

Editorial Notes

REFERENCES IN TEXT

Title IV of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, referred to in subsec. (b)(1)(A)(ii), is title IV of Pub. L. 117-168, Aug. 10, 2022, 136 Stat. 1780, which enacted section 1120 of this title, amended sections 1112, 1113, 1116, 1117, and 1710 of this title, and enacted provisions set out as notes under sections 101, 1116, and 1120 of this title. For complete classification of title IV to the Code, see Tables.

§ 1175. Authority to modify process; congressional oversight

(a) IN GENERAL.—The Secretary may modify the process under which the working group established under subsection (b) of section 1172 of this title conducts assessments under such section, the Secretary conducts formal evaluations under section 1173 of this title, and issues regulations under section 1174 of this title if—

(1) such evaluations cover the evidence, data, and factors required by subsection (b) of such section 1173; and

(2) a period of 180 days has elapsed following the date on which the Secretary submits the notice under subsection (b) regarding the modification.

(b) NOTICE.—If the Secretary proposes to modify the process under which the working group established under subsection (b) of section 1172 of this title conducts assessments under such section, the process under which the Secretary conducts formal evaluations under section 1173 of this title, or issues regulations under section 1174 of this title, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a notice of the proposed modifications containing the following:

(1) A description of the proposed modifications.

(2) A description of any exceptions to the requirements of such sections that are proposed because of limited available scientific evidence, and a description of how such evaluations will be conducted.

(Added Pub. L. 117-168, title II, §202(a), Aug. 10, 2022, 136 Stat. 1771.)

§ 1176. Agreement with National Academies of Sciences, Engineering, and Medicine concerning toxic exposures

(a) PURPOSE.—The purpose of this section is to provide for the National Academies of Sciences, Engineering, and Medicine (in this section referred to as the “Academies”), an independent nonprofit scientific organization with appropriate expertise that is not part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between diseases and toxic exposures.

(b) AGREEMENT.—(1) The Secretary shall seek to enter into a five-year agreement with the Academies to perform the services covered by this section.

(2) The Secretary shall seek to enter into an agreement described in paragraph (1) not later than 60 days after the date of the enactment of the Sergeant First Class Heath Robinson Hon-

oring our Promise to Address Comprehensive Toxics Act of 2022.

(3) An agreement under this section may be extended in five-year increments.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the Academies under this section, the Academies shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between toxic exposures during active military, naval, air, or space service and each disease suspected to be associated with such exposure in the human population.

(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—For each disease reviewed under subsection (c), the Academies shall determine, to the extent that available scientific data permit meaningful determinations—

(1) whether an association exists between toxic exposures and the occurrence of the disease, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

(2) the increased risk of the disease among those reporting toxic exposures during active military, naval, air, or space service;

(3) whether there exists a plausible biological mechanism or other evidence of a positive association between the toxic exposure and the occurrence of the disease; and

(4) determine the strength of evidence for a positive association based on categories furnished under section 1173 of this title.

(e) COOPERATION OF FEDERAL AGENCIES.—The head of each relevant Federal agency, including the Secretary of Defense, shall cooperate fully with the Academies in performing the services covered by this section.

(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under an agreement between the Secretary and the Academies under this section, the Academies shall make any recommendations for additional scientific studies to resolve areas of continuing scientific uncertainty relating to toxic exposures.

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

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

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

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

(g) REPORTS.—(1)(A) Under an agreement between the Secretary and the Academies under this section, not later than one year after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, 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) 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 (f).

(2) Under an agreement between the Secretary and the Academies under this section, not less frequently than once every two years after the date on which the initial report is submitted under paragraph (1)(A), 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 updated report on the activities of the Academies under the agreement.

(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period prescribed in subsection (b)(2) to enter into an agreement with the Academies for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that—

(A) is not part of the Federal Government;

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

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

(2) If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this subchapter to the Academies shall be treated as a reference to the other organization.

(Added Pub. L. 117–168, title II, §202(a), Aug. 10, 2022, 136 Stat. 1772.)

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REFERENCES IN TEXT

The date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, referred to in subsecs. (b)(2) and (g)(1)(A), is the date of enactment of Pub. L. 117–168, which was approved Aug. 10, 2022.

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AMENDMENTS

2022—Pub. L. 117–168, §1(b)(2), title II, §204(a), Aug. 10, 2022, 136 Stat. 1759, 1776, added item 1305.

1997—Pub. L. 105–33, title VIII, §8031(b)(2), Aug. 5, 1997, 111 Stat. 669, added item 1303.

1991—Pub. L. 102–83, §§4(b)(3)(B), 5(b)(1), Aug. 6, 1991, 105 Stat. 405, 406, renumbered items 401 to 423 as 1301 to 1323, respectively, and in item 1323 substituted “with respect to circumstances of death” for “by Administrator”.

1988—Pub. L. 100–687, div. B, title XIV, §1403(a)(2), Nov. 18, 1988, 102 Stat. 4130, added item 418.

1982—Pub. L. 97–306, title I, §113(b)(2), Oct. 14, 1982, 96 Stat. 1432, struck out item 403 “Coverage of members of Reserve Officers' Training Corps”.

1976—Pub. L. 94–433, §405(6), (8), Sept. 30, 1976, 90 Stat. 1379, substituted “surviving spouses” for “widows” in item 404 and “surviving spouse” for “widow” in item 411.

1969—Pub. L. 91–96, §6, Oct. 27, 1969, 83 Stat. 145, substituted “Determination of pay grade” for “Computation of basic pay” in item 402 and “Certifications with respect to pay grade” for “Certifications with respect to basic pay” in item 421.

Statutory Notes and Related Subsidiaries

UNIFORMED SERVICES, PROMOTION OF MEMBERS IN MISSING STATUS; EFFECTIVE DATE

Provisions of section 552(a) of Title 37, Pay and Allowances of the Uniformed Services, for full effectiveness for all purposes of promotion of a member while in a missing status notwithstanding a determination of death before the making of the promotion effective as of Nov. 24, 1971, for the purposes of this chapter, see section 2 of Pub. L. 93–26, Apr. 27, 1973, 87 Stat. 26, set out as an Effective Date of 1973 Amendment note under section 552 of Title 37.

SUBCHAPTER I—GENERAL

§ 1301. Definitions

As used in this chapter—

The term “veteran” includes a person who died in the active military, naval, air, or space service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1126, §401; Pub. L. 91–24, §4(a), June 11, 1969, 83 Stat. 33; Pub. L. 91–96, §5, Oct. 27, 1969, 83 Stat. 145; renumbered §1301, Pub. L. 102–83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116–283, div. A, title IX, §926(a)(16), Jan. 1, 2021, 134 Stat. 3830.)

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AMENDMENTS

2021—Pub. L. 116–283 substituted “air, or space service” for “or air service”.