

117TH CONGRESS
1ST SESSION

H. R. 2127

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2021

Mr. BOST (for himself, Mr. NEHLS, Mrs. MILLER-MEEKS, Mr. MOORE of Alabama, Mrs. RADEWAGEN, Mr. MANN, Mr. BERGMAN, Mr. ROSENDALE, Mr. CAWTHORN, Mr. BANKS, Mr. BILIRAKIS, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

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

Sec. 101. Expansion of health care eligibility for certain individuals exposed to
 open burn pits and other toxic substances.
 Sec. 102. Expansion of health care eligibility for veterans awarded certain med-
 als.
 Sec. 103. Presumptions of service connection for diseases associated with expo-
 sure to certain toxic substances.

TITLE II—RESEARCH AND REVIEW REGARDING EXPOSURE TO
 TOXIC SUBSTANCES

Sec. 201. Establishment of Toxic Exposure Review Commission.
 Sec. 202. Agreement with National Academies of Sciences, Engineering, and
 Medicine concerning the exposure of humans to toxic sub-
 stances.
 Sec. 203. Collection, analysis, and report on treatment of veterans for medical
 conditions related to exposure to toxic substances.

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

Sec. 301. Publication of list of resources of Department of Veterans Affairs for
 veterans exposed to toxic substances and outreach program for
 such veterans and caregivers and survivors of such veterans.
 Sec. 302. Incorporation of toxic exposure questionnaire during primary care ap-
 pointments.
 Sec. 303. Training of health care personnel of Department of Veterans Affairs
 on illnesses related to exposure to toxic substances.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

9 (2) OPEN BURN PIT.—The term “open burn
 10 pit” has the meaning given that term in section

1 201(c) of the Dignified Burial and Other Veterans’
 2 Benefits Improvement Act of 2012 (Public Law
 3 112–260; 38 U.S.C. 527 note).

4 (3) TOXIC SUBSTANCE.—The term “toxic sub-
 5 stance” has the meaning given that term in subpara-
 6 graph (G)(iii) of section 1710(e)(1) of such title, as
 7 added by section 101(a)(1).

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

12 **SEC. 101. EXPANSION OF HEALTH CARE ELIGIBILITY FOR**
 13 **CERTAIN INDIVIDUALS EXPOSED TO OPEN**
 14 **BURN PITS AND OTHER TOXIC SUBSTANCES.**

15 (a) EXPANSION OF HEALTH CARE ELIGIBILITY.—

16 (1) IN GENERAL.—Section 1710(e) of title 38,
 17 United States Code, is amended—

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

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

23 “(ii) For purposes of this subparagraph, a covered
 24 individual is an individual who—

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

3 “(II) has been identified by the Secretary of
4 Defense to have been possibly exposed, inside or out-
5 side the United States, during active duty, active
6 duty for training, or inactive duty training, to—

7 “(aa) an open burn pit;

8 “(bb) a toxic substance; or

9 “(cc) a site included in a database main-
10 tained by the Department of Defense and
11 shared with the Department of Veterans Affairs
12 to serve as the central portal for exposure-re-
13 lated data that compiles, collates, presents, and
14 provides available occupational and environ-
15 mental exposure information to support the
16 needs of the Department of Defense and the
17 Department of Veterans Affairs.

18 “(iii) In this subparagraph:

19 “(I) The term ‘Airborne Hazards and Open
20 Burn Pit Registry’ means the registry established by
21 the Secretary under section 201 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).

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

6 “(III) The term ‘toxic substance’ means a toxic
7 cant or a toxin.

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

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

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

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall take effect on the date that
19 is 90 days after the date of the enactment of this
20 Act.

