

117TH CONGRESS
1ST SESSION

H. R. 2607

To amend title 38, United States Code, to establish in the Department of Veterans Affairs procedures to determine presumptions of service connection based on toxic exposure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2021

Mr. TRONE introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to establish in the Department of Veterans Affairs procedures to determine presumptions of service connection based on toxic exposure, 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.**

4 This Act may be cited as the “Fairly Assessing Serv-
5 ice-related Toxic Exposure Residuals Presumptions Act”
6 or the “FASTER Presumptions Act”.

1 **SEC. 2. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF**
2 **VETERANS AFFAIRS TO ESTABLISH PRE-**
3 **SUMPTIONS OF SERVICE CONNECTION**
4 **BASED ON TOXIC EXPOSURE.**

5 (a) **ADVISORY COMMITTEES, PANELS, AND**
6 **BOARDS.—**

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

10 “**SUBCHAPTER VII—RESEARCH AND DETER-**
11 **MINATIONS RELATING TO PRESUMPTIONS**
12 **OF SERVICE CONNECTION BASED ON TOXIC**
13 **EXPOSURE**

14 “**§ 1171. Procedures to determine presumptions of**
15 **service connection based on toxic expo-**
16 **sure; definitions**

17 “(a) **PROCEDURES.**—The Secretary shall determine
18 whether to establish, or to remove, presumptions of service
19 connection based on toxic exposure pursuant to this sub-
20 chapter, whereby—

21 “(1) the Formal Advisory Committee on Toxic
22 Exposure under section 1172 assesses research re-
23 garding veterans who, during active military, naval,
24 or air service, were exposed to toxic substances, com-
25 missions additional research, and provides nomina-

1 tions for the Science Review Board to evaluate the
2 research;

3 “(2) the Science Review Board under section
4 1173 evaluates research nominated by the Formal
5 Advisory Committee on Toxic Exposure and deter-
6 mines the strength of evidence supporting a positive
7 association between exposure to a toxic substance
8 and an illness;

9 “(3) the Working Group under section 1174
10 evaluates the conclusions of the Science Review
11 Board and recommends to the Secretary whether to
12 establish or modify a presumption of service connec-
13 tion; and

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

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 SUNSET REQUIRE-
20 MENTS.—Section 14 of the Federal Advisory Committee
21 Act (5 U.S.C. App.) shall not apply to an entity estab-
22 lished under this subchapter.

1 **“§ 1172. Formal Advisory Committee on Toxic Expo-**
2 **sure**

3 “(a) ESTABLISHMENT.—(1) There is in the Veterans
4 Benefits Administration of the Department the Formal
5 Advisory Committee on Toxic Exposure (in this section
6 referred to as the ‘Committee’).

7 “(2) The Secretary shall appoint not more than 10
8 members to the Committee, of which—

9 “(A) at least one member shall be appointed
10 from among individuals who are officials or employ-
11 ees of the Veterans Benefits Administration or the
12 Veterans Health Administration;

13 “(B) at least one member shall be appointed
14 from among individuals who are officials or employ-
15 ees of other departments or agencies of the Federal
16 Government, including the Department of Defense
17 and the Agency of Toxic Substances and Disease
18 Registry of the Centers for Disease Control and Pre-
19 vention;

20 “(C) at least three members shall be appointed
21 from among individuals who are representatives of
22 disabled veterans; and

23 “(D) at least one member shall be appointed
24 from among individuals in the private sector, State
25 or local government, or academia, who are experts in
26 toxicology and epidemiology.

1 “(3) The Secretary shall determine the pay and al-
2 lowances of the members, including with respect to any
3 additional pay and allowances for members who are offi-
4 cials or employees of the Federal Government.

5 “(4) Each member of the Committee shall be ap-
6 pointed for a two-year term, and may serve not more than
7 three successive terms.

8 “(5) A vacancy in the Committee shall be filled in
9 the manner in which the original appointment was made.

10 “(b) CONSULTATION.—The Secretary may consult
11 with, and seek the advice of, the Committee with respect
12 to disability-related questions relating to veterans who,
13 during active military, naval, or air service, are suspected
14 of having been exposed to toxic substances.

