
 23 *that a presumption of service connection is not warranted*  
 24 *for a disease as to which the National Academies of*

1 *Sciences, Engineering, and Medicine determined that there*  
 2 *was—*

3           “(i) *sufficient evidence of an association between*  
 4           *the exposure of humans to a toxic substance and the*  
 5           *occurrence of the disease in humans; or*

6           “(ii) *limited evidence or suggestive evidence of*  
 7           *such an association.*

8           “(C) *Any notice published under subparagraph (A)*  
 9           *shall include an explanation of the scientific basis for the*  
 10           *determination described in subparagraph (B).*

11           “(D) *If a disease already presumed to be service con-*  
 12           *nected under this section is subject to a determination de-*  
 13           *scribed in subparagraph (B), the Secretary shall, not later*  
 14           *than 60 days after publication of the notice under subpara-*  
 15           *graph (A), issue proposed regulations removing the pre-*  
 16           *sumption of service connection for the disease.*

17           “(4) *Not later than 180 days after the date on which*  
 18           *the Secretary issues any proposed regulations under this*  
 19           *subsection, the Secretary shall issue final regulations.*

20           “(d) *REMOVAL OF PRESUMPTION OF SERVICE CON-*  
 21           *NECTION.—Whenever the presumption of service connection*  
 22           *for a disease under this section is removed under subsection*  
 23           *(c)—*

24           “(1) *a veteran who was awarded compensation*  
 25           *for the disease on the basis of the presumption before*



1        *the effective date of the removal of the presumption*  
 2        *shall continue to be entitled to receive compensation*  
 3        *on that basis; and*

4            *“(2) a survivor of a veteran who was awarded*  
 5        *dependency and indemnity compensation for the*  
 6        *death of a veteran resulting from the disease on the*  
 7        *basis of the presumption before that date shall con-*  
 8        *tinue to be entitled to receive dependency and indem-*  
 9        *nity compensation on that basis.*

10        *“(e) REFERENCE TO NATIONAL ACADEMIES OF*  
 11        *SCIENCES, ENGINEERING, AND MEDICINE.—In the case that*  
 12        *the Secretary enters into an agreement with another organi-*  
 13        *zation as described in section 202(h)(1) of the Toxic Expo-*  
 14        *sure in the American Military Act of 2020, any reference*  
 15        *in this section to the National Academies of Sciences, Engi-*  
 16        *neering, and Medicine shall be treated as a reference to the*  
 17        *other organization.*

18        *“(f) DEFINITIONS.—In this section:*

19            *“(1) The term ‘positive association’ means, with*  
 20        *respect to an association between exposure to a toxic*  
 21        *substance and the occurrence of a disease in humans,*  
 22        *that there is credible evidence for the association and*  
 23        *such evidence is equal to or outweighs the credible evi-*  
 24        *dence against the association.*

1           “(2) The term ‘toxic substance’ has the meaning  
2           given that term in section 1710(e)(1)(G)(iv) of this  
3           title.”.

4           (b) *CLERICAL AMENDMENT.*—The table of sections at  
5           the beginning of chapter 11 of such title is amended by in-  
6           serting after the item relating to section 1118 the following  
7           new item:

“1119. Presumptions of service connection for diseases associated with exposure to  
certain toxic substances.”.

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

## 11   **TITLE II—RESEARCH AND RE-** 12    **VIEW REGARDING EXPOSURE** 13    **TO TOXIC SUBSTANCES**

### 14   **SEC. 201. ESTABLISHMENT OF TOXIC EXPOSURE REVIEW** 15    **COMMISSION.**

16          (a) *IN GENERAL.*—Subchapter III of chapter 5 of title  
17          38, United States Code, is amended by adding at the end  
18          the following new section:

#### 19    **“§ 547. Toxic Exposure Review Commission**

20          “(a) *ESTABLISHMENT.*—The Secretary shall establish  
21          an independent commission to be known as the ‘Toxic Ex-  
22          posure Review Commission’ (in this section referred to as  
23          the ‘Commission’).

