

Calendar No. \_\_\_\_\_

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

**[Report No. 117-\_\_\_\_\_]**

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

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ (legislative day, \_\_\_\_\_), \_\_\_\_\_  
Mr. TESTER, from the Committee on Veterans' Affairs, reported the following  
original bill; which was read twice and placed on the calendar

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## A BILL

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

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

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

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

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

## 2

Sec. 1. Short title; table of contents.

TITLE I—EXPANSION OF HEALTH CARE FOR TOXIC EXPOSURE  
VETERANS

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

TITLE II—REFORMS TO THE TOXIC EXPOSURE PRESUMPTION  
PROCESS

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

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

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

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

- Sec. 401. Mark Takai Atomic Veterans Healthcare Parity Act of 2021.  
 Sec. 402. Treatment of veterans who participated in nuclear response near Palomares, Spain, as radiation-exposed veterans for purposes of presumption of service-connection of certain disabilities by Department of Veterans Affairs.  
 Sec. 403. Presumptions of service connection for diseases associated with exposures to certain herbicide agents for veterans who served in certain locations.  
 Sec. 404. Addition of additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in the Republic of Vietnam.  
 Sec. 405. Improving compensation for disabilities occurring in Persian Gulf War veterans.  
 Sec. 406. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.

TITLE V—STRENGTHENING FEDERAL RESEARCH ON TOXIC  
EXPOSURES

- Sec. 501. Coordination by Department of Veterans Affairs of toxic exposure research.  
 Sec. 502. Collection, analysis, and report on treatment of veterans for medical conditions related to toxic exposure.  
 Sec. 503. Studies relating to veterans who served in Southwest Asia.

Sec. 504. Study on health trends of post 9/11 veterans.

Sec. 505. Study on cancer rates among veterans.

#### TITLE VI—IMPROVING SUPPORT TO TOXIC EXPOSURE VETERANS

Sec. 601. Definitions.

Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic exposure veterans and outreach program for such veterans and caregivers and survivors of such veterans.

Sec. 603. Incorporation of toxic exposure questionnaire during primary care appointments.

Sec. 604. Training for personnel of the Department of Veterans Affairs with respect to toxic exposure veterans.

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

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

Sec. 701. Definitions.

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

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

Sec. 704. Correction of toxic exposure records.

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

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

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

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

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

1 to conclude that such illness is attributable to such toxic  
2 exposure risk activity.”; and

3 (2) in paragraph (2)(B)—

4 (A) by striking “or (F)” and inserting  
5 “(F), or (G)”;

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

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

11 “(37) The term ‘toxic exposure’ includes the  
12 following:

13 “(A) A toxic exposure risk activity.

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

18 “(38) The term ‘toxic exposure veteran’ means  
19 any veteran who—

20 “(A) carried out a toxic exposure risk ac-  
21 tivity; or

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

1           “(39) The term ‘toxic exposure risk activity’  
2 means any activity—

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

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

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

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

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

23           (1) in paragraph (1), by adding at the end the  
24 following new subparagraph:

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

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

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

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

13           “(iii) In this subparagraph:

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



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

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

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

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

23           (b) ELEMENTS OF STUDY.—The study required  
24           under subsection (a) shall—



1           (1) assess the impact of furnishing hospital care  
2           and medical services to qualifying dependents as de-  
3           scribed in such subsection on the ability of the De-  
4           partment of Veterans Affairs to furnish hospital care  
5           and medical services to veterans;

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

9           (3) estimate the resources required to furnish  
10          such care and services;

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

14          (5) estimate the number of qualifying depend-  
15          ents who would be eligible for such care and serv-  
16          ices; and

17          (6) assess the feasibility of adjudicating claims  
18          for such care and services.

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

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

4 (1) review known cases of toxic exposure on in-  
5 stallations of the Department of Defense in the  
6 United States;

7 (2) explore the liability of the Department of  
8 Defense in each such case; and

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

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

16 (f) DEFINITIONS.—In this section:

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

21 (2) QUALIFYING DEPENDENT.—The term  
22 “qualifying dependent” means—

23 (A) a dependent of a veteran described in  
24 section 1710(e)(1)(G) of title 38, United States  
25 Code, as added by section 101(a)(2) who re-

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

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

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

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

1 **TITLE II—REFORMS TO THE**  
2 **TOXIC EXPOSURE PRESUMP-**  
3 **TION PROCESS**

4 **SEC. 201. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF**  
5 **VETERANS AFFAIRS TO ESTABLISH PRE-**  
6 **SUMPTIONS OF SERVICE CONNECTION**  
7 **BASED ON TOXIC EXPOSURE.**

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

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

13 “SUBCHAPTER VII—RESEARCH AND DETER-  
14 MINATIONS RELATING TO PRESUMPTIONS  
15 OF SERVICE CONNECTION BASED ON TOXIC  
16 EXPOSURE

17 “§ 1171. **Procedures to determine presumptions of**  
18 **service connection based on toxic expo-**  
19 **sure; definitions**

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

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

4           “(2) the National Academies of Sciences, Engi-  
5           neering, and Medicine, reviews and evaluates the  
6           available scientific evidence pursuant to an agree-  
7           ment under section 1173 of this title;

8           “(3) the working group established under sec-  
9           tion 1174 of this title evaluates the conclusions of  
10          the National Academies of Sciences, Engineering,  
11          and Medicine pursuant to the agreement described  
12          in paragraph (2) and makes recommendations to the  
13          Secretary under such section; and

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

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

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

22          **“§ 1172. Toxic Exposure Review Commission**

23          “(a) ESTABLISHMENT.—The Secretary shall estab-  
24          lish an independent commission to be known as the ‘Toxic

1 Exposure Review Commission’ (in this section referred to  
2 as the ‘Commission’).

3 “(b) PURPOSE.—The Commission shall—

4 “(1) advise the Secretary on questions relating  
5 to toxic exposures that require scientific research;  
6 and

7 “(2) assist in the consideration of possible pre-  
8 sumptions of service connection relating to toxic ex-  
9 posure.

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

12 “(A) Collect any relevant information from the  
13 Department of Defense and other sources to identify  
14 possible toxic exposures relating to service during ac-  
15 tive duty, active duty for training, or inactive duty  
16 training in order to determine the need for a com-  
17 prehensive review under an agreement with the Na-  
18 tional Academies of Sciences, Engineering, and Med-  
19 icine under section 1173 of this title.

