

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

(Added Pub. L. 117-168, title III, § 303, Aug. 10, 2022, 136 Stat. 1779.)

§ 1167.¹ Mental health consultations

(a) IN GENERAL.—Not later than 30 days after the date on which a veteran submits to the Secretary a claim for compensation under this chapter for a service-connected disability relating to a mental health diagnosis, the Secretary shall offer the veteran a mental health consultation to assess the mental health needs of, and care options for, the veteran.

(b) AVAILABILITY.—The Secretary shall—

(1) offer a veteran a consultation under subsection (a) without regard to any previous denial or approval of a claim of that veteran for a service-connected disability relating to a mental health diagnosis; and

(2) ensure that a veteran offered a mental health consultation under subsection (a) may elect to receive such consultation during the one-year period beginning on the date on which the consultation is offered or during such longer period beginning on such date as the Secretary considers appropriate.

(c) RULE OF CONSTRUCTION.—A consultation provided to a veteran under this section shall not be construed as a determination that any disability of such veteran is service-connected for the purposes of any benefit under the laws administered by the Secretary.

(Added Pub. L. 117-328, div. V, title IV, § 404(a)(1), Dec. 29, 2022, 136 Stat. 5512.)

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

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

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

(1) under section 1172 of this title—

(A) the Secretary provides—

(i) public notice regarding what formal evaluations the Secretary plans to conduct; and

(ii) the public an opportunity to comment on the proposed formal evaluations;

(B) the working group established under subsection (b) of such section provides—

(i) advice to the Secretary on toxic-exposed veterans and cases in which veterans who, during active military, naval, air, or space service, may have experienced a toxic exposure or their dependents may have experienced a toxic exposure while the veterans were serving in the active military, naval, air, or space service;

(ii) recommendations to the Secretary on corrections needed in the Individual Longitudinal Exposure Record to better reflect veterans and dependents described in clause (i); and

(iii) recommendations to the Secretary regarding which cases of possible toxic exposure should be reviewed;

(2) the Secretary provides for formal evaluations of such recommendations under section 1173 of this title and takes into account reports received by the Secretary from the National Academies of Sciences, Engineering, and Medicine under section 1176 of this title; and

(3) the Secretary issues regulations under section 1174 of this title.

(b) DEFINITIONS.—In this subchapter:

(1) The term “illness” includes a disease or other condition affecting the health of an individual, including mental and physical health.

(2) The term “Individual Longitudinal Exposure Record” includes—

(A) service records;

(B) any database maintained by the Department of Defense and shared with the Department of Veterans Affairs to serve as a central portal for exposure-related data that compiles, collates, presents, and provides available occupational and environmental exposure information to support the needs of the Department of Defense and the Department of Veterans Affairs; or

(C) any successor system to a database described in subparagraph (B).

(Added Pub. L. 117-168, title II, § 202(a), Aug. 10, 2022, 136 Stat. 1767.)

Statutory Notes and Related Subsidiaries

CORRECTION OF EXPOSURE RECORDS BY MEMBERS OF THE ARMED FORCES AND VETERANS

Pub. L. 117-168, title VIII, § 803, Aug. 10, 2022, 136 Stat. 1802, provided that:

“(a) IN GENERAL.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense to provide a means for veterans to update their records as necessary to reflect exposures to occupational or environmental hazards by such member or veteran in the Individual Longitudinal Exposure Record.

“(b) EVIDENCE.—

“(1) PROVISION OF EVIDENCE.—To update a record under subsection (a), a veteran shall provide such evidence as the Secretary of Veterans Affairs considers necessary.

“(2) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe by regulation the evidence considered necessary under paragraph (1).

“(c) DEFINITIONS.—In this section:

“(1) INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.—The term ‘Individual Longitudinal Exposure Record’ has the meaning given such term in section 1171 of title 38, United States Code, as added by section 202.

“(2) TOXIC EXPOSURE.—The term ‘toxic exposure’ has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).”

§ 1172. Annual notice and opportunity for public comment

(a) NOTICE REQUIRED.—(1)(A) Not less frequently than once each year, the Secretary shall

¹ Another section 1167 is set out preceding section 1168.