15 “(c) ASSESSMENTS.—(1) The Committee shall assess
16 the exposure of veterans to toxic substances that occurred
17 during active military, naval, or air service.

18 “(2) The assessments under paragraph (1) shall
19 cover suspected and known toxic exposures occurring dur-
20 ing active military, naval, or air service, including by iden-
21 tifying and evaluating new and emerging exposures that
22 are not recognized under existing presumptions of service
23 connection.

24 “(3) The Committee may conduct an assessment
25 under paragraph (1) in response to a recommendation by

1 the Science Review Board pursuant to section
2 1173(c)(2)(B) of this title or the Working Group under
3 section 1174(c)(1)(B).

4 “(4) In assessing the exposure of veterans to toxic
5 substances under paragraph (1), the Commission shall de-
6 termine whether—

7 “(A) under subsection (d), further research into
8 the exposure is warranted;

9 “(B) under subsection (e), the existing research
10 being assessed is sufficient to nominate to the
11 Science Review Board under section 1173 of this
12 title for evaluation;

13 “(C) under subsection (f), there is sufficient
14 evidence regarding an existing presumption of serv-
15 ice connection for review by the Science Review
16 Board or Working Group under section 1174 of this
17 title, as the case may be; or

18 “(D) no further action is warranted.

19 “(d) RESEARCH.—(1)(A) Following an assessment of
20 the exposure of veterans to toxic substances that occurred
21 during active military, naval, or air service under sub-
22 section (c), the Committee may commission an appropriate
23 entity (including an element of the Department, an aca-
24 demic entity, or a private-sector entity) to conduct addi-
25 tional research into the exposure and the health effects

1 of the exposure, including such research to be conducted
2 in response to data and analyses provided by the Secretary
3 of Defense or the Secretary of Veterans Affairs relating
4 to suspected toxic exposure occurring during such service.

5 “(B) In carrying out subparagraph (A), the Com-
6 mittee shall determine whether additional research is
7 needed with respect to the following:

8 “(i) Identification of the composition of sus-
9 pected toxic substances.

10 “(ii) Exposure assessments.

11 “(iii) Epidemiological studies.

12 “(iv) Toxicology and mechanistic studies.

13 “(C) In carrying out subparagraph (A), the Com-
14 mittee shall consider the following information:

15 “(i) All available health tracking data.

16 “(ii) All available surveillance data.

17 “(iii) All germane research previously consid-
18 ered by the Committee.

19 “(2) In assessing the suitability of topics for addi-
20 tional research pursuant to subparagraph (A), the Com-
21 mittee shall consider the following:

22 “(A) Conditions of service in the active military,
23 naval, or air service, known or suspected exposure to
24 agents, and circumstances of exposure.

1 “(B) Existing evidence of a connection between
2 illnesses and service in the active military, naval, or
3 air service, and the size or ability to define the
4 group of affected veterans.

5 “(C) In accordance with subsection (g), input
6 from persons who may be affected by the actions of
7 the Committee.

8 “(D) Exposure assessments, including data on
9 activities of the Armed Forces or exposures that
10 may be classified.

11 “(E) Existing health tracking and surveillance,
12 including veterans and members of the active mili-
13 tary, naval, or air service, such as the burn pit reg-
14 istry established under section 201 of the Dignified
15 Burial and Other Veterans’ Benefits Improvement
16 Act of 2012 (Public Law 112–260; 38 U.S.C. 527
17 note).

18 “(F) Research, including laboratory research
19 discoveries and findings from studies of members of
20 the active military, naval, or air service and civilian
21 workers who were exposed to toxic substances.

22 “(G) The effect of sex, gender, age, race, and
23 ethnicity on health outcomes.

24 “(3) The Committee shall ensure that the research
25 commissioned under paragraph (1) is tailored to produce

1 results or conclusions necessary for the Science Review
2 Board to make a fully informed assessment.

