

In the Senate of the United States,

June 16, 2022.

Resolved, That the bill from the House of Representatives (H.R. 3967) entitled “An Act to improve health care and benefits for veterans exposed to toxic substances, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,***
2 ***UNITED STATES CODE; TABLE OF CONTENTS.***

3 *(a) SHORT TITLE.—This Act may be cited as the “Ser-*
4 *geant First Class Heath Robinson Honoring our Promise*
5 *to Address Comprehensive Toxics Act of 2022” or the “Hon-*
6 *oring our PACT Act of 2022”.*

7 *(b) MATTERS RELATING TO AMENDMENTS TO TITLE*
8 *38, UNITED STATES CODE.—*

9 *(1) REFERENCES.—Except as otherwise expressly*
10 *provided, when in this Act an amendment or repeal*

1 *is expressed in terms of an amendment to, or repeal*
 2 *of, a section or other provision, the reference shall be*
 3 *considered to be made to a section or other provision*
 4 *of title 38, United States Code.*

5 (2) *AMENDMENTS TO TABLES OF CONTENTS.—*
 6 *Except as otherwise expressly provided, when an*
 7 *amendment made by this Act to title 38, United*
 8 *States Code, adds a section or larger organizational*
 9 *unit to that title or amends the designation or head-*
 10 *ing of a section or larger organizational unit in that*
 11 *title, that amendment also shall have the effect of*
 12 *amending any table of sections in that title to alter*
 13 *the table to conform to the changes made by the*
 14 *amendment.*

15 (c) *TABLE OF CONTENTS.—The table of contents for*
 16 *this Act is as follows:*

Sec. 1. Short title; references to title 38, United States Code; table of contents.

TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY

Subtitle A—Toxic-exposed Veterans

Sec. 101. Short title.

Sec. 102. Definitions relating to toxic-exposed veterans.

*Sec. 103. Expansion of health care for specific categories of toxic-exposed veterans
 and veterans supporting certain overseas contingency operations.*

Sec. 104. Assessments of implementation and operation.

Subtitle B—Certain Veterans of Combat Service and Other Matters

*Sec. 111. Expansion of period of eligibility for health care for certain veterans
 of combat service.*

TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

Sec. 201. Short title.

*Sec. 202. Improvements to ability of Department of Veterans Affairs to establish
 presumptions of service connection based on toxic exposure.*

- Sec. 203. Outreach to claimants for disability compensation pursuant to changes in presumptions of service connection.*
- Sec. 204. Reevaluation of claims for dependency and indemnity compensation involving presumptions of service connection.*

TITLE III—IMPROVING THE ESTABLISHMENT OF SERVICE CONNECTION PROCESS FOR TOXIC-EXPOSED VETERANS

- Sec. 301. Short title.*
- Sec. 302. Presumptions of toxic exposure.*
- Sec. 303. Medical nexus examinations for toxic exposure risk activities.*

TITLE IV—PRESUMPTIONS OF SERVICE CONNECTION

- Sec. 401. Treatment of veterans who participated in cleanup of Enewetak Atoll as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.*
- Sec. 402. Treatment of veterans who participated in nuclear response near Palomares, Spain, or Thule, Greenland, as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.*
- Sec. 403. Presumptions of service connection for diseases associated with exposures to certain herbicide agents for veterans who served in certain locations.*
- Sec. 404. Addition of additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in certain locations.*
- Sec. 405. Improving compensation for disabilities occurring in Persian Gulf War veterans.*
- Sec. 406. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.*
- Sec. 407. Rule of construction.*

TITLE V—RESEARCH MATTERS

- Sec. 501. Interagency working group on toxic exposure research.*
- Sec. 502. Analysis and report on treatment of veterans for medical conditions related to toxic exposure.*
- Sec. 503. Analysis relating to mortality of veterans who served in Southwest Asia.*
- Sec. 504. Study on health trends of post-9/11 veterans.*
- Sec. 505. Study on cancer rates among veterans.*
- Sec. 506. Study on health effects of waste related to Manhattan Project on certain veterans.*
- Sec. 507. Study on toxic exposure and mental health outcomes.*
- Sec. 508. Study on veterans in Territories of the United States.*
- Sec. 509. Department of Veterans Affairs public website for toxic exposure research.*
- Sec. 510. Report on health effects of jet fuels used by Armed Forces.*

TITLE VI—IMPROVEMENT OF RESOURCES AND TRAINING REGARDING TOXIC-EXPOSED VETERANS

- Sec. 601. Short title; definitions.*

- Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic-exposed veterans and veterans who report toxic exposures and outreach program for such veterans and caregivers and survivors of such veterans.*
- Sec. 603. Incorporation of toxic exposure screening for veterans.*
- Sec. 604. Training for personnel of the Department of Veterans Affairs with respect to veterans who report toxic exposures.*

TITLE VII—RESOURCING

- Sec. 701. Authority to use appropriations to enhance claims processing capacity and automation.*
- Sec. 702. Authorization of major medical facility leases of Department of Veterans Affairs for fiscal year 2023.*
- Sec. 703. Treatment of major medical facility leases of the Department of Veterans Affairs.*
- Sec. 704. Authority to enter into agreements with academic affiliates and other entities to acquire space for the purpose of providing health-care resources to veterans.*
- Sec. 705. Modifications to enhanced-use lease authority of Department of Veterans Affairs.*
- Sec. 706. Authority for joint leasing actions of Department of Defense and Department of Veterans Affairs.*
- Sec. 707. Appropriation of amounts for major medical facility leases.*

TITLE VIII—RECORDS AND OTHER MATTERS

- Sec. 801. Epidemiological study on Fort McClellan veterans.*
- Sec. 802. Biennial briefing on Individual Longitudinal Exposure Record.*
- Sec. 803. Correction of exposure records by members of the Armed Forces and veterans.*
- Sec. 804. Federal cause of action relating to water at Camp Lejeune, North Carolina.*
- Sec. 805. Cost of War Toxic Exposures Fund.*
- Sec. 806. Appropriation for fiscal year 2022.*
- Sec. 807. Authorization of electronic notice in claims under laws administered by the Secretary of Veterans Affairs.*
- Sec. 808. Burn pit transparency.*

TITLE IX—IMPROVEMENT OF WORKFORCE OF DEPARTMENT OF VETERANS AFFAIRS

- Sec. 901. National rural recruitment and hiring plan for Veterans Health Administration.*
- Sec. 902. Authority to buy out service contracts for certain health care professionals in exchange for employment at rural or highly rural facilities of Department of Veterans Affairs.*
- Sec. 903. Qualifications for human resources positions within Department of Veterans Affairs and plan to recruit and retain human resources employees.*
- Sec. 904. Modification of pay cap for certain employees of Veterans Health Administration.*
- Sec. 905. Expansion of opportunities for housekeeping aides.*
- Sec. 906. Modification of authority of the Secretary of Veterans Affairs relating to hours, conditions of employment, and pay for certain employees of Veterans Health Administration.*

Sec. 907. Waiver of pay limitation for certain employees of Department of Veterans Affairs.

Sec. 908. Elimination of limitation on awards and bonus for employees of Department of Veterans Affairs.

Sec. 909. Additional authority of the Secretary of Veterans Affairs relating to recruitment and retention of personnel.

1 ***TITLE I—EXPANSION OF HEALTH***
 2 ***CARE ELIGIBILITY***

3 ***Subtitle A—Toxic-exposed Veterans***

4 ***SEC. 101. SHORT TITLE.***

5 *This title may be cited as the “Conceding Our Vet-*
 6 *erans’ Exposure Now and Necessitating Training Act of*
 7 *2022” or the “COVENANT Act of 2022”.*

8 ***SEC. 102. DEFINITIONS RELATING TO TOXIC-EXPOSED VET-***
 9 ***ERANS.***

10 *(a) IN GENERAL.—Section 1710(a)(2)(F) is amended*
 11 *by striking “who was exposed to a toxic substance, radi-*
 12 *ation, or other conditions, as provided in subsection (e)”*
 13 *and inserting “who is a toxic-exposed veteran, in accord-*
 14 *ance with subsection (e)”.*

15 *(b) DEFINITIONS OF TOXIC EXPOSURE AND TOXIC-EX-*
 16 *POSED VETERAN.—Section 101 is amended by adding at*
 17 *the end the following new paragraphs:*

18 *“(37) The term ‘toxic exposure’ includes the following:*

19 *“(A) A toxic exposure risk activity, as defined in*
 20 *section 1710(e)(4) of this title.*

1 “(B) *An exposure to a substance, chemical, or*
 2 *airborne hazard identified in the list under section*
 3 *1119(b)(2) of this title.*

4 “(38) *The term ‘toxic-exposed veteran’ means any vet-*
 5 *eran described in section 1710(e)(1) of this title.’.*”

6 (c) *DEFINITION OF TOXIC EXPOSURE RISK ACTIV-*
 7 *ITY.—Section 1710(e)(4) is amended by adding at the end*
 8 *the following new subparagraph:*

9 “(C) *The term ‘toxic exposure risk activity’*
 10 *means any activity—*

11 “(i) *that requires a corresponding entry in*
 12 *an exposure tracking record system (as defined*
 13 *in section 1119(c) of this title) for the veteran*
 14 *who carried out the activity; or*

15 “(ii) *that the Secretary determines qualifies*
 16 *for purposes of this subsection when taking into*
 17 *account what is reasonably prudent to protect*
 18 *the health of veterans.’.*”

19 **SEC. 103. EXPANSION OF HEALTH CARE FOR SPECIFIC CAT-**
 20 **EGORIES OF TOXIC-EXPOSED VETERANS AND**
 21 **VETERANS SUPPORTING CERTAIN OVERSEAS**
 22 **CONTINGENCY OPERATIONS.**

23 (a) *IN GENERAL.—*

24 (1) *EXPANSION.—Subsection (e) of section 1710,*
 25 *as amended by section 102(c), is further amended—*

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

3 “(G) Beginning not later than the applicable date
4 specified in paragraph (6), and subject to paragraph (2),
5 a veteran who participated in a toxic exposure risk activity
6 while serving on active duty, active duty for training, or
7 inactive duty training is eligible for hospital care (includ-
8 ing mental health services and counseling), medical services,
9 and nursing home care under subsection (a)(2)(F) for any
10 illness.

11 “(H) Beginning not later than the applicable date
12 specified in paragraph (6), and subject to paragraph (2),
13 a covered veteran (as defined in section 1119(c) of this title)
14 is eligible for hospital care (including mental health services
15 and counseling), medical services, and nursing home care
16 under subsection (a)(2)(F) for any illness.

17 “(I)(i) Beginning not later than the applicable date
18 specified in paragraph (6), and subject to paragraph (2),
19 a veteran who deployed in support of a contingency oper-
20 ation specified in clause (ii) is eligible for hospital care (in-
21 cluding mental health services and counseling), medical
22 services, and nursing home care under subsection (a)(2)(F)
23 for any illness.

24 “(ii) A contingency operation specified in this clause
25 is any of the following:

1 “(I) *Operation Enduring Freedom*.

2 “(II) *Operation Freedom’s Sentinel*.

3 “(III) *Operation Iraqi Freedom*.

4 “(IV) *Operation New Dawn*.

5 “(V) *Operation Inherent Resolve*.

6 “(VI) *Resolute Support Mission*.”; and

7 (B) in paragraph (2)(B)—

8 (i) by striking “or (F)” and inserting

9 “(F), (G), (H), or (I)”;

10 (ii) by striking “service or testing” and

11 inserting “service, testing, or activity”.

12 (2) *PHASE IN*.—Such subsection is further
13 amended by adding at the end the following new
14 paragraph:

15 “(6)(A) *The Secretary shall determine the dates in sub-*
16 *paragraphs (G), (H), and (I) of paragraph (1) as follows:*

17 “(i) *October 1, 2024, with respect to a veteran*
18 *described in such subparagraph (G) or (H) who was*
19 *discharged or released from the active military, naval,*
20 *air, or space service during the period beginning on*
21 *August 2, 1990, and ending on September 11, 2001.*

22 “(ii) *October 1, 2026, with respect to a veteran*
23 *described in such subparagraph (G) or (H) who was*
24 *discharged or released from the active military, naval,*
25 *air, or space service during the period beginning on*

1 *September 12, 2001, and ending on December 31,*
2 *2006.*

3 “(iii) *October 1, 2028, with respect to a veteran*
4 *described in such subparagraph (G) or (H) who was*
5 *discharged or released from the active military, naval,*
6 *air, or space service during the period beginning on*
7 *January 1, 2007, and ending on December 31, 2012.*

8 “(iv) *October 1, 2030, with respect to a veteran*
9 *described in such subparagraph (G) or (H) who was*
10 *discharged or released from the active military, naval,*
11 *air, or space service during the period beginning on*
12 *January 1, 2013, and ending on December 31, 2018.*

13 “(v) *October 1, 2032, with respect to a veteran*
14 *described in such subparagraph (I).*

15 “(B)(i) *The Secretary may modify a date specified in*
16 *subparagraph (A) to an earlier date, as the Secretary deter-*
17 *mines appropriate based on the number of veterans receiv-*
18 *ing hospital care, medical services, and nursing home care*
19 *under subparagraphs (G), (H), and (I) of paragraph (1)*
20 *and the resources available to the Secretary.*

21 “(ii) *If the Secretary determines to modify a date*
22 *under clause (i), the Secretary shall—*

23 “(I) *notify the Committee on Veterans’ Affairs of*
24 *the Senate and the Committee on Veterans’ Affairs of*

1 *the House of Representatives of the proposed modi-*
2 *fication; and*

3 “(II) *publish such modified date in the Federal*
4 *Register.*”.

5 (b) *OUTREACH PLANS.*—*With respect to each of clauses*
6 *(i) through (v) of section 1710(e)(6)(A) of title 38, United*
7 *States Code (as added by subsection (a)(2)), not later than*
8 *180 days before the date specified in the clause (including*
9 *a date modified pursuant to such section), the Secretary*
10 *shall submit to the Committee on Veterans’ Affairs of the*
11 *Senate and the Committee on Veterans’ Affairs of the House*
12 *of Representatives a plan to conduct outreach to the vet-*
13 *erans described in the clause to notify such veterans of their*
14 *eligibility for hospital care, medical services, or nursing*
15 *home care under subparagraph (G), (H), or (I), of section*
16 *1710(e)(1) of such title, as the case may be.*

17 **SEC. 104. ASSESSMENTS OF IMPLEMENTATION AND OPER-**
18 **ATION.**

19 (a) *INITIAL RESOURCE ASSESSMENT AND REPORT.*—
20 *Not later than 180 days after the date of the enactment of*
21 *this Act, the Secretary of Veterans Affairs shall—*

22 (1) *complete an assessment to determine—*

23 (A) *the personnel and material resources*
24 *necessary to implement section 103 (including*
25 *the amendments made by such section); and*

1 (B) the total number of covered veterans, as
2 such term is defined in section 1119(c) of title
3 38, United States Code (as added by section
4 302), who receive hospital care or medical serv-
5 ices furnished by the Secretary under chapter 17
6 of such title, disaggregated by priority group
7 specified in section 1705(a) of such title; and

8 (2) submit to the Committee on Veterans' Affairs
9 of the Senate and the Committee on Veterans' Affairs
10 of the House of Representatives a report containing
11 the findings of the assessment completed under para-
12 graph (1), including a specific determination as to
13 whether the Department has the personnel and mate-
14 rial resources necessary to implement section 103.

15 (b) *INFORMATION SYSTEMS.*—Not later than October
16 1, 2024, the Secretary shall establish information systems
17 to assess the implementation of section 103, including the
18 amendments made by such section, and use the results of
19 assessments under such systems to inform the reports under
20 subsection (c).