24          “(b) *PURPOSE.*—The Commission shall—

1           “(1) advise the Secretary on questions relating to  
2       exposure to toxic substances that require scientific re-  
3       search; and

4           “(2) assist in the consideration of possible pre-  
5       sumptions of service connection.

6       “(c) *DUTIES.*—The Commission shall carry out the fol-  
7       lowing duties:

8           “(1) Collect any relevant information from the  
9       Department of Defense and other sources to identify  
10      possible toxic exposures related to service during ac-  
11      tive duty, active duty for training, or inactive duty  
12      training in order to determine the need for a com-  
13      prehensive review under an agreement under section  
14      202 of the Toxic Exposure in the American Military  
15      Act of 2020. Relevant information may be collected  
16      from the following:

17           “(A) Any Federal agency, as the Commis-  
18      sion considers necessary to carry out this section.  
19      Upon request of the Chair, the head of such agen-  
20      cy shall furnish such information to the Commis-  
21      sion, unless such information is classified.

22           “(B) Public meetings or hearings, which  
23      may be held to take such testimony and receive  
24      such evidence as the Commission considers advis-  
25      able to carry out the duties of the Commission.

1           “(2) *Recommend to the Secretary, by majority*  
2           *vote, whether a comprehensive scientific review should*  
3           *be conducted by the National Academies of Sciences,*  
4           *Engineering, and Medicine under an agreement*  
5           *under section 202 of the Toxic Exposure in the Amer-*  
6           *ican Military Act of 2020.*

7           “(3) *Recommend to the Secretary, by majority*  
8           *vote, whether new, independent studies regarding the*  
9           *health outcomes of exposure to toxic substances, or*  
10          *any other new, independent studies that the Commis-*  
11          *sion deems necessary and appropriate, should be con-*  
12          *ducted.*

13          “(4) *Annually report to Congress on progress re-*  
14          *garding the duties set forth in paragraphs (1) through*  
15          *(3), any recommendations made to the Secretary, and*  
16          *any responses of the Secretary to such recommenda-*  
17          *tions.*

18          “(d) *MEMBERSHIP.—(1)(A) The Commission shall be*  
19          *composed of 9 members, appointed as follows:*

20               “(i) *Two members appointed by the Speaker of*  
21               *the House of Representatives.*

22               “(ii) *Two members appointed by the minority*  
23               *leader of the House of Representatives.*

24               “(iii) *Two members appointed by the majority*  
25               *leader of the Senate.*

1           “(iv) *Two members appointed by the minority*  
2           *leader of the Senate.*

3           “(v) *One member appointed by the Secretary.*

4           “(B) *The initial members of the Commission shall be*  
5           *appointed under subparagraph (A) not later than 180 days*  
6           *after the date of the enactment of the Toxic Exposure in*  
7           *the American Military Act of 2020.*

8           “(2) *In appointing individuals under paragraph*  
9           *(1)(A), the Speaker of the House of Representatives, the mi-*  
10          *nority leader of the House of Representatives, the majority*  
11          *leader of the Senate, the minority leader of the Senate, and*  
12          *the Secretary shall ensure that at least five members of the*  
13          *Commission are scientists or health care professionals—*

14          “(A) *of whom—*

15                 “(i) *one has a background in the field of*  
16                 *respiratory medicine;*

17                 “(ii) *one has a background in the field of*  
18                 *endocrinology and metabolic medicine;*

19                 “(iii) *one has a background in hematology;*

20                 “(iv) *one has a background in oncology;*

21                 *and*

22                 “(v) *one has a background in occupational*  
23                 *and environmental health; and*

24                 “(B) *who are not officials or employees of the*  
25                 *Federal Government.*

1       “(3) *In appointing individuals under paragraph*  
2 *(1)(A), the Speaker of the House of Representatives, the mi-*  
3 *nority leader of the House of Representatives, the majority*  
4 *leader of the Senate, the minority leader of the Senate, and*  
5 *the Secretary shall ensure that at least two members of the*  
6 *Commission represent an organization recognized by the*  
7 *Secretary for the representation of veterans under section*  
8 *5902 of this title.*

