

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. TILLIS (for himself and Mr. TESTER)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

2

- 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 medals.
- Sec. 103. 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. 104. Permanent reauthorization of authority of Secretary of Veterans Affairs to prescribe regulations providing that a presumption of service connection is warranted for an illness associated with service in the Persian Gulf during the Persian Gulf War.
- Sec. 105. 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. 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 appointments.
- Sec. 303. Portal for access by veterans to Individual Longitudinal Exposure Record.
- Sec. 304. Training of health care 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 101
6 of title 38, United States Code.

7 (2) OPEN BURN PIT.—The term “open burn
8 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)(iv) of section 1710(e)(1) of such title, as
7 added by section 101(a).

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

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

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

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

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

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

5 “(aa) an open burn pit;

6 “(bb) a toxic substance; or

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

16 “(iii) A covered individual shall be enrolled in the sys-
17 tem of annual patient enrollment of the Department in
18 the priority group under subsection (a)(6) of section 1705
19 of this title.

20 “(iv) In this subparagraph:

21 “(I) The term ‘Airborne Hazards and Open
22 Burn Pit Registry’ means the registry established by
23 the Secretary under section 201 of the Dignified
24 Burial and Other Veterans’ Benefits Improvement

1 Act of 2012 (Public Law 112–260; 38 U.S.C. 527
2 note).

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

8 “(III) The term ‘toxic substance’ means a toxi-
9 cant or a toxin.

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

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

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

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

22 (c) DETERMINATIONS OF EXPOSURE.—

23 (1) IN GENERAL.—The Secretary of Veterans
24 Affairs shall, to the extent practicable, establish and
25 maintain a mechanism by which veterans may deter-

1 mine whether or not they have been possibly exposed
2 to an open burn pit or toxic substance described in
3 subparagraph (G)(ii)(II) of section 1710(e)(1) of
4 title 38, United States Code, as added by subsection
5 (a), for purposes of being considered as covered vet-
6 erans under such subparagraph.

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 (d) 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), the Secretary, in
19 consultation with the Secretary of Veterans Affairs,
20 shall submit to the appropriate committees of Con-
21 gress 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).

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), is fur-
24 ther amended—

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

3 “(H)(i) 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.

14 “(ii) A veteran described in clause (i) shall be enrolled
15 in the system of annual patient enrollment of the Depart-
16 ment in the priority group under subsection (a)(6) of sec-
17 tion 1705 of this title.”; and

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

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

1 **SEC. 103. PERMANENT REAUTHORIZATION OF AUTHORITY**
2 **OF SECRETARY OF VETERANS AFFAIRS TO**
3 **PRESCRIBE REGULATIONS PROVIDING THAT**
4 **A PRESUMPTION OF SERVICE CONNECTION**
5 **IS WARRANTED FOR A DISEASE ASSOCIATED**
6 **WITH EXPOSURE TO A HERBICIDE AGENT.**

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

9 (b) EFFECTIVE DATE.—Subsection (a) of this section
10 and subsections (b) through (d) of section 1116 of such
11 title shall take effect on the date of the enactment of this
12 Act.

13 **SEC. 104. PERMANENT REAUTHORIZATION OF AUTHORITY**
14 **OF SECRETARY OF VETERANS AFFAIRS TO**
15 **PRESCRIBE REGULATIONS PROVIDING THAT**
16 **A PRESUMPTION OF SERVICE CONNECTION**
17 **IS WARRANTED FOR AN ILLNESS ASSOCI-**
18 **ATED WITH SERVICE IN THE PERSIAN GULF**
19 **DURING THE PERSIAN GULF WAR.**

20 (a) IN GENERAL.—Section 1118 of title 38, United
21 States Code, is amended by striking subsection (e).

22 (b) EFFECTIVE DATE.—Subsection (a) of this section
23 and subsections (b) through (d) of section 1118 of such
24 title shall take effect on the date of the enactment of this
25 Act.