20 “(B) Recommend to the Secretary, by majority  
21 vote, whether a review should be conducted under an  
22 agreement with the National Academies of Sciences,  
23 Engineering, and Medicine under section 1173 of  
24 this title.

1           “(C) Recommend to the Secretary, by majority  
2           vote, whether new, independent studies regarding  
3           the health outcomes of toxic exposures, or any other  
4           new, independent studies that the Commission  
5           deems necessary and appropriate, should be con-  
6           ducted.

7           “(D) Annually report to Congress on progress  
8           regarding the duties set forth in subparagraphs (A)  
9           through (C), any recommendations made to the Sec-  
10          retary, and any responses of the Secretary to such  
11          recommendations.

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

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

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

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

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

1           “(i) Two members appointed by the majority  
2 leader of the Senate.

3           “(ii) Two members appointed by the minority  
4 leader of the Senate.

5           “(iii) Two members appointed by the Speaker  
6 of the House of Representatives.

7           “(iv) Two members appointed by the minority  
8 leader of the House of Representatives.

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

10          “(B) The initial members of the Commission shall be  
11 appointed under subparagraph (A) not later than 180  
12 days after the date of the enactment of the Comprehensive  
13 and Overdue Support for Troops of War Act of 2021.

14          “(2) In appointing individuals under paragraph  
15 (1)(A), the majority leader of the Senate, the minority  
16 leader of the Senate, the Speaker of the House of Rep-  
17 resentatives, the minority leader of the House of Rep-  
18 resentatives, and the Secretary shall jointly ensure that  
19 at least five members of the Commission are scientists or  
20 health care professionals—

21           “(A) of whom—

22           “(i) one has a background in the field of  
23 respiratory medicine;

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



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

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

3                   and

4                   “(v) one has a background in occupational  
5                   and environmental health; and

6                   “(B) who are not officials or employees of the  
7                   Federal Government.

8                   “(3) In appointing individuals under paragraph  
9 (1)(A), the majority leader of the Senate, the minority  
10 leader of the Senate, the Speaker of the House of Rep-  
11 resentatives, the minority leader of the House of Rep-  
12 resentatives, and the Secretary shall jointly ensure that  
13 at least two members of the Commission represent an or-  
14 ganization recognized by the Secretary for the representa-  
15 tion of veterans under section 5902 of this title.

16                   “(4) In appointing individuals under paragraph  
17 (1)(A), the majority leader of the Senate, the minority  
18 leader of the Senate, the Speaker of the House of Rep-  
19 resentatives, the minority leader of the House of Rep-  
20 resentatives, and the Secretary shall jointly give consider-  
21 ation to including in the Commission at least one member  
22 who works with survivors of illnesses relating to toxic ex-  
23 posures and has a background in the field of study of toxic  
24 exposures.

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

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

5           “(B) All the proceedings, information, and delibera-  
6 tions of the Commission shall be available for review by  
7 the public.

8           “(C) Meetings of the Commission may be carried out  
9 through the use of telephonic or other appropriate tele-  
10 communication technology if the Commission determines  
11 that such technology will allow the members to commu-  
12 nicate simultaneously.

13           “(f) CHAIRPERSON AND VICE CHAIR.—At the initial  
14 meeting of the Commission under subsection (e), the Com-  
15 mission shall select a chairperson and vice chairperson  
16 from among the members of the Commission by a majority  
17 vote of the members of the Commission.

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

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

24           “(3) A vacancy in the Commission shall be filled in  
25 the same manner as the original appointment, but the in-

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

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

7 “(A) one member whose term expires after two  
8 years; and

9 “(B) one member whose term expires after four  
10 years.

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

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

17 “(3) Members shall receive travel expenses, including  
18 per diem in lieu of subsistence, in accordance with sections  
19 5702 and 5703 of title 5.

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

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

1           “(B) is not otherwise barred or prohibited from  
2           serving as Director under Federal ethics laws and  
3           regulations, by reason of post-employment conflict of  
4           interest.

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

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

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

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

23          “(B) Not more than half of the professional analysts  
24          of the Commission staff may be persons detailed from the  
25          Department to the Commission.

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

6       “(5) The Commission may secure directly from any  
7 Federal agency such information as the Commission con-  
8 siders necessary to carry out this section. Upon request  
9 of the chairperson of the Commission, the head of such  
10 agency shall furnish such information to the Commission,  
11 unless such information is classified.

12       “(k) OTHER AUTHORITY.—(1) The Commission may  
13 procure by contract, to the extent funds are available, the  
14 temporary or intermittent services of experts or consult-  
15 ants pursuant to section 3109 of title 5.

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

20       “(l) COMMUNICATIONS.—(1)(A) Except as provided  
21 in subparagraph (B), no person may restrict an employee  
22 of the Department in communicating with the Commis-  
23 sion.

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

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

3           “(m) RESPONSES BY SECRETARY.—In response to  
4 each report submitted to the Secretary by the Commission  
5 under subsection (c)(1), the Secretary shall submit to the  
6 Committee on Veterans’ Affairs of the Senate and the  
7 Committee on Veterans’ Affairs of the House of Rep-  
8 resentatives and make available to the public a report  
9 on—

10                   “(1) the findings and opinions of the Secretary  
11 with respect to the report most recently submitted  
12 under subsection (c)(1);

13                   “(2) whether the Secretary intends to nominate  
14 for review under an agreement with the National  
15 Academies of Sciences, Engineering, and Medicine  
16 under section 1173 of this title the review rec-  
17 ommended by the Committee in the report, and if  
18 not, an explanation of why, including citations and  
19 sources; and

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

22 **“§ 1173. Science review agreement**

23           “(a) PURPOSE.—The purpose of this section is to  
24 provide for the National Academies of Sciences, Engineer-  
25 ing, and Medicine (in this section referred to as the ‘Acad-

1 emies’), an independent nonprofit scientific organization  
2 with appropriate expertise that is not part of the Federal  
3 Government, to review and evaluate the available scientific  
4 evidence regarding associations between illnesses and toxic  
5 exposures.