21 (c) *ANNUAL REPORTS.*—

22 (1) *REPORTS.*—Not later than October 1, 2025,
23 and on an annual basis thereafter until October 1,
24 2033, the Secretary shall submit to the Committee on
25 Veterans' Affairs of the Senate and the Committee on

1 *Veterans' Affairs of the House of Representatives a re-*
2 *port on the following:*

3 *(A) The effect of the implementation of, and*
4 *the provision and management of care under,*
5 *section 103 (including the amendments made by*
6 *such section) on the demand by veterans de-*
7 *scribed in subparagraphs (G), (H), and (I) of*
8 *section 1710(e)(1) of title 38, United States Code*
9 *(as added by such section 103) for health care*
10 *services furnished by the Secretary.*

11 *(B) Any differing patterns of demand for*
12 *health care services by such veterans,*
13 *disaggregated by factors such as the relative dis-*
14 *tance of the veteran from medical facilities of the*
15 *Department and whether the veteran had pre-*
16 *viously received hospital care or medical services*
17 *furnished by the Secretary under chapter 17 of*
18 *such title.*

19 *(C) The extent to which the Secretary has*
20 *met such demand.*

21 *(D) Any changes, during the year covered*
22 *by the report, in the delivery patterns of health*
23 *care furnished by the Secretary under chapter 17*
24 *of such title, and the fiscal impact of such*
25 *changes.*

1 (2) *MATTERS.*—*Each report under paragraph*
2 *(1) shall include, with respect to the year covered by*
3 *the report, detailed information on the following:*

4 (A) *The total number of veterans enrolled in*
5 *the patient enrollment system who, during such*
6 *year, received hospital care or medical services*
7 *furnished by the Secretary under chapter 17 of*
8 *title 38, United States Code.*

9 (B) *Of the veterans specified in subpara-*
10 *graph (A), the number of such veterans who, dur-*
11 *ing the preceding three fiscal years, had not re-*
12 *ceived such care or services.*

13 (C) *With respect to the veterans specified in*
14 *subparagraph (B), the cost of providing health*
15 *care to such veterans during the year covered by*
16 *the report, shown in total and disaggregated*
17 *by—*

18 (i) *the level of care; and*

19 (ii) *whether the care was provided*
20 *through the Veterans Community Care Pro-*
21 *gram.*

22 (D) *With respect to the number of veterans*
23 *described in subparagraphs (G), (H), and (I) of*
24 *section 1710(e)(1) of title 38, United States Code*
25 *(as added by section 103), the following (shown*

1 *in total and disaggregated by medical facility of*
2 *the Department, as applicable):*

3 *(i) The number of such veterans who,*
4 *during the year covered by the report, en-*
5 *rolled in the patient enrollment system.*

6 *(ii) The number of such veterans who*
7 *applied for, but were denied, such enroll-*
8 *ment.*

9 *(iii) The number of such veterans who*
10 *were denied hospital care or a medical serv-*
11 *ice furnished by the Secretary that was con-*
12 *sidered to be medically necessary but not of*
13 *an emergency nature.*

14 *(E) The numbers and characteristics of, and*
15 *the type and extent of health care furnished by*
16 *the Secretary to, veterans enrolled in the patient*
17 *enrollment system (shown in total and*
18 *disaggregated by medical facility of the Depart-*
19 *ment).*

20 *(F) The numbers and characteristics of, and*
21 *the type and extent of health care furnished by*
22 *the Secretary to, veterans not enrolled in the pa-*
23 *tient enrollment system (disaggregated by each*
24 *class of eligibility for care under section 1710 of*
25 *title 38, United States Code, and further shown*

1 *as a total per class and disaggregated by medical*
2 *facility of the Department).*

3 *(G) The specific fiscal impact (shown in*
4 *total and disaggregated by geographic health*
5 *care delivery areas) of changes in the delivery*
6 *patterns of health care furnished by the Sec-*
7 *retary under chapter 17 of such title as a result*
8 *of the implementation of section 103 (including*
9 *the amendments made by such section).*

10 *(d) DEFINITIONS.—In this section:*

11 *(1) PATIENT ENROLLMENT SYSTEM.—The term*
12 *“patient enrollment system” means the patient enroll-*
13 *ment system of the Department of Veterans Affairs es-*
14 *tablished and operated under section 1705(a) of title*
15 *38, United States Code.*

16 *(2) VETERANS COMMUNITY CARE PROGRAM.—The*
17 *term “Veterans Community Care Program” means*
18 *the program established under section 1703 of title 38,*
19 *United States Code.*

1 ***Subtitle B—Certain Veterans of***
2 ***Combat Service and Other Matters***

3 ***SEC. 111. EXPANSION OF PERIOD OF ELIGIBILITY FOR***
4 ***HEALTH CARE FOR CERTAIN VETERANS OF***
5 ***COMBAT SERVICE.***

6 (a) *EXPANDED PERIOD.*—*Section 1710(e)(3) is*
7 *amended—*

8 (1) *in subparagraph (A)—*

9 (A) *by striking “January 27, 2003” and in-*
10 *serting “September 11, 2001”; and*

11 (B) *by striking “five-year period” and in-*
12 *serting “10-year period”;*

13 (2) *by amending subparagraph (B) to read as*
14 *follows:*

15 “(B) *With respect to a veteran described in*
16 *paragraph (1)(D) who was discharged or released*
17 *from the active military, naval, air, or space service*
18 *after September 11, 2001, and before October 1, 2013,*
19 *but did not enroll to receive such hospital care, med-*
20 *ical services, or nursing home care under such para-*
21 *graph pursuant to subparagraph (A) before October 1,*
22 *2022, the one-year period beginning on October 1,*
23 *2022.”; and*

24 (3) *by striking subparagraph (C).*

1 (b) *CLARIFICATION OF COVERAGE.*—Section
2 *1710(e)(1)(D)* is amended by inserting after “*Persian Gulf*
3 *War*” the following: “(including any veteran who, in con-
4 *nection with service during such period, received the Armed*
5 *Forces Expeditionary Medal, Service Specific Expedi-*
6 *tionary Medal, Combat Era Specific Expeditionary Medal,*
7 *Campaign Specific Medal, or any other combat theater*
8 *award established by a Federal statute or an Executive*
9 *order)*”.

10 (c) *OUTREACH PLAN.*—Not later than December 1,
11 2022, the Secretary of Veterans Affairs shall submit to the
12 Committee on Veterans’ Affairs of the Senate and the Com-
13 mittee on Veterans’ Affairs of the House of Representatives
14 a plan to conduct outreach to veterans described in sub-
15 paragraph (B) of section 1710(e)(3) of title 38, United
16 States Code, as amended by subsection (a)(2), to notify such
17 veterans of their eligibility for hospital care, medical serv-
18 ices, or nursing home care pursuant to such subparagraph.

19 (d) *REPORT ON ENROLLMENTS.*—Not later than Janu-
20 ary 30, 2024, the Secretary shall submit to the Committee
21 on Veterans’ Affairs of the Senate and the Committee on
22 Veterans’ Affairs of the House of Representatives a report
23 identifying, with respect to the one-year period beginning
24 on October 1, 2022, the number of veterans described in sec-
25 tion 1710(e)(3)(B) of title 38, United States Code, as

1 *amended by subsection (a)(2), who, during such period, en-*
2 *rolled in the patient enrollment system of the Department*
3 *of Veterans Affairs established and operated under section*
4 *1705(a) of such title.*

5 *(e) EFFECTIVE DATE.—This section and the amend-*
6 *ments made by this section shall take effect on October 1,*
7 *2022.*

8 ***TITLE II—TOXIC EXPOSURE***
9 ***PRESUMPTION PROCESS***

10 ***SEC. 201. SHORT TITLE.***

11 *This title may be cited as the “Toxic Exposure in the*
12 *American Military Act of 2022” or the “TEAM Act of*
13 *2022”.*

14 ***SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF***
15 ***VETERANS AFFAIRS TO ESTABLISH PRESUMP-***
16 ***TIONS OF SERVICE CONNECTION BASED ON***
17 ***TOXIC EXPOSURE.***

18 *(a) ADVISORY COMMITTEES, PANELS, AND BOARDS.—*
19 *Chapter 11 is amended by adding at the end the following*
20 *new subchapter:*

1 “SUBCHAPTER VII—DETERMINATIONS RELATING
2 TO PRESUMPTIONS OF SERVICE CONNEC-
3 TION BASED ON TOXIC EXPOSURE

4 “§1171. **Procedures to determine presumptions of**
5 **service connection based on toxic expo-**
6 **sure; definitions**

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

11 “(1) under section 1172 of this title—

12 “(A) the Secretary provides—

13 “(i) public notice regarding what for-
14 mal evaluations the Secretary plans to con-
15 duct; and

16 “(ii) the public an opportunity to com-
17 ment on the proposed formal evaluations;

18 “(B) the working group established under
19 subsection (b) of such section provides—

20 “(i) advice to the Secretary on toxic-
21 exposed veterans and cases in which vet-
22 erans who, during active military, naval,
23 air, or space service, may have experienced
24 a toxic exposure or their dependents may
25 have experienced a toxic exposure while the

1 *veterans were serving in the active military,*
2 *naval, air, or space service;*

3 *“(ii) recommendations to the Secretary*
4 *on corrections needed in the Individual*
5 *Longitudinal Exposure Record to better re-*
6 *fect veterans and dependents described in*
7 *clause (i); and*

8 *“(iii) recommendations to the Sec-*
9 *retary regarding which cases of possible*
10 *toxic exposure should be reviewed;*

11 *“(2) the Secretary provides for formal evalua-*
12 *tions of such recommendations under section 1173 of*
13 *this title and takes into account reports received by*
14 *the Secretary from the National Academies of*
15 *Sciences, Engineering, and Medicine under section*
16 *1176 of this title; and*

17 *“(3) the Secretary issues regulations under sec-*
18 *tion 1174 of this title.*

19 *“(b) DEFINITIONS.—In this subchapter:*

20 *“(1) The term ‘illness’ includes a disease or other*
21 *condition affecting the health of an individual, in-*
22 *cluding mental and physical health.*

23 *“(2) The term ‘Individual Longitudinal Expo-*
24 *sure Record’ includes—*

25 *“(A) service records;*

1 “(B) any database maintained by the De-
2 partment of Defense and shared with the Depart-
3 ment of Veterans Affairs to serve as a central
4 portal for exposure-related data that compiles,
5 collates, presents, and provides available occupa-
6 tional and environmental exposure information
7 to support the needs of the Department of De-
8 fense and the Department of Veterans Affairs; or

9 “(C) any successor system to a database de-
10 scribed in subparagraph (B).

11 **“§ 1172. Annual notice and opportunity for public**
12 **comment**

13 “(a) NOTICE REQUIRED.—(1)(A) Not less frequently
14 than once each year, the Secretary shall publish in the Fed-
15 eral Register notice of the formal evaluations that the Sec-
16 retary plans to conduct pursuant to section 1173 of this
17 title.

18 “(B) Each notice published under subparagraph (A)
19 shall include, for each formal evaluation referred to in the
20 notice, an explanation as to why the military environ-
21 mental exposures and adverse health outcomes that are the
22 subject of the formal evaluation were chosen by the Sec-
23 retary for formal evaluation under section 1173 of this title.

24 “(2)(A) With each notice published under paragraph
25 (1), the Secretary shall seek public comment on the military

1 *environmental exposures and adverse health outcomes that*
2 *are the subject of the formal evaluations referred to in the*
3 *notice.*

4 “(B) *The Secretary shall—*

5 “(i) *consider all public comment received under*
6 *subparagraph (A); and*

7 “(ii) *publish in the Federal Register a response*
8 *to the comments received under subparagraph (A).*

9 “(3)(A) *For each notice published under paragraph*
10 *(1), the Secretary shall hold an open meeting for members*
11 *of the public to voice their comments in response to the no-*
12 *tice.*

13 “(B) *To help evaluate presumptions of service connec-*
14 *tion, the Secretary shall, not less frequently than quarterly,*
15 *collaborate with, partner with, and give weight to the advice*
16 *of veterans service organizations and such other stakeholders*
17 *as the Secretary considers appropriate.*

18 “(4) *Failure to include a military environmental expo-*
19 *sure or adverse health effect in a Federal Register notice*
20 *published pursuant to subsection (a) shall not preclude the*
21 *Secretary from initiating a formal evaluation of such expo-*
22 *sure or health effect.*

23 “(b) *WORKING GROUP.—(1) The Secretary shall estab-*
24 *lish a working group within the Department (in this section*
25 *referred to as the ‘Working Group’).*

1 “(2) *The Working Group shall include personnel of the*
2 *Veterans Health Administration and the Veterans Benefits*
3 *Administration.*

4 “(3) *The Secretary shall consult with, and seek the ad-*
5 *vice of, the Working Group with respect to cases in which—*

6 “(A) *a veteran may have, during active mili-*
7 *tary, naval, air, or space service, experienced a toxic*
8 *exposure; or*

9 “(B) *a dependent of a veteran may have experi-*
10 *enced a toxic exposure during the active military,*
11 *naval, air, or space service of the veteran.*

12 “(c) *ASSESSMENTS.—(1) The Working Group shall as-*
13 *sess cases of the toxic exposure of veterans and their depend-*
14 *ents that occurred during active military, naval, air, or*
15 *space service, including by conducting ongoing surveillance*
16 *and reviewing such exposure described in scientific lit-*
17 *erature, media reports, information from veterans, and in-*
18 *formation from Congress.*

19 “(2) *The assessments under paragraph (1) shall cover*
20 *suspected and known toxic exposures occurring during ac-*
21 *tive military, naval, air, or space service, including by*
22 *identifying and evaluating new and emerging toxic expo-*
23 *sures that are not recognized under existing presumptions*
24 *of service connection.*

1 “(3) *The Working Group may conduct an assessment*
2 *under paragraph (1) in response to a comment received*
3 *under paragraph (2) or (3) of subsection (a).*

4 “(4) *The Working Group shall, in consultation with*
5 *the Secretary of Defense, on a periodic basis, assess the In-*
6 *dividual Longitudinal Exposure Record to ensure the accu-*
7 *racy of data collected.*

8 “(d) *DEVELOPMENT OF RECOMMENDATIONS.—(1) Fol-*
9 *lowing an assessment of a case of the toxic exposure of vet-*
10 *erans that occurred during active military, naval, air, or*
11 *space service under subsection (c), or their dependents, the*
12 *Working Group may develop a recommendation for formal*
13 *evaluation under section 1173 of this title to conduct a re-*
14 *view of the health effects related to the case of exposure if*
15 *the Working Group determines that the research may*
16 *change the current understanding of the relationship be-*
17 *tween an exposure to an environmental hazard and adverse*
18 *health outcomes in humans.*

19 “(2) *Upon receipt of evidence suggesting that previous*
20 *findings regarding the periods and locations of exposure*
21 *covered by an existing presumption of service connection*
22 *are no longer supported, the Working Group may nominate*
23 *such evidence for formal evaluation under section 1173 of*
24 *this title to modify the periods and locations.*

1 “(e) *REPORTS BY THE WORKING GROUP.*—Not less fre-
2 quently than once each year, the Working Group shall sub-
3 mit to the Secretary, the Committee on Veterans’ Affairs
4 of the Senate, and the Committee on Veterans’ Affairs of
5 the House of Representatives, and make publicly available,
6 a report on—

7 “(1) recommendations developed under sub-
8 section (d), if any; and

9 “(2) recommendations for such legislative or ad-
10 ministrative action as the Working Group considers
11 necessary for the Working Group to be more effective
12 in carrying out the requirements of this section.

13 “(f) *RESPONSES BY SECRETARY.*—In response to each
14 report submitted under subsection (e), the Secretary shall,
15 not later than 30 days after receiving the report, initiate
16 a formal evaluation pursuant to section 1173 of this title.

17 **“§ 1173. Formal evaluation of recommendations**

18 “(a) *FORMAL EVALUATIONS.*—The Secretary shall es-
19 tablish a process to conduct a formal evaluation with re-
20 spect to each recommendation made by the Working Group
21 under section 1172 of this title.

22 “(b) *EVIDENCE, DATA, AND FACTORS.*—The Secretary
23 shall ensure that each formal evaluation under subsection
24 (a) covers the following:

1 “(1) *Scientific evidence, based on the review of*
2 *available scientific literature, including human, toxic-*
3 *ological, animal, and methodological studies, and*
4 *other factors.*

5 “(2) *Claims data, based on the review of claim*
6 *rate, grant rate, and service connection prevalence,*
7 *and other factors.*

8 “(3) *Other factors the Secretary determines ap-*
9 *propriate, such as—*

10 “(A) *the level of disability and mortality*
11 *caused by the health effects related to the case of*
12 *toxic exposure being evaluated;*

13 “(B) *the quantity and quality of the infor-*
14 *mation available and reviewed;*

15 “(C) *the feasibility of and period for gener-*
16 *ating relevant information and evidence;*

17 “(D) *whether such health effects are combat-*
18 *or deployment-related;*

19 “(E) *the ubiquity or rarity of the health ef-*
20 *fects; and*

21 “(F) *any time frame during which a health*
22 *effect must become manifest.*

23 “(c) *CONDUCT OF EVALUATIONS.—(1) The Secretary*
24 *shall ensure that each formal evaluation under subsection*
25 *(a)—*

1 “(A) reviews scientific evidence in a manner
2 that—

3 “(i) conforms to principles of scientific and
4 data integrity;

5 “(ii) is free from suppression or distortion
6 of scientific or technological findings, data, in-
7 formation, conclusions, or technical results; and

8 “(B)(i) evaluates the likelihood that a positive
9 association exists between an illness and a toxic expo-
10 sure while serving in the active military, naval, air,
11 or space service; and

12 “(ii) assesses the toxic exposures and illnesses
13 and determines whether the evidence supports a find-
14 ing of a positive association between the toxic expo-
15 sure and the illness.

16 “(2) In carrying out paragraph (1)(B)(ii), a formal
17 evaluation under subsection (a) shall include reviewing all
18 relevant data to determine the strength of evidence for a
19 positive association based on the following four categories:

20 “(A) The ‘sufficient’ category, where the evidence
21 is sufficient to conclude that a positive association ex-
22 ists.