9       “(4) *In appointing individuals under paragraph*  
10 *(1)(A), the Speaker of the House of Representatives, the mi-*  
11 *nority leader of the House of Representatives, the majority*  
12 *leader of the Senate, the minority leader of the Senate, and*  
13 *the Secretary shall give consideration to including in the*  
14 *Commission at least one member who works with survivors*  
15 *of illnesses related to exposure to toxic substances and has*  
16 *a background in the field of study of exposure to toxic sub-*  
17 *stances.*

18       “(e) *MEETINGS.—(1) The Commission shall meet not*  
19 *less frequently than twice each year.*

20       “(2)(A) *Each meeting of the Commission shall be open*  
21 *to the public.*

22       “(B) *All the proceedings, information, and delibera-*  
23 *tions of the Commission shall be available for review by*  
24 *the public.*

1       “(C) *Meetings of the Commission may be carried out*  
2 *through the use of telephonic or other appropriate tele-*  
3 *communication technology if the Commission determines*  
4 *that such technology will allow the members to commu-*  
5 *nicate simultaneously.*

6       “(f) *CHAIR AND VICE CHAIR.—At the initial meeting*  
7 *of the Commission under subsection (e), the Commission*  
8 *shall select a Chair and Vice Chair from among the mem-*  
9 *bers of the Commission by a majority vote of the members*  
10 *of the Commission.*

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

14       “(2) *The Secretary shall ensure that terms of members*  
15 *of the Commission are staggered so that no such terms end*  
16 *on the same date.*

17       “(3) *A vacancy in the Commission shall be filled in*  
18 *the same manner as the original appointment, but the indi-*  
19 *vidual appointed to fill the vacancy shall serve only for the*  
20 *unexpired portion of the term for which the individual’s*  
21 *predecessor was appointed.*

22       “(4) *In appointing the initial members of the Commis-*  
23 *sion, each official who is authorized to appoint two mem-*  
24 *bers of the Commission shall appoint—*

1           “(A) one member whose term expires after two  
2       years; and

3           “(B) one member whose term expires after four  
4       years.

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

7       “(2) Each member of the Commission who is an officer  
8       or employee of the United States shall serve without com-  
9       pensation in addition to that received for service as an offi-  
10      cer or employee of the United States.

11       “(3) Members shall receive travel expenses, including  
12      per diem in lieu of subsistence, in accordance with sections  
13      5702 and 5703 of title 5.

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

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

19           “(B) is not otherwise barred or prohibited from  
20      serving as Director under Federal ethics laws and  
21      regulations, by reason of post-employment conflict of  
22      interest.

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



1       “(j) *STAFF.*—(1) *Subject to paragraphs (2) and (3),*  
2 *the Director, with the approval of the Commission, may ap-*  
3 *point and fix the pay of additional personnel.*

4       “(2) *The Director may make such appointments with-*  
5 *out regard to the provisions of title 5 governing appoint-*  
6 *ments in the competitive service, and any personnel so ap-*  
7 *pointed may be paid without regard to the provisions of*  
8 *chapter 51 and subchapter III of chapter 53 of that title*  
9 *relating to classification and General Schedule pay rates,*  
10 *except that an individual so appointed may not receive pay*  
11 *in excess of the annual rate of basic pay payable for GS-*  
12 *15 of the General Schedule.*

13       “(3)(A) *Not more than two-thirds of the personnel em-*  
14 *ployed by or detailed to the Commission may be on detail*  
15 *from the Department.*

16       “(B) *Not more than half of the professional analysts*  
17 *of the Commission staff may be persons detailed from the*  
18 *Department to the Commission.*

19       “(4) *Subject to paragraph (3), the head of any Federal*  
20 *agency, upon the request of the Director, may detail any*  
21 *of the personnel of that agency to the Commission to assist*  
22 *the Commission in carrying out its duties under this sec-*  
23 *tion.*