1 **SEC. 105. 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 a presumption of service connection is not warranted
15 for a disease as to which the National Academies of
16 Sciences, Engineering, and Medicine determined that
17 there was—

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

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

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(h)(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 1710(e)(1)(G)(iv) of
18 this 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.—The Secretary shall estab-
14 lish an independent commission to be known as the ‘Toxic
15 Exposure Review Commission’ (in this section referred to
16 as the ‘Commission’).

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

18 “(1) advise the Secretary on questions relating
19 to exposure to toxic substances that require sci-
20 entific research; and

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

23 “(c) DUTIES.—The Commission shall carry out the
24 following duties:

1 “(1) Collect any relevant information from the
2 Department of Defense and other sources to identify
3 possible toxic exposures related to service during ac-
4 tive duty, active duty for training, or inactive duty
5 training in order to determine the need for a com-
6 prehensive review under an agreement under section
7 202 of the Toxic Exposure in the American Military
8 Act of 2020. Relevant information may be collected
9 from the following:

10 “(A) Any Federal agency, as the Commis-
11 sion considers necessary to carry out this sec-
12 tion. Upon request of the Chair, the head of
13 such agency shall furnish such information to
14 the Commission, unless such information is
15 classified.

16 “(B) Public meetings or hearings, which
17 may be held to take such testimony and receive
18 such evidence as the Commission considers ad-
19 visable to carry out the duties of the Commis-
20 sion.

21 “(2) Recommend to the Secretary, by majority
22 vote, whether a comprehensive scientific review
23 should be conducted by the National Academies of
24 Sciences, Engineering, and Medicine under an agree-

1 ment under section 202 of the Toxic Exposure in the
2 American Military Act of 2020.

3 “(3) Recommend to the Secretary, by majority
4 vote, whether new, independent studies regarding
5 the health outcomes of exposure to toxic substances,
6 or any other new, independent studies that the Com-
7 mission deems necessary and appropriate, should be
8 conducted.

9 “(4) Annually report to Congress on progress
10 regarding the duties set forth in paragraphs (1)
11 through (3), any recommendations made to the Sec-
12 retary, and any responses of the Secretary to such
13 recommendations.

14 “(d) 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 at least five mem-
10 bers of the Commission are scientists or health care pro-
11 fessionals—

12 “(A) of whom—

13 “(i) one has a background in the field of
14 respiratory medicine;

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

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

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

19 and

20 “(v) one has a background in occupational
21 and environmental health; and

22 “(B) who are not officials or employees of the
23 Federal Government.

24 “(3) 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 two mem-
4 bers of the Commission represent an organization recog-
5 nized by the Secretary for the representation of veterans
6 under section 5902 of this title.

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

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

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

20 “(B) All the proceedings, information, and delibera-
21 tions of the Commission shall be available for review by
22 the public.

23 “(C) Meetings of the Commission may be carried out
24 through the use of telephonic or other appropriate tele-
25 communication technology if the Commission determines

1 that such technology will allow the members to commu-
2 nicate simultaneously.

3 “(f) CHAIR AND VICE CHAIR.—At the initial meeting
4 of the Commission under subsection (e), the Commission
5 shall select a Chair and Vice Chair from among the mem-
6 bers of the Commission by a majority vote of the members
7 of the Commission.

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

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

14 “(3) A vacancy in the Commission shall be filled in
15 the same manner as the original appointment, but the in-
16 dividual appointed to fill the vacancy shall serve only for
17 the unexpired portion of the term for which the individ-
18 ual’s predecessor was appointed.

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

22 “(A) one member whose term expires after two
23 years; and

24 “(B) one member whose term expires after four
25 years.

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

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

7 “(3) Members shall receive travel expenses, including
8 per diem in lieu of subsistence, in accordance with sections
9 5702 and 5703 of title 5.

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

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

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

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

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

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

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

13 “(B) Not more than half of the professional analysts
14 of the Commission staff may be persons detailed from the
15 Department to the Commission.

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

21 “(5) The Commission may secure directly from any
22 Federal agency such information as the Commission con-
23 siders necessary to carry out this section. Upon request
24 of the Chair, the head of such agency shall furnish such

1 information to the Commission, unless such information
2 is classified.