23 “(B) The ‘equipoise and above’ category, where
24 the evidence is sufficient to conclude that a positive

1 *association is at least as likely as not, but not suffi-*
2 *cient to conclude that a positive association exists.*

3 “(C) *The ‘below equipoise’ category, where the*
4 *evidence is not sufficient to conclude that a positive*
5 *association is at least as likely as not, or is not suffi-*
6 *cient to make a scientifically informed judgment.*

7 “(D) *The ‘against’ category, where the evidence*
8 *suggests the lack of a positive association.*

9 “(d) *RECOMMENDATION FOR ESTABLISHING A PRE-*
10 *SUMPTION OF SERVICE CONNECTION.—Not later than 120*
11 *days after the date on which a formal evaluation is com-*
12 *menced, the element of the Department that conducts the*
13 *evaluation shall submit to the Secretary a recommendation*
14 *with respect to establishing a presumption of service connec-*
15 *tion for the toxic exposure and illness, or modifying an ex-*
16 *isting presumption of service connection, covered by the*
17 *evaluation.*

18 **“§ 1174. Regulations regarding presumptions of serv-**
19 ***ice connection based on toxic exposure***

20 “(a) *ACTION UPON RECOMMENDATION.—Not later*
21 *than 160 days after the date on which the Secretary receives*
22 *a recommendation to establish or modify a presumption of*
23 *service connection under section 1173 of this title—*

1 “(1) if the Secretary determines, in the discre-
2 tion of the Secretary, that the presumption, or modi-
3 fication, is warranted, the Secretary shall—

4 “(A) commence issuing regulations in ac-
5 cordance with the provisions of subchapter II of
6 chapter 5 of title 5 (commonly referred to as the
7 Administrative Procedures Act) setting forth the
8 presumption or commence revising regulations to
9 carry out such modification; and

10 “(B) include in such regulations any time
11 frame during which a health effect must become
12 manifest; or

13 “(2) if the Secretary determines, in the discre-
14 tion of the Secretary, that the presumption, or modi-
15 fication, is not warranted, the Secretary shall publish
16 in the Federal Register a notice of the determination,
17 including the reasons supporting the determination.

18 “(b) REMOVAL OF PRESUMPTION.—(1)(A) The Sec-
19 retary may—

20 “(i) issue a regulation to remove an illness from
21 a presumption of service connection previously estab-
22 lished pursuant to a regulation issued under sub-
23 section (a); and

24 “(ii) issue a regulation to remove a presumption
25 of service connection established pursuant to title IV

1 *of the Sergeant First Class Heath Robinson Honoring*
2 *our Promise to Address Comprehensive Toxics Act of*
3 *2022 if the Secretary concludes that evidence suggests*
4 *the lack of a positive association between the disease*
5 *and the toxic exposure.*

6 “(B) Under subparagraph (A)(ii), the Secretary shall
7 not consider the lack of evidence as sufficient to support
8 a decision for removal of a presumption.

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

13 “(A) a veteran who was awarded compensation
14 under chapter 11 of this title for such illness on the
15 basis of the presumption provided under such regula-
16 tions before the effective date of the removal or modi-
17 fication shall continue to be entitled to receive com-
18 pensation on that basis;

19 “(B) a survivor of a veteran who was awarded
20 dependency and indemnity compensation under chap-
21 ter 13 of this title for the death of a veteran resulting
22 from such illness on the basis of such presumption
23 shall continue to be entitled to receive dependency and
24 indemnity compensation on such basis; and

1 “(C) no veteran or survivor covered under sub-
2 paragraph (A) or (B) shall have their compensation
3 reduced solely because of the removal of an illness
4 pursuant to paragraph (1).

5 **“§ 1175. Authority to modify process; congressional**
6 **oversight**

7 “(a) *IN GENERAL.*—The Secretary may modify the
8 process under which the working group established under
9 subsection (b) of section 1172 of this title conducts assess-
10 ments under such section, the Secretary conducts formal
11 evaluations under section 1173 of this title, and issues regu-
12 lations under section 1174 of this title if—

13 “(1) such evaluations cover the evidence, data,
14 and factors required by subsection (b) of such section
15 1173; and

16 “(2) a period of 180 days has elapsed following
17 the date on which the Secretary submits the notice
18 under subsection (b) regarding the modification.

19 “(b) *NOTICE.*—If the Secretary proposes to modify the
20 process under which the working group established under
21 subsection (b) of section 1172 of this title conducts assess-
22 ments under such section, the process under which the Sec-
23 retary conducts formal evaluations under section 1173 of
24 this title, or issues regulations under section 1174 of this
25 title, the Secretary shall submit to the Committee on Vet-

1 *erans' Affairs of the Senate and the Committee on Veterans'*
2 *Affairs of the House of Representatives a notice of the pro-*
3 *posed modifications containing the following:*

4 “(1) *A description of the proposed modifications.*

5 “(2) *A description of any exceptions to the re-*
6 *quirements of such sections that are proposed because*
7 *of limited available scientific evidence, and a descrip-*
8 *tion of how such evaluations will be conducted.*

9 **“§1176. *Agreement with National Academies of***
10 ***Sciences, Engineering, and Medicine con-***
11 ***cerning toxic exposures***

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

20 “(b) *AGREEMENT.—(1) The Secretary shall seek to*
21 *enter into a five-year agreement with the Academies to per-*
22 *form the services covered by this section.*

23 “(2) *The Secretary shall seek to enter into an agree-*
24 *ment described in paragraph (1) not later than 60 days*
25 *after the date of the enactment of the Sergeant First Class*

1 *Heath Robinson Honoring our Promise to Address Com-*
2 *prehensive Toxics Act of 2022.*

3 “(3) *An agreement under this section may be extended*
4 *in five-year increments.*

5 “(c) *REVIEW OF SCIENTIFIC EVIDENCE.—Under an*
6 *agreement between the Secretary and the Academies under*
7 *this section, the Academies shall review and summarize the*
8 *scientific evidence, and assess the strength thereof, con-*
9 *cerning the association between toxic exposures during ac-*
10 *tive military, naval, air, or space service and each disease*
11 *suspected to be associated with such exposure in the human*
12 *population.*

13 “(d) *SCIENTIFIC DETERMINATIONS CONCERNING DIS-*
14 *EASES.—For each disease reviewed under subsection (c), the*
15 *Academies shall determine, to the extent that available sci-*
16 *entific data permit meaningful determinations—*

17 “(1) *whether an association exists between toxic*
18 *exposures and the occurrence of the disease, taking*
19 *into account the strength of the scientific evidence and*
20 *the appropriateness of the statistical and epidemiolog-*
21 *ical methods used to detect the association;*

22 “(2) *the increased risk of the disease among those*
23 *reporting toxic exposures during active military,*
24 *naval, air, or space service;*

1 “(3) *whether there exists a plausible biological*
2 *mechanism or other evidence of a positive association*
3 *between the toxic exposure and the occurrence of the*
4 *disease; and*

5 “(4) *determine the strength of evidence for a*
6 *positive association based on categories furnished*
7 *under section 1173 of this title.*

8 “(e) *COOPERATION OF FEDERAL AGENCIES.—The*
9 *head of each relevant Federal agency, including the Sec-*
10 *retary of Defense, shall cooperate fully with the Academies*
11 *in performing the services covered by this section.*

12 “(f) *RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC*
13 *STUDIES.—(1) Under an agreement between the Secretary*
14 *and the Academies under this section, the Academies shall*
15 *make any recommendations for additional scientific studies*
16 *to resolve areas of continuing scientific uncertainty relating*
17 *to toxic exposures.*

18 “(2) *In making recommendations under paragraph*
19 *(1), the Academies shall consider—*

20 “(A) *the scientific information that is available*
21 *at the time of the recommendation;*

22 “(B) *the value and relevance of the information*
23 *that could result from additional studies; and*

24 “(C) *the cost and feasibility of carrying out such*
25 *additional studies.*

1 “(g) *REPORTS.*—(1)(A) *Under an agreement between*
2 *the Secretary and the Academies under this section, not*
3 *later than one year after the date of the enactment of the*
4 *Sergeant First Class Heath Robinson Honoring our Prom-*
5 *ise to Address Comprehensive Toxics Act of 2022, the Acad-*
6 *emies shall submit to the Secretary, the Committee on Vet-*
7 *erans’ Affairs of the Senate, and the Committee on Veterans’*
8 *Affairs of the House of Representatives an initial report on*
9 *the activities of the Academies under the agreement.*

10 “(B) *The report submitted under subparagraph (A)*
11 *shall include the following:*

12 “(i) *The determinations described in subsection*
13 *(d).*

14 “(ii) *A full explanation of the scientific evidence*
15 *and reasoning that led to such determinations.*

16 “(iii) *Any recommendations of the Academies*
17 *under subsection (f).*

18 “(2) *Under an agreement between the Secretary and*
19 *the Academies under this section, not less frequently than*
20 *once every two years after the date on which the initial re-*
21 *port is submitted under paragraph (1)(A), the Academies*
22 *shall submit to the Secretary, the Committee on Veterans’*
23 *Affairs of the Senate, and the Committee on Veterans’ Af-*
24 *fairs of the House of Representatives an updated report on*
25 *the activities of the Academies under the agreement.*

1 “(h) *ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-*
2 *TION.—(1) If the Secretary is unable within the time period*
3 *prescribed in subsection (b)(2) to enter into an agreement*
4 *with the Academies for the purposes of this section on terms*
5 *acceptable to the Secretary, the Secretary shall seek to enter*
6 *into an agreement for the purposes of this section with an-*
7 *other appropriate scientific organization that—*

8 “(A) *is not part of the Federal Government;*

9 “(B) *operates as a not-for-profit entity; and*

10 “(C) *has expertise and objectivity comparable to*
11 *that of the Academies.*

12 “(2) *If the Secretary enters into an agreement with*
13 *another organization as described in paragraph (1), any*
14 *reference in this subchapter to the Academies shall be treat-*
15 *ed as a reference to the other organization.”.*

16 (b) *REPORTS AND BRIEFINGS.—*

17 (1) *REPORT.—*

18 (A) *IN GENERAL.—Not later than two years*
19 *after the date of the enactment of this Act, the*
20 *Secretary of Veterans Affairs shall submit to the*
21 *Committee on Veterans’ Affairs of the Senate*
22 *and the Committee on Veterans’ Affairs of the*
23 *House of Representatives a report on the imple-*
24 *mentation of, and recommendations for, sub-*

1 *chapter VII of chapter 11 of title 38, United*
2 *States Code, as added by subsection (a).*

3 *(B) CONSULTATION.—The Secretary shall*
4 *develop the report under subparagraph (A) in*
5 *consultation with organizations recognized by*
6 *the Secretary for the representation of veterans*
7 *under section 5902 of such title and any other*
8 *entity the Secretary determines appropriate.*

9 *(2) BRIEFING.—On a quarterly basis during the*
10 *two-year period beginning on the date of the enact-*
11 *ment of this Act, the Secretary shall provide to the*
12 *Committee on Veterans' Affairs of the Senate and the*
13 *Committee on Veterans' Affairs of the House of Rep-*
14 *resentatives a briefing on the implementation of sub-*
15 *chapter VII of chapter 11 of such title, as added by*
16 *subsection (a).*

17 *(c) INDEPENDENT ASSESSMENT.—*

18 *(1) AGREEMENT.—The Secretary shall seek to*
19 *enter into an agreement with the National Academies*
20 *of Science, Engineering, and Medicine (in this sub-*
21 *section referred to as the “Academies”)*
22 *before the date*
23 *that is 90 days after the date of the enactment of this*
24 *Act to perform the services set forth under paragraph*
25 *(2).*

(2) ASSESSMENT.—

1 (A) *IN GENERAL.*—Under an agreement be-
2 tween the Secretary and the Academies under
3 paragraph (1), the Academies shall conduct an
4 assessment of the implementation by the Depart-
5 ment of Veterans Affairs of the process estab-
6 lished under subchapter VII of chapter 11 of title
7 38, United States Code, as added by subsection
8 (a).

9 (B) *ELEMENTS.*—The assessment conducted
10 under subparagraph (A) shall include the fol-
11 lowing:

12 (i) *An assessment of the Department's*
13 *implementation of the process established*
14 *under subsection (a) to determine whether*
15 *the process is in accordance with current*
16 *scientific standards for assessing the link*
17 *between exposure to environmental hazards*
18 *and the development of health outcomes,*

19 (ii) *assess whether the criteria is fair*
20 *and consistent, and*

21 (iii) *provide recommendations for im-*
22 *provements to the process.*

23 (3) *REPORT.*—Not later than one year after the
24 date on which the Secretary enters into an agreement
25 under paragraph (1), the Secretary shall submit to

1 *the Committee on Veterans' Affairs of the Senate and*
2 *the Committee on Veterans' Affairs of the House of*
3 *Representatives a report on the findings of the Acad-*
4 *emies pursuant to such agreement.*

5 (4) *ALTERNATIVE CONTRACT SCIENTIFIC ORGANI-*
6 *ZATION.—*

7 (A) *IN GENERAL.—If the Secretary is un-*
8 *able within the time period prescribed in para-*
9 *graph (1) to enter into an agreement with the*
10 *Academies for the purposes of this subsection on*
11 *terms acceptable to the Secretary, the Secretary*
12 *shall seek to enter into an agreement for the pur-*
13 *poses of this subsection with another appropriate*
14 *scientific organization that—*

15 (i) *is not part of the Federal Govern-*
16 *ment;*

17 (ii) *operates as a not-for-profit entity;*
18 *and*

19 (iii) *has expertise and objectivity com-*
20 *parable to that of the Academies.*

21 (B) *TREATMENT.—If the Secretary enters*
22 *into an agreement with another organization as*
23 *described in subparagraph (A), any reference in*
24 *this subsection to the Academies of Sciences, En-*

1 *gineering, and Medicine shall be treated as a ref-*
2 *erence to the other organization.*

3 (d) *CONFORMING AMENDMENTS.—Chapter 11 is*
4 *amended—*

5 (1) *in section 1116—*

6 (A) *by striking subsections (b), (c), (d), and*
7 (e);

8 (B) *by inserting after subsection (a) the fol-*
9 *lowing new subsection (b):*

10 *“(b) The Secretary shall ensure that any determina-*
11 *tion made on or after the date of the enactment of the Ser-*
12 *geant First Class Heath Robinson Honoring our Promise*
13 *to Address Comprehensive Toxics Act of 2022 regarding a*
14 *presumption of service connection based on exposure to an*
15 *herbicide agent under this section is made pursuant to sub-*
16 *chapter VII of this chapter, including with respect to assess-*
17 *ing reports received by the Secretary from the National*
18 *Academy of Sciences under section 3 of the Agent Orange*
19 *Act of 1991 (Public Law 102–4).”;* and

20 (C) *by redesignating subsection (f) as sub-*
21 *section (c);*

22 (2) *in section 1116B(b)(2)(A), by inserting “pur-*
23 *suant to subchapter VII of this chapter,” before “the*
24 *Secretary determines”;* and

25 (3) *in section 1118—*

1 (A) by striking subsections (b) through (e);

2 and

3 (B) by inserting after subsection (a) the fol-
4 lowing 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 Ser-
7 geant First Class Heath Robinson Honoring our Promise
8 to Address Comprehensive Toxics Act of 2022 regarding a
9 presumption of service connection based on a toxic exposure
10 under this section is made pursuant to subchapter VII of
11 this chapter.”.

12 **SEC. 203. OUTREACH TO CLAIMANTS FOR DISABILITY COM-**
13 **PENSATION PURSUANT TO CHANGES IN PRE-**
14 **SUMPTIONS OF SERVICE CONNECTION.**

15 (a) *IN GENERAL.*—Subchapter VI of chapter 11 is
16 amended by adding at the end the following new section:

17 **“§1167. Outreach pursuant to changes in presump-**
18 **tions of service connection**

19 “(a) *IN GENERAL.*—Whenever a law, including
20 through a regulation or Federal court decision or settlement,
21 establishes or modifies a presumption of service connection,
22 the Secretary shall—

23 “(1) identify all claims for compensation under
24 this chapter that—

25 “(A) were submitted to the Secretary;

1 “(B) were evaluated and denied by the Sec-
2 retary before the date on which such provision of
3 law went into effect; and

4 “(C) might have been evaluated differently
5 had the establishment or modification been ap-
6 plicable to the claim; and

7 “(2) pursuant to subsection (b), conduct outreach
8 to the claimants.

9 “(b) *OUTREACH.*—(1) *The Secretary shall conduct out-*
10 *reach to inform claimants identified under subsection (a)*
11 *that they may submit a supplemental claim in light of the*
12 *establishment or modification of a presumption of service*
13 *connection described in subsection (a).*

14 “(2) *Outreach under paragraph (1) shall include the*
15 *following:*

16 “(A) *The Secretary shall publish on the internet*
17 *website of the Department a notice that such veterans*
18 *may elect to file a supplemental claim.*

19 “(B) *The Secretary shall notify, in writing or by*
20 *electronic means, veterans service organizations of the*
21 *ability of such veterans to file a supplemental claim.*

22 “(C) *The Secretary shall contact each claimant*
23 *identified under subsection (a) in the same manner*
24 *that the Department last provided notice of a deci-*
25 *sion.”.*

1 (b) *APPLICATION.*—Section 1167 of title 38, United
2 States Code, as added by subsection (a), shall apply with
3 respect to presumptions of service connection established or
4 modified on or after the date of the enactment of this Act,
5 including pursuant to amendments made by this Act.