24       “(5) *The Commission may secure directly from any*  
25 *Federal agency such information as the Commission con-*

1 *siders necessary to carry out this section. Upon request of*  
 2 *the Chair, the head of such agency shall furnish such infor-*  
 3 *mation to the Commission, unless such information is clas-*  
 4 *sified.*

5       “(k) *OTHER AUTHORITY.—(1) The Commission may*  
 6 *procure by contract, to the extent funds are available, the*  
 7 *temporary or intermittent services of experts or consultants*  
 8 *pursuant to section 3109 of title 5.*

9       “(2) *To the extent funds are available, the Commission*  
 10 *may lease real property and acquire personal property ei-*  
 11 *ther of its own accord or in consultation with the General*  
 12 *Services Administration.*

13       “(l) *COMMUNICATIONS.—(1)(A) Except as provided in*  
 14 *subparagraph (B), no person may restrict an employee of*  
 15 *the Department in communicating with the Commission.*

16       “(B) *Subparagraph (A) does not apply to a commu-*  
 17 *nication that is unlawful.*

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

20       “(m) *REFERENCE TO NATIONAL ACADEMIES OF*  
 21 *SCIENCES, ENGINEERING, AND MEDICINE.—In the case that*  
 22 *the Secretary enters into an agreement with another organi-*  
 23 *zation as described in section 202(h)(1) of the Toxic Expo-*  
 24 *sure in the American Military Act of 2020, any reference*  
 25 *in this section to the National Academies of Sciences, Engi-*

1 neering, and Medicine shall be treated as a reference to the  
2 other organization.

3 “(n) *TOXIC SUBSTANCE DEFINED.*—In this section,  
4 the term ‘toxic substance’ has the meaning given that term  
5 in subparagraph (G)(iv) of section 1710(e)(1) of this title.”.

6 (b) *CLERICAL AMENDMENT.*—The table of sections at  
7 the beginning of chapter 5 of such title is amended by add-  
8 ing at the end the following new item:

“547. *Toxic Exposure Review Commission.*”.

9 **SEC. 202. AGREEMENT WITH NATIONAL ACADEMIES OF**  
10 **SCIENCES, ENGINEERING, AND MEDICINE**  
11 **CONCERNING THE EXPOSURE OF HUMANS TO**  
12 **TOXIC SUBSTANCES.**

13 (a) *PURPOSE.*—The purpose of this section is to pro-  
14 vide for the National Academies of Sciences, Engineering,  
15 and Medicine (in this section referred to as the “Acad-  
16 emies”), an independent nonprofit scientific organization  
17 with appropriate expertise that is not part of the Federal  
18 Government, to review and evaluate the available scientific  
19 evidence regarding associations between diseases and expo-  
20 sure to toxic substances.

21 (b) *AGREEMENT.*—

22 (1) *IN GENERAL.*—The Secretary of Veterans Af-  
23 fairs shall seek to enter into a five-year agreement  
24 with the Academies to perform the services covered by  
25 this section.

1           (2) *TIMING.*—*The Secretary shall seek to enter*  
 2           *into an agreement described in paragraph (1) not*  
 3           *later than 60 days after the date of the enactment of*  
 4           *this Act.*

5           (3) *EXTENSION.*—*An agreement under this sec-*  
 6           *tion may be extended in five-year increments.*

7           (c) *REVIEW OF SCIENTIFIC EVIDENCE.*—*Under an*  
 8           *agreement between the Secretary and the Academies under*  
 9           *this section, the Academies shall review and summarize the*  
 10          *scientific evidence, and assess the strength thereof, con-*  
 11          *cerning the association between exposure to toxic substances*  
 12          *during active military, naval, or air service and each dis-*  
 13          *ease suspected to be associated with such exposure in the*  
 14          *human population.*