21 (b) DETERMINATIONS OF EXPOSURE.—

22 (1) IN GENERAL.—The Secretary of Veterans
23 Affairs shall, to the extent practicable, establish and
24 maintain a mechanism by which veterans may deter-
25 mine whether or not they have been possibly exposed

1 to an open burn pit or toxic substance described in
2 subclause (II) of subparagraph (G)(ii) of section
3 1710(e)(1) of title 38, United States Code, as added
4 by subsection (a)(1), for purposes of being consid-
5 ered as covered individuals under such subpara-
6 graph.

7 (2) APPROVAL OF SECRETARY.—Any deter-
8 mination made under paragraph (1) shall be subject
9 to the approval of the Secretary.

10 (3) APPEALS.—The Secretary shall establish a
11 mechanism for appealing a decision made by the
12 Secretary under paragraph (2).

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the date on which the Secretary of Defense identifies
16 the individuals described in subparagraph (G)(ii)(II)
17 of section 1710(e)(1) of title 38, United States
18 Code, as added by subsection (a)(1), the Secretary
19 of Defense, in consultation with the Secretary of
20 Veterans Affairs, shall submit to the appropriate
21 committees of Congress a report.

22 (2) ELEMENTS.—The report required by para-
23 graph (1) shall include the following:

24 (A) The duty locations or units of the indi-
25 viduals described in paragraph (1), or other in-

1 formation on groups to which such individuals
2 belong.

3 (B) The evidence considered in identifying
4 individuals who were possibly exposed to an
5 open burn pit, toxic substance, or site as de-
6 scribed in subparagraph (G)(ii)(II) of section
7 1710(e)(1) of title 38, United States Code, as
8 added by subsection (a)(1).

9 (C) The criteria used to determine whether
10 an individual was so exposed.

11 (3) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—In this subsection, the term “appropriate
13 committees of Congress” means—

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

17 (B) the Committee on Veterans’ Affairs
18 and the Committee on Armed Services of the
19 House of Representatives.

20 **SEC. 102. EXPANSION OF HEALTH CARE ELIGIBILITY FOR**
21 **VETERANS AWARDED CERTAIN MEDALS.**

22 (a) IN GENERAL.—Section 1710(e) of title 38,
23 United States Code, as amended by section 101(a)(1), is
24 further amended—

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

3 “(H) Subject to paragraph (2), a veteran is eligible
 4 for hospital care, medical services, and nursing home care
 5 under subsection (a)(2)(F) for any illness if the veteran
 6 was awarded any of the following:

7 “(i) The Armed Forces Service Medal.

8 “(ii) The Afghanistan Campaign Medal.

9 “(iii) The Global War on Terrorism Expedi-
 10 tionary Medal.

11 “(iv) The Inherent Resolve Campaign Medal.

12 “(v) The Iraq Campaign Medal.

13 “(vi) The Southwest Asia Service Medal.”; and

14 (2) in paragraph (2), by striking “or (G)” and
 15 inserting “(G), or (H)”.

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

19 **SEC. 103. PRESUMPTIONS OF SERVICE CONNECTION FOR**
 20 **DISEASES ASSOCIATED WITH EXPOSURE TO**
 21 **CERTAIN TOXIC SUBSTANCES.**

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

1 **“§ 1119. Presumptions of service connection for dis-**
2 **eases associated with exposure to certain**
3 **toxic substances**

4 “(a) PRESUMPTIONS OF SERVICE CONNECTION.—(1)
5 For purposes of section 1110 of this title, and subject to
6 section 1113 of this title, each disease specified in para-
7 graph (2) becoming manifest as specified in that para-
8 graph shall be considered to have been incurred in or ag-
9 gravated by service referred to in that paragraph, notwith-
10 standing that there is no record of evidence of such disease
11 during the period of such service.

12 “(2) A disease specified in this paragraph is any dis-
13 ease that—

14 “(A) the Secretary determines in regulations
15 prescribed under this section warrants a presump-
16 tion of service connection by reason of having a posi-
17 tive association with exposure to a toxic substance;
18 and

19 “(B) becomes manifest within the period, if
20 any, prescribed in such regulations in a veteran who
21 was exposed to that toxic substance during active
22 military, naval, or air service.