6 (c) *RULE OF CONSTRUCTION.*—Nothing in this section
7 shall be construed as—

8 (1) *modifying the obligations of the Department*
9 *of Veterans Affairs under Federal court decisions or*
10 *settlements in effect as of the date of the enactment of*
11 *this Act; or*

12 (2) *requiring a retroactively applied effective*
13 *date of a supplemental claim earlier than the date a*
14 *presumption of service connection is established or*
15 *modified.*

16 **SEC. 204. REEVALUATION OF CLAIMS FOR DEPENDENCY**
17 **AND INDEMNITY COMPENSATION INVOLVING**
18 **PRESUMPTIONS OF SERVICE CONNECTION.**

19 (a) *IN GENERAL.*—Subchapter I of chapter 13 is
20 amended by adding at the end the following new section:

1 **“§ 1305. Reevaluation of dependency and indemnity**
2 **compensation determinations pursuant to**
3 **changes in presumptions of service con-**
4 **nection**

5 “(a) *REEVALUATION.*—Whenever a law, including
6 through a regulation or Federal court decision or settlement,
7 establishes or modifies a presumption of service connection,
8 the Secretary shall—

9 “(1) identify all claims for dependency and in-
10 demnity compensation under this chapter that—

11 “(A) were submitted to the Secretary;

12 “(B) were evaluated and denied by the Sec-
13 retary before the date on which such provision of
14 law went into effect; and

15 “(C) might have been evaluated differently
16 had the establishment or modification been ap-
17 plicable to the claim;

18 “(2) allow for the reevaluation of such claims at
19 the election of the claimant; and

20 “(3) notwithstanding section 5110 of this title,
21 with respect to claims approved pursuant to such re-
22 evaluation, provide compensation under this chapter
23 effective as if the establishment or modification of the
24 presumption of service connection had been in effect
25 on the date of the submission of the original claim de-
26 scribed in paragraph (1).

1 “(b) *OUTREACH.*—(1) *The Secretary shall conduct out-*
2 *reach to inform relevant claimants that they may elect to*
3 *have a claim be reevaluated in light of the establishment*
4 *or modification of a presumption of service connection de-*
5 *scribed in subsection (a).*

6 “(2) *Outreach under paragraph (1) shall include the*
7 *following:*

8 “(A) *The Secretary shall publish on the internet*
9 *website of the Department a notice that such claim-*
10 *ants may elect to have a claim so reevaluated.*

11 “(B) *The Secretary shall notify, in writing or by*
12 *electronic means, veterans service organizations of the*
13 *ability of such claimants to elect to have a claim so*
14 *reevaluated.*

15 “(C) *The Secretary shall contact each claimant*
16 *identified under subsection (a) in the same manner*
17 *that the Department last provided notice of a deci-*
18 *sion.*”.

19 “(b) *APPLICATION.*—*Section 1305 of title 38, United*
20 *States Code, as added by subsection (a), shall apply with*
21 *respect to presumptions of service connection established or*
22 *modified on or after the date of the enactment of this Act,*
23 *including pursuant to amendments made by this Act.*

24 “(c) *RULE OF CONSTRUCTION.*—*Nothing in this section*
25 *shall be construed as modifying the obligations of the De-*

1 *partment of Veterans Affairs under Federal court decisions*
2 *or settlements in effect as of the date of the enactment of*
3 *this Act.*

4 **TITLE III—IMPROVING THE ES-**
5 **TABLISHMENT OF SERVICE**
6 **CONNECTION PROCESS FOR**
7 **TOXIC-EXPOSED VETERANS**

8 **SEC. 301. SHORT TITLE.**

9 *This title may be cited as the “Veterans Burn Pits Ex-*
10 *posure Recognition Act of 2022”.*

11 **SEC. 302. PRESUMPTIONS OF TOXIC EXPOSURE.**

12 *Subchapter II of chapter 11 is amended by adding at*
13 *the end the following new section:*

14 **“§ 1119. Presumptions of toxic exposure**

15 *“(a) CONSIDERATION OF RECORDS.—If a veteran sub-*
16 *mits to the Secretary a claim for compensation for a serv-*
17 *ice-connected disability under section 1110 of this title with*
18 *evidence of a disability and a toxic exposure that occurred*
19 *during active military, naval, air, or space service, the Sec-*
20 *retary may, in adjudicating such claim, consider—*

21 *“(1) any record of the veteran in an exposure*
22 *tracking record system; and*

23 *“(2) if no record of the veteran in an exposure*
24 *tracking record system indicates that the veteran was*
25 *subject to a toxic exposure during active military,*

1 *naval, air, or space service, the totality of the cir-*
2 *cumstances of the service of the veteran.*

3 *“(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE*
4 *FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—*

5 *(1) The Secretary shall, for purposes of section 1110 and*
6 *chapter 17 of this title, presume that any covered veteran*
7 *was exposed to the substances, chemicals, and airborne haz-*
8 *ards identified in the list under paragraph (2) during the*
9 *service of the covered veteran specified in subsection (c)(1),*
10 *unless there is affirmative evidence to establish that the cov-*
11 *ered veteran was not exposed to any such substances, chemi-*
12 *cals, or hazards in connection with such service.*

13 *“(2) The Secretary shall—*

14 *“(A) establish and maintain a list that contains*
15 *an identification of one or more such substances,*
16 *chemicals, and airborne hazards as the Secretary, in*
17 *collaboration with the Secretary of Defense, may de-*
18 *termine appropriate for purposes of this section; and*

19 *“(B) determine, using procedures consistent with*
20 *section 1172 of this title and through the conduct of*
21 *a formal evaluation under section 1173 of this title,*
22 *whether to establish an end date for a covered veteran*
23 *to qualify for presumptions of exposure under this*
24 *section, if appropriate, but in no case establish an*

1 *end date earlier than the last day of the period speci-*
2 *fied in section 101(33) for the Persian Gulf War.*

3 *“(3) Beginning not later than two years after the date*
4 *of the enactment of the Sergeant First Class Heath Robin-*
5 *son Honoring our Promise to Address Comprehensive*
6 *Toxics Act of 2022, and not less frequently than once every*
7 *two years thereafter, the Secretary shall submit to the Com-*
8 *mittee on Veterans’ Affairs of the Senate and the Committee*
9 *on Veterans’ Affairs of the House of Representatives a report*
10 *identifying any additions or removals to the list under*
11 *paragraph (2) during the period covered by the report.*

12 *“(c) DEFINITIONS.—In this section:*

13 *“(1) The term ‘covered veteran’ means any vet-*
14 *eran who—*

15 *“(A) on or after August 2, 1990, performed*
16 *active military, naval, air, or space service while*
17 *assigned to a duty station in, including airspace*
18 *above—*

19 *“(i) Bahrain;*

20 *“(ii) Iraq;*

21 *“(iii) Kuwait;*

22 *“(iv) Oman;*

23 *“(v) Qatar;*

24 *“(vi) Saudi Arabia;*

25 *“(vii) Somalia; or*

1 “(viii) *United Arab Emirates; or*
2 “(B) *on or after September 11, 2001, per-*
3 *formed active military, naval, air, or space serv-*
4 *ice while assigned to a duty station in, including*
5 *airspace above—*

6 “(i) *Afghanistan;*

7 “(ii) *Djibouti;*

8 “(iii) *Egypt;*

9 “(iv) *Jordan;*

10 “(v) *Lebanon;*

11 “(vi) *Syria;*

12 “(vii) *Yemen;*

13 “(viii) *Uzbekistan; or*

14 “(ix) *any other country determined rel-*
15 *evant by the Secretary.*

16 “(2) *The term ‘exposure tracking record sys-*
17 *tem’—*

18 “(A) *means any system, program, or pilot*
19 *program used by the Secretary of Veterans Af-*
20 *fairs or the Secretary of Defense to track how*
21 *veterans or members of the Armed Forces have*
22 *been exposed to various occupational or environ-*
23 *mental hazards; and*

24 “(B) *includes the Individual Longitudinal*
25 *Exposure Record, or successor system.*

1 “(3) *The term ‘toxic exposure risk activity’ has*
 2 *the meaning given such term in section 1710(e)(4) of*
 3 *this title.’.*”

4 **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**
 5 **POSURE RISK ACTIVITIES.**

6 *Subchapter VI of chapter 11, as amended by section*
 7 203, *is further amended by adding at the end the following*
 8 *new section:*

9 **“§1168. Medical nexus examinations for toxic expo-**
 10 **sure risk activities**

11 “(a) *MEDICAL EXAMINATIONS AND MEDICAL OPIN-*
 12 *IONS.—(1) Except as provided in subsection (b), if a vet-*
 13 *eran submits to the Secretary a claim for compensation for*
 14 *a service-connected disability under section 1110 of this*
 15 *title with evidence of a disability and evidence of participa-*
 16 *tion in a toxic exposure risk activity during active mili-*
 17 *tary, naval, air, or space service, and such evidence is not*
 18 *sufficient to establish a service connection for the disability,*
 19 *the Secretary shall—*

20 “(A) *provide the veteran with a medical exam-*
 21 *ination under section 5103A(d) of this title; and*

22 “(B) *obtain a medical opinion (to be requested*
 23 *by the Secretary in connection with the medical ex-*
 24 *amination under subparagraph (A)) as to whether it*
 25 *is at least as likely as not that there is a nexus be-*

1 *tween the disability and the toxic exposure risk activ-*
2 *ity.*

3 “(2) *When providing the Secretary with a medical*
4 *opinion under paragraph (1)(B) for a veteran, the health*
5 *care provider shall consider—*

6 “(A) *the total potential exposure through all ap-*
7 *plicable military deployments of the veteran; and*

8 “(B) *the synergistic, combined effect of all toxic*
9 *exposure risk activities of the veteran.*

10 “(3) *The requirement under paragraph (2)(B) shall*
11 *not be construed as requiring a health care provider to con-*
12 *sider the synergistic, combined effect of each of the sub-*
13 *stances, chemicals, and airborne hazards identified in the*
14 *list under section 1119(b)(2) of this title.*

15 “(b) *EXCEPTION.—Subsection (a) shall not apply if*
16 *the Secretary determines there is no indication of an asso-*
17 *ciation between the disability claimed by the veteran and*
18 *the toxic exposure risk activity for which the veteran sub-*
19 *mitted evidence.*

20 “(c) *TOXIC EXPOSURE RISK ACTIVITY DEFINED.—In*
21 *this section, the term ‘toxic exposure risk activity’ has the*
22 *meaning given that term in section 1710(e)(4) of this title.’.*”

1 **TITLE IV—PRESUMPTIONS OF**
2 **SERVICE CONNECTION**

3 **SEC. 401. TREATMENT OF VETERANS WHO PARTICIPATED**
4 **IN CLEANUP OF ENEWETAK ATOLL AS RADI-**
5 **ATION-EXPOSED VETERANS FOR PURPOSES**
6 **OF PRESUMPTION OF SERVICE CONNECTION**
7 **OF CERTAIN DISABILITIES BY DEPARTMENT**
8 **OF VETERANS AFFAIRS.**

9 (a) *SHORT TITLE.*—*This section may be cited as the*
10 *“Mark Takai Atomic Veterans Healthcare Parity Act of*
11 *2022”.*

12 (b) *ENEWETAK ATOLL.*—*Section 1112(c)(3)(B) is*
13 *amended by adding at the end the following new clause:*

14 *“(v) Cleanup of Enewetak Atoll during the*
15 *period beginning on January 1, 1977, and end-*
16 *ing on December 31, 1980.”.*

17 **SEC. 402. TREATMENT OF VETERANS WHO PARTICIPATED**
18 **IN NUCLEAR RESPONSE NEAR PALOMARES,**
19 **SPAIN, OR THULE, GREENLAND, AS RADI-**
20 **ATION-EXPOSED VETERANS FOR PURPOSES**
21 **OF PRESUMPTION OF SERVICE CONNECTION**
22 **OF CERTAIN DISABILITIES BY DEPARTMENT**
23 **OF VETERANS AFFAIRS.**

24 (a) *SHORT TITLE.*—*This section may be cited as the*
25 *“Palomares or Thule Veterans Act of 2022”.*

1 (b) *PALOMARES OR THULE*.—Section 1112(c)(3)(B),
 2 *as amended by section 401, is further amended by adding*
 3 *at the end the following new clauses:*

4 “(vi) *Onsite participation in the response*
 5 *effort following the collision of a United States*
 6 *Air Force B–52 bomber and refueling plane that*
 7 *caused the release of four thermonuclear weapons*
 8 *in the vicinity of Palomares, Spain, during the*
 9 *period beginning January 17, 1966, and ending*
 10 *March 31, 1967.*”

11 “(vii) *Onsite participation in the response*
 12 *effort following the on-board fire and crash of a*
 13 *United States Air Force B–52 bomber that*
 14 *caused the release of four thermonuclear weapons*
 15 *in the vicinity of Thule Air Force Base, Green-*
 16 *land, during the period beginning January 21,*
 17 *1968, and ending September 25, 1968.*”

18 **SEC. 403. PRESUMPTIONS OF SERVICE CONNECTION FOR**
 19 **DISEASES ASSOCIATED WITH EXPOSURES TO**
 20 **CERTAIN HERBICIDE AGENTS FOR VETERANS**
 21 **WHO SERVED IN CERTAIN LOCATIONS.**

22 (a) *SHORT TITLE*.—*This section may be cited as the*
 23 *“Veterans Agent Orange Exposure Equity Act of 2022”.*

24 (b) *IN GENERAL*.—Section 1116, *as amended by sec-*
 25 *tion 202, is further amended—*

1 (1) by striking “, during active military, naval,
2 air, or space service, served in the Republic of Viet-
3 nam during the period beginning on January 9,
4 1962, and ending on May 7, 1975” each place it ap-
5 pears and inserting “performed covered service”;

6 (2) by striking “performed active military,
7 naval, air, or space service in the Republic of Viet-
8 nam during the period beginning on January 9,
9 1962, and ending on May 7, 1975” each place it ap-
10 pears and inserting “performed covered service”; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(d) In this section, the term ‘covered service’ means
14 active military, naval, air, or space service—

15 “(1) performed in the Republic of Vietnam dur-
16 ing the period beginning on January 9, 1962, and
17 ending on May 7, 1975;

18 “(2) performed in Thailand at any United
19 States or Royal Thai base during the period begin-
20 ning on January 9, 1962, and ending on June 30,
21 1976, without regard to where on the base the veteran
22 was located or what military job specialty the veteran
23 performed;

1 “(3) performed in Laos during the period begin-
2 ning on December 1, 1965, and ending on September
3 30, 1969;

4 “(4) performed in Cambodia at Mimot or Krek,
5 Kampong Cham Province during the period begin-
6 ning on April 16, 1969, and ending on April 30,
7 1969; or

8 “(5) performed on Guam or American Samoa, or
9 in the territorial waters thereof, during the period be-
10 ginning on January 9, 1962, and ending on July 31,
11 1980, or served on Johnston Atoll or on a ship that
12 called at Johnston Atoll during the period beginning
13 on January 1, 1972, and ending on September 30,
14 1977.”.

15 (c) *ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL*
16 *SERVICES.*—Section 1710(e)(4), as amended by section
17 102(c), is further amended by striking subparagraph (A)
18 and inserting the following new subparagraph:

19 “(A) The term ‘Vietnam-era herbicide-exposed
20 veteran’ means a veteran who—

21 “(i) performed covered service, as defined in
22 section 1116(d) of this title; or

23 “(ii) the Secretary finds may have been ex-
24 posed during active military, naval, air, or
25 space service to dioxin during the Vietnam era,

1 *regardless of the geographic area of such service,*
2 *or was exposed during such service to a toxic*
3 *substance found in a herbicide or defoliant used*
4 *for military purposes during such era, regardless*
5 *of the geographic area of such service.”.*

6 (d) *CONFORMING AMENDMENT.*—*The heading for sec-*
7 *tion 1116 is amended by striking “**the Republic of***
8 ***Vietnam**” and inserting “**certain locations**”.*

9 (e) *EFFECTIVE DATE AND APPLICABILITY.*—*The*
10 *amendments made by this section shall take effect on the*
11 *date of the enactment of this Act and shall apply as follows:*

12 (1) *On the date of the enactment of this Act for*
13 *claimants for dependency and indemnity compensa-*
14 *tion under chapter 13 of title 38, United States Code,*
15 *and for veterans whom the Secretary of Veterans Af-*
16 *airs determines are—*

17 (A) *terminally ill;*

18 (B) *homeless;*

19 (C) *under extreme financial hardship;*

20 (D) *more than 85 years old; or*

21 (E) *capable of demonstrating other suffi-*
22 *cient cause.*

23 (2) *On October 1, 2022, for everyone not de-*
24 *scribed in paragraph (1).*

1 **SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCIATED**
2 **WITH EXPOSURE TO CERTAIN HERBICIDE**
3 **AGENTS FOR WHICH THERE IS A PRESUMP-**
4 **TION OF SERVICE CONNECTION FOR VET-**
5 **ERANS WHO SERVED IN CERTAIN LOCATIONS.**

6 (a) *SHORT TITLE.*—*This section may be cited as the*
7 *“Fair Care for Vietnam Veterans Act of 2022”.*

8 (b) *MONOCLONAL GAMMOPATHY OF UNDETERMINED*
9 *SIGNIFICANCE.*—*Section 1116(a)(2) of title 38, United*
10 *States Code, is amended by adding at the end the following*
11 *new subparagraph:*

12 “(L) *Monoclonal gammopathy of undetermined*
13 *significance.*”.

14 (c) *HYPERTENSION.*—*Such section, as amended by*
15 *subsection (b), is further amended by adding at the end the*
16 *following new subparagraph:*

17 “(M) *Hypertension.*”.