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

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

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

15 “(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an  
16 agreement between the Secretary and the Academies  
17 under this section, the Academies shall review and summa-  
18 rize the scientific evidence, and assess the strength there-  
19 of, concerning the association between toxic exposures  
20 during active military, naval, or air service and each illness  
21 suspected to be associated with such exposure in the  
22 human population.

23 “(d) SCIENTIFIC DETERMINATIONS CONCERNING  
24 ILLNESSES.—For each illness reviewed under subsection  
25 (c), the Academies shall determine, to the extent that

1 available scientific data permit meaningful determina-  
2 tions—

3           “(1) whether an association exists between a  
4 toxic exposure and the occurrence of the illness, tak-  
5 ing into account the strength of the scientific evi-  
6 dence and the appropriateness of the statistical and  
7 epidemiological methods used to detect the associa-  
8 tion;

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

12           “(3) whether there exists a plausible biological  
13 mechanism or other evidence of a causal relationship  
14 between the toxic exposure and the occurrence of the  
15 illness.

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

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



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

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

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

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

9       “(g) REPORTS.—(1) Under an agreement between  
10 the Secretary and the Academies under this section, for  
11 each review conducted under subsection (c), the Acad-  
12 emies shall submit to the Secretary, the Committee on  
13 Veterans’ Affairs of the Senate, and the Committee on  
14 Veterans’ Affairs of the House of Representatives an ini-  
15 tial report on the activities of the Academies under the  
16 agreement.

17       “(2) The report submitted under paragraph (1) shall  
18 include the following:

19           “(A) The determinations described in sub-  
20       section (d).

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

23           “(C) Any recommendations of the Academies  
24       under subsection (f).

1           “(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANI-  
2 ZATION.—(1) If the Secretary is unable to enter into an  
3 agreement with the Academies for the purposes of this sec-  
4 tion on terms acceptable to the Secretary, the Secretary  
5 shall seek to enter into an agreement for the purposes of  
6 this section with another appropriate scientific organiza-  
7 tion that—

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

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

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

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

17   **“§ 1174. Working group on presumptions of service**  
18                   **connection**

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

22                   “(1) to evaluate the conclusions of the National  
23 Academies of Sciences, Engineering, and Medicine  
24 contained in each report submitted under section  
25 1173(g) of this title; and

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

5                   “(A) to establish a presumption of service  
6           connection between each toxic exposure and ill-  
7           ness covered by a report described in paragraph  
8           (1); or

9                   “(B) to modify an existing presumption of  
10          service connection covered by a report described  
11          in paragraph (1).

12          “(b) RECOMMENDATIONS.—(1) In making a rec-  
13          ommendation under subsection (a)(2), the Working Group  
14          shall, if the Working Group determines that additional re-  
15          search, studies, or reports are appropriate before making  
16          a final recommendation with respect to establishing or  
17          modifying a presumption of service connection, submit to  
18          the Secretary a description of such additional research,  
19          studies, or reports.

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

23          “(3) Concurrent with the submittal of a recommenda-  
24          tion to the Secretary under subsection (a)(2), the Working  
25          Group shall submit to the Committee on Veterans’ Affairs

1 of the Senate and the Committee on Veterans' Affairs of  
2 the House of Representatives a description of such rec-  
3 ommendation.

4 **“§ 1175. Regulations regarding presumptions of serv-**  
5 **ice connection based on toxic exposure**

6 “(a) ACTION UPON WORKING GROUP RECOMMENDA-  
7 TION.—Not later than 60 days after the date on which  
8 the Secretary receives a recommendation to establish or  
9 modify a presumption of service connection under section  
10 1174(a)(2) of this title—

11 “(1) if the Secretary determines that the pre-  
12 sumption, or modification, is warranted, the Sec-  
13 retary shall issue proposed regulations setting forth  
14 the presumption or revise regulations to carry out  
15 such modification; or

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

22 “(b) FINAL REGULATION.—Not later than 90 days  
23 after the date on which the Secretary issues any proposed  
24 regulations under subsection (a)(1), the Secretary shall

1 issue final regulations. Such regulations shall be effective  
2 on the date of issuance.

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

7 “(2) Whenever an illness is removed from regulations  
8 pursuant to paragraph (1), or the periods or locations of  
9 exposure covered by a presumption of service connection  
10 are modified under subsection (a)—

11 “(A) a veteran who was awarded compensation  
12 for such illness on the basis of the presumption pro-  
13 vided under such regulations before the effective  
14 date of the removal or modification shall continue to  
15 be entitled to receive compensation on that basis;  
16 and

17 “(B) a survivor of a veteran who was awarded  
18 dependency and indemnity compensation for the  
19 death of a veteran resulting from such illness on the  
20 basis of such presumption shall continue to be enti-  
21 tled to receive dependency and indemnity compensa-  
22 tion on such basis.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-  
24 tions at the beginning of such chapter is amended  
25 by adding at the end the following new items:

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

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

“1172. Toxic Exposure Review Commission.

“1173. Science review agreement.

“1174. Working group on presumptions of service connection.

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

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

6           (c) CONFORMING AMENDMENTS.—Chapter 11 of title  
7 38, United States Code, is amended—

8                   (1) in section 1116—

9                           (A) by striking subsections (b), (c), (d),  
10                           and (e);

11                           (B) by inserting after subsection (a) the  
12                           following new subsection (b):

13           “(b) The Secretary shall ensure that any determina-  
14 tion made on or after the date of the enactment of the  
15 Comprehensive and Overdue Support for Troops of War  
16 Act of 2021 regarding a presumption of service connection  
17 based on exposure to an herbicide agent under this section  
18 is made pursuant to subchapter VII of this chapter, in-  
19 cluding with respect to assessing reports received by the  
20 Secretary from the National Academy of Sciences under

1 section 3 of the Agent Orange Act of 1991 (Public Law  
2 102–4).”; and

3 (C) by redesignating subsection (f) as sub-  
4 section (e).

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

8 (3) in section 1118—

9 (A) by striking subsections (b) through (e);

10 and

11 (B) by inserting after subsection (a) the  
12 following new subsection (b):

13 “(b) The Secretary shall ensure that any determina-  
14 tion made on or after the date of the enactment of the  
15 Comprehensive and Overdue Support for Troops of War  
16 Act of 2021 regarding a presumption of service connection  
17 based on a toxic exposure under this section is made pur-  
18 suant to subchapter VII of this chapter.”.