3 “(e) NOMINATION.—If the Committee determines
4 further action is appropriate with respect to an assessment
5 of the exposure of veterans to toxic substances that oc-
6 curred during active military, naval, or air service under
7 subsection (c), the Committee may nominate the Science
8 Review Board to evaluate either or both, as the case may
9 be—

10 “(1) the existing research included in the as-
11 sessment; or

12 “(2) the further research conducted pursuant to
13 subsection (d).

14 “(f) REVIEW OF EXISTING PRESUMPTIONS.—(1)
15 Upon receipt of evidence suggesting that previous findings
16 supporting a positive association between an exposure and
17 an illness are no longer valid, the Committee may nomi-
18 nate such exposure or illness for review by the Science Re-
19 view Board.

20 “(2) Upon receipt of evidence suggesting that pre-
21 vious findings regarding the periods and locations of expo-
22 sure covered by an existing presumption of service connec-
23 tion are no longer supported, the Committee may nomi-
24 nate such evidence for evaluation by the Working Group
25 to modify the periods and locations.

1 “(g) INPUT.—(1) Not less than quarterly, the Com-
2 mittee shall provide an opportunity for persons described
3 in paragraph (2) to present written or oral comments to
4 the Committee.

5 “(2) The persons described in this paragraph are per-
6 sons who may be affected by the actions of the Committee,
7 including—

8 “(A) veterans, the families of veterans, veterans
9 service organizations and representatives, research-
10 ers, and other members of the general public; and

11 “(B) departments and agencies of the Federal
12 Government.

13 “(h) REPORTS TO CONGRESS.—On a biennial basis,
14 the Committee shall submit to the Committees on Vet-
15 erans’ Affairs of the House of Representatives and the
16 Senate, and make publicly available, a report on the ac-
17 tions of the Committee. Each such report shall include,
18 with respect to the period covered by the report, the fol-
19 lowing:

20 “(1) A description of—

21 “(A) the exposure and evidence considered
22 by the Committee;

23 “(B) any research commissioned by the
24 Committee; and

1 “(C) the rationale of the nominations made
2 by the Committee to the Science Review Board
3 for further evaluation.

4 “(2) A description of each specific action rec-
5 ommended by the Committee described in subsection
6 (c)(3).

7 “(3) Each report received by the Committee
8 under section 1173(c)(2) of this title.

9 **“§ 1173. Science Review Board**

10 “(a) ESTABLISHMENT.—(1) There is in the Depart-
11 ment the Science Review Board (in this section referred
12 to as the ‘Board’).

13 “(2)(A) The members of the Board shall be appointed
14 by the Secretary from the general public from among indi-
15 viduals who are distinguished in the fields of medicine, bio-
16 logical sciences, or health administration.

17 “(B) An individual may not concurrently serve on the
18 Board and the Formal Advisory Committee on Toxic Ex-
19 posure under section 1172 of this title.

20 “(C) The Secretary shall determine the number,
21 terms of service, and pay and allowances of members of
22 the Board appointed by the Secretary.

23 “(b) DUTIES.—(1) Upon receiving a nomination for
24 the evaluation of research on the health effects of exposure
25 of members of the active military, naval, or air service to

1 toxic substances made by the Formal Advisory Committee
2 on Toxic Exposure pursuant to section 1172 of this title,
3 the Board shall—

4 “(A) evaluate the likelihood that an illness is
5 associated with an exposure to a toxic substance
6 while serving in the active military, naval, or air
7 service; and

8 “(B) assess the exposures and illnesses identi-
9 fied by the Committee and determine whether the
10 evidence supports a finding of a positive association
11 between the exposure and the illness.

12 “(2) In carrying out paragraph (1)(B), the Board
13 shall review all relevant data to determine, with respect
14 to the strength of evidence for a positive association, that
15 there is—

16 “(A) sufficient evidence of an association;

17 “(B) limited or suggestive evidence of an asso-
18 ciation;

19 “(C) inadequate or insufficient evidence to de-
20 termine an association; or

21 “(D) limited or suggestive evidence of no asso-
22 ciation.