18 (d) *EFFECTIVE DATES AND APPLICABILITY.*—

19 (1) *MONOCLONAL GAMMOPATHY OF UNDETER-*
20 *MINED SIGNIFICANCE.*—

21 (A) *IN GENERAL.*—*The amendment made*
22 *by subsection (b) shall take effect on the date of*
23 *the enactment of this Act and shall apply as fol-*
24 *lows:*

25 (i) *On the date of the enactment of this*
26 *Act for claimants for dependency and in-*

1 *demnity compensation under chapter 13 of*
2 *title 38, United States Code, and for vet-*
3 *erans whom the Secretary of Veterans Af-*
4 *fairs determines are—*

5 *(I) terminally ill;*

6 *(II) homeless;*

7 *(III) under extreme financial*
8 *hardship;*

9 *(IV) more than 85 years old; or*

10 *(V) capable of demonstrating*
11 *other sufficient cause.*

12 *(ii) On October 1, 2022, for everyone*
13 *not described in clause (i).*

14 *(B) RETROACTIVE APPLICATION.—Notwith-*
15 *standing any Federal court decisions or settle-*
16 *ments in effect on the day before the date of the*
17 *enactment of this Act, the Secretary of Veterans*
18 *Affairs shall award retroactive claims for a con-*
19 *dition under section 1116(a)(2)(L) of title 38,*
20 *United States Code, as added by subsection (b)*
21 *of this section, only to claimants for dependency*
22 *and indemnity compensation under chapter 13*
23 *of such title described in subparagraph (A)(i) of*
24 *this paragraph.*

25 *(2) HYPERTENSION.—*

1 (A) *IN GENERAL.*—*The amendment made*
2 *by subsection (c) shall take effect on the date of*
3 *the enactment of this Act and shall apply as fol-*
4 *lows:*

5 (i) *On the date of the enactment of this*
6 *Act for claimants for dependency and in-*
7 *demnity compensation under chapter 13 of*
8 *title 38, United States Code, and for vet-*
9 *erans whom the Secretary of Veterans Af-*
10 *airs determines are—*

11 (I) *terminally ill;*

12 (II) *homeless;*

13 (III) *under extreme financial*
14 *hardship;*

15 (IV) *more than 85 years old; or*

16 (V) *capable of demonstrating*
17 *other sufficient cause.*

18 (ii) *On October 1, 2026, for everyone*
19 *not described in subparagraph (A).*

20 (B) *RETROACTIVE APPLICATION.*—*Notwith-*
21 *standing any Federal court decisions or settle-*
22 *ments in effect on the day before the date of the*
23 *enactment of this Act, the Secretary of Veterans*
24 *Affairs shall award retroactive claims for a con-*
25 *dition under section 1116(a)(2)(M) of title 38,*

1 *United States Code, as added by subsection (c)*
2 *of this section, only to claimants for dependency*
3 *and indemnity compensation under chapter 13*
4 *of such title described in subparagraph (A)(i) of*
5 *this paragraph.*

6 **SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES**
7 **OCCURRING IN PERSIAN GULF WAR VET-**
8 **ERANS.**

9 *(a) REDUCTION IN THRESHOLD OF ELIGIBILITY.—*
10 *Subsection (a)(1) of section 1117 is amended by striking*
11 *“became manifest—” and all that follows through the pe-*
12 *riod at the end and inserting “became manifest to any de-*
13 *gree at any time.”.*

14 *(b) PERMANENT EXTENSION OF PERIOD OF ELIGI-*
15 *BILITY.—Such section is further amended—*

16 *(1) by striking subsection (b);*

17 *(2) by redesignating subsections (c) and (d) as*
18 *subsections (b) and (c), respectively; and*

19 *(3) in subsection (a)(2)(C), by striking “under*
20 *subsection (d)” and inserting “under subsection (c)”.*

21 *(c) ESTABLISHING SINGULAR DISABILITY-BASED*
22 *QUESTIONNAIRE.—Such section is further amended by in-*
23 *serting after subsection (c) (as redesignated by subsection*
24 *(b)) the following new subsection (d):*

1 “(d) *If a Persian Gulf veteran at a medical facility*
2 *of the Department presents with any one symptom associ-*
3 *ated with Gulf War Illness, the Secretary shall ensure that*
4 *health care personnel of the Department use a disability*
5 *benefits questionnaire, or successor questionnaire, designed*
6 *to identify Gulf War Illness, in addition to any other diag-*
7 *nostic actions the personnel determine appropriate.”.*

8 (d) *EXPANSION OF DEFINITION OF PERSIAN GULF*
9 *VETERAN.—Subsection (f) of such section is amended by in-*
10 *serting “, Afghanistan, Israel, Egypt, Turkey, Syria, or*
11 *Jordan,” after “operations”.*

12 (e) *TRAINING.—Such section is further amended by*
13 *adding at the end the following new subsection:*

14 “(i)(1) *The Secretary shall take such actions as may*
15 *be necessary to ensure that health care personnel of the De-*
16 *partment are appropriately trained to effectively carry out*
17 *this section.*

18 “(2) *Not less frequently than once each year, the Sec-*
19 *retary shall submit to Congress a report on the actions*
20 *taken by the Secretary to carry out paragraph (1).”.*

1 **SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR**
2 **CERTAIN DISEASES ASSOCIATED WITH EXPO-**
3 **SURE TO BURN PITS AND OTHER TOXINS.**

4 (a) *SHORT TITLE.*—This section may be cited as the
5 “Presumptive Benefits for War Fighters Exposed to Burn
6 Pits and Other Toxins Act of 2022”.

7 (b) *IN GENERAL.*—Subchapter II of chapter 11, as
8 amended by section 302, is further amended by inserting
9 after section 1119 the following new section:

10 **“§ 1120. Presumption of service connection for certain**
11 **diseases associated with exposure to burn**
12 **pits and other toxins**

13 “(a) *PRESUMPTION OF SERVICE CONNECTION.*—For
14 the purposes of section 1110 of this title, and subject to sec-
15 tion 1113 of this title, a disease specified in subsection (b)
16 becoming manifest in a covered veteran shall be considered
17 to have been incurred in or aggravated during active mili-
18 tary, naval, air, or space service, notwithstanding that
19 there is no record of evidence of such disease during the
20 period of such service.

21 “(b) *DISEASES SPECIFIED.*—The diseases specified in
22 this subsection are the following:

23 “(1) Asthma that was diagnosed after service of
24 the covered veteran as specified in subsection (c).

25 “(2) The following types of cancer:

26 “(A) Head cancer of any type.

- 1 “(B) Neck cancer of any type.
- 2 “(C) Respiratory cancer of any type.
- 3 “(D) Gastrointestinal cancer of any type.
- 4 “(E) Reproductive cancer of any type.
- 5 “(F) Lymphoma cancer of any type.
- 6 “(G) Lymphomatic cancer of any type.
- 7 “(H) Kidney cancer.
- 8 “(I) Brain cancer.
- 9 “(J) Melanoma.
- 10 “(K) Pancreatic cancer.
- 11 “(3) Chronic bronchitis.
- 12 “(4) Chronic obstructive pulmonary disease.
- 13 “(5) Constrictive bronchiolitis or obliterative
- 14 *bronchiolitis.*
- 15 “(6) Emphysema.
- 16 “(7) Granulomatous disease.
- 17 “(8) Interstitial lung disease.
- 18 “(9) Pleuritis.
- 19 “(10) Pulmonary fibrosis.
- 20 “(11) Sarcoidosis.
- 21 “(12) Chronic sinusitis.
- 22 “(13) Chronic rhinitis.
- 23 “(14) Glioblastoma.
- 24 “(15) Any other disease for which the Secretary
- 25 *determines, pursuant to regulations prescribed under*

1 *subchapter VII that a presumption of service connec-*
2 *tion is warranted based on a positive association with*
3 *a substance, chemical, or airborne hazard identified*
4 *in the list under section 1119(b)(2) of this title.*

5 *“(c) COVERED VETERAN DEFINED.—In this section,*
6 *the term ‘covered veteran’ has the meaning given that term*
7 *in section 1119(c) of this title.”.*

8 *(c) CONFORMING AMENDMENT.—Section 1113 is*
9 *amended by striking “or 1118” each place it appears and*
10 *inserting “1118, or 1120”.*

11 *(d) EFFECTIVE DATE AND APPLICABILITY.—The*
12 *amendments made by this section shall take effect on the*
13 *date of the enactment of this Act and shall apply as follows:*

14 *(1) On the date of the enactment of this Act for*
15 *claimants for dependency and indemnity compensa-*
16 *tion under chapter 13 of title 38, United States Code,*
17 *and veterans whom the Secretary of Veterans Affairs*
18 *determines are—*

19 *(A) terminally ill;*

20 *(B) homeless;*

21 *(C) under extreme financial hardship;*

22 *(D) more than 85 years old; or*

23 *(E) capable of demonstrating other suffi-*
24 *cient cause.*

1 (2) *On the date of the enactment of this Act for*
2 *everyone not described in paragraph (1), with respect*
3 *to paragraphs (1), (2)(C), (2)(I), (5), (6), (7), (8),*
4 *(9), (10), (11), (12), (13), and (14), of section 1120(b)*
5 *of title 38, United States Code, as added by subsection*
6 *(b).*

7 (3) *On October 1, 2023, for everyone not de-*
8 *scribed in paragraph (1), with respect to paragraphs*
9 *(3) and (4) of section 1120(b) of such title, as so*
10 *added.*

11 (4) *On October 1, 2024, for everyone not de-*
12 *scribed in paragraph (1), with respect to subpara-*
13 *graphs (A), (B), (D), (E), (F), (G), and (K) of section*
14 *1120(b)(2) of such title, as so added.*

15 (5) *On October 1, 2025, for everyone not de-*
16 *scribed in paragraph (1), with respect to subpara-*
17 *graphs (H) and (J) of section 1120(b)(2) of such title,*
18 *as so added.*

19 **SEC. 407. RULE OF CONSTRUCTION.**

20 (a) *GENERALLY.*—*Nothing in this Act shall be con-*
21 *strued to prevent the Secretary of Veterans Affairs from*
22 *processing claims for benefits under title 38, United States*
23 *Code, for a condition or disease for which this Act estab-*
24 *lishes a presumption of service connection, as a claim for*

1 (C) *The Department of Health and Human*
2 *Services.*

3 (D) *The Environmental Protection Agency.*

4 (E) *Other entities of the Federal Govern-*
5 *ment involved in research activities regarding*
6 *the health consequences of toxic exposures experi-*
7 *enced during active military, naval, air, or*
8 *space service.*

9 (b) *FUNCTIONS.—The Working Group shall perform*
10 *the following functions:*

11 (1) *Identify collaborative research activities and*
12 *resources available among entities represented by*
13 *members of the Working Group to conduct such col-*
14 *laborative research activities.*

15 (2) *Develop a five-year strategic plan for such*
16 *entities to carry out collaborative research activities.*

17 (c) *REPORTING.—The Secretary shall submit to the*
18 *Committee on Veterans' Affairs of the Senate and the Com-*
19 *mittee on Veterans' Affairs of the House of Representatives*
20 *the following:*

21 (1) *Not later than one year after the date of the*
22 *enactment of this Act, a report on the establishment*
23 *of the Working Group under subsection (a).*

24 (2) *Not later than two years after the date of the*
25 *enactment of this Act, a report containing the collabo-*

1 *rative research activities identified, and the strategic*
2 *plan developed, by the Working Group under sub-*
3 *section (b).*

4 (3) *Not less frequently than annually during the*
5 *five-year period covered by the strategic plan under*
6 *subsection (b), a progress report on implementation of*
7 *the strategic plan.*

8 (d) *TERMINATION.*—*The Working Group shall termi-*
9 *nate after submitting the final report under subsection (c).*

10 (e) *DEFINITIONS.*—*In this section:*

11 (1) *ACTIVE MILITARY, NAVAL, AIR, OR SPACE*
12 *SERVICE.*—*The term “active military, naval, air, or*
13 *space service” has the meaning given that term in*
14 *section 101 of title 38, United States Code.*

15 (2) *COLLABORATIVE RESEARCH ACTIVITY.*—*The*
16 *term “collaborative research activity” means a re-*
17 *search activity—*

18 (A) *agreed upon by the Working Group;*

19 (B) *conducted by an entity represented by*
20 *a member of the Working Group;*

21 (C) *funded by the Federal Government; and*

22 (D) *regarding the health consequences of*
23 *toxic exposures experienced during active mili-*
24 *tary, naval, air, or space service.*

1 (3) *TOXIC EXPOSURE*.—The term “toxic expo-
2 sure” has the meaning given such term in section 101
3 of title 38, United States Code, as amended by section
4 102(b).

5 **SEC. 502. ANALYSIS AND REPORT ON TREATMENT OF VET-**
6 **ERANS FOR MEDICAL CONDITIONS RELATED**
7 **TO TOXIC EXPOSURE.**

8 (a) *IN GENERAL*.—The Secretary of Veterans Affairs
9 shall analyze, on a continuous basis, all clinical data
10 that—

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

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

18 (b) *ANNUAL REPORT*.—Not later than one year after
19 the date of the enactment of this Act, and annually there-
20 after, the Secretary shall submit to the Committee on Vet-
21 erans’ Affairs of the Senate and the Committee on Veterans’
22 Affairs of the House of Representatives a report containing
23 the following:

24 (1) The aggregate data compiled under sub-
25 section (a).

1 (2) *An analysis of such data.*

2 (3) *A description of the types and incidences of*
3 *medical conditions identified by the Department*
4 *under such subsection.*

5 (4) *The explanation of the Secretary for the inci-*
6 *dence of such medical conditions and other expla-*
7 *nations for the incidence of such conditions as the*
8 *Secretary considers reasonable.*

9 (5) *The views of the Secretary on the scientific*
10 *validity of drawing conclusions from the incidence of*
11 *such medical conditions, as evidenced by the data*
12 *compiled under subsection (a), regarding any associa-*
13 *tion between such conditions and toxic exposures.*

14 (c) *TOXIC EXPOSURE DEFINED.*—*In this section, the*
15 *term “toxic exposure” has the meaning given such term in*
16 *section 101 of title 38, United States Code, as amended by*
17 *section 102(b).*

18 **SEC. 503. ANALYSIS RELATING TO MORTALITY OF VET-**

19 **ERANS WHO SERVED IN SOUTHWEST ASIA.**

20 (a) *ANALYSIS.*—

21 (1) *IN GENERAL.*—*Not later than 270 days after*
22 *the date of the enactment of this Act, the Secretary of*
23 *Veterans Affairs, in coordination with the Secretary*
24 *of Defense, shall conduct an updated analysis of total*
25 *and respiratory disease mortality in covered veterans.*

1 (2) *ELEMENTS.*—*The analysis required by para-*
2 *graph (1) shall include, to the extent practicable, the*
3 *following with respect to each covered veteran:*

4 (A) *Metrics of airborne exposures.*

5 (B) *The location and timing of deployments*
6 *of the veteran.*

7 (C) *The military occupational specialty of*
8 *the veteran.*

9 (D) *The Armed Force in which the veteran*
10 *served.*

11 (E) *Pre-existing health status of the veteran,*
12 *including with respect to asthma.*

13 (F) *Relevant personal information of the*
14 *veteran, including cigarette and e-cigarette smok-*
15 *ing history, diet, sex, gender, age, race, and eth-*
16 *nicity.*

17 (b) *COVERED VETERAN DEFINED.*—*In this section, the*
18 *term “covered 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) the United Arab Emirates; or

4 (2) on or after September 11, 2001, served on ac-
5 tive 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. 504. STUDY ON HEALTH TRENDS OF POST-9/11 VET-**
14 **ERANS.**

15 *The Secretary of Veterans Affairs shall conduct an epi-*
16 *demiological study on the health trends of veterans who*
17 *served in the Armed Forces after September 11, 2001.*

18 **SEC. 505. STUDY ON CANCER RATES AMONG VETERANS.**

19 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
20 *shall conduct a study on the incidence of cancer in veterans*
21 *to determine trends in the rates of the incidence of cancer*
22 *in veterans.*

23 (b) *ELEMENTS.*—*The study required by subsection (a)*
24 *shall assess, with respect to each veteran included in the*
25 *study, the following:*

1 (1) *The age of the veteran.*

2 (2) *The period of service and length of service of*
3 *the veteran in the Armed Forces.*

4 (3) *The military occupational specialty or spe-*
5 *cialties of the veteran.*

6 (4) *The sex of the veteran.*

7 (5) *The type or types of cancer that the veteran*
8 *has.*

9 **SEC. 506. STUDY ON HEALTH EFFECTS OF WASTE RELATED**
10 **TO MANHATTAN PROJECT ON CERTAIN VET-**
11 **ERANS.**

12 (a) *STUDY.*—*Not later than 180 days after the date*
13 *of the enactment of this Act, the Secretary of Veterans Af-*
14 *airs shall enter into an agreement with the National Acad-*
15 *emies of Sciences, Engineering, and Medicine for the con-*
16 *duct of a study on the health trends of veterans who, while*
17 *-serving in the active military, naval, air, or space service—*

18 (1) *participated in activities relating to the*
19 *Manhattan Project (including activities relating to*
20 *covered waste) in connection with such service; or*

21 (2) *resided at or near, as determined by the Sec-*
22 *retary, the locations described in subsection (b).*

23 (b) *COVERED LOCATIONS.*—*The locations described in*
24 *this subsection are the following locations:*