19 **SEC. 202. TECHNICAL CORRECTIONS.**

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

22 (1) by redesignating section 1165 as section  
23 1166; and

24 (2) by redesignating the section 1164 that was  
25 added by section 5501(a)(1) of the Johnny Isakson

1 and David P. Roe, M.D. Veterans Health Care and  
 2 Benefits Improvement Act of 2020 (Public Law  
 3 116–315) as section 1165.

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

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

11 **TITLE III—REFORMS TO THE**  
 12 **SERVICE CONNECTION PROC-**  
 13 **ESS FOR TOXIC EXPOSURE**  
 14 **VETERANS**

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

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

19 **“§ 1119. Presumptions of toxic exposure**

20 “(a) PRESUMPTION OF TOXIC EXPOSURE.—Except  
 21 as provided in section 1120 of this title, if a veteran sub-  
 22 mits to the Secretary a claim for compensation for a serv-  
 23 ice-connected disability under section 1110 of this title  
 24 with indication of a toxic exposure that occurred during



1 active military, naval, or air service, the Secretary shall  
2 presume that the veteran was subject to such toxic expo-  
3 sure—

4 “(1) if the Individual Longitudinal Exposure  
5 Record of the veteran includes evidence of the toxic  
6 exposure; or

7 “(2) in a case in which the Individual Longitu-  
8 dinal Exposure Record of the veteran does not indi-  
9 cate that the veteran was subject to the claimed  
10 toxic exposure during active military, naval, or air  
11 service, if credible evidence of the facts, places, and  
12 circumstances of the service of the veteran in the ac-  
13 tive military, naval, or air service, including evidence  
14 of the veteran’s unit assignments, military specialty,  
15 or date and location of service, shows the veteran  
16 was subject to the claimed toxic exposure during  
17 such service.

18 “(b) ROLE OF LAY STATEMENTS.—In a case de-  
19 scribed in subsection (a)(2), the Secretary shall accept as  
20 credible evidence under such subsection a lay statement  
21 by the veteran or another that is consistent with the other  
22 credible evidence of the facts, places, and circumstances  
23 of the veteran’s service in the active military, naval, or  
24 air service.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 11 of such title is amended  
3 by inserting after the item relating to section 1118 the  
4 following new item:

“1119. Presumptions of toxic exposure.”.

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

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

10 (a) IN GENERAL.—Subchapter II of chapter 11 of  
11 title 38, United States Code, as amended by section  
12 301(a), is further amended by adding at the end the fol-  
13 lowing new section:

14 **“§ 1120. Presumption of exposure to certain airborne**  
15 **hazards and substances from participa-**  
16 **tion in contingency operations**

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

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

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

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

8                   “(i) The Afghanistan Campaign Medal.

9                   “(ii) The Armed Forces Expeditionary  
10           Medal.

11                   “(iii) The Global War On Terrorism Expe-  
12           ditionary Medal.

13                   “(iv) The Inherent Resolve Campaign  
14           Medal.

15                   “(v) The Iraqi Campaign Medal.

16                   “(vi) The Southwest Asia Service Medal.

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

19                   “(i) Iraq and the following periods:

20                           “(I) The period beginning on August 2,  
21                           1990, and ending on February 28, 1991.

22                           “(II) The period beginning on March 19,  
23                           2003, and ending on such date as the Secretary  
24                           determines burn pits are no longer used in Iraq.

1           “(ii) The Southwest Asia Theater of operations,  
2           other than Iraq, and the period beginning on August  
3           2, 1990, and ending on such date as the Secretary  
4           determines burn pits are no longer used in such lo-  
5           cation, including the following:

6                   “(I) Kuwait.

7                   “(II) Saudi Arabia.

8                   “(III) Oman.

9                   “(IV) Qatar.

10           “(iii) Afghanistan and the period beginning on  
11           September 11, 2001, and ending on such date as the  
12           Secretary determines burn pits are no longer used in  
13           Afghanistan.

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

18           “(v) Syria and the period beginning on Sep-  
19           tember 11, 2001, and ending on such date as the  
20           Secretary determines burn pits are no longer used in  
21           Syria.

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

1           “(vii) Egypt and the period beginning on Sep-  
2           tember 11, 2001, and ending on such date as the  
3           Secretary determines burn pits are no longer used in  
4           Egypt.

5           “(viii) Lebanon and the period beginning on  
6           September 11, 2001, and ending on such date as the  
7           Secretary determines burn pits are no longer used in  
8           Lebanon.

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

13          “(x) Such other locations as are set forth by the  
14          Airborne Hazards and Open Burn Pit Registry es-  
15          tablished under section 201 of the Dignified Burial  
16          and Other Veterans’ Benefits Improvement Act of  
17          2012 (Public Law 112–260; 38 U.S.C. 527 note)  
18          and corresponding periods set forth in such registry.

19          “(xi) Such other locations and corresponding  
20          periods as the Secretary, in collaboration with the  
21          Secretary of Defense, may determine appropriate in  
22          a report the Secretary of Veterans Affairs shall sub-  
23          mit to Congress not later than two years after the  
24          date of the enactment of the Veterans Burn Pits Ex-

1       posure Recognition Act of 2021 and not less fre-  
2       quently than once every two years thereafter.

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

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

10       “(A) Particulate matter, including the fol-  
11       lowing:

12               “(i) PM-10.

13               “(ii) PM-2.5.

14       “(B) Polycyclic aromatic hydrocarbons (PAHs),  
15       including the following:

16               “(i) Acenaphthene.

17               “(ii) Acenaphthylene.

18               “(iii) Anthracene.

19               “(iv) Benzo(a)anthracene.

20               “(v) Benzo(a)pyrene.

21               “(vi) Benzo(b)fluoranthene.

22               “(vii) Benzo(g,h,i)perylene.

23               “(viii) Benzo(k)fluoranthene.

24               “(ix) Chrysene.

25               “(x) Dibenz(a,h)anthracene.

1                   “(xi) Fluoranthene.

2                   “(xii) Fluorene.

3                   “(xiii) Indeno(1,2,3-cd)pyrene.

4                   “(xiv) Naphthalene.