23 “(3)(A) For purposes of this subsection, the Sec-
24 retary may presume that a veteran who has a disease spec-
25 ified in paragraph (2) was exposed to the toxic substance
26 for which the Secretary has determined under paragraph

1 (2)(A) warrants a presumption of service connection by
2 reason of having a positive association with exposure to
3 the toxic substance, notwithstanding that there is no
4 record of evidence of such exposure, if the Secretary deter-
5 mines based on one or more of the factors set forth in
6 subparagraph (B) that a presumption of exposure is war-
7 ranted.

8 “(B) The factors set forth in this subparagraph are
9 as follows:

10 “(i) The duty location of the veteran.

11 “(ii) The length of service of the veteran.

12 “(iii) Such other factors as the Secretary con-
13 siderers appropriate.

14 “(b) DETERMINATIONS RELATING TO DISEASES.—

15 (1) Whenever the Secretary determines, on the basis of
16 sound medical and scientific evidence, that a positive asso-
17 ciation exists between the exposure of humans to a toxic
18 substance and the occurrence of a disease in humans, the
19 Secretary shall prescribe regulations providing that a pre-
20 sumption of service connection is warranted for that dis-
21 ease for purposes of this section.

22 “(2) In making determinations under paragraph (1),
23 the Secretary shall take into account—

24 “(A) reports received by the Secretary from the
25 National Academies of Sciences, Engineering, and

1 Medicine under section 202(g) of the Toxic Expo-
2 sure in the American Military Act; and

3 “(B) all other sound medical and scientific in-
4 formation and analyses available to the Secretary.

5 “(3)(A) In evaluating any report, information, or
6 analysis for purposes of making such determinations, the
7 Secretary shall consider only scientific studies that are
8 valid in accordance with contemporary scientific stand-
9 ards.

10 “(B) The Secretary may define the standards de-
11 scribed in subparagraph (A) for purposes of that subpara-
12 graph.

13 “(c) RESPONSE TO REPORTS BY THE NATIONAL
14 ACADEMIES OF SCIENCES, ENGINEERING, AND MEDI-
15 CINE.—(1) Not later than 60 days after the date on which
16 the Secretary receives a report from the National Acad-
17 emies of Sciences, Engineering, and Medicine under sec-
18 tion 202(g) of the Toxic Exposure in the American Mili-
19 tary Act, the Secretary shall determine whether a pre-
20 sumption of service connection is warranted for each dis-
21 ease covered by the report.

22 “(2) If the Secretary determines under paragraph (1)
23 that a presumption of service connection is warranted for
24 a disease, the Secretary shall, not later than 60 days after

1 making the determination, issue proposed regulations set-
2 ting forth the determination.

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

7 “(B) A determination described in this subparagraph
8 is a determination by the Secretary under paragraph (1)
9 that a presumption of service connection is not warranted
10 for a disease as to which the National Academies of
11 Sciences, Engineering, and Medicine determined that
12 there was—

13 “(i) sufficient evidence of an association be-
14 tween the exposure of humans to a toxic substance
15 and the occurrence of the disease in humans; or

16 “(ii) limited evidence or suggestive evidence of
17 such an association.

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

21 “(D) If a disease already presumed to be service con-
22 nected under this section is subject to a determination de-
23 scribed in subparagraph (B), the Secretary shall, not later
24 than 60 days after publication of the notice under sub-

1 paragraph (A), issue proposed regulations removing the
2 presumption of service connection for the disease.