1 (1) *In the county of St. Louis, Missouri, the fol-*
2 *lowing:*

3 (A) *Coldwater Creek, Missouri.*

4 (B) *The St. Louis Airport Site, Missouri.*

5 (C) *The West Lake Landfill.*

6 (2) *Oak Ridge, Tennessee.*

7 (3) *Hanford, Washington.*

8 (4) *Any other location that is proximate to cov-*
9 *ered waste, as determined by the Secretary.*

10 (c) *ELEMENTS.—The study under subsection (a) shall*
11 *assess, with respect to each veteran included in the study,*
12 *the following:*

13 (1) *The age, sex, and race of the veteran.*

14 (2) *The period and location of exposure to cov-*
15 *ered waste.*

16 (3) *Any type of cancer, or other illness associated*
17 *with toxic exposure, that the veteran has.*

18 (4) *A comparison of the overall health condition*
19 *of the veteran, including any illness of the veteran*
20 *identified pursuant to paragraph (3), with the overall*
21 *health condition of past and present civilian popu-*
22 *lations residing at the same location of exposure, as*
23 *determined by the Secretary.*

24 (d) *REPORT.—Not later than three years after the date*
25 *of the enactment of this Act, the Secretary shall submit to*

1 *the Committee on Veterans' Affairs of the Senate and the*
2 *Committee on Veterans' Affairs of the House of Representa-*
3 *tives a report on the study under subsection (a) and include*
4 *in such report an analysis of the data available and data*
5 *reliability.*

6 (e) *DEFINITIONS.—In this section:*

7 (1) *ACTIVE MILITARY, NAVAL, AIR, OR SPACE*
8 *SERVICE; TOXIC EXPOSURE.—The terms “active mili-*
9 *tary, naval, air, or space service” and “toxic expo-*
10 *sure” have the meanings given those terms in section*
11 *101 of title 38, United States Code, as added by sec-*
12 *tion 102(b).*

13 (2) *COVERED WASTE.—The term “covered waste”*
14 *means any waste arising from activities carried out*
15 *in connection with the Manhattan Project.*

16 (3) *ILLNESS.—The term “illness” has the mean-*
17 *ing given that term in section 1171 of title 38, United*
18 *States Code, as added by section 202.*

19 (4) *TOXIC EXPOSURE.—The term “toxic expo-*
20 *sure” has the meaning given such term in section 101*
21 *of title 38, United States Code, as amended by section*
22 *102(b).*

1 **SEC. 507. STUDY ON TOXIC EXPOSURE AND MENTAL**
2 **HEALTH OUTCOMES.**

3 (a) *STUDY REQUIRED.*—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary of Vet-
5 erans Affairs shall enter into an agreement with the Na-
6 tional Academies of Sciences, Engineering, and Medicine
7 for the conduct of a study of veterans to assess possible rela-
8 tionships between toxic exposures experienced during service
9 in the Armed Forces and mental health conditions, includ-
10 ing chronic multisymptom illness, traumatic brain injury,
11 post-traumatic stress disorder, depression, episodes of psy-
12 chosis, schizophrenia, bipolar disorder, suicide attempts,
13 and suicide deaths.

14 (b) *ELEMENTS.*—For each veteran included in the
15 study under subsection (a), the following information shall
16 be collected and assessed:

17 (1) *Age.*

18 (2) *Sex.*

19 (3) *Race and ethnicity.*

20 (4) *Period and length of service in the Armed*
21 *Forces.*

22 (5) *The military occupational specialty or spe-*
23 *cialties of the veteran.*

24 (6) *History of toxic exposure during service in*
25 *the Armed Forces.*

1 (7) *Any diagnosis of chronic multisymptom ill-*
2 *ness.*

3 (8) *Any diagnosis of a mental health or cognitive*
4 *disorder.*

5 (9) *Any history of suicide attempt or suicidality.*

6 (10) *If the veteran died by suicide.*

7 (11) *Any confounding traumatic experiences that*
8 *could affect a veteran's mental health.*

9 (c) *REPORT.*—*Not later than three years after the date*
10 *of the enactment of this Act, the Secretary shall submit to*
11 *the Committee on Veterans' Affairs of the Senate and the*
12 *Committee on Veterans' Affairs of the House of Representa-*
13 *tives a report containing the findings of the National Acad-*
14 *emies of Sciences, Engineering, and Medicine with respect*
15 *to the study conducted under subsection (a).*

16 **SEC. 508. STUDY ON VETERANS IN TERRITORIES OF THE**
17 **UNITED STATES.**

18 (a) *GAO STUDY.*—

19 (1) *IN GENERAL.*—*The Comptroller General of*
20 *the United States shall conduct a study on the state*
21 *of access and barriers to benefits and services fur-*
22 *nished by the Veterans Benefits Administration and*
23 *the Veterans Health Administration under laws ad-*
24 *ministered by the Secretary of Veterans Affairs to vet-*
25 *erans in Territories and Freely Associated States of*

1 *the United States, including deficits in the avail-*
2 *ability and accessibility of such benefits and services*
3 *compared to veterans elsewhere in the United States.*

4 (2) *ELEMENTS.—The study under paragraph (1)*
5 *shall include—*

6 (A) *the number of veterans in each Terri-*
7 *tory and Freely Associated State of the United*
8 *States;*

9 (B) *the number of veterans in each Terri-*
10 *tory and Freely Associated State who are en-*
11 *rolled in the system of annual patient enrollment*
12 *of the Department of Veterans Affairs under sec-*
13 *tion 1705(a) of title 38, United States Code;*

14 (C) *a description of how the Department es-*
15 *timates the number of veterans in each Territory*
16 *and Freely Associated State who are eligible for*
17 *services under section 1710 of such title but who*
18 *are not enrolled as described in subparagraph*
19 *(B);*

20 (D) *a detailed description of obstacles fac-*
21 *ing veterans in each Territory and Freely Asso-*
22 *ciated State in accessing health care services, in-*
23 *cluding those involving the availability of such*
24 *services to veterans in the Territory or Freely*
25 *Associated State in which the veterans reside,*

1 *and any distance impediments to receiving serv-*
2 *ices at a regional medical center of the Veterans*
3 *Health Administration, a community-based out-*
4 *patient clinic, another full-service medical facil-*
5 *ity of the Department, or a Vet Center, respec-*
6 *tively;*

7 *(E) a detailed description of obstacles facing*
8 *veterans in each Territory and Freely Associated*
9 *State in accessing readjustment counseling serv-*
10 *ices, including those involving the availability of*
11 *such services to veterans in the Territory in*
12 *which the veterans reside, and any distance im-*
13 *pediments to receiving services at a readjustment*
14 *counseling services center of the Department;*

15 *(F) a detailed description of obstacles facing*
16 *veterans in each Territory and Freely Associated*
17 *State in accessing non-health care veterans bene-*
18 *fits, including those involving the availability of*
19 *benefits and services to veterans in the Territory*
20 *or Freely Associated State in which the veterans*
21 *reside, and any distance impediments to access-*
22 *ing the nearest office of the Veterans Benefits Ad-*
23 *ministration;*

24 *(G) an analysis of the staffing and quality*
25 *of the offices of the Veterans Benefits Adminis-*

1 *tration and Veterans Health Administration*
2 *charged with serving veterans in the Territories*
3 *and Freely Associated States, including the*
4 *availability of the full- and part-time staff of*
5 *each office to the veterans they are charged with*
6 *serving;*

7 *(H) an analysis of the availability of the*
8 *Veterans Community Care Program established*
9 *under section 1703 of title 38, United States*
10 *Code, to veterans in each Territory and Freely*
11 *Associated State;*

12 *(I) an analysis of the economic and health*
13 *outcomes for veterans in each Territory or Freely*
14 *Associated State resulting from obstacles to ac-*
15 *cessing adequate assistance and health care at*
16 *facilities of the Department;*

17 *(J) an analysis of the access to benefit as-*
18 *sistance and health care provided to veterans in*
19 *the aftermath of major disasters declared in each*
20 *of the Territories and Freely Associated States*
21 *since September 4, 2017; and*

22 *(K) such recommendations as the Comp-*
23 *troller General considers appropriate for improv-*
24 *ing access of veterans in the Territories and*
25 *Freely Associated States to benefits and health*

1 *care services furnished by the Secretary, and re-*
2 *ducing barriers and deficits in the availability*
3 *and accessibility of such benefits and services*
4 *compared to veterans elsewhere in the United*
5 *States.*

6 **(b) BRIEFING.**—*Not later than one year after the date*
7 *of the enactment of this Act, the Comptroller General shall*
8 *provide to the Committee on Veterans' Affairs of the Senate*
9 *and the Committee on Veterans' Affairs of the House of Rep-*
10 *resentatives a briefing setting forth the results of the study*
11 *conducted under subsection (a), including any rec-*
12 *ommendations developed under paragraph (2)(K) of such*
13 *subsection.*

14 **(c) DEFINITIONS.**—*In this section:*

15 **(1) FREELY ASSOCIATED STATE.**—*The term*
16 *“Freely Associated State” includes the Federated*
17 *States of Micronesia, the Republic of the Marshall Is-*
18 *lands, and the Republic of Palau.*

19 **(2) TERRITORY.**—*The term “Territory” includes*
20 *American Samoa, the Commonwealth of the Northern*
21 *Marianas Islands, Guam, Puerto Rico, and the Vir-*
22 *gin Islands.*

23 **(3) VET CENTER.**—*The term “Vet Center” has*
24 *the meaning given that term in section 1712A(h) of*
25 *title 38, United States Code.*

1 **SEC. 509. DEPARTMENT OF VETERANS AFFAIRS PUBLIC**
2 **WEBSITE FOR TOXIC EXPOSURE RESEARCH.**

3 (a) *WEBSITE.*—Not later than one year after the date
4 of the enactment of this Act, the Secretary of Veterans Af-
5 fairs shall establish, and maintain thereafter, a publicly ac-
6 cessible internet website of the Department of Veterans Af-
7 fairs that serves as a clearinghouse for the publication of
8 all toxic exposure research carried out or funded by the exec-
9 utive branch of the Federal Government.

10 (b) *COORDINATION.*—In carrying out subsection (a),
11 the Secretary shall coordinate with—

12 (1) the heads of each Federal agency carrying
13 out or funding toxic exposure research;

14 (2) the War Related Illness and Injury Study
15 Center of the Department of Veterans Affairs, or suc-
16 cessor center; and

17 (3) any working group of the Department of Vet-
18 erans Affairs or other similar entity responsible for
19 coordinating toxic exposure research.

20 (c) *DEFINITIONS.*—In this section:

21 (1) *TOXIC EXPOSURE.*—The term “toxic expo-
22 sure” has the meaning given that term in section 101
23 of title 38, United States Code, as added by section
24 102(b).

25 (2) *TOXIC EXPOSURE RESEARCH.*—The term
26 “toxic exposure research” means research on the

1 (c) *FOLLOW-UP REPORT*.—Not later than five years
2 after the date of the submittal of the report under subsection
3 (a), the Secretary shall submit to the committees referred
4 to in such subsection an update to such report.

5 **TITLE VI—IMPROVEMENT OF RE-**
6 **SOURCES AND TRAINING RE-**
7 **GARDING TOXIC-EXPOSED**
8 **VETERANS**

9 **SEC. 601. SHORT TITLE; DEFINITIONS.**

10 (a) *SHORT TITLE*.—This title may be cited as the
11 “Fairly Assessing Service-related Toxic Exposure Residuals
12 Presumptions Act of 2022” or the “FASTER Presumption
13 Act of 2022”.

14 (b) *DEFINITIONS*.—In this title, the terms “active mili-
15 tary, naval, air, or space service”, “toxic exposure”, and
16 “toxic-exposed veteran” have the meanings given those
17 terms in section 101 of title 38, United States Code, as
18 amended by section 102.

1 **SEC. 602. PUBLICATION OF LIST OF RESOURCES OF DE-**
2 **PARTMENT OF VETERANS AFFAIRS FOR**
3 **TOXIC-EXPOSED VETERANS AND VETERANS**
4 **WHO REPORT TOXIC EXPOSURES AND OUT-**
5 **REACH PROGRAM FOR SUCH VETERANS AND**
6 **CAREGIVERS AND SURVIVORS OF SUCH VET-**
7 **ERANS.**

8 *(a) PUBLICATION OF LIST OF RESOURCES.—*

9 *(1) IN GENERAL.—Not later than one year after*
10 *the date of the enactment of this Act, and annually*
11 *thereafter, the Secretary of Veterans Affairs shall pub-*
12 *lish a list of resources of the Department of Veterans*
13 *Affairs for—*

14 *(A) toxic-exposed veterans and veterans who*
15 *report toxic exposure;*

16 *(B) families and caregivers of such veterans;*
17 *and*

18 *(C) survivors of such veterans who are re-*
19 *ceiving death benefits under the laws adminis-*
20 *tered by the Secretary.*

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

23 *(b) OUTREACH.—The Secretary shall develop, with*
24 *input from the community, an informative outreach pro-*
25 *gram for veterans on illnesses that may be related to toxic*

1 *exposures, including outreach with respect to benefits and*
2 *support programs.*

3 **SEC. 603. INCORPORATION OF TOXIC EXPOSURE SCREEN-**
4 **ING FOR VETERANS.**

5 *(a) IN GENERAL.—Beginning not later than 90 days*
6 *after the date of the enactment of this Act, the Secretary*
7 *of Veterans Affairs shall incorporate a screening to help de-*
8 *termine potential toxic exposures during active military,*
9 *naval, air, or space service as part of a health care screen-*
10 *ing furnished by the Department of Veterans Affairs to vet-*
11 *erans enrolled in the system of annual patient enrollment*
12 *of the Department established and operated under section*
13 *1705 of title 38, United States Code, to improve under-*
14 *standing by the Department of toxic exposures while serving*
15 *in the Armed Forces.*

16 *(b) TIMING.—The Secretary shall ensure that a veteran*
17 *described in subsection (a) completes the screening required*
18 *under such subsection not less frequently than once every*
19 *five years.*

20 *(c) DETERMINATION OF QUESTIONS.—*

21 *(1) IN GENERAL.—The questions included in the*
22 *screening required under subsection (a) shall be deter-*
23 *mined by the Secretary with input from medical pro-*
24 *fessionals.*

1 (2) *SPECIFIC QUESTIONS.*—*At a minimum, the*
2 *screening required under subsection (a) shall, with re-*
3 *spect to a veteran, include—*

4 (A) *a question about the potential exposure*
5 *of the veteran to an open burn pit; and*

6 (B) *a question regarding toxic exposures*
7 *that are commonly associated with service in the*
8 *Armed Forces.*

9 (3) *OPEN BURN PIT DEFINED.*—*In this sub-*
10 *section, the term “open burn pit” means an area of*
11 *land that—*

12 (A) *is designated by the Secretary of De-*
13 *fense to be used for disposing solid waste by*
14 *burning in the outdoor air; and*

15 (B) *does not contain a commercially manu-*
16 *factured incinerator or other equipment specifi-*
17 *cally designed and manufactured for the burning*
18 *of solid waste.*

19 (d) *PRINT MATERIAL.*—*In developing the screening es-*
20 *tablished under subsection (a), the Secretary shall ensure*
21 *that print materials complementary to such screening that*
22 *outline related resources for veterans are available at each*
23 *medical center of the Department to veterans who may not*
24 *have access to the internet.*

1 (e) *SCREENING UPDATES.*—*The Secretary shall con-*
2 *sider updates to the content of the screening required under*
3 *subsection (a) not less frequently than biennially to ensure*
4 *the screening contains the most current information.*

5 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPARTMENT**
6 **OF VETERANS AFFAIRS WITH RESPECT TO**
7 **VETERANS WHO REPORT TOXIC EXPOSURES.**

8 (a) *HEALTH CARE PERSONNEL.*—*The Secretary of*
9 *Veterans Affairs shall provide to health care personnel of*
10 *the Department of Veterans Affairs education and training*
11 *to identify, treat, and assess the impact on veterans of ill-*
12 *nesses related to toxic exposures and inform such personnel*
13 *of how to ask for additional information from veterans re-*
14 *garding different toxic exposures.*

15 (b) *BENEFITS PERSONNEL.*—

16 (1) *IN GENERAL.*—*The Secretary shall incor-*
17 *porate a training program for processors of claims*
18 *under the laws administered by the Secretary who re-*
19 *view claims for disability benefits relating to service-*
20 *connected disabilities based on toxic exposures.*

21 (2) *ANNUAL TRAINING.*—*Training provided to*
22 *processors under paragraph (1) shall be provided not*
23 *less frequently than annually.*

1 **TITLE VII—RESOURCING**

2 **SEC. 701. AUTHORITY TO USE APPROPRIATIONS TO EN-**
3 **HANCE CLAIMS PROCESSING CAPACITY AND**
4 **AUTOMATION.**

5 (a) *AUTHORITY.*—*The Secretary of Veterans Affairs*
6 *may use, from amounts appropriated to the Cost of War*
7 *Toxic Exposures Fund established by section 324 of title*
8 *38, United States Code, as added by section 805 of this Act,*
9 *such amounts as may be necessary to continue the mod-*
10 *ernization, development, and expansion of capabilities and*
11 *capacity of information technology systems and infrastruc-*
12 *ture of the Veterans Benefits Administration, including for*
13 *claims automation, to support expected increased claims*
14 *processing for newly eligible veterans pursuant to this Act.*