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

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

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

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

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

19 “(m) REFERENCE TO NATIONAL ACADEMIES OF
20 SCIENCES, ENGINEERING, AND MEDICINE.—In the case
21 that the Secretary enters into an agreement with another
22 organization as described in section 202(h)(1) of the Toxic
23 Exposure in the American Military Act of 2020, any ref-
24 erence in this section to the National Academies of

1 Sciences, Engineering, and Medicine shall be treated as
2 a reference to the other organization.

3 “(n) TOXIC SUBSTANCE DEFINED.—In this section,
4 the term ‘toxic substance’ has the meaning given that
5 term in subparagraph (G)(iv) of section 1710(e)(1) of this
6 title.”.

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

“547. Toxic Exposure Review Commission.”.

10 **SEC. 202. AGREEMENT WITH NATIONAL ACADEMIES OF**
11 **SCIENCES, ENGINEERING, AND MEDICINE**
12 **CONCERNING THE EXPOSURE OF HUMANS TO**
13 **TOXIC SUBSTANCES.**

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

22 (b) AGREEMENT.—

23 (1) IN GENERAL.—The Secretary of Veterans
24 Affairs shall seek to enter into a five-year agreement

1 with the Academies to perform the services covered
2 by this section.

3 (2) TIMING.—The Secretary shall seek to enter
4 into an agreement described in paragraph (1) not
5 later than 60 days after the date of the enactment
6 of this Act.

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

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

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

21 (1) whether an association exists between expo-
22 sure to toxic substances and the occurrence of the
23 disease, taking into account the strength of the sci-
24 entific evidence and the appropriateness of the sta-

1 tistical and epidemiological methods used to detect
2 the association;

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

6 (3) whether there exists a plausible biological
7 mechanism or other evidence of a causal relationship
8 between the exposure and the occurrence of the dis-
9 ease.

10 (e) COOPERATION OF FEDERAL AGENCIES.—

11 (1) IN GENERAL.—The head of each relevant
12 Federal agency, including the Secretary of Defense,
13 shall cooperate fully with the Academies in per-
14 forming the services covered by this section.

15 (2) TECHNICAL AND SCIENTIFIC CAPABILI-
16 TIES.—In performing the services covered by this
17 section, the Academies shall make use of the tech-
18 nical and scientific capabilities of any Federal agen-
19 cy.

20 (f) RECOMMENDATIONS FOR ADDITIONAL SCI-
21 ENTIFIC STUDIES.—

22 (1) IN GENERAL.—Under an agreement be-
23 tween the Secretary and the Academies under this
24 section, the Academies shall make any recommenda-
25 tions for additional scientific studies to resolve areas

1 of continuing scientific uncertainty relating to the
2 exposure of humans to toxic substances.

3 (2) CONSIDERATIONS.—In making rec-
4 ommendations under paragraph (1), the Academies
5 shall consider—

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

8 (B) the value and relevance of the informa-
9 tion that could result from additional studies;
10 and

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

13 (g) REPORTS.—

14 (1) INITIAL REPORT.—

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

1 (B) ELEMENTS.—The report submitted
2 under subparagraph (A) shall include the fol-
3 lowing:

4 (i) The determinations described in
5 subsection (d).

6 (ii) A full explanation of the scientific
7 evidence and reasoning that led to such de-
8 terminations.

9 (iii) Any recommendations of the
10 Academies under subsection (f).

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

21 (h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-
22 TION.—

23 (1) IN GENERAL.—If the Secretary is unable
24 within the time period prescribed in subsection
25 (b)(2) to enter into an agreement with the Acad-

1 emies for the purposes of this section on terms ac-
2 ceptable to the Secretary, the Secretary shall seek to
3 enter into an agreement for the purposes of this sec-
4 tion with another appropriate scientific organization
5 that—

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

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

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

10 (2) TREATMENT.—If the Secretary enters into
11 an agreement with another organization as described
12 in paragraph (1), any reference in this section, sec-
13 tion 547 of title 38, United States Code, as added
14 by section 201(a), and section 1119 of such title, as
15 added by section 105(a), to the National Academies
16 of Sciences, Engineering, and Medicine shall be
17 treated as a reference to the other organization.