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

6 “(d) REMOVAL OF PRESUMPTION OF SERVICE CON-
7 NECTION.—Whenever the presumption of service connec-
8 tion for a disease under this section is removed under sub-
9 section (c)—

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

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

21 “(e) REFERENCE TO NATIONAL ACADEMIES OF
22 SCIENCES, ENGINEERING, AND MEDICINE.—In the case
23 that the Secretary enters into an agreement with another
24 organization as described in section 202(h)(1) of the Toxic
25 Exposure in the American Military Act, any reference in

1 this section to the National Academies of Sciences, Engi-
2 neering, and Medicine shall be treated as a reference to
3 the other organization.

4 “(f) DEFINITIONS.—In this section:

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

11 “(2) The term ‘toxic substance’ has the mean-
12 ing given that term in section 1710(e)(1)(G)(iii) of
13 this title.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 11 of such title is amended
16 by inserting after the item relating to section 1118 the
17 following new item:

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

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

1 **TITLE II—RESEARCH AND RE-**
2 **VIEW REGARDING EXPOSURE**
3 **TO TOXIC SUBSTANCES**

4 **SEC. 201. ESTABLISHMENT OF TOXIC EXPOSURE REVIEW**
5 **COMMISSION.**

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

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

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish an independent commission to be known as the ‘Toxic
12 Exposure Review Commission’ (in this section referred to
13 as the ‘Commission’).

14 “(b) PURPOSE.—The Commission shall—

15 “(1) advise the Secretary on questions relating
16 to exposure to toxic substances that require sci-
17 entific research; and

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

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

22 “(A) Collect any relevant information from the
23 Department of Defense and other sources to identify
24 possible toxic exposures related to service during ac-
25 tive duty, active duty for training, or inactive duty

1 training in order to determine the need for a com-
2 prehensive review under an agreement under section
3 202 of the Toxic Exposure in the American Military
4 Act.

5 “(B) Recommend to the Secretary, by majority
6 vote, whether a comprehensive scientific review
7 should be conducted by the National Academies of
8 Sciences, Engineering, and Medicine under an agree-
9 ment under section 202 of the Toxic Exposure in the
10 American Military Act.

11 “(C) Recommend to the Secretary, by majority
12 vote, whether new, independent studies regarding
13 the health outcomes of exposure to toxic substances,
14 or any other new, independent studies that the Com-
15 mission deems necessary and appropriate, should be
16 conducted.

17 “(D) Annually report to Congress on progress
18 regarding the duties set forth in subparagraphs (A)
19 through (C), any recommendations made to the Sec-
20 retary, and any responses of the Secretary to such
21 recommendations.

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

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

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

5 “(B) Upon request of the Chair, the head of a Fed-
6 eral agency shall furnish information collected under sub-
7 paragraph (A)(i) to the Commission unless such informa-
8 tion is classified.

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

11 “(i) Two members appointed by the Speaker of
12 the House of Representatives.

13 “(ii) Two members appointed by the minority
14 leader of the House of Representatives.

15 “(iii) Two members appointed by the majority
16 leader of the Senate.

17 “(iv) Two members appointed by the minority
18 leader of the Senate.

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

20 “(B) The initial members of the Commission shall be
21 appointed under subparagraph (A) not later than 180
22 days after the date of the enactment of the Toxic Expo-
23 sure in the American Military Act.

24 “(2) In appointing individuals under paragraph
25 (1)(A), the Speaker of the House of Representatives, the

1 minority leader of the House of Representatives, the ma-
2 jority leader of the Senate, the minority leader of the Sen-
3 ate, and the Secretary shall ensure that at least five mem-
4 bers of the Commission are scientists or health care pro-
5 fessionals—

6 “(A) of whom—

7 “(i) one has a background in the field of
8 respiratory medicine;

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

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

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

13 and

14 “(v) one has a background in occupational
15 and environmental health; and

16 “(B) who are not officials or employees of the
17 Federal Government.

18 “(3) In appointing individuals under paragraph
19 (1)(A), the Speaker of the House of Representatives, the
20 minority leader of the House of Representatives, the ma-
21 jority leader of the Senate, the minority leader of the Sen-
22 ate, and the Secretary shall ensure that at least two mem-
23 bers of the Commission represent an organization recog-
24 nized by the Secretary for the representation of veterans
25 under section 5902 of this title.