5                   “(xv) Phenanthrene.

6                   “(xvi) Pyrene.

7                   “(C) Volatile organic compounds (VOCs), in-  
8 including the following:

9                   “(i) Acetone.

10                  “(ii) Acrolein.

11                  “(iii) Benzene.

12                  “(iv) Carbon Disulfide.

13                  “(v) Chlorodifluoromethane.

14                  “(vi) Chloromethane.

15                  “(vii) Ethylbenzene.

16                  “(viii) Hexane.

17                  “(ix) Hexachlorobutadiene.

18                  “(x) m/p-Xylene.

19                  “(xi) Methylene Chloride.

20                  “(xii) Pentane.

21                  “(xiii) Propylene.

22                  “(xiv) Styrene.

23                  “(xv) Toluene.

24                  “(D) Toxic organic halogenated dioxins and  
25 furans (dioxins), including the following:

- 1                   “(i) 1,2,3,4,6,7,8 HPCDD.
- 2                   “(ii) 1,2,3,4,6,7,8 HPCDF.
- 3                   “(iii) 1,2,3,4,7,8,9 HPCDF.
- 4                   “(iv) 1,2,3,4,7,8 HXCDD.
- 5                   “(v) 1,2,3,4,7,8 HXCDF.
- 6                   “(vi) 1,2,3,6,7,8 HXCDD.
- 7                   “(vii) 1,2,3,6,7,8 HXCDF.
- 8                   “(viii) 1,2,3,7,8,9 HXCDD.
- 9                   “(ix) 1,2,3,7,8,9 HXCDF.
- 10                  “(x) 1,2,3,7,8 PECDD.
- 11                  “(xi) 1,2,3,7,8 PECDF.
- 12                  “(xii) 2,3,4,6,7,8 HXCDF.
- 13                  “(xiii) 2,3,4,7,8 PECDF.
- 14                  “(xiv) 2,3,7,8 TCDD.
- 15                  “(xv) 2,3,7,8 TCDF.
- 16                  “(xvi) octachlorodibenzodioxin.
- 17                  “(xvii) octachlorodibenzofuran.
- 18                  “(E) Such other substances, chemicals, and air-
- 19                  borne hazards as the Secretary, in collaboration with
- 20                  the Secretary of Defense, may add under paragraph
- 21                  (2).
- 22                  “(2) The Secretary may add to or remove from the
- 23                  list under paragraph (1) as the Secretary determines ap-
- 24                  propriate in a report the Secretary shall submit to Con-
- 25                  gress not later than two years after the date of the enact-



1 ment of the Comprehensive and Overdue Support for  
2 Troops of War Act of 2021, and not less frequently than  
3 once every two years thereafter.”.

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

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

8 (c) CONFORMING AMENDMENT.—Section 1113 of  
9 such title, as amended by section 301, is amended by  
10 striking “or 1119” each place it appears and inserting  
11 “1119, or 1120”.

12 **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**  
13 **POSURES.**

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

18 **“§ 1168. Medical nexus examinations for toxic expo-**  
19 **sure**

20 “(a) IN GENERAL.—Except as provided in subsection  
21 (c), if a covered veteran submits to the Secretary a claim  
22 for compensation for a service-connected disability under  
23 section 1110 of this title relating to a toxic exposure or  
24 exposure to a substance, chemical, or hazard listed in sec-

1 tion 1120(c) of this title during active military, naval, or  
2 air service, and such evidence is not sufficient to establish  
3 a service connection for the disability, the Secretary  
4 shall—

5           “(1) provide the veteran with a medical exam-  
6 ination of the claimed disability relating to such ex-  
7 posure;

8           “(2) provide the veteran the option to have the  
9 examination provided under paragraph (1) con-  
10 ducted by a specialist in the field of medicine which  
11 covers the specifically claimed disability; and

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

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

19           “(1) a veteran presumed under section 1119(a)  
20 of this title to have been subject to a toxic exposure;  
21 or

22           “(2) a veteran presumed under subsection (a)  
23 of section 1120 of this title to have been exposed to  
24 a substance, chemical, or hazard listed in subsection  
25 (c) of such section.

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

4           “(d) CONSIDERATIONS IN PROVISION OF MEDICAL  
5 OPINIONS.—When providing the Secretary with a medical  
6 opinion requested under subsection (a)(3), the examiner  
7 shall consider the total potential exposure through all ap-  
8 plicable military deployments, and the synergistic, com-  
9 bined effect of all applicable toxic exposure risk activi-  
10 ties.”.

11           (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 11 of such title, as amended  
13 by title II of this Act, is further amended by inserting  
14 after the item relating to section 1167, as added by such  
15 title, the following new item:

“1168. Medical nexus examinations for toxic exposures.”.

16 **TITLE IV—EXPANSION OF PRE-**  
17 **SUMPTIONS OF SERVICE CON-**  
18 **NECTION FOR FORGOTTEN**  
19 **VETERANS**

20 **SEC. 401. MARK TAKAI ATOMIC VETERANS HEALTHCARE**  
21 **PARITY ACT OF 2021.**

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

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

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

10           Section 1112(c)(3)(B) of title 38, United States  
11 Code, as amended by section 401, is further amended by  
12 adding at the end the following new clause:

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

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

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

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

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

18 (3) by adding at the end the following new sub-  
19 section:

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

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

25 “(2) performed in Thailand at any United  
26 States or Royal Thai base during the period begin-



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

6           (c) CLERICAL AMENDMENTS.—

7           (1) SECTION HEADING.—The heading for sec-  
8           tion 1116 is amended by striking and “**the Re-**  
9           **public of Vietnam**” and inserting “**certain lo-**  
10          **cations**”.