23 “(3) With respect to an evaluation conducted under
24 this subsection, if the Board determines that the evidence
25 for a positive association is inadequate or insufficient to

1 determine an association as described in paragraph
2 (2)(C), the Board shall develop a recommendation as to
3 whether additional data gathering and research are nec-
4 essary.

5 “(c) REPORTS.—(1) For each evaluation conducted
6 under subsection (b) where the Board determines that the
7 evidence for a positive association is either sufficient or
8 limited or suggestive of an association, as described in
9 subparagraph (A) or (B) of paragraph (2) of such sub-
10 section, the Board shall submit to the Secretary, the
11 Working Group under section 1174 of this title, and to
12 the Committees on Veterans’ Affairs of the House of Rep-
13 resentatives and the Senate a report identifying the evi-
14 dence found to reach such positive association determina-
15 tions.

16 “(2) For each evaluation conducted under subsection
17 (b) where the Board determines that the evidence for posi-
18 tive association is inadequate or insufficient to determine
19 an association as described in paragraph (2)(C) of such
20 subsection, the Board shall submit to the Secretary, the
21 Formal Advisory Committee on Toxic Exposure, and to
22 the Committees on Veterans’ Affairs of the House of Rep-
23 resentatives and the Senate a report—

24 “(A) identifying the evidence found to reach
25 such positive association determinations; and

1 “(B) containing the recommendations under
2 subsection (b)(3) as to whether additional data gath-
3 ering and research are necessary and an outline of
4 a report request proposal for such additional data
5 and research.

6 **“§ 1174. Working group on presumptions of service**
7 **connection**

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

11 “(1) evaluate—

12 “(A) the conclusions of the Science Review
13 Board contained in each report submitted under
14 section 1173(e)(1) of this title; and

15 “(B) evidence nominated by the Formal
16 Advisory Committee on Toxic Exposure under
17 section 1172(f)(2) regarding the periods and lo-
18 cations of exposure covered by an existing pre-
19 sumption of service connection; and

20 “(2) make a recommendation to the Secretary
21 with respect to whether to—

22 “(A) establish a presumption of service
23 connection for the toxic exposure and illness
24 covered by the report described in subparagraph
25 (A) of paragraph (1); or

1 “(B) modify an existing presumption of
2 service connection described in subparagraph
3 (B) of such paragraph.

4 “(b) EVALUATIONS.—(1) In evaluating the conclu-
5 sions of the Science Review Board, the Working Group
6 shall consider factors, in addition to the conclusions of the
7 Board, that the Working Group determines appropriate.

8 “(2) The Working Group shall provide a period of
9 not fewer than 60 days for persons described in section
10 1172(g)(2) of this title to present written comments to
11 the Working Group with respect to each evaluation made
12 under this section.

13 “(c) RECOMMENDATIONS.—(1) In making a rec-
14 ommendation under subsection (a)(2), the Working Group
15 shall—

16 “(A) in cases where the evidence for a positive
17 association is either sufficient or limited or sugges-
18 tive of an association, as described in subparagraph
19 (A) or (B) of section 1173(b)(2) of this title, weigh
20 heavily in favor of establishing a presumption of
21 service connection; and

22 “(B) if the Working Group determines that ad-
23 ditional research, studies, or reports are appropriate
24 before making a final recommendation with respect
25 to establishing or modifying a presumption of service

1 connection, submit to the Formal Advisory Com-
2 mittee a description of such appropriate additional
3 research, studies, or reports.

4 “(2) Not later than 60 days after the date on which
5 the comment period under subsection (b)(2) ends with re-
6 spect to an evaluation made under this section, the Work-
7 ing Group shall submit to the Secretary and to the Com-
8 mittees on Veterans’ Affairs of the House of Representa-
9 tives and the Senate a description of the recommendation
10 made under subsection (a)(2).

11 **“§ 1175. Regulations regarding presumptions of serv-**
12 **ice connection based on toxic exposure**

13 “(a) ACTION UPON WORKING GROUP RECOMMENDA-
14 TION.—Not later than 60 days after the date on which
15 the Secretary receives a recommendation to establish or
16 modify a presumption of service connection under section
17 1174(c)(2) of this title—

18 “(1) if the Secretary determines that the pre-
19 sumption, or modification, is warranted, the Sec-
20 retary shall issue proposed regulations setting forth
21 the presumption or revise regulations to carry out
22 such modification; or

23 “(2) if the Secretary determines that the pre-
24 sumption, or modification, is not warranted, the Sec-
25 retary shall publish in the Federal Register a notice

1 of the determination, including the reasons sup-
2 porting the determination.