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

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

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

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

17 “(C) Meetings of the Commission may be carried out
18 through the use of telephonic or other appropriate tele-
19 communication technology if the Commission determines
20 that such technology will allow the members to commu-
21 nicate simultaneously.

22 “(f) CHAIR AND VICE CHAIR.—At the initial meeting
23 of the Commission under subsection (e), the Commission
24 shall select a Chair and Vice Chair from among the mem-

1 bers of the Commission by a majority vote of the members
2 of the Commission.

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

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

9 “(3) A vacancy in the Commission shall be filled in
10 the same manner as the original appointment, but the in-
11 dividual appointed to fill the vacancy shall serve only for
12 the unexpired portion of the term for which the individ-
13 ual’s predecessor was appointed.

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

17 “(A) one member whose term expires after two
18 years; and

19 “(B) one member whose term expires after four
20 years.

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

23 “(2) Each member of the Commission who is an offi-
24 cer or employee of the United States shall serve without

1 compensation in addition to that received for service as
2 an officer or employee of the United States.

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

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

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

11 “(B) is not otherwise barred or prohibited from
12 serving as Director under Federal ethics laws and
13 regulations, by reason of post-employment conflict of
14 interest.

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

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

21 “(2) The Director may make such appointments
22 without regard to the provisions of title 5 governing ap-
23 pointments in the competitive service, and any personnel
24 so appointed may be paid without regard to the provisions
25 of chapter 51 and subchapter III of chapter 53 of that

1 title relating to classification and General Schedule pay
2 rates, except that an individual so appointed may not re-
3 ceive pay in excess of the annual rate of basic pay payable
4 for GS–15 of the General Schedule.

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

8 “(B) Not more than half of the professional analysts
9 of the Commission staff may be persons detailed from the
10 Department to the Commission.

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

16 “(5) The Commission may secure directly from any
17 Federal agency such information as the Commission con-
18 siders necessary to carry out this section. Upon request
19 of the Chair, the head of such agency shall furnish such
20 information to the Commission, unless such information
21 is classified.

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

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

5 “(1) COMMUNICATIONS.—(1)(A) Except as provided
6 in subparagraph (B), no person may restrict an employee
7 of the Department in communicating with the Commis-
8 sion.

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

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

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

21 “(n) TOXIC SUBSTANCE DEFINED.—In this section,
22 the term ‘toxic substance’ has the meaning given that
23 term in subparagraph (G)(iii) of section 1710(e)(1) of this
24 title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 5 of such title is amended by
 3 adding at the end the following new item:

“547. Toxic Exposure Review Commission.”.

4 **SEC. 202. AGREEMENT WITH NATIONAL ACADEMIES OF**
 5 **SCIENCES, ENGINEERING, AND MEDICINE**
 6 **CONCERNING THE EXPOSURE OF HUMANS TO**
 7 **TOXIC SUBSTANCES.**

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

16 (b) AGREEMENT.—

17 (1) IN GENERAL.—The Secretary of Veterans
 18 Affairs shall seek to enter into a five-year agreement
 19 with the Academies to perform the services covered
 20 by this section.

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

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

3 (c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an
4 agreement between the Secretary and the Academies
5 under this section, the Academies shall review and summa-
6 rize the scientific evidence, and assess the strength there-
7 of, concerning the association between exposure to toxic
8 substances during active military, naval, or air service and
9 each disease suspected to be associated with such exposure
10 in the human population.

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

15 (1) whether an association exists between expo-
16 sure to toxic substances and the occurrence of the
17 disease, taking into account the strength of the sci-
18 entific evidence and the appropriateness of the sta-
19 tistical and epidemiological methods used to detect
20 the association;

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

24 (3) whether there exists a plausible biological
25 mechanism or other evidence of a causal relationship

1 between the exposure and the occurrence of the dis-
2 ease.