15          (d) *SCIENTIFIC DETERMINATIONS CONCERNING DIS-*  
 16          *EASES.*—*For each disease reviewed under subsection (c), the*  
 17          *Academies shall determine, to the extent that available sci-*  
 18          *entific data permit meaningful determinations—*

19               (1) *whether an association exists between expo-*  
 20               *sure to toxic substances and the occurrence of the dis-*  
 21               *ease, taking into account the strength of the scientific*  
 22               *evidence and the appropriateness of the statistical*  
 23               *and epidemiological methods used to detect the asso-*  
 24               *ciation;*

1           (2) *the increased risk of the disease among those*  
 2           *exposed to toxic substances during active military,*  
 3           *naval, or air service; and*

4           (3) *whether there exists a plausible biological*  
 5           *mechanism or other evidence of a causal relationship*  
 6           *between the exposure and the occurrence of the disease.*

7           (e) *COOPERATION OF FEDERAL AGENCIES.—*

8           (1) *IN GENERAL.—The head of each relevant*  
 9           *Federal agency, including the Secretary of Defense,*  
 10          *shall cooperate fully with the Academies in per-*  
 11          *forming the services covered by this section.*

12          (2) *TECHNICAL AND SCIENTIFIC CAPABILITIES.—*  
 13          *In performing the services covered by this section, the*  
 14          *Academies shall make use of the technical and sci-*  
 15          *entific capabilities of any Federal agency.*

16          (f) *RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC*  
 17          *STUDIES.—*

18          (1) *IN GENERAL.—Under an agreement between*  
 19          *the Secretary and the Academies under this section,*  
 20          *the Academies shall make any recommendations for*  
 21          *additional scientific studies to resolve areas of con-*  
 22          *tinuing scientific uncertainty relating to the exposure*  
 23          *of humans to toxic substances.*

1           (2) *CONSIDERATIONS.*—*In making recommenda-*  
2           *tions under paragraph (1), the Academies shall con-*  
3           *sider—*

4                   (A) *the scientific information that is avail-*  
5                   *able at the time of the recommendation;*

6                   (B) *the value and relevance of the informa-*  
7                   *tion that could result from additional studies;*  
8                   *and*

9                   (C) *the cost and feasibility of carrying out*  
10                  *such additional studies.*

11       (g) *REPORTS.*—

12               (1) *INITIAL REPORT.*—

13                   (A) *IN GENERAL.*—*Under an agreement be-*  
14                   *tween the Secretary and the Academies under*  
15                   *this section, not later than one year after the*  
16                   *date of the enactment of this Act, the Academies*  
17                   *shall submit to the Secretary, the Committee on*  
18                   *Veterans' Affairs of the Senate, and the Com-*  
19                   *mittee on Veterans' Affairs of the House of Rep-*  
20                   *resentatives an initial report on the activities of*  
21                   *the Academies under the agreement.*

22                   (B) *ELEMENTS.*—*The report submitted*  
23                   *under subparagraph (A) shall include the fol-*  
24                   *lowing:*

1                   (i) *The determinations described in*  
 2                   *subsection (d).*

3                   (ii) *A full explanation of the scientific*  
 4                   *evidence and reasoning that led to such de-*  
 5                   *terminations.*

6                   (iii) *Any recommendations of the*  
 7                   *Academies under subsection (f).*

8                   (2) *PERIODIC UPDATES.*—*Under an agreement*  
 9                   *between the Secretary and the Academies under this*  
 10                  *section, not less frequently than once every two years*  
 11                  *after the date on which the initial report is submitted*  
 12                  *under paragraph (1)(A), the Academies shall submit*  
 13                  *to the Secretary, the Committee on Veterans' Affairs*  
 14                  *of the Senate, and the Committee on Veterans' Affairs*  
 15                  *of the House of Representatives an updated report on*  
 16                  *the activities of the Academies under the agreement.*

17                  (h) *ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-*  
 18                  *TION.*—

19                  (1) *IN GENERAL.*—*If the Secretary is unable*  
 20                  *within the time period prescribed in subsection (b)(2)*  
 21                  *to enter into an agreement with the Academies for the*  
 22                  *purposes of this section on terms acceptable to the*  
 23                  *Secretary, the Secretary shall seek to enter into an*  
 24                  *agreement for the purposes of this section with an-*  
 25                  *other appropriate scientific organization that—*

1                   (A) is not part of the Federal Government;  
 2                   (B) operates as a not-for-profit entity; and  
 3                   (C) has expertise and objectivity comparable  
 4                   to that of the Academies.