3 “(b) FINAL REGULATION.—Not later than 90 days
4 after the date on which the Secretary issues any proposed
5 regulations under subsection (a)(1), the Secretary shall
6 issue final regulations. Such regulations shall be effective
7 on the date of issuance.

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

12 “(2) Whenever an illness is removed from regulations
13 pursuant to paragraph (1), or the periods and locations
14 of exposure covered by a presumption of service connection
15 are modified under subsection (a)—

16 “(A) a veteran who was awarded compensation
17 for such illness on the basis of the presumption pro-
18 vided under such regulations before the effective
19 date of the removal or modification shall continue to
20 be entitled to receive compensation on that basis;
21 and

22 “(B) a survivor of a veteran who was awarded
23 dependency and indemnity compensation for the
24 death of a veteran resulting from such illness on the
25 basis of such presumption shall continue to be enti-

1 tled to receive dependency and indemnity compensa-
2 tion on such basis.

3 **“§ 1176. Expert Advisory Panel on Constrictive**
4 **Bronchiolitis**

5 “(a) ESTABLISHMENT.—There is in the Department
6 the Expert Advisory Panel on Constrictive Bronchiolitis
7 (in this section referred to as the ‘Panel’).

8 “(b) MEMBERSHIP.—(1) The Panel shall be ap-
9 pointed by the Secretary from the general public from
10 among individuals who are—

11 “(A) experts in pulmonary pathology;

12 “(B) experts in other fields the Secretary deter-
13 mines appropriate, such as pulmonary medicine,
14 toxicology, epidemiology, exposure assessment, and
15 radiology; and

16 “(C) individuals representing the veterans com-
17 munity.

18 “(2) The Secretary shall determine the number,
19 terms of service, and pay and allowances of members of
20 the Panel appointed by the Secretary.

21 “(c) DUTIES.—The panel shall develop specific guide-
22 lines for research conducted by the Department of sympto-
23 matic veterans who served in the active military, naval,
24 or air service in the Southwest Asia theater of operations

1 whom the differential diagnosis includes bronchiolitis. The
2 Panel shall—

3 “(1) determine the adequacy of lung biopsy ap-
4 proaches and recommend to the Secretary best prac-
5 tices;

6 “(2) make recommendations to the Secretary
7 for processing, handling, and storing lung biopsies;

8 “(3) establish histologic and pathology criteria
9 for confirming diagnoses; and

10 “(4) submit to the Secretary and to the Com-
11 mittees on Veterans’ Affairs of the House of Rep-
12 resentatives and the Senate reports on the findings
13 and results of such research.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of such chapter is amended
16 by inserting after the item relating to section 1163
17 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. Formal Advisory Committee on Toxic Exposure.

“1173. Science Review Board.

“1174. Working group on presumptions of service connection.

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

“1176. Expert Advisory Panel on Constrictive Bronchiolitis.”.

18 (b) CONFORMING AMENDMENTS.—Chapter 11 of
19 title 38, United States Code, is amended as follows:

20 (1) Section 1116 is amended—

1 (A) by striking subsections (b), (c), (d),
2 and (e);

3 (B) by inserting after subsection (a) the
4 following new subsection (b):

5 “(b) The Secretary shall ensure that any determina-
6 tion made on or after the date of the enactment of the
7 FASTER Presumptions Act regarding a presumption of
8 service connection based on exposure to an herbicide agent
9 under this section is made pursuant to subchapter VII of
10 this chapter, including with respect to assessing reports
11 received by the Secretary from the National Academy of
12 Sciences under section 3 of the Agent Orange Act of 1991
13 (Public Law 102–4).”; and

14 (C) by redesignating subsection (f) as sub-
15 section (e).