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

7 (f) RECOMMENDATIONS FOR ADDITIONAL SCI-
8 ENTIFIC STUDIES.—

9 (1) IN GENERAL.—Under an agreement be-
10 tween the Secretary and the Academies under this
11 section, the Academies shall make any recommenda-
12 tions for additional scientific studies to resolve areas
13 of continuing scientific uncertainty relating to the
14 exposure of humans to toxic substances.

15 (2) CONSIDERATIONS.—In making rec-
16 ommendations under paragraph (1), the Academies
17 shall consider—

18 (A) the scientific information that is avail-
19 able at the time of the recommendation;

20 (B) the value and relevance of the informa-
21 tion that could result from additional studies;
22 and

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

25 (g) REPORTS.—

1 (1) INITIAL REPORT.—

2 (A) IN GENERAL.—Under an agreement
3 between the Secretary and the Academies under
4 this section, not later than one year after the
5 date of the enactment of this Act, the Acad-
6 emies shall submit to the Secretary, the Com-
7 mittee on Veterans' Affairs of the Senate, and
8 the Committee on Veterans' Affairs of the
9 House of Representatives an initial report on
10 the activities of the Academies under the agree-
11 ment.

12 (B) ELEMENTS.—The report submitted
13 under subparagraph (A) shall include the fol-
14 lowing:

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

17 (ii) A full explanation of the scientific
18 evidence and reasoning that led to such de-
19 terminations.

20 (iii) Any recommendations of the
21 Academies under subsection (f).

22 (2) PERIODIC UPDATES.—Under an agreement
23 between the Secretary and the Academies under this
24 section, not less frequently than once every two
25 years after the date on which the initial report is

1 submitted under paragraph (1)(A), the Academies
 2 shall submit to the Secretary, the Committee on Vet-
 3 erans' Affairs of the Senate, and the Committee on
 4 Veterans' Affairs of the House of Representatives an
 5 updated report on the activities of the Academies
 6 under the agreement.

7 (h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-
 8 TION.—

9 (1) IN GENERAL.—If the Secretary is unable
 10 within the time period prescribed in subsection
 11 (b)(2) to enter into an agreement with the Acad-
 12 emies for the purposes of this section on terms ac-
 13 ceptable to the Secretary, the Secretary shall seek to
 14 enter into an agreement for the purposes of this sec-
 15 tion with another appropriate scientific organization
 16 that—

17 (A) is not part of the Federal Government;
 18 (B) operates as a not-for-profit entity; and
 19 (C) has expertise and objectivity com-
 20 parable to that of the Academies.

21 (2) TREATMENT.—If the Secretary enters into
 22 an agreement with another organization as described
 23 in paragraph (1), any reference in this section, sec-
 24 tion 547 of title 38, United States Code, as added
 25 by section 201(a), and section 1119 of such title, as

1 added by section 103(a), to the National Academies
2 of Sciences, Engineering, and Medicine shall be
3 treated as a reference to the other organization.

4 **SEC. 203. COLLECTION, ANALYSIS, AND REPORT ON TREAT-**
5 **MENT OF VETERANS FOR MEDICAL CONDI-**
6 **TIONS RELATED TO EXPOSURE TO TOXIC**
7 **SUBSTANCES.**

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

11 (1) is obtained by the Department of Veterans
12 Affairs in connection with hospital care, medical
13 services, and nursing home care furnished under sec-
14 tion 1710(a)(2)(F) of title 38, United States Code;
15 and

16 (2) is likely to be scientifically useful in deter-
17 mining the association, if any, between the medical
18 condition of a veteran and exposure to a toxic sub-
19 stance.