18 **SEC. 203. COLLECTION, ANALYSIS, AND REPORT ON TREAT-**
19 **MENT OF VETERANS FOR MEDICAL CONDI-**
20 **TIONS RELATED TO EXPOSURE TO TOXIC**
21 **SUBSTANCES.**

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

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

6 (2) is likely to be scientifically useful in deter-
7 mining the association, if any, between the medical
8 condition of a veteran and exposure to a toxic sub-
9 stance.

10 (b) CONSENT OF PATIENTS.—Compilation and anal-
11 ysis by the Secretary of clinical data of a veteran under
12 subsection (a) shall be conducted, and such data shall be
13 used, consistent with the informed consent of the veteran
14 and in compliance with all applicable Federal law

15 (c) ANNUAL REPORT.—Not later than one year after
16 the date of the enactment of this Act, and annually there-
17 after, the Secretary shall submit to the Committee on Vet-
18 erans' Affairs of the Senate, the Committee on Veterans'
19 Affairs of the House of Representatives, and the Toxic Ex-
20 posure Review Commission established by section 547 of
21 title 38, United States Code, as added by section 201(a)
22 of this Act, a report containing—

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

24 (2) an analysis of such data;

1 (3) a description of the types and incidences of
2 medical conditions identified by the Department
3 under such subsection;

4 (4) the explanation of the Secretary for the in-
5 cidence of such medical conditions and other expla-
6 nations for the incidence of such conditions as the
7 Secretary considers reasonable; and

8 (5) the views of the Secretary on the scientific
9 validity of drawing conclusions from the incidence of
10 such medical conditions, as evidenced by the data
11 compiled under subsection (a), regarding any asso-
12 ciation between such conditions and exposure to a
13 toxic substance.

14 **TITLE III—IMPROVEMENT OF**
15 **RESOURCES OF DEPARTMENT**
16 **OF VETERANS AFFAIRS RE-**
17 **GARDING EXPOSURES TO**
18 **TOXIC SUBSTANCES**

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

25 (a) PUBLICATION OF LIST OF RESOURCES.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, and an-
3 nually thereafter, the Secretary of Veterans Affairs
4 shall publish a list of resources of the Department
5 of Veterans Affairs for—

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

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

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

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

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

24 (b) OUTREACH.—The Secretary shall develop, with
25 input from the community, an informative outreach pro-

1 gram for veterans on illnesses that may be related to expo-
2 sure to toxic substances, including outreach with respect
3 to benefits and support programs.

4 **SEC. 302. INCORPORATION OF TOXIC EXPOSURE QUES-**
5 **TIONNAIRE DURING PRIMARY CARE AP-**
6 **POINTMENTS.**

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

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

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

22 (a) IN GENERAL.—The Secretary of Veterans Affairs
23 shall establish a portal through which a veteran may ac-
24 cess documents and information with respect to the vet-

1 eran contained in the Individual Longitudinal Exposure
2 Record of the Department of Veterans Affairs.

3 (b) ELEMENTS OF PORTAL.—The portal established
4 under subsection (a) shall—

5 (1) present documents and information with re-
6 spect to a veteran contained in the Individual Longi-
7 tudinal Exposure Record of the veteran in a print-
8 able, read-only format; and

9 (2) be hosted on an internet website of the De-
10 partment that is commonly used by veterans.

11 **SEC. 304. TRAINING OF HEALTH CARE PERSONNEL OF DE-**
12 **PARTMENT OF VETERANS AFFAIRS ON ILL-**
13 **NESSES RELATED TO EXPOSURE TO TOXIC**
14 **SUBSTANCES.**

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

20 (b) ELEMENTS OF TRAINING.—The training required
21 under subsection (a) shall—

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

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

4 (c) TOXICANT DEFINED.—In this section, the term
5 “toxicant” has the meaning given that term in subpara-
6 graph (G)(iv) of section 1710(e)(1) of title 38, United
7 States Code, as added by section 101(a).