16 (2) Section 1116B(b)(2)(A) is amended by in-
17 serting “pursuant to subchapter VII of this chap-
18 ter,” before “the Secretary determines”.

19 (3) Section 1118 is amended—

20 (A) by striking subsections (b), (c), (d),
21 and (e); and

22 (B) by inserting after subsection (a) the
23 following new subsection (b):

24 “(b) The Secretary shall ensure that any determina-
25 tion made on or after the date of the enactment of the

1 FASTER Presumptions Act regarding a presumption of
2 service connection based on exposure to a toxic substance
3 under this section is made pursuant to subchapter VII of
4 this chapter.”.

5 (c) ACCESS TO HEALTH CARE.—Section 1710(e) of
6 title 38, United States Code, is amended—

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

9 “(G)(i) Subject to paragraph (2), as determined
10 appropriate by the Secretary, a toxin-exposed vet-
11 eran is eligible for hospital care and medical services
12 under subsection (a)(2)(F) for any diagnosed illness
13 that the Secretary determines is covered by, or rea-
14 sonably could be covered by, pending research dur-
15 ing the period beginning on the date on which the
16 Formal Advisory Committee on Toxic Exposure be-
17 gins assessing such research under section 1172(c)
18 of this title and ending on the date specified in
19 clause (ii).

20 “(ii) The date specified in this clause is the fol-
21 lowing:

22 “(I) In cases of pending research for which
23 the Secretary determines under section
24 1175(a)(1) of this title that a presumption of
25 service connection is warranted, the date on

1 which the toxin-exposed veteran is otherwise eli-
2 gible for hospital care and medical services pur-
3 suant to this section by reason of regulations
4 issued under such section 1175.

5 “(II) In cases of pending research for
6 which the Secretary determines under section
7 1175(a)(2) that a presumption of service con-
8 nection is not warranted, the date, if any, that
9 the Secretary determines appropriate.

10 “(iii) In this subparagraph:

11 “(I) The term ‘pending research’ means
12 research assessed or commissioned by the For-
13 mal Advisory Committee on Toxic Exposure
14 under section 1172 regarding the exposure of
15 veterans to toxic substances.

16 “(II) The term ‘toxin-exposed veteran’
17 means a veteran—

18 “(aa) whose service in the active mili-
19 tary, naval, or air service is covered by
20 pending research; and

21 “(bb) who is not otherwise eligible for
22 hospital care and medical services pursuant
23 to this paragraph.”; and

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

1 **SEC. 3. IMPROVEMENTS TO DATA COLLECTION AND USE.**

2 (a) PLAN.—The Secretary of Defense, in consultation
3 with the Secretary of Veterans Affairs, shall develop and
4 implement a plan to strengthen the data collection with
5 respect to members of the Armed Forces, including mem-
6 bers of the reserve components, who are exposed to toxic
7 substances while serving in the Armed Forces. The plan
8 shall provide for the following:

9 (1) Detailing methods of continuous in-service
10 surveillance, including data collection and analysis,
11 of such exposures and the physical and mental
12 health of the members.

13 (2) Surveilling such exposures and the health of
14 members from accession through separation, includ-
15 ing, where possible, through the use of wearable and
16 portable devices to assess health outcomes, and ex-
17 tend such surveillance indefinitely post-separation
18 for those veterans with suspected exposure to toxic
19 substances.

20 (3) Ensuring consistent surveillance efforts
21 across the Armed Forces.

22 (4) Determining the feasibility of collecting bio-
23 logical samples and the means by which such collec-
24 tion could be accomplished, including, at a min-
25 imum, through use of wearable and portable devices

1 and the collection of blood and urine, to measure ex-
2 posure in deployed environments.

3 (5) Maintaining a repository of data and bio-
4 logical samples available for prospective research.

5 (6) With respect to each member, tracking the
6 military occupational specialty, deployment history,
7 disease risk factors, sex, gender, age, race, and eth-
8 nicity.