11          (2) TABLE OF SECTIONS.—The table of sections  
12          at the beginning of chapter 11 of such title is  
13          amended by striking the item relating to section  
14          1116 and inserting the following new item:

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

15   **SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCI-**  
16                   **ATED WITH EXPOSURE TO CERTAIN HERBI-**  
17                   **CIDE AGENTS FOR WHICH THERE IS A PRE-**  
18                   **SUMPTION OF SERVICE CONNECTION FOR**  
19                   **VETERANS WHO SERVED IN THE REPUBLIC**  
20                   **OF VIETNAM.**

21          Section 1116(a)(2) of title 38, United States Code,  
22          as amended by section 9109 of the William M. (Mac)  
23          Thornberry National Defense Authorization Act for Fiscal





1 (c) ESTABLISHING SINGULAR DISABILITY BASED  
2 QUESTIONNAIRE.—Such section, as amended by sub-  
3 section (b), is further amended by inserting after sub-  
4 section (c) the following new subsection (d):

5 “(d) The Secretary shall develop a Disability Benefits  
6 Questionnaire (DBQ), or successor questionnaire, such  
7 that if a Persian Gulf veteran presents with any one symp-  
8 tom associated with Gulf War Illness, use of such ques-  
9 tionnaire is mandatory for health care personnel of the  
10 Department for the identification of Gulf War Illness.”.

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

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

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

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

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

1 302(a), is further amended by inserting after section 1120  
2 the following new section:

3 **“§ 1120A. Presumption of service connection for cer-**  
4 **tain diseases associated with exposure to**  
5 **burn pits and other toxins**

6 “(a) PRESUMPTION OF SERVICE CONNECTION.—For  
7 the purposes of section 1110 of this title, and subject to  
8 section 1113 of this title, a disease specified in subsection  
9 (c) becoming manifest in a covered veteran shall be consid-  
10 ered to have been incurred in or aggravated during active  
11 military, naval, or air service, notwithstanding that there  
12 is no record of evidence of such disease during the period  
13 of such service.

14 “(b) COVERED VETERANS.—For purposes of this  
15 section, a covered veteran is a veteran presumed under  
16 subsection (a) of section 1120 of this title to have been  
17 exposed to a substance, chemical, or hazard listed in sub-  
18 section (c) of such section.

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

21 “(1) Asthma that was diagnosed after—

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

1                   “(B) a period of service for which a medal  
2                   set forth under subparagraph (B) of such sec-  
3                   tion was awarded.

4                   “(2) Chronic obstructive pulmonary disease.

5                   “(3) Chronic bronchitis.

6                   “(4) Constrictive bronchiolitis or obliterative  
7                   bronchiolitis.

8                   “(5) Emphysema.

9                   “(6) Pleuritis.

10                  “(7) Pulmonary fibrosis.

11                  “(8) Interstitial lung disease.

12                  “(9) Sarcoidosis.

13                  “(10) Respiratory cancer of any type.

14                  “(11) Glioblastoma.

15                  “(12) Rhinitis.

16                  “(13) Sinusitis.”.

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

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

22                  (c) CONFORMING AMENDMENT.—Section 1113 of  
23 such title, as amended by section 302, is further amended

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

3 **TITLE V—STRENGTHENING FED-**  
4 **ERAL RESEARCH ON TOXIC**  
5 **EXPOSURES**

6 **SEC. 501. COORDINATION BY DEPARTMENT OF VETERANS**  
7 **AFFAIRS OF TOXIC EXPOSURE RESEARCH.**

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

11 **“§ 7330D. Coordination of toxic exposure research**

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

17 “(b) STRATEGIC PLAN.—In carrying out subsection  
18 (a), the Secretary shall establish a strategic plan, to be  
19 known as the ‘Toxic Exposure Research Strategic Plan’,  
20 to ensure that the research activities described in such  
21 subsection are collaborative, transparent, and highly co-  
22 ordinated.

23 “(c) REPORT.—Not later than one year after the date  
24 of the enactment of the Comprehensive and Overdue Sup-  
25 port for Troops of War Act of 2021, and annually there-

1 after, the Secretary shall submit to the Committee on Vet-  
2 erans' Affairs of the Senate and the Committee on Vet-  
3 erans' Affairs of the House of Representatives a report  
4 on all research activities described in subsection (a) under-  
5 taken during the year covered by the report.”.

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

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

10 **SEC. 502. COLLECTION, ANALYSIS, AND REPORT ON TREAT-**  
11 **MENT OF VETERANS FOR MEDICAL CONDI-**  
12 **TIONS RELATED TO TOXIC EXPOSURE.**

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

16 (1) is obtained by the Department of Veterans  
17 Affairs in connection with hospital care, medical  
18 services, and nursing home care furnished under sec-  
19 tion 1710(a)(2)(F) of title 38, United States Code;  
20 and

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

24 (b) CONSENT OF PATIENTS.—Compilation and anal-  
25 ysis by the Secretary of clinical data of a veteran under

1 subsection (a) shall be conducted, and such data shall be  
2 used, consistent with the informed consent of the veteran  
3 and in compliance with all applicable Federal law.

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

- 10 (1) the data compiled under subsection (a);
- 11 (2) an analysis of such data;
- 12 (3) a description of the types and incidences of  
13 medical conditions identified by the Department  
14 under such subsection;
- 15 (4) the explanation of the Secretary for the in-  
16 cidence of such medical conditions and other expla-  
17 nations for the incidence of such conditions as the  
18 Secretary considers reasonable; and
- 19 (5) the views of the Secretary on the scientific  
20 validity of drawing conclusions from the incidence of  
21 such medical conditions, as evidenced by the data  
22 compiled under subsection (a), regarding any asso-  
23 ciation between such conditions and a toxic expo-  
24 sure.

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

4 **SEC. 503. STUDIES RELATING TO VETERANS WHO SERVED**  
5 **IN SOUTHWEST ASIA.**

6 (a) ANALYSIS.—

7 (1) IN GENERAL.—Not later than 180 days  
8 after the date of the enactment of this Act, the Sec-  
9 retary of Veterans Affairs, in coordination with the  
10 Secretary of Defense, shall conduct an updated anal-  
11 ysis of total and respiratory disease mortality in cov-  
12 ered veterans.

13 (2) ELEMENTS.—The analysis required by  
14 paragraph (1) shall include, to the extent prac-  
15 ticable, the following:

16 (A) Metrics of airborne exposures.

17 (B) The location and timing of deploy-  
18 ments.

19 (C) The military occupational specialty.

20 (D) The Armed Force in which the veteran  
21 served.

22 (E) Pre-existing health status, including  
23 with respect to asthma.

1 (F) Relevant personal information, includ-  
2 ing cigarette and e-cigarette smoking history,  
3 diet, sex, gender, age, race, and ethnicity.