5                   (2) *TREATMENT.*—If the Secretary enters into an  
 6                   agreement with another organization as described in  
 7                   paragraph (1), any reference in this section, section  
 8                   547 of title 38, United States Code, as added by sec-  
 9                   tion 201(a), and section 1119 of such title, as added  
 10                  by section 105(a), to the National Academies of  
 11                  Sciences, Engineering, and Medicine shall be treated  
 12                  as a reference to the other organization.

13 **SEC. 203. COLLECTION, ANALYSIS, AND REPORT ON TREAT-**  
 14 **MENT OF VETERANS FOR MEDICAL CONDI-**  
 15 **TIONS RELATED TO EXPOSURE TO TOXIC**  
 16 **SUBSTANCES.**

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

20                       (1) is obtained by the Department of Veterans  
 21                       Affairs in connection with hospital care, medical serv-  
 22                       ices, and nursing home care furnished under section  
 23                       1710(a)(2)(F) of title 38, United States Code; and

24                       (2) is likely to be scientifically useful in deter-  
 25                       mining the association, if any, between the medical



1        *condition of a veteran and exposure to a toxic sub-*  
2        *stance.*

3        *(b) CONSENT OF PATIENTS.—Compilation and anal-*  
4        *ysis by the Secretary of clinical data of a veteran under*  
5        *subsection (a) shall be conducted, and such data shall be*  
6        *used, consistent with the informed consent of the veteran*  
7        *and in compliance with all applicable Federal law*

8        *(c) ANNUAL REPORT.—Not later than one year after*  
9        *the date of the enactment of this Act, and annually there-*  
10       *after, the Secretary shall submit to the Committee on Vet-*  
11       *erans' Affairs of the Senate, the Committee on Veterans' Af-*  
12       *fairs of the House of Representatives, and the Toxic Expo-*  
13       *sure Review Commission established by section 547 of title*  
14       *38, United States Code, as added by section 201(a) of this*  
15       *Act, a report containing—*

16                *(1) the data compiled under subsection (a);*

17                *(2) an analysis of such data;*

18                *(3) a description of the types and incidences of*  
19        *medical conditions identified by the Department*  
20        *under such subsection;*

21                *(4) the explanation of the Secretary for the inci-*  
22        *dence of such medical conditions and other expla-*  
23        *nations for the incidence of such conditions as the*  
24        *Secretary considers reasonable; and*

(5) *the views of the Secretary on the scientific validity of drawing conclusions from the incidence of such medical conditions, as evidenced by the data compiled under subsection (a), regarding any association between such conditions and exposure to a toxic substance.*

***TITLE III—IMPROVEMENT OF RESOURCES OF DEPARTMENT OF VETERANS AFFAIRS REGARDING EXPOSURES TO TOXIC SUBSTANCES***

***SEC. 301. PUBLICATION OF LIST OF RESOURCES OF DEPARTMENT OF VETERANS AFFAIRS FOR VETERANS EXPOSED TO TOXIC SUBSTANCES AND OUTREACH PROGRAM FOR SUCH VETERANS AND CAREGIVERS AND SURVIVORS OF SUCH VETERANS.***

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

*(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs shall publish a list of resources of the Department of Veterans Affairs for—*

1           (A) veterans provided disability compensa-  
2           tion under chapter 11 of title 38, United States  
3           Code, relating to exposure to toxic substances;

4           (B) veterans eligible for hospital care, med-  
5           ical services, and nursing home care under sec-  
6           tion 1710(a)(2)(F) of such title;

7           (C) caregivers of veterans described in sub-  
8           paragraph (A) or (B) who are participating in  
9           the program of comprehensive assistance for fam-  
10          ily caregivers under section 1720G(a) of such  
11          title; and

12          (D) survivors of veterans described in sub-  
13          paragraph (A) or (B) (or who would be described  
14          in any such subparagraph were the veteran  
15          alive) who are receiving death benefits under the  
16          laws administered by the Secretary.