9 (b) REPORT.—Not later than 180 days after the date
10 of the enactment of this Act, the Secretary shall submit
11 to the Committees on Veterans' Affairs and the Commit-
12 tees on Armed Services of the House of Representatives
13 and the Senate, and annually thereafter for five years, a
14 report containing the plan developed under subsection (a)
15 and the status of implementing the plan.

16 (c) INTEGRATION.—The Secretary of Defense shall
17 integrate research access considerations of the plan devel-
18 oped under subsection (a) into the electronic health record
19 modernization program and the individual longitudinal ex-
20 posure record program.

21 (d) DETERMINATIONS.—The Secretary of Veterans
22 Affairs, in consultation with the Formal Advisory Com-
23 mittee on Toxic Exposure established under section 1172
24 of title 38, United States Code, as added by section 2,
25 shall determine—

1 (1) whether studies of respiratory health out-
2 comes from other countries, including Australia,
3 Canada, France, Poland, Sweden, and the United
4 Kingdom, provide useful data, and whether the
5 structure of these studies could be emulated in the
6 United States to improve participation rates; and

7 (2) whether the health records of veterans from
8 health care systems other than the Department of
9 Veterans Affairs, including private-sector health pro-
10 viders, the Centers for Medicare & Medicaid Serv-
11 ices, and the TRICARE program, can be accessed
12 for research purposes.

13 (e) SHARING OF INFORMATION.—The Secretary of
14 Veterans Affairs shall provide to the Formal Advisory
15 Committee on Toxic Exposure and the Science Review
16 Board established under section 1173 of title 38, United
17 States Code, as added by section 2, the results of surveil-
18 lance conducted pursuant to the plan developed under sub-
19 section (a), including data collection and analysis.

20 **SEC. 4. STUDIES RELATING TO VETERANS WHO SERVED IN**
21 **SOUTHWEST ASIA.**

22 (a) ANALYSIS.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Vet-
24 erans Affairs shall initiate or sponsor an updated analysis

1 of total and respiratory disease mortality in covered vet-
2 erans. The study shall include, to the extent practicable—

3 (1) metrics of airborne exposures;

4 (2) the location and timing of deployments;

5 (3) the military occupational specialty;

6 (4) the Armed Force in which the veteran
7 served;

8 (5) pre-existing health status, including with re-
9 spect to asthma; and

10 (6) relevant personal information, including cig-
11 arette and e-cigarette smoking history, diet, sex,
12 gender, age, race, and ethnicity.

13 (b) EPIDEMIOLOGICAL STUDY.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary shall sponsor an epidemiological study of covered
16 veterans that uses the following:

17 (1) Improved spatio-temporal estimates of am-
18 bient air pollution exposures using advances in retro-
19 spective exposure assessment.

20 (2) Detailed information on the study subjects
21 obtained through medical records, administrative
22 data, and other existing sources, that include—

23 (A) personal characteristics, including ciga-
24 rette and e-cigarette smoking history, diet, sex,
25 gender, age, race, and ethnicity;

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

3 (C) biospecimen data; and

4 (D) supplementary health status and out-
5 comes data, including imaging and physiological
6 parameters.

7 (c) TOXICOLOGY STUDY.—Not later than 180 days
8 after the date of the enactment of this Act, the Secretary
9 shall sponsor a toxicology study to include variability to
10 replicate exposures of healthy, young members of the
11 Armed Forces, as well as potentially susceptible members,
12 with preexisting health conditions. The study shall—

13 (1) analyze the study results for mechanistic
14 markers and clinically relevant outcomes; and

15 (2) validate serum, tissue, and other biomarkers
16 of exposure, susceptibility, or effect.

17 (d) COVERED VETERAN DEFINED.—The term “cov-
18 ered veteran” means any veteran who—

19 (1) on or after August 2, 1990, served on active
20 duty in—

21 (A) Bahrain;

22 (B) Iraq;

23 (C) Kuwait;

24 (D) Oman;

25 (E) Qatar;

1 (F) Saudi Arabia;

2 (G) Somalia; or

3 (H) United Arab Emirates; or

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

6 (A) Afghanistan;

7 (B) Djibouti;

8 (C) Egypt;

9 (D) Jordan;

10 (E) Lebanon;

11 (F) Syria; or

12 (G) Yemen.