4 (b) EPIDEMIOLOGICAL STUDY.—Not later than 180  
5 days after the date of the enactment of this Act, the Sec-  
6 retary shall conduct an epidemiological study of covered  
7 veterans that uses the following:

8 (1) Improved spatio-temporal estimates of am-  
9 bient air pollution exposures using advances in retro-  
10 spective exposure assessment.

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

14 (A) personal characteristics, including ciga-  
15 rette and e-cigarette smoking history, diet, sex,  
16 gender, age, race, and ethnicity;

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

19 (C) biospecimen data; and

20 (D) supplementary health status and out-  
21 comes data, including imaging and physiological  
22 parameters.

23 (c) TOXICOLOGY STUDY.—

24 (1) IN GENERAL.—Not later than 180 days  
25 after the date of the enactment of this Act, the Sec-



1       retary shall conduct a toxicology study to include  
2       variability to replicate exposures of healthy, young  
3       members of the Armed Forces, as well as potentially  
4       susceptible members, with preexisting health condi-  
5       tions.

6               (2) ELEMENTS.—The study required under  
7       paragraph (1) shall—

8                       (A) analyze the study results for mecha-  
9                       nistic markers and clinically relevant outcomes;  
10                      and

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

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

15               (1) on or after August 2, 1990, served on active  
16       duty in—

17                     (A) Bahrain;

18                     (B) Iraq;

19                     (C) Kuwait;

20                     (D) Oman;

21                     (E) Qatar;

22                     (F) Saudi Arabia;

23                     (G) Somalia; or

24                     (H) the United Arab Emirates; or

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

3           (A) Afghanistan;

4           (B) Djibouti;

5           (C) Egypt;

6           (D) Jordan;

7           (E) Lebanon;

8           (F) Syria; or

9           (G) Yemen.

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

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

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

16       (a) IN GENERAL.—The Secretary of Veterans Affairs  
17 shall conduct a study on the incidence of cancer in vet-  
18 erans to determine trends in the rates of the incidence  
19 of cancer in veterans.

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

23           (1) The age of the veteran.

24           (2) The period of service and length of service  
25       of the veteran in the Armed Forces.

1           (3) The military occupational speciality or spe-  
2           cialties of the veteran.

3           (4) The gender of the veteran.

4           (5) The type or types of cancer that the veteran  
5           has.

6   **TITLE VI—IMPROVING SUPPORT**  
7   **TO TOXIC EXPOSURE VETERANS**

8   **SEC. 601. DEFINITIONS.**

9           In this title, the terms “active military, naval, or air  
10          service”, “toxic exposure”, and “toxic exposure veteran”  
11          have the meanings given those terms in section 101 of title  
12          38, United States Code.

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

18          (a) PUBLICATION OF LIST OF RESOURCES.—

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

24                   (A) toxic exposure veterans;

1 (B) families and caregivers of toxic expo-  
2 sure veterans; and

3 (C) survivors of toxic exposure veterans (or  
4 who would be toxic exposure veterans were the  
5 veterans alive) who are receiving death benefits  
6 under the laws administered by the Secretary.

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

9 (b) OUTREACH.—The Secretary shall develop, with  
10 input from the community, an informative outreach pro-  
11 gram for veterans on illnesses that may be related to toxic  
12 exposure, including outreach with respect to benefits and  
13 support programs.

14 **SEC. 603. INCORPORATION OF TOXIC EXPOSURE QUES-**  
15 **TIONNAIRE DURING PRIMARY CARE AP-**  
16 **POINTMENTS.**

17 (a) IN GENERAL.—The Secretary of Veterans Affairs  
18 shall incorporate a clinical questionnaire to help determine  
19 potential toxic exposures during active military, naval, or  
20 air service as part of the initial screening conducted for  
21 an appointment of a veteran with a primary care provider  
22 of the Department of Veterans Affairs to improve under-  
23 standing by the Department of toxic exposures of veterans  
24 while serving in the Armed Forces.

1 (b) DETERMINATION OF QUESTIONS.—The questions  
2 included in the questionnaire required under subsection  
3 (a) shall be determined by the Secretary with input from  
4 medical professionals.

5 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPART-**  
6 **MENT OF VETERANS AFFAIRS WITH RESPECT**  
7 **TO TOXIC EXPOSURE VETERANS.**

8 (a) HEALTH CARE PERSONNEL.—The Secretary of  
9 Veterans Affairs shall provide to health care personnel of  
10 the Department of Veterans Affairs education and train-  
11 ing to identify, treat, and assess the impact on toxic expo-  
12 sure veterans of illnesses related to toxic exposure and in-  
13 form such personnel of how to ask for additional informa-  
14 tion from veterans regarding different toxic exposures.

15 (b) BENEFITS PERSONNEL.—

16 (1) IN GENERAL.—The Secretary shall establish  
17 a training program for processors of claims under  
18 the laws administered by the Secretary who review  
19 claims for disability benefits relating to service-con-  
20 nected disabilities based on toxic exposure.

21 (2) ANNUAL TRAINING.—Training provided to  
22 processors under paragraph (1) shall be provided not  
23 less frequently than annually.

1 **SEC. 605. SFC HEATH ROBINSON BURN PIT TRANSPARENCY**  
2 **ACT.**

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

5 (b) **QUARTERLY NOTIFICATIONS.**—

6 (1) **IN GENERAL.**—On a quarterly basis, the  
7 Secretary of Veterans Affairs shall submit to the ap-  
8 propriate congressional committees a report on each  
9 reported case of burn pit exposure by a covered vet-  
10 eran reported during the previous quarter.

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

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

17 (B) Notice of, as available—

18 (i) the enrollment status of the cov-  
19 ered veteran with respect to the patient en-  
20 rollment system of the Department of Vet-  
21 erans Affairs under section 1705(a) of title  
22 38, United States Code;

23 (ii) a summary of all health care visits  
24 by the covered veteran at the medical facil-  
25 ity at which the case was reported that are  
26 related to the case;

1 (iii) the demographics of the covered  
2 veteran, including age, sex, and race;

3 (iv) any non-Department of Veterans  
4 Affairs health care benefits that the cov-  
5 ered veteran receives;

6 (v) the Armed Force in which the cov-  
7 ered veteran served and the rank of the  
8 covered veteran;

9 (vi) the period in which the covered  
10 veteran served;

11 (vii) each location that the covered  
12 veteran reported as being a location at  
13 which the veteran was exposed to toxic air-  
14 borne chemicals and fumes from an open  
15 burn pit;

16 (viii) the medical diagnoses of the cov-  
17 ered veteran and the treatment provided to  
18 the veteran; and

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

22 (3) PROTECTION OF INFORMATION.—The Sec-  
23 retary shall ensure that the reports submitted under  
24 paragraph (1) do not include the identity of covered

1 veterans or contain other personally identifiable  
2 data.