15 (b) *PLAN FOR MODERNIZATION OF VETERANS BENE-*
16 *FITS ADMINISTRATION INFORMATION TECHNOLOGY SYS-*
17 *TEMS.*—

18 (1) *IN GENERAL.*—*Not later than 180 days after*
19 *the date of the enactment of this Act, the Secretary of*
20 *Veterans Affairs shall submit to the appropriate con-*
21 *gressional committees a plan for the modernization of*
22 *the information technology systems of the Veterans*
23 *Benefits Administration. The plan shall cover the*
24 *first fiscal year that begins after the date of the enact-*

1 *ment of this Act and the subsequent four fiscal years*
2 *and shall include each of the following:*

3 *(A) An identification of any information*
4 *system to be modernized or retired, if applicable,*
5 *during the period covered by the plan.*

6 *(B) A description of how the Secretary in-*
7 *tends to incorporate the following principles into*
8 *the modernization of such information systems:*

9 *(i) The purpose of automation should*
10 *be to increase the speed and accuracy of*
11 *claims processing decisions.*

12 *(ii) Automation should be conducted in*
13 *a manner that enhances the productivity of*
14 *employees of the Department of Veterans Af-*
15 *fairs.*

16 *(iii) Automation should be carried out*
17 *in a manner that achieves greater consist-*
18 *ency in the processing and rating of claims*
19 *by relying on patterns of similar evidence*
20 *in claim files.*

21 *(iv) To the greatest extent possible, au-*
22 *tomation should be carried out by drawing*
23 *from information in the possession of the*
24 *Department, other Government agencies,*
25 *and applicants for benefits.*

1 (v) *Automation of any claims analysis*
2 *or determination process should not be end-*
3 *to-end or lack intermediation.*

4 (vi) *Employees of the Department*
5 *should continue to make decisions with re-*
6 *spect to the approval of claims and the*
7 *granting of benefits.*

8 (vii) *Automation should not be carried*
9 *out in a manner that reduces or infringes*
10 *upon the due process rights of applicants for*
11 *benefits under the laws administered by the*
12 *Secretary; or the duties of the Secretary to*
13 *assist and notify claimants.*

14 (viii) *Automation should be carried*
15 *out while taking all necessary measures to*
16 *protect the privacy of claimants and their*
17 *personally identifiable information.*

18 (ix) *Automation of claims processing*
19 *should not eliminate or reduce the workforce*
20 *of the Veterans Benefits Administration.*

21 (C) *An identification of targets, for each fis-*
22 *cal year, by which the Secretary intends to com-*
23 *plete the modernization of each information sys-*
24 *tem or major component or functionality of such*
25 *system identified under subparagraph (A).*

1 (D) *Cost estimates for the modernization of*
2 *each information system identified under para-*
3 *graph (A) for each fiscal year covered by the*
4 *plan and in total.*

5 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
6 *TEES.—In this section, the term “appropriate con-*
7 *gressional committees” means—*

8 (A) *the Committee on Veterans’ Affairs and*
9 *the Subcommittee on Military Construction, Vet-*
10 *erans Affairs, and Related Agencies of the Com-*
11 *mittee on Appropriations of the Senate; and*

12 (B) *the Committee on Veterans’ Affairs and*
13 *the Subcommittee on Military Construction, Vet-*
14 *erans Affairs, and Related Agencies of the Com-*
15 *mittee on Appropriations of the House of Rep-*
16 *resentatives.*

17 **SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
18 **LEASES OF DEPARTMENT OF VETERANS AF-**
19 **FAIRS FOR FISCAL YEAR 2023.**

20 (a) *IN GENERAL.—The Secretary of Veterans Affairs*
21 *may carry out the following major medical facility leases*
22 *in fiscal year 2023:*

23 (1) *Lease for an outpatient clinic in the vicinity*
24 *of Allentown, Pennsylvania, in an estimated amount*
25 *of \$31,832,000.*

1 (2) *Lease for a facility for member services for*
2 *the Veterans Health Administration in the vicinity of*
3 *Atlanta, Georgia, in an estimated amount of*
4 *\$27,134,000.*

5 (3) *Lease for an outpatient clinic in the vicinity*
6 *of Baltimore, Maryland, in an estimated amount of*
7 *\$43,041,000.*

8 (4) *Lease for an outpatient clinic in the vicinity*
9 *of Baton Rouge, Louisiana, in an estimated amount*
10 *of \$29,550,000.*

11 (5) *Lease for an outpatient clinic in the vicinity*
12 *of Beaufort, South Carolina, in an estimated amount*
13 *of \$24,254,000.*

14 (6) *Lease for an outpatient clinic in the vicinity*
15 *of Beaumont, Texas, in an estimated amount of*
16 *\$15,632,000.*

17 (7) *Lease for an outpatient clinic in the vicinity*
18 *of Brainerd, Minnesota, in an estimated amount of*
19 *\$14,669,000.*

20 (8) *Lease for a facility for research in the vicin-*
21 *ity of Buffalo, New York, in an estimated amount of*
22 *\$11,106,000.*

23 (9) *Lease for an outpatient clinic in the vicinity*
24 *of Clarksville, Tennessee, in an estimated amount of*
25 *\$75,135,000.*

1 (10) *Lease of a facility for research in the vicin-*
2 *ity of Columbia, Missouri, in an estimated amount of*
3 *\$20,726,000.*

4 (11) *Lease for an outpatient clinic in the vicin-*
5 *ity of Cookeville, Tennessee, in an estimated amount*
6 *of \$10,958,000.*

7 (12) *Lease for a residential treatment facility in*
8 *the vicinity of Denver, Colorado, in an estimated*
9 *amount of \$9,133,000.*

10 (13) *Lease for an outpatient clinic in the vicin-*
11 *ity of Elizabethtown, Kentucky, in an estimated*
12 *amount of \$16,671,000.*

13 (14) *Lease for an outpatient clinic in the vicin-*
14 *ity of Farmington, Missouri, in an estimated amount*
15 *of \$17,940,000.*

16 (15) *Lease for an outpatient clinic in the vicin-*
17 *ity of Hampton, Virginia, in an estimated amount of*
18 *\$63,085,000.*

19 (16) *Lease for an outpatient clinic in the vicin-*
20 *ity of Jacksonville, North Carolina, in an estimated*
21 *amount of \$61,450,000.*

22 (17) *Lease for an outpatient clinic in the vicin-*
23 *ity of Killeen, Texas, in an estimated amount of*
24 *\$61,030,000.*

1 (18) *Lease for an outpatient clinic in the vicin-*
2 *ity of Lawrence, Indiana, in an estimated amount of*
3 *\$15,811,000.*

4 (19) *Lease for an outpatient clinic in the vicin-*
5 *ity of Lecanto, Florida, in an estimated amount of*
6 *\$15,373,000.*

7 (20) *Lease for an outpatient clinic in the vicin-*
8 *ity of Nashville, Tennessee, in an estimated amount*
9 *of \$58,038,000.*

10 (21) *Lease for an outpatient clinic in the vicin-*
11 *ity of North Kansas City, Missouri, in an estimated*
12 *amount of \$40,027,000.*

13 (22) *Lease for an outpatient clinic in the vicin-*
14 *ity of Pflugerville, Texas, in an estimated amount of*
15 *\$16,654,000.*

16 (23) *Lease for an outpatient clinic in the vicin-*
17 *ity of Plano, Texas, in an estimated amount of*
18 *\$32,796,000.*

19 (24) *Lease for an outpatient clinic in the vicin-*
20 *ity of Prince George's County, Maryland, in an esti-*
21 *mated amount of \$31,754,000.*

22 (25) *Lease for an outpatient clinic in the vicin-*
23 *ity of Rolla, Missouri, in an estimated amount of*
24 *\$21,352,000.*

1 (26) *Lease for an outpatient clinic in the vicin-*
2 *ity of Salt Lake City, Utah, in an estimated amount*
3 *of \$29,466,000.*

4 (27) *Lease for an outpatient clinic in the vicin-*
5 *ity of Sarasota, Florida, in an estimated amount of*
6 *\$36,517,000.*

7 (28) *Lease for an outpatient clinic in the vicin-*
8 *ity of Springfield, Massachusetts, in an estimated*
9 *amount of \$30,918,000.*

10 (29) *Lease for a community living center in the*
11 *vicinity of Tampa, Florida, in an estimated amount*
12 *of \$51,682,000.*

13 (30) *Lease for an outpatient clinic in the vicin-*
14 *ity of The Villages, Florida, in an estimated amount*
15 *of \$48,267,000.*

16 (31) *Lease for an outpatient clinic in the vicin-*
17 *ity of Tri-Cities, Washington, in an estimated*
18 *amount of \$36,136,000.*

19 (b) *TREATMENT OF AUTHORIZATIONS.—The author-*
20 *ization of leases under subsection (a) shall be considered to*
21 *be a specific authorization by law of the funds for such*
22 *leases for purposes of section 8104(a)(2) of title 38, United*
23 *States Code, as in effect on the day before the date of the*
24 *enactment of this Act.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary of Veterans*
3 *Affairs for fiscal year 2023, or the year in which funds are*
4 *appropriated for the Medical Facilities account,*
5 *\$998,137,000 for the leases authorized in subsection (a).*

6 **SEC. 703. TREATMENT OF MAJOR MEDICAL FACILITY**
7 **LEASES OF THE DEPARTMENT OF VETERANS**
8 **AFFAIRS.**

9 (a) *CONGRESSIONAL APPROVAL OF MAJOR MEDICAL*
10 *FACILITY LEASES.*—*Paragraph (2) of subsection (a) of sec-*
11 *tion 8104 of title 38, United States Code, is amended—*

12 (1) *by striking “No funds” and inserting “(A)*
13 *No funds”;*

14 (2) *by striking “or any major medical facility*
15 *lease”;*

16 (3) *by striking “or lease”; and*

17 (4) *by adding at the end the following new sub-*
18 *paragraph:*

19 “(B) *No funds may be appropriated for any fis-*
20 *cal year, and the Secretary may not obligate or ex-*
21 *pend funds (other than for advance planning and de-*
22 *sign), for any major medical facility lease unless the*
23 *Committee on Veterans’ Affairs of the Senate and the*
24 *Committee on Veterans’ Affairs of the House of Rep-*

1 *representatives each adopt a resolution approving the*
2 *lease.”.*

3 *(b) MODIFICATION OF DEFINITION OF MAJOR MED-*
4 *ICAL FACILITY LEASE.—Subparagraph (B) of paragraph*
5 *(3) of such subsection is amended to read as follows:*

6 *“(B) The term ‘major medical facility lease’—*
7 *“(i) means a lease for space for use as a*
8 *new medical facility approved through the Gen-*
9 *eral Services Administration under section*
10 *3307(a) of title 40 at an average annual rent*
11 *equal to or greater than the appropriate dollar*
12 *threshold described in such section, which shall*
13 *be subject to annual adjustment in accordance*
14 *with section 3307(h) of such title; and*

15 *“(ii) does not include a lease for space for*
16 *use as a shared Federal medical facility for*
17 *which the Department’s estimated share of the*
18 *lease costs does not exceed such dollar threshold.”.*

19 *(c) SEPARATE PROSPECTUS REQUIREMENT FOR*
20 *MAJOR MEDICAL FACILITY LEASES.—Subsection (b) of*
21 *such section is amended—*

22 *(1) by striking paragraph (7);*

23 *(2) in paragraph (1), by redesignating subpara-*
24 *graphs (A) through (E) as clauses (i) through (v), re-*
25 *spectively;*

1 (3) in paragraph (6), by redesignating subpara-
2 graphs (A) through (C) as clauses (i) through (iii), re-
3 spectively;

4 (4) by redesignating paragraphs (1) through (6)
5 as subparagraphs (A) through (F), respectively;

6 (5) in the matter preceding subparagraph (A), as
7 redesignated by paragraph (4)—

8 (A) by striking “Whenever the President”
9 and inserting “(1) Whenever the President”;

10 (B) by striking “the Congress” and insert-
11 ing “Congress”; and

12 (C) by striking “or a major medical facility
13 lease (as defined in subsection (a)(3)(b))”;

14 (6) in subparagraph (A), as redesignated by
15 paragraph (4), by striking “leased,”;

16 (7) in subparagraph (E), as redesignated by
17 paragraph (4)—

18 (A) by striking “or lease” each place it ap-
19 pears; and

20 (B) by striking “or leases”; and

21 (8) by adding at the end the following new para-
22 graph:

23 “(2) Whenever the President or the Secretary submit
24 to Congress a request for the funding of a major medical
25 facility lease (as defined in subsection (a)(3)(B)), the Sec-

1 *retary shall submit to each committee, on the same day,*
2 *a prospectus of the proposed medical facility. Any such pro-*
3 *spectus shall include the following:*

4 “(A) *A description of the facility to be leased.*”

5 “(B) *An estimate of the cost to the Federal Gov-*
6 *ernment of the facility to be leased.*”

7 “(C) *An estimate of the energy performance of*
8 *the proposed lease space, to include a description of*
9 *anticipated utilization of renewable energy, energy ef-*
10 *ficent and climate resilient elements, and related*
11 *matters.*”

12 “(D) *Current and projected workload and utili-*
13 *zation data regarding the facility to be leased, includ-*
14 *ing information on projected changes in workload and*
15 *utilization over a five-year period, a ten-year period,*
16 *and a twenty-year period.*”

17 “(E) *A detailed analysis of how the lease is ex-*
18 *pected to comply with Office of Management and*
19 *Budget Circular A–11 and section 1341 of title 31*
20 *(commonly referred to as the ‘Anti-Deficiency Act’).*
21 *Any such analysis shall include—*

22 “(i) *an analysis of the classification of the*
23 *lease as a ‘lease purchase’, a ‘capital lease’, or an*
24 *‘operating lease’ as those terms are defined in*

1 *Office of Management and Budget Circular A-*
2 *11;*

3 *“(ii) an analysis of the obligation of budg-*
4 *etary resources associated with the lease; and*

5 *“(iii) an analysis of the methodology used*
6 *in determining the asset cost, fair market value,*
7 *and cancellation costs of the lease.”.*

8 *(d) INTERIM LEASING ACTIONS.—Such section is fur-*
9 *ther amended by adding at the end the following new sub-*
10 *section:*

11 *“(i)(1) Notwithstanding subsection (a)(2)(B), the Sec-*
12 *retary may carry out interim leasing actions as the Sec-*
13 *retary considers necessary for the following leases:*

14 *“(A) Major medical facility leases (as defined in*
15 *subsection (a)(3)(B)) approved pursuant to this sec-*
16 *tion and for which a prospectus for a replacement*
17 *lease has been submitted to Congress pursuant to sub-*
18 *section (b)(2).*

19 *“(B) Replacement leases that do not require ap-*
20 *proval under this section and for which a prospectus*
21 *has been submitted to Congress pursuant to subsection*
22 *(b)(2).*

23 *“(2) In this subsection, the term ‘interim leasing ac-*
24 *tions’ has the meaning given that term by the Adminis-*
25 *trator of the General Services Administration.”.*

1 (e) *PURCHASE OPTIONS.*—Such section is further
2 amended by adding at the end the following new subsection:

3 “(j) *The Secretary may obligate and expend funds to*
4 *exercise a purchase option included in any major medical*
5 *facility lease (as defined in subsection (a)(3)(B)).”.*

6 (f) *APPLICABILITY.*—The amendments made by this
7 section shall apply with respect to any lease that has not
8 been specifically authorized by law on or before the date
9 of the enactment of this Act.