13 **SEC. 5. TRAINING TO IMPROVE CLAIMS ADJUDICATIONS.**

14 (a) TRAINING ON ADJUDICATION.—The Secretary of
15 Veterans Affairs shall provide training to each covered em-
16 ployee to improve the handling of claims for compensation
17 and pension benefits that relate to toxic exposure. The
18 Secretary shall provide such training annually and, in ad-
19 dition to the annual training, when the Secretary deter-
20 mines that a significant development has occurred in law
21 or regulation with respect to such claims, such as the Sec-
22 retary establishing a new presumption of service connec-
23 tion.

24 (b) MATTERS INCLUDED.—

1 (1) ALL TRAINEES.—The training under sub-
2 section (a) shall include the following explanations
3 with respect to claims relating to toxic exposure:

4 (A) A lack of a presumption of service con-
5 nection is not by itself sufficient to determine
6 that service connection does not exist.

7 (B) The claims adjudicator shall always
8 consider whether direct service connection is ap-
9 plicable and request, as needed, an advisory
10 medical opinion under section 5109 of title 38,
11 United States Code.

12 (C) While information included in the indi-
13 vidual longitudinal exposure record program of
14 the Department of Veterans Affairs may be
15 used to corroborate assertions of toxic exposure,
16 a lack of such information, or a lack of other
17 corroborating evidence of toxic exposure, is not
18 by itself sufficient to determine that such expo-
19 sure did not occur or sufficient to deny the
20 claim.

21 (2) VETERANS SERVICE REPRESENTATIVES.—
22 In addition to the matters under paragraph (1), the
23 Secretary shall ensure that each employee described
24 in subsection (d)(1) receives an individualized as-
25 sessment of—

1 (A) the ability of the employee to identify
2 claims qualifying for presumptive service con-
3 nection; and

4 (B) the compliance of the employee with
5 standardized development requirements.

6 (3) RATING VETERANS SERVICE REPRESENTA-
7 TIVE.—In addition to the matters under paragraph
8 (1), the Secretary shall ensure that each employee
9 described in subsection (d)(2) receives an individual-
10 ized assessment of—

11 (A) the ability of the employee to identify
12 claims qualifying for presumptive service con-
13 nection; and

14 (B) the compliance of the employee with
15 the schedule of ratings for disabilities adopted
16 under section 1155 of title 38, United States
17 Code.

18 (4) COMPENSATION AND PENSION MEDICAL EX-
19 AMINERS.—In addition to the matters under para-
20 graph (1), the Secretary shall ensure that each em-
21 ployee described in subsection (d)(3) receives an in-
22 dividualized assessment of—

23 (A) the ability of the employee to identify
24 claims qualifying for presumptive service con-
25 nection; and

1 (B) the compliance of the employee with
2 standardized examination and medical opinion
3 procedures.

4 (c) PROVISION OF TRAINING.—With respect to em-
5 ployees described in paragraph (1) or (2) of subsection
6 (d), the Secretary shall—

7 (1) ensure that the training under subsection
8 (a) is provided as part of the initial training pro-
9 gram for such employees;

10 (2) place each employee under a second signa-
11 ture review period for claims relating to toxic expo-
12 sure until the employee meets the required grade
13 scale level quality standard for such claims; and

14 (3) using the Systematic Technical Accuracy
15 Review program, or such successor program, conduct
16 a nationwide, quarterly, randomized review of the
17 quality of adjudication of claims relating to toxic ex-
18 posure.

19 (d) COVERED EMPLOYEE DEFINED.—In this section,
20 the term “covered employee” means employees of the De-
21 partment of Veterans Affairs who handle claims for com-
22 pensation and pension benefits, including—

23 (1) employees who adjudicate claims;

24 (2) employees who apply the schedule of ratings
25 for disabilities adopted under section 1155 of title

1 38, United States Code, and prepare rating deci-
2 sions; and

3 (3) employees or contractors who provide med-
4 ical examinations or medical opinions pursuant to
5 section 5103A(d) of such title.

○