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

1 (c) ANNUAL REPORT.—Not later than one year after
2 the date of the enactment of this Act, and annually there-
3 after, the Secretary shall submit to the Committee on Vet-
4 erans' Affairs of the Senate, the Committee on Veterans'
5 Affairs of the House of Representatives, and the Toxic Ex-
6 posure Review Commission established by section 547 of
7 title 38, United States Code, as added by section 201(a)
8 of this Act, a report containing—

9 (1) the data compiled under subsection (a);

10 (2) an analysis of such data;

11 (3) a description of the types and incidences of
12 medical conditions identified by the Department
13 under such subsection;

14 (4) the explanation of the Secretary for the in-
15 cidence of such medical conditions and other expla-
16 nations for the incidence of such conditions as the
17 Secretary considers reasonable; and

18 (5) the views of the Secretary on the scientific
19 validity of drawing conclusions from the incidence of
20 such medical conditions, as evidenced by the data
21 compiled under subsection (a), regarding any asso-
22 ciation between such conditions and exposure to a
23 toxic substance.

1 **TITLE III—IMPROVEMENT OF**
2 **RESOURCES OF DEPARTMENT**
3 **OF VETERANS AFFAIRS RE-**
4 **GARDING EXPOSURES TO**
5 **TOXIC SUBSTANCES**

6 **SEC. 301. PUBLICATION OF LIST OF RESOURCES OF DE-**
7 **PARTMENT OF VETERANS AFFAIRS FOR VET-**
8 **ERANS EXPOSED TO TOXIC SUBSTANCES AND**
9 **OUTREACH PROGRAM FOR SUCH VETERANS**
10 **AND CAREGIVERS AND SURVIVORS OF SUCH**
11 **VETERANS.**

12 (a) PUBLICATION OF LIST OF RESOURCES.—

13 (1) IN GENERAL.—Not later than one year
14 after the date of the enactment of this Act, and an-
15 nually thereafter, the Secretary of Veterans Affairs
16 shall publish a list of resources of the Department
17 of Veterans Affairs for—

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

21 (B) veterans eligible for hospital care,
22 medical services, and nursing home care under
23 section 1710(a)(2)(F) of such title;

24 (C) caregivers of veterans described in sub-
25 paragraph (A) or (B) who are participating in

1 the program of comprehensive assistance for
2 family caregivers under section 1720G(a) of
3 such title; and

4 (D) survivors of veterans described in sub-
5 paragraph (A) or (B) (or who would be de-
6 scribed in any such subparagraph were the vet-
7 eran alive) who are receiving death benefits
8 under the laws administered by the Secretary.

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

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

16 **SEC. 302. INCORPORATION OF TOXIC EXPOSURE QUES-**
17 **TIONNAIRE DURING PRIMARY CARE AP-**
18 **POINTMENTS.**

19 (a) IN GENERAL.—The Secretary of Veterans Affairs
20 shall incorporate a clinical questionnaire to help determine
21 potential exposure to toxic substances during active mili-
22 tary, naval, or air service as part of the initial screening
23 conducted for an appointment of a veteran with a primary
24 care provider of the Department of Veterans Affairs to
25 improve understanding by the Department of exposure of

1 veterans to toxic substances while serving in the Armed
2 Forces.

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

7 **SEC. 303. TRAINING OF HEALTH CARE PERSONNEL OF DE-**
8 **PARTMENT OF VETERANS AFFAIRS ON ILL-**
9 **NESSES RELATED TO EXPOSURE TO TOXIC**
10 **SUBSTANCES.**

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

16 (b) ELEMENTS OF TRAINING.—The training required
17 under subsection (a) shall—

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

21 (2) inform such personnel of how to probe for
22 additional information from veterans regarding expo-
23 sures to different toxicants.

24 (c) TOXICANT DEFINED.—In this section, the term
25 “toxicant” has the meaning given that term in subpara-

- 1 graph (G)(iii) of section 1710(e)(1) of title 38, United
- 2 States Code, as added by section 101(a)(1).

