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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

M. _____ introduced the following bill; which was referred to the
Committee on _____

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 causation
7 between exposure to a toxic substance and an illness;

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

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

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

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

21 **“§ 1172. Formal Advisory Committee on Toxic Expo-**
22 **sure**

23 “(a) ESTABLISHMENT.—(1) There is in the Veterans
24 Benefits Administration of the Department the Formal

1 Advisory Committee on Toxic Exposure (in this section
2 referred to as the ‘Committee’).

3 “(2) The Secretary shall appoint members to the
4 Committee, of which—

5 “(A) at least one member shall be appointed
6 from among individuals who are officials or employ-
7 ees of the Veterans Benefits Administration or the
8 Veterans Health Administration;

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

16 “(C) at least one member shall be appointed
17 from among individuals who are representatives of
18 disabled veterans; and

19 “(D) at least one member shall be appointed
20 from among individuals in the private sector, State
21 or local government, or academia, who are experts in
22 toxicology and epidemiology.

23 “(3) The Secretary shall determine—

24 “(A) the number of members appointed to the
25 Committee; and

1 “(B) the pay and allowances of the members,
2 including with respect to any additional pay and al-
3 lowances for members who are officials or employees
4 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)(C).

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 “(C) 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 “(D) 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 “(E) 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) ASSESSMENTS OF EXISTING PRESUMPTIONS.—
15 (1) The Committee shall regularly assess whether there
16 is a need to modify existing presumptions of service con-
17 nection.

18 “(2) Upon receipt of evidence suggesting that pre-
19 vious findings supporting a causal link between an expo-
20 sure and an illness are no longer valid, the Committee may
21 nominate such exposure or illness for review by the
22 Science Review Board.

23 “(3) Upon receipt of evidence suggesting that pre-
24 vious findings regarding the periods and locations of expo-
25 sure covered by an existing presumption of service connec-

1 tion are no longer supported, the Committee may nomi-
2 nate such evidence for evaluation by the Working Group
3 to modify the periods and locations.

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

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

11 “(A) veterans, the families of veterans, veterans
12 service organizations and representatives, research-
13 ers, and other members of the general public; and

14 “(B) departments and agencies of the Federal
15 Government.

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

23 “(1) A description of—

24 “(A) the exposure and evidence considered
25 by the Committee;

1 “(B) any research commissioned by the
2 Committee; and

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

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

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

11 **“§ 1173. Science Review Board**

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

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

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

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

1 “(b) DUTIES.—(1) Upon receiving a nomination for
2 the evaluation of research on the health effects of exposure
3 of members of the active military, naval, or air service to
4 toxic substances made by the Formal Advisory Committee
5 on Toxic Exposure pursuant to section 1172 of this title,
6 the Board shall—

7 “(A) evaluate the likelihood that an illness is
8 caused by an exposure to a toxic substance while
9 serving in the active military, naval, or air service;
10 and

11 “(B) assess the exposures and illnesses identi-
12 fied by the Committee and determine whether the
13 evidence supports a finding of causation between the
14 exposure and the illness.

15 “(2) In carrying out paragraph (1)(B), the Board
16 shall review all relevant data to determine the strength
17 of evidence for causation based on the following four cat-
18 egories:

19 “(A) The ‘sufficient’ category, where the evi-
20 dence is sufficient to conclude that a causal relation-
21 ship exists.

22 “(B) The ‘equipose and above’ category, where
23 the evidence is sufficient to conclude that a causal
24 relationship is at least as likely as not, but not suffi-
25 cient to conclude that a causal relationship exists.

1 “(C) The ‘below equipose’ category, where the
2 evidence is not sufficient to conclude that a causal
3 relationship is at least as likely as not, or is not suf-
4 ficient to make a scientifically informed judgment.

5 “(D) The ‘against’ category, where the evidence
6 suggests the lack of a causal relationship.