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

19          (b) *OUTREACH.*—The Secretary shall develop, with  
20          input from the community, an informative outreach pro-  
21          gram for veterans on illnesses that may be related to expo-  
22          sure to toxic substances, including outreach with respect to  
23          benefits and support programs.

1 **SEC. 302. INCORPORATION OF TOXIC EXPOSURE QUESTION-**  
 2 **NAIRE DURING PRIMARY CARE APPOINT-**  
 3 **MENTS.**

4 (a) *IN GENERAL.*—The Secretary of Veterans Affairs  
 5 shall incorporate a clinical questionnaire to help determine  
 6 potential exposure to toxic substances during active mili-  
 7 tary, naval, or air service as part of the initial screening  
 8 conducted for an appointment of a veteran with a primary  
 9 care provider of the Department of Veterans Affairs to im-  
 10 prove understanding by the Department of exposure of vet-  
 11 erans to toxic substances while serving in the Armed Forces.

12 (b) *DETERMINATION OF QUESTIONS.*—The questions  
 13 included in the questionnaire required under subsection (a)  
 14 shall be determined by the Secretary with input from med-  
 15 ical professionals.

16 **SEC. 303. PORTAL FOR ACCESS BY VETERANS TO INDIV-**  
 17 **IDUAL LONGITUDINAL EXPOSURE RECORD.**

18 (a) *IN GENERAL.*—The Secretary of Veterans Affairs  
 19 shall establish a portal through which a veteran may access  
 20 documents and information with respect to the veteran con-  
 21 tained in the Individual Longitudinal Exposure Record of  
 22 the Department of Veterans Affairs.

23 (b) *ELEMENTS OF PORTAL.*—The portal established  
 24 under subsection (a) shall—

25 (1) present documents and information with re-  
 26 spect to a veteran contained in the Individual Longi-

1        *tudinal Exposure Record of the veteran in a print-*  
 2        *able, read-only format; and*

3            *(2) be hosted on an internet website of the De-*  
 4        *partment that is commonly used by veterans.*

5    **SEC. 304. TRAINING OF HEALTH CARE PERSONNEL OF DE-**  
 6                    **PARTMENT OF VETERANS AFFAIRS ON ILL-**  
 7                    **NESSES RELATED TO EXPOSURE TO TOXIC**  
 8                    **SUBSTANCES.**

9        *(a) IN GENERAL.—The Secretary of Veterans Affairs*  
 10    *shall ensure that health care personnel of the Department*  
 11    *of Veterans Affairs are appropriately trained to identify,*  
 12    *treat, and assess the impact of illnesses related to exposure*  
 13    *to toxic substances.*

14        *(b) ELEMENTS OF TRAINING.—The training required*  
 15    *under subsection (a) shall—*

16            *(1) provide health care personnel of the Depart-*  
 17        *ment with specific education with respect to illnesses*  
 18        *related to exposure to toxic substances; and*

19            *(2) inform such personnel of how to probe for ad-*  
 20        *ditional information from veterans regarding expo-*  
 21        *sures to different toxicants.*

22        *(c) TOXICANT DEFINED.—In this section, the term*  
 23    *“toxicant” has the meaning given that term in subpara-*  
 24    *graph (G)(iv) of section 1710(e)(1) of title 38, United States*  
 25    *Code, as added by section 101(a).*

Calendar No. 602

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 4393**

---

---

**A BILL**

To improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes.

---

---

DECEMBER 8, 2020

Reported with an amendment