10 **SEC. 704. AUTHORITY TO ENTER INTO AGREEMENTS WITH**
11 **ACADEMIC AFFILIATES AND OTHER ENTITIES**
12 **TO ACQUIRE SPACE FOR THE PURPOSE OF**
13 **PROVIDING HEALTH-CARE RESOURCES TO**
14 **VETERANS.**

15 Section 8103 of title 38, United States Code, is amend-
16 ed by adding at the end the following new subsection:

17 “(h)(1) *Notwithstanding any other provision of law re-*
18 *quiring the use of competitive procedures, including section*
19 *2304 of title 10, when the Secretary determines it to be in*
20 *the best interest of the Department, the Secretary may enter*
21 *into a lease with an academic affiliate or covered entity*
22 *to acquire space for the purpose of providing health-care*
23 *resources to veterans.*

24 “(2) *In this subsection:*

1 “(A) *The term ‘academic affiliate’ means an in-*
2 *stitution or organization described in section 7302(d)*
3 *of this title.*

4 “(B) *The term ‘covered entity’ means a unit or*
5 *subdivision of a State, local, or municipal govern-*
6 *ment, public or nonprofit agency, institution, or orga-*
7 *nization, or other institution or organization as the*
8 *Secretary considers appropriate that owns property*
9 *controlled by an academic affiliate to be leased under*
10 *this subsection.*

11 “(C) *The term ‘health -care resource’ has the*
12 *meaning given that term in section 8152(1) of this*
13 *title.*

14 “(D) *The term ‘space’ means any room, unit,*
15 *floor, wing, building, parking facility, or other sub-*
16 *division of a building or facility owned or controlled*
17 *by an academic affiliate.”.*

18 **SEC. 705. MODIFICATIONS TO ENHANCED-USE LEASE AU-**
19 **THORITY OF DEPARTMENT OF VETERANS AF-**
20 **FAIRS.**

21 (a) *MODIFICATIONS TO AUTHORITY.—Paragraph (2)*
22 *of section 8162(a) of title 38, United States Code, is amend-*
23 *ed to read as follows:*

1 “(2)(A) *The Secretary may enter into an enhanced-*
 2 *use lease on or after the date of the enactment of this para-*
 3 *graph only if the Secretary determines—*

4 “(i) *that the lease will not be inconsistent with,*
 5 *and will not adversely affect—*

6 “(I) *the mission of the Department; or*

7 “(II) *the operation of facilities, programs,*
 8 *and services of the Department in the area of the*
 9 *leased property; and*

10 “(ii) *that—*

11 “(I) *the lease will enhance the use of the*
 12 *leased property by directly or indirectly benefit-*
 13 *ting veterans; or*

14 “(II) *the leased property will provide sup-*
 15 *portive housing.*

16 “(B) *The Secretary shall give priority to enhanced-use*
 17 *leases that, on the leased property—*

18 “(i) *provide supportive housing for veterans;*

19 “(ii) *provide direct services or benefits targeted*
 20 *to veterans; or*

21 “(iii) *provide services or benefits that indirectly*
 22 *support veterans.”.*

23 (b) *EXTENSION OF MAXIMUM TERM OF ENHANCED-*
 24 *USE LEASE.—Section 8162(b)(2) of such title is amended*
 25 *by striking “75 years” and inserting “99 years”.*

1 (c) *MODIFICATION OF USE OF PROCEEDS.*—Section
2 8165(a)(1) of such title is amended by striking “shall be
3 deposited in the Department of Veterans Affairs Medical
4 Care Collections Fund established under section 1729A of
5 this title.” and inserting “shall, at the discretion of the Sec-
6 retary, be deposited in—

7 “(A) the Department of Veterans Affairs Medical
8 Care Collections Fund established under section
9 1729A of this title; or

10 “(B) the Medical Facilities or Construction,
11 Minor Projects account of the Department to be used
12 to defray the costs of administration, maintenance,
13 repair, and related expenses incurred by the Depart-
14 ment with respect to property that is owned by or
15 under the jurisdiction or control of the Department.”.

16 (d) *REPEAL OF SUNSET.*—Section 8169 of such title
17 is repealed.

18 (e) *APPROPRIATION.*—In addition to amounts other-
19 wise available, there is appropriated for fiscal year 2022,
20 out of any funds in the Treasury not otherwise appro-
21 priated, \$922,000,000 for an additional amount for the De-
22 partment of Veterans Affairs, to remain available until ex-
23 pended, to enter into enhanced-use leases pursuant to sec-
24 tion 8162 of title 38, United States Code, as amended by
25 this section.

1 **SEC. 706. AUTHORITY FOR JOINT LEASING ACTIONS OF DE-**
2 **PARTMENT OF DEFENSE AND DEPARTMENT**
3 **OF VETERANS AFFAIRS.**

4 (a) *DEPARTMENT OF DEFENSE.*—Section 1104A of
5 title 10, United States Code, is amended—

6 (1) by inserting “, or the leasing,” after “design,
7 and construction” each place it appears; and

8 (2) in subsection (c)(2), by inserting “, or the
9 leasing,” after “design”.

10 (b) *DEPARTMENT OF VETERANS AFFAIRS.*—Section
11 8111B of title 38, United States Code, is amended—

12 (1) in subsection (a), by inserting “, or the leas-
13 ing,” after “design, and construction”;

14 (2) in subsection (b), by adding at the end the
15 following new paragraph:

16 “(3) The Secretary of Veterans Affairs may transfer
17 to the Department of Defense amounts appropriated to the
18 ‘Medical Facilities’ account of the Department of Veterans
19 Affairs for the purpose of leasing space for a shared medical
20 facility if the estimated share of the Department of Veterans
21 Affairs for the lease costs does not exceed the amount speci-
22 fied in section 8104(a)(3)(B) of this title.”; and

23 (3) in subsection (c), by adding at the end the
24 following new paragraph:

25 “(3) Any amount transferred to the Secretary of Vet-
26 erans Affairs by the Secretary of Defense for the purpose

1 of leasing space for a shared medical facility may be cred-
2 ited to the ‘Medical Facilities’ account of the Department
3 of Veterans Affairs and may be used for such purpose.”.

4 **SEC. 707. APPROPRIATION OF AMOUNTS FOR MAJOR MED-**
5 **ICAL FACILITY LEASES.**

6 (a) *FISCAL YEAR 2023.*—In addition to amounts oth-
7 erwise available, there is appropriated for fiscal year 2023,
8 out of any funds in the Treasury not otherwise appro-
9 priated, \$1,880,000,000 for an additional amount for the
10 Medical Facilities account of the Department of Veterans
11 Affairs, to remain available until expended, for major med-
12 ical facility leases authorized by section 702.

13 (b) *ADDITIONAL YEARS.*—In addition to amounts oth-
14 erwise available, there is appropriated, out of any funds
15 in the Treasury not otherwise appropriated, for an addi-
16 tional amount for the Medical Facilities account of the De-
17 partment of Veterans Affairs, to remain available until ex-
18 pended, for major medical facility leases authorized by sec-
19 tion 702 or approved pursuant to subchapter I of chapter
20 81 of title 38, United States Code, as amended by section
21 703—

22 (1) \$100,000,000 for fiscal year 2024;

23 (2) \$200,000,000 for fiscal year 2025;

24 (3) \$400,000,000 for fiscal year 2026;

25 (4) \$450,000,000 for fiscal year 2027;

- 1 (5) \$600,000,000 for fiscal year 2028;
2 (6) \$610,000,000 for fiscal year 2029;
3 (7) \$620,000,000 for fiscal year 2030; and
4 (8) \$650,000,000 for fiscal year 2031.

5 **TITLE VIII—RECORDS AND**
6 **OTHER MATTERS**

7 **SEC. 801. EPIDEMIOLOGICAL STUDY ON FORT MCCLELLAN**
8 **VETERANS.**

9 *The Secretary of Veterans Affairs shall conduct an epi-*
10 *demiological study on the health trends of veterans who*
11 *served in the Armed Forces at Fort McClellan at any time*
12 *during the period beginning January 1, 1935, and ending*
13 *on May 20, 1999.*

14 **SEC. 802. BIENNIAL BRIEFING ON INDIVIDUAL LONGITU-**
15 **DINAL EXPOSURE RECORD.**

16 (a) *IN GENERAL.*—*Not later than one year after the*
17 *date on which the Individual Longitudinal Exposure*
18 *Record achieves full operational capability, as determined*
19 *by the Secretary of Defense, and every two years thereafter,*
20 *the Secretary of Defense, in consultation with the Secretary*
21 *of Veterans Affairs, shall provide the appropriate commit-*
22 *tees of Congress a briefing on—*

23 (1) *the quality of the databases of the Depart-*
24 *ment of Defense that provide the information pre-*

1 *mented in such Individual Longitudinal Exposure*
2 *Record; and*

3 (2) *the usefulness of such Individual Longitu-*
4 *dinal Exposure Record or system in supporting mem-*
5 *bers of the Armed Forces and veterans in receiving*
6 *health care and benefits from the Department of De-*
7 *fense and the Department of Veterans Affairs.*

8 (b) *ELEMENTS.—Each briefing required by subsection*
9 (a) *shall include, for the period covered by the report, the*
10 *following:*

11 (1) *An identification of potential exposures to oc-*
12 *cupational or environmental hazards captured by the*
13 *current systems of the Department of Defense for envi-*
14 *ronmental, occupational, and health monitoring, and*
15 *recommendations for how to improve those systems.*

16 (2) *An analysis of the quality and accuracy of*
17 *the location data used by the Department of Defense*
18 *in determining potential exposures to occupational or*
19 *environmental hazards by members of the Armed*
20 *Forces and veterans, and recommendations for how to*
21 *improve the quality of such data if necessary.*

22 (c) *DEFINITIONS.—In this section:*

23 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*
24 *The term “appropriate committees of Congress”*
25 *means—*

1 (A) *the Committee on Armed Services and*
2 *the Committee on Veterans' Affairs of the Senate;*
3 *and*

4 (B) *the Committee on Armed Services and*
5 *the Committee on Veterans' Affairs of the House*
6 *of Representatives.*

7 (2) *INDIVIDUAL LONGITUDINAL EXPOSURE*
8 *RECORD.—The term “Individual Longitudinal Expo-*
9 *sure Record” has the meaning given such term in sec-*
10 *tion 1171 of title 38, United States Code, as added*
11 *by section 202.*

12 **SEC. 803. CORRECTION OF EXPOSURE RECORDS BY MEM-**
13 **BERS OF THE ARMED FORCES AND VET-**
14 **ERANS.**

15 (a) *IN GENERAL.—The Secretary of Veterans Affairs*
16 *shall coordinate with the Secretary of Defense to provide*
17 *a means for veterans to update their records as necessary*
18 *to reflect exposures to occupational or environmental haz-*
19 *ards by such member or veteran in the Individual Longitu-*
20 *dinal Exposure Record.*

21 (b) *EVIDENCE.—*

22 (1) *PROVISION OF EVIDENCE.—To update a*
23 *record under subsection (a), a veteran shall provide*
24 *such evidence as the Secretary of Veterans Affairs con-*
25 *siders necessary.*

1 (2) *REGULATIONS.*—*The Secretary of Veterans*
 2 *Affairs shall prescribe by regulation the evidence con-*
 3 *sidered necessary under paragraph (1).*

4 (c) *DEFINITIONS.*—*In this section:*

5 (1) *INDIVIDUAL LONGITUDINAL EXPOSURE*
 6 *RECORD.*—*The term “Individual Longitudinal Expo-*
 7 *sure Record” has the meaning given such term in sec-*
 8 *tion 1171 of title 38, United States Code, as added*
 9 *by section 202.*

10 (2) *TOXIC EXPOSURE.*—*The term “toxic expo-*
 11 *sure” has the meaning given such term in section 101*
 12 *of title 38, United States Code, as amended by section*
 13 *102(b).*

14 **SEC. 804. FEDERAL CAUSE OF ACTION RELATING TO WATER**
 15 **AT CAMP LEJEUNE, NORTH CAROLINA.**

16 (a) *SHORT TITLE.*—*This section may be cited as the*
 17 *“Camp Lejeune Justice Act of 2022”.*

18 (b) *IN GENERAL.*—*An individual, including a veteran*
 19 *(as defined in section 101 of title 38, United States Code),*
 20 *or the legal representative of such an individual, who re-*
 21 *sided, worked, or was otherwise exposed (including in utero*
 22 *exposure) for not less than 30 days during the period begin-*
 23 *ning on August 1, 1953, and ending on December 31, 1987,*
 24 *to water at Camp Lejeune, North Carolina, that was sup-*
 25 *plied by, or on behalf of, the United States may bring an*

1 *action in the United States District Court for the Eastern*
2 *District of North Carolina to obtain appropriate relief for*
3 *harm that was caused by exposure to the water at Camp*
4 *Lejeune.*

5 (c) *BURDENS AND STANDARD OF PROOF.*—

6 (1) *IN GENERAL.*—*The burden of proof shall be*
7 *on the party filing the action to show one or more re-*
8 *lationships between the water at Camp Lejeune and*
9 *the harm.*

10 (2) *STANDARDS.*—*To meet the burden of proof*
11 *described in paragraph (1), a party shall produce evi-*
12 *dence showing that the relationship between exposure*
13 *to the water at Camp Lejeune and the harm is—*

14 (A) *sufficient to conclude that a causal rela-*
15 *tionship exists; or*

16 (B) *sufficient to conclude that a causal rela-*
17 *tionship is at least as likely as not.*

18 (d) *EXCLUSIVE JURISDICTION AND VENUE.*—*The*
19 *United States District Court for the Eastern District of*
20 *North Carolina shall have exclusive jurisdiction over any*
21 *action filed under subsection (b), and shall be the exclusive*
22 *venue for such an action. Nothing in this subsection shall*
23 *impair the right of any party to a trial by jury.*

24 (e) *EXCLUSIVE REMEDY.*—

1 (1) *IN GENERAL.*—*An individual, or legal rep-*
2 *resentative of an individual, who brings an action*
3 *under this section for a harm described in subsection*
4 *(b), including a latent disease, may not thereafter*
5 *bring a tort action against the United States for such*
6 *harm pursuant to any other law.*

7 (2) *HEALTH AND DISABILITY BENEFITS RELAT-*
8 *ING TO WATER EXPOSURE.*—*Any award made to an*
9 *individual, or legal representative of an individual,*
10 *under this section shall be offset by the amount of any*
11 *disability award, payment, or benefit provided to the*
12 *individual, or legal representative—*

13 (A) *under—*

14 (i) *any program under the laws ad-*
15 *ministered by the Secretary of Veterans Af-*
16 *fairs;*

17 (ii) *the Medicare program under title*
18 *XVIII of the Social Security Act (42 U.S.C.*
19 *1395 et seq.); or*

20 (iii) *the Medicaid program under title*
21 *XIX of the Social Security Act (42 U.S.C.*
22 *1396 et seq.); and*

23 (B) *in connection with health care or a dis-*
24 *ability relating to exposure to the water at Camp*
25 *Lejeune.*

1 (f) *IMMUNITY LIMITATION.*—*The United States may*
2 *not assert any claim to immunity in an action under this*
3 *section that would otherwise be available under section*
4 *2680(a) of title 28, United States Code.*

5 (g) *NO PUNITIVE DAMAGES.*—*Punitive damages may*
6 *not be awarded in any action under this section.*

7 (h) *DISPOSITION BY FEDERAL AGENCY REQUIRED.*—
8 *An individual may not bring an action under this section*
9 *before complying with section 2675 of title 28, United*
10 *States Code.*

11 (i) *EXCEPTION FOR COMBATANT ACTIVITIES.*—*This*
12 *section does not apply to any claim or action arising out*
13 *of the combatant activities of the Armed Forces.*

14 (j) *APPLICABILITY; PERIOD FOR FILING.*—

15 (1) *APPLICABILITY.*—*This section shall apply*
16 *only to a claim accruing before the date of enactment*
17 *of this Act.*

18 (2) *STATUTE OF LIMITATIONS.*—*A claim in an*
19 *action under this section may not be commenced after*
20 *the later of—*

21 (A) *the date that is two years after the date*
22 *of enactment of this Act; or*

23 (B) *the date that is 180 days after the date*
24 *on which the claim is denied under section 2675*
25 *of title 28, United States Code.*

1 (3) *INAPPLICABILITY OF OTHER LIMITATIONS.*—
2 *Any applicable statute of repose or statute of limita-*
3 *tions, other than under paragraph (2), shall not*
4 *apply to a claim under this section.*

5 **SEC. 805. COST OF WAR TOXIC EXPOSURES FUND.**

6 (a) *IN GENERAL.*—Chapter 3 is amended by adding
7 *at the end the following new section:*

8 **“§ 324. Cost of War Toxic Exposures Fund**

9 “(a) *ESTABLISHMENT.*—There is hereby established in
10 *the Treasury of the United States an account to be known*
11 *as the ‘Cost of War Toxic Exposures Fund’ (the ‘Fund’),*
12 *to be administered by the Secretary.*

13 “(b) *DEPOSITS.*—There shall be deposited in the Fund
14 *such amounts as may be appropriated to the Fund pursu-*
15 *ant to subsection (c).*

16 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
17 *authorized to be appropriated to the Fund for fiscal year*
18 *2023 and each subsequent fiscal year such sums as are nec-*
19 *essary to increase funding, over the fiscal year 2021 level,*
20 *for investment in—*

21 “(1) *the delivery of veterans’ health care associ-*
22 *ated with exposure to environmental hazards in the*
23 *active military, naval, air, or space service in pro-*
24 *grams administered by the Under Secretary for*
25 *Health;*

1 “(2) any expenses incident to the delivery of vet-
2 erans’ health care and benefits associated with expo-
3 sure to environmental hazards in the active military,
4 naval, air, or space service, including administrative
5 expenses, such as information technology and claims
6 processing and appeals, and excluding leases as au-
7 thorized or approved under section 8104 of this title;
8 and

9 “(3) medical and other research relating to expo-
10 sure to environmental hazards.

11 “(d) *BUDGET SCOREKEEPING*.—(1) Immediately upon
12 enactment of the Sergeant First Class Heath Robinson Hon-
13 oring our Promise to Address Comprehensive Toxics Act of
14 2022, expenses authorized to be appropriated to the Fund
15 in subsection (c) shall be estimated for fiscal year 2023 and
16 each subsequent fiscal year and treated as budget authority
17 that is considered to be direct spending—

18 “(A) in the baseline for purposes of section 257
19 of the Balanced Budget and Emergency Deficit Con-
20 trol Act of 1985 (2 U.S.C. 907);

21 “(B) by the Chairman of the Committee on the
22 Budget of the Senate and the Chair of the Committee
23 on the Budget of the House of Representatives, as ap-
24 propriate, for purposes of budget enforcement in the
25 Senate and the House of Representatives;

1 “(C) under the Congressional Budget Act of 1974
2 (2 U.S.C. 621 et seq.), including in the reports re-
3 quired by section 308(