7 “(3)(A) With respect to an evaluation conducted
8 under this subsection, if the Board determines that the
9 evidence for causation is categorized as either the suffi-
10 cient or equipose and above categories, the Board shall
11 estimate the size of the causal effect among those exposed
12 by calculating the relative risk and exposure prevalence.

13 “(B) The Board shall use the relative risk and expo-
14 sure prevalence calculated under paragraph (2) to esti-
15 mate the service-attributable fraction of illness in a mili-
16 tary setting to determine the probability of causation for
17 an individual. In calculating the service-attributable frac-
18 tion of illness, the Board shall consider the dose-response
19 relationships.

20 “(4) With respect to an evaluation conducted under
21 this subsection, if the Board determines that the evidence
22 for causation is categorized as the below equipose cat-
23 egory, the Board shall develop a recommendation as to
24 whether additional data gathering and research are nec-
25 essary.

1 “(c) REPORTS.—(1) For each evaluation conducted
2 under subsection (b) where the Board determines that the
3 evidence for causation is categorized as either the suffi-
4 cient or equipoise and above categories, the Board shall
5 submit to the Secretary, the Working Group under section
6 1174 of this title, and to the Committees on Veterans’ Af-
7 fairs of the House of Representatives and the Senate a
8 report identifying the evidence found to reach such causa-
9 tion determinations.

10 “(2) For each evaluation conducted under subsection
11 (b) where the Board determines that the evidence for cau-
12 sation is categorized as the below equipoise category, the
13 Board shall submit to the Secretary, the Formal Advisory
14 Committee on Toxic Exposure, and to the Committees on
15 Veterans’ Affairs of the House of Representatives and the
16 Senate a report—

17 “(A) identifying the evidence found to reach
18 such causation determinations; and

19 “(B) containing the recommendations under
20 subsection (b)(4) as to whether additional data gath-
21 ering and research are necessary and an outline of
22 a report request proposal for such additional data
23 and research.

1 **“§ 1174. Working group on presumptions of service**
2 **connection**

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

6 “(1) evaluate—

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

10 “(B) evidence nominated by the Formal
11 Advisory Committee on Toxic Exposure under
12 section 1172(f)(3) regarding the periods and lo-
13 cations of exposure covered by an existing pre-
14 sumption of service connection; and

15 “(2) make a recommendation to the Secretary
16 with respect to whether to—

17 “(A) establish a presumption of service
18 connection for the toxic exposure and illness
19 covered by the report described in subparagraph
20 (A) of paragraph (1); or

21 “(B) modify an existing presumption of
22 service connection described in subparagraph
23 (B) of such paragraph.

24 “(b) EVALUATIONS.—(1) In evaluating the conclu-
25 sions of the Science Review Board, the Working Group

1 shall consider factors, in addition to the conclusions of the
2 Board, that the Working Group determines appropriate.

3 “(2) The Working Group shall provide a period of
4 not fewer than 60 days for persons described in section
5 1172(g)(2) of this title to present written comments to
6 the Working Group with respect to each evaluation made
7 under this section.

8 “(c) RECOMMENDATIONS.—(1) In making a rec-
9 ommendation under subsection (a)(2), the Working Group
10 shall—

11 “(A) balance the evidence of causation against
12 the calculation of the service-attributable fraction of
13 illness described in paragraph (3)(B) of section
14 1173(b) of this title;

15 “(B) evaluate cases where such service-attrib-
16 utable fraction is sufficient and the evidence for cau-
17 sation is categorized as either the sufficient or equi-
18 poise and above categories described in paragraph
19 (2) of such section by weighing heavily in favor of
20 establishing a presumption of service connection;
21 and

22 “(C) 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 Federal 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 Act regarding a presumption of service connec-
8 tion based on exposure to an herbicide agent under this
9 section is made pursuant to subchapter VII of this chap-
10 ter, including with respect to assessing reports received
11 by the Secretary from the National Academy of Sciences
12 under section 3 of the Agent Orange Act of 1991 (Public
13 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 Act regarding a presumption of service connec-
2 tion based on exposure to a toxic substance under this sec-
3 tion is made pursuant to subchapter VII of this chapter.”.