3 (c) ANNUAL REPORT ON CASES.—

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

10 (A) The total number of covered veterans.

11 (B) The total number of claims for dis-  
12 ability compensation under chapter 11 of title  
13 38, United States Code, approved and the total  
14 number denied by the Secretary of Veterans Af-  
15 fairs with respect to a covered veteran, and for  
16 each such denial, the rationale of the denial.

17 (C) A comprehensive list of—

18 (i) the conditions for which covered  
19 veterans seek treatment; and

20 (ii) the locations that the covered vet-  
21 erans reported as being locations at which  
22 the veterans were exposed to toxic airborne  
23 chemicals and fumes from open burn pits.

24 (D) Identification of any illnesses relating  
25 to exposure to open burn pits that formed the



1 basis for the Secretary to award benefits, in-  
2 cluding entitlement to service connection or an  
3 increase in disability rating.

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

7 (F) Any updates or trends with respect to  
8 the information described in subparagraphs (A),  
9 (B), (C), (D), and (E) that the Secretary deter-  
10 mines appropriate.

11 (2) MATTERS INCLUDED IN FIRST REPORT.—

12 The Secretary shall include in the first report under  
13 paragraph (1) information specified in subsection  
14 (b)(2) with respect to reported cases of burn pit ex-  
15 posure made during the period beginning January 1,  
16 1990, and ending on the day before the date of the  
17 enactment of this Act.

18 (d) COMPTROLLER GENERAL REPORT.—Not later  
19 than 180 days after the date of the enactment of this Act,  
20 the Comptroller General of the United States shall submit  
21 to the appropriate congressional committees a report con-  
22 taining an assessment of the effectiveness of any memo-  
23 randum of understanding or memorandum of agreement  
24 entered into by the Secretary of Veterans Affairs with re-  
25 spect to—

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

3           (2) the coordination of care and provision of  
4 health care relating to such cases at medical facili-  
5 ties of the Department of Veterans Affairs and at  
6 non-Department facilities.

7 (e) DEFINITIONS.—In this section:

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

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

16           (A) the Committee on Veterans’ Affairs  
17 and the Committee on Armed Services of the  
18 Senate; and

19           (B) The Committee on Veterans’ Affairs  
20 and the Committee on Armed Services of the  
21 House of Representatives.

22           (3) The term “covered veteran” means a vet-  
23 eran who presents at a medical facility of the De-  
24 partment of Veterans Affairs (or in a non-Depart-  
25 ment facility pursuant to section 1703 or 1703A of

1 title 38, United States Code) for treatment that the  
2 veteran describes as being related to, or ancillary to,  
3 the exposure of the veteran to toxic airborne chemi-  
4 cals and fumes caused by open burn pits at any time  
5 while serving in the Armed Forces.

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

11 (5) The term “reported case of burn pit expo-  
12 sure” means each instance in which a veteran pre-  
13 sents at a medical facility of the Department of Vet-  
14 erans Affairs (or in a non-Department facility pur-  
15 suant to section 1703 or 1703A of title 38, United  
16 States Code) for treatment that the veteran de-  
17 scribes as being related to, or ancillary to, the expo-  
18 sure of the veteran to toxic airborne chemicals and  
19 fumes caused by open burn pits at any time while  
20 serving in the Armed Forces.

1 **TITLE VII—STRENGTHENING**  
2 **RECORD-KEEPING OF TOXIC**  
3 **EXPOSURES BY DEPARTMENT**  
4 **OF DEFENSE**

5 **SEC. 701. DEFINITIONS.**

6 In this title:

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

12 (2) **TOXIC EXPOSURE.**—The term “toxic expo-  
13 sure” has the meaning given that term in section  
14 101(37) of such title, as so added.

15 **SEC. 702. INDEPENDENT STUDY ON INDIVIDUAL LONGITU-**  
16 **DINAL EXPOSURE RECORD.**

17 (a) **IN GENERAL.**—Not later than 60 days after the  
18 date of the enactment of this Act, the Secretary of Defense  
19 shall enter into a contract with an independent research  
20 entity described in subsection (b) to carry out a com-  
21 prehensive study of the development of the Individual Lon-  
22 gitudinal Exposure Record to evaluate—

23 (1) the quality of the location data, occupa-  
24 tional and environmental exposure data, and health  
25 surveillance data; and



1 care and benefits from the Department of Defense and  
2 the Department of Veterans Affairs.

3 (b) ELEMENTS.—Each report required by subsection  
4 (a) shall include, for the period covered by the report, the  
5 following:

6 (1) An identification of toxic exposures that  
7 may not be fully captured by the current systems of  
8 the Department of Defense for environmental and  
9 occupational health monitoring, and recommenda-  
10 tions for how to improve those systems.

11 (2) An analysis of the quality of the location  
12 data used by the Department of Defense in deter-  
13 mining toxic exposures of members of the Armed  
14 Forces and veterans, and recommendations for how  
15 to improve the quality of that location data.

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

19 (1) the Committee on Armed Services and the  
20 Committee on Veterans’ Affairs of the Senate; and

21 (2) the Committee on Armed Services and the  
22 Committee on Veterans’ Affairs of the House of  
23 Representatives.

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

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

8 (b) EVIDENCE.—

9 (1) IN GENERAL.—To update a record under  
10 subsection (a), a member of the Armed Forces or  
11 veteran, as the case may be, must provide such evi-  
12 dence as the Secretary of Defense and the Secretary  
13 of Veterans Affairs jointly consider sufficient.

14 (2) REGULATIONS.—The Secretary of Veterans  
15 Affairs shall prescribe by regulation the evidence  
16 considered sufficient under paragraph (1).