

116TH CONGRESS
2D SESSION

S. 4393

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

IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

Mr. TILLIS introduced the following bill; which was read twice and 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 of 2020”
6 or the “TEAM Act of 2020”

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

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

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

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

Sec. 103. Presumptions of service connection for diseases associated with exposure to certain toxic substances.

TITLE II—RESEARCH AND REVIEW REGARDING EXPOSURE TO
TOXIC SUBSTANCES

Sec. 201. Establishment of Toxic Exposure Review Commission.

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

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

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

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

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

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

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

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

1 SEC. 2. DEFINITIONS.

2 In this Act:

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

1 (2) TOXIC SUBSTANCE.—The term “toxic sub-
 2 stance” has the meaning given that term in section
 3 1720J(i) of such title, as added by section 101(a).

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

8 **SEC. 101. CONSULTATION, TESTING, AND TREATMENT FOR**
 9 **CERTAIN VETERANS WHO RECEIVED HAZ-**
 10 **ARDOUS DUTY PAY OR WERE EXPOSED TO**
 11 **TOXIC SUBSTANCES.**

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

15 **“§ 1720J. Consultation, testing, and treatment of vet-**
 16 **erans for exposure to toxic substances**

17 “(a) IN GENERAL.—The Secretary shall furnish to
 18 covered veterans—

19 “(1) covered consultation and testing regarding
 20 the exposure of those veterans to toxic substances;
 21 and

22 “(2) treatment for any illness relating to such
 23 exposure diagnosed under subsection (b)(2), subject
 24 to approval by the Under Secretary for Health.

1 “(b) COVERED CONSULTATION AND TESTING.—For
2 purposes of this section, covered consultation and testing
3 is—

4 “(1) consultation with a primary care physician
5 or other treating physician to determine whether the
6 covered veteran has an illness related to exposure to
7 a toxic substance while serving in the Armed Forces;

8 “(2) diagnosis by such physician of any illness
9 related to exposure to a toxic substance; and

10 “(3) any medical testing necessary to carry out
11 paragraphs (1) and (2), including a referral to a
12 specialist physician.

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

15 “(1) received hazardous duty incentive pay
16 under section 351 of title 37 for more than one day;
17 or

18 “(2) has been identified by the Secretary of De-
19 fense to have been possibly exposed, inside or out-
20 side the United States, during service in the Armed
21 Forces, to—

22 “(A) an open burn pit;

23 “(B) a toxic substance; or

24 “(C) a site at which members of the
25 Armed Forces were potentially exposed to a

1 toxic substance, as indicated in a database
2 shared by the Department of Defense and the
3 Department of Veterans Affairs.

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

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

12 “(f) DETERMINATIONS RELATING TO TREATMENT.—
13 (1) When determining whether to approve eligibility for
14 treatment under subsection (a)(2), the Under Secretary
15 for Health shall give heavy weight to the diagnosis by the
16 treating physician under subsection (b)(2).

17 “(2) The Under Secretary shall support any denial
18 of eligibility under subsection (a)(2) with specific scientific
19 evidence.

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

24 “(g) INFORMATION AND TRAINING.—The Secretary
25 shall provide information and training on eligibility for

1 services under this section and the services covered under
2 this section to—

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

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

6 “(3) covered veterans.

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

10 “(i) DEFINITIONS.—In this section:

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

16 “(2) The term ‘toxic substance’ means a toxic
17 cant or a toxin.

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

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

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

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of subchapter II of chapter 17 of such
6 title is amended by adding at the end the following new
7 item:

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

8 **SEC. 102. PERMANENT REAUTHORIZATION OF AUTHORITY**
9 **OF SECRETARY OF VETERANS AFFAIRS TO**
10 **PRESCRIBE REGULATIONS PROVIDING THAT**
11 **A PRESUMPTION OF SERVICE CONNECTION**
12 **IS WARRANTED FOR A DISEASE ASSOCIATED**
13 **WITH EXPOSURE TO A HERBICIDE AGENT.**

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

16 (b) EFFECTIVE DATE.—Subsection (a) of this section
17 and subsections (b) through (d) of section 1116 of such
18 title shall take effect on the date of the enactment of this
19 Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 “(b) DETERMINATIONS RELATING TO DISEASES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(f) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(A) The field of respiratory medicine.

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

14 “(C) The field of hematology.

15 “(D) The field of oncology.

16 “(E) The field of public health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“547. Toxic Exposure Review Commission.”.

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

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

13 (b) **AGREEMENT.**—

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

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

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

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

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

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

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

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

21 (e) SCIENTIFIC STUDIES.—

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

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

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

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

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

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

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

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

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

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

5 (2) make determinations and estimates on the
6 basis of the results of such review and all other re-
7 views conducted for the purposes of this section.

8 (g) REPORTS.—

9 (1) INITIAL REPORT.—

10 (A) IN GENERAL.—Under an agreement
11 between the Secretary and the Academies under
12 this section, not later than one year after the
13 date of the enactment of this Act, the Acad-
14 emies shall submit to the Secretary, the Com-
15 mittee on Veterans' Affairs of the Senate, and
16 the Committee on Veterans' Affairs of the
17 House of Representatives an initial report on
18 the activities of the Academies under the agree-
19 ment.

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

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

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

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

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

8 (C) RECOMMENDATION FOR IMPLEMENTA-
 9 TION OF ANALYSIS OF EXAMINATIONS AND
 10 TREATMENT OF VETERANS FOR DISABILITIES
 11 RELATED TO EXPOSURE TO TOXIC SUB-
 12 STANCES.—

13 (i) IN GENERAL.—The recommenda-
 14 tion described in this subparagraph is the
 15 recommendation of the Academies as to
 16 whether section 203 should take effect as
 17 provided in subsection (d) of such section.

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

21 (I) the scientific information that
 22 is available at the time of the rec-
 23 ommendation;

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

1 the implementation of section 203;
2 and

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

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

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

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

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

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

11 (A) is not part of the Federal Government;

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

13 (C) has expertise and objectivity com-
14 parable to that of the Academies.

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

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

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

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

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

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

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

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

3 (2) an analysis of such information;

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

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

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

17 (d) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

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

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

14 (2) health records of veterans; and

15 (3) benefits records of veterans.

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

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

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

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

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

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

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

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

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

22 (a) PUBLICATION OF LIST OF RESOURCES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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