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

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

8 “(G)(i) Subject to paragraph (2), as determined
9 appropriate by the Secretary, a toxin-exposed vet-
10 eran is eligible for hospital care and medical services
11 under subsection (a)(2)(F) for any diagnosed illness
12 that the Secretary determines is covered by, or rea-
13 sonably could be covered by, pending research dur-
14 ing the period beginning on which the Formal Advi-
15 sory Committee on Toxic Exposure begins assessing
16 such research under section 1172(c) of this title and
17 ending on the date on which the Secretary makes an
18 action under section 1175(a) of this title with re-
19 spect to such research.

20 “(ii) In this subparagraph:

21 “(I) The term ‘pending research’ means
22 research assessed or commissioned by the For-
23 mal Advisory Committee on Toxic Exposure
24 under section 1172 regarding the exposure of
25 veterans to toxic substances.

1 “(II) The term ‘toxin-exposed veteran’
2 means a veteran whose service in the active
3 military, naval, or air service is covered by
4 pending research.”; and
5 (2) in paragraph (2)(B), by striking “or (F)”
6 and inserting “(F), or (G)”.

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

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

15 (1) Detailing methods of continuous in-service
16 surveillance, including data collection and analysis,
17 of such exposures and the physical and mental
18 health of the members.

19 (2) Surveilling such exposures and the health of
20 members from accession through separation, includ-
21 ing, where possible, through the use of wearable and
22 portable devices to assess health outcomes, and ex-
23 tend such surveillance indefinitely post-separation
24 for those veterans with suspected exposure to toxic
25 substances.

1 (3) Ensuring consistent surveillance efforts
2 across the Armed Forces.

3 (4) Determining the feasibility of collecting bio-
4 logical samples and the means by which such collec-
5 tion could be accomplished, including, at a min-
6 imum, through use of wearable and portable devices
7 and the collection of blood and urine, to measure ex-
8 posure in deployed environments.

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

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

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

22 (c) INTEGRATION.—The Secretary of Defense shall
23 integrate research access considerations of the plan devel-
24 oped under subsection (a) into the electronic health record

1 modernization program and the individual longitudinal ex-
2 posure record program.

3 (d) DETERMINATIONS.—The Secretary of Veterans
4 Affairs, in consultation with the Formal Advisory Com-
5 mittee on Toxic Exposure established under section 1172
6 of title 38, United States Code, as added by section 2,
7 shall determine—

8 (1) whether studies of respiratory health out-
9 comes from other countries, including Australia,
10 Canada, France, Poland, Sweden, and the United
11 Kingdom, provide useful data, and whether the
12 structure of these studies could be emulated in the
13 United States to improve participation rates; and

14 (2) whether the health records of veterans from
15 health care systems other than the Department of
16 Veterans Affairs, including private-sector health pro-
17 viders, the Centers for Medicare & Medicaid Serv-
18 ices, and the TRICARE program, can be accessed
19 for research purposes.

20 (e) SHARING OF INFORMATION.—The Secretary of
21 Veterans Affairs shall provide to the Formal Advisory
22 Committee on Toxic Exposure and the Science Review
23 Board established under section 1173 of title 38, United
24 States Code, as added by section 2, the results of surveil-

1 lance conducted pursuant to the plan developed under sub-
2 section (a), including data collection and analysis.

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

5 (a) ANALYSIS.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of Vet-
7 erans Affairs shall initiate or sponsor an updated analysis
8 of total and respiratory disease mortality in covered vet-
9 erans. The study shall include, to the extent practicable—

10 (1) metrics of airborne exposures;

11 (2) the location and timing of deployments;

12 (3) the military occupational specialty;

13 (4) the Armed Force in which the veteran
14 served;

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

17 (6) relevant personal information, including cig-
18 arette and e-cigarette smoking history, diet, sex,
19 gender, age, race, and ethnicity.

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

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

4 (2) Detailed information on the study subjects
5 obtained through medical records, administrative
6 data, and other existing sources, that include—

7 (A) personal characteristics, including ciga-
8 rette and e-cigarette smoking history, diet, sex,
9 gender, age, race, and ethnicity;

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

12 (C) biospecimen data; and

13 (D) supplementary health status and out-
14 comes data, including imaging and physiological
15 parameters.

16 (c) TOXICOLOGY STUDY.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 shall sponsor a toxicology study to include variability to
19 replicate exposures of healthy, young members of the
20 Armed Forces, as well as potentially susceptible members,
21 with preexisting health conditions. The study shall—

22 (1) analyze the study results for mechanistic
23 markers and clinically relevant outcomes; and

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

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

3 (1) on or after August 2, 1990, served on active
4 duty in—

5 (A) Bahrain;

6 (B) Iraq;

7 (C) Kuwait;

8 (D) Oman;

9 (E) Qatar;

10 (F) Saudi Arabia;

11 (G) Somalia; or

12 (H) United Arab Emirates; or

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

15 (A) Afghanistan;

16 (B) Djibouti;

17 (C) Egypt;

18 (D) Jordan;

19 (E) Lebanon;

20 (F) Syria; or

21 (G) Yemen.

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

23 (a) TRAINING ON ADJUDICATION.—The Secretary of
24 Veterans Affairs shall provide training to each covered em-
25 ployee to improve the handling of claims for compensation

1 and pension benefits that relate to toxic exposure. The
2 Secretary shall provide such training annually and, in ad-
3 dition to the annual training, when the Secretary deter-
4 mines that a significant development has occurred in law
5 or regulation with respect to such claims, such as the Sec-
6 retary establishing a new presumption of service connec-
7 tion.

8 (b) MATTERS INCLUDED.—

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

12 (A) A lack of a presumption of service con-
13 nection is not by itself sufficient to determine
14 that service connection does not exist.

15 (B) The claims adjudicator shall always
16 consider whether direct service connection is ap-
17 plicable and request, as needed, an advisory
18 medical opinion under section 5109 of title 38,
19 United States Code.

20 (C) While information included in the indi-
21 vidual longitudinal exposure record program of
22 the Department of Veterans Affairs may be
23 used to corroborate assertions of toxic exposure,
24 a lack of such information, or a lack of other
25 corroborating evidence of toxic exposure, is not

1 by itself sufficient to determine that such expo-
2 sure did not occur or sufficient to deny the
3 claim.

4 (2) VETERANS SERVICE REPRESENTATIVES.—

5 In addition to the matters under paragraph (1), the
6 Secretary shall ensure that each employee described
7 in subsection (d)(1) receives an individualized as-
8 sessment of—

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

12 (B) the compliance of the employee with
13 standardized development requirements.

14 (3) RATING VETERANS SERVICE REPRESENTA-

15 TIVE.—In addition to the matters under paragraph
16 (1), the Secretary shall ensure that each employee
17 described in subsection (d)(2) receives an individual-
18 ized assessment of—

19 (A) the ability of the employee to identify
20 claims qualifying for presumptive service con-
21 nection; and

22 (B) the compliance of the employee with
23 the schedule of ratings for disabilities adopted
24 under section 1155 of title 38, United States
25 Code.

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

6 (A) the ability of the employee to identify
7 claims qualifying for presumptive service con-
8 nection; and

9 (B) the compliance of the employee with
10 standardized examination and medical opinion
11 procedures.

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

15 (1) ensure that the training under subsection
16 (a) is provided as part of the initial training pro-
17 gram for such employees;

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

22 (3) using the Systematic Technical Accuracy
23 Review program, or such successor program, conduct
24 a nationwide, quarterly, randomized review of the

1 quality of adjudication of claims relating to toxic ex-
2 posure.

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

7 (1) employees who adjudicate claims;

8 (2) employees who apply the schedule of ratings
9 for disabilities adopted under section 1155 of title
10 38, United States Code, and prepare rating deci-
11 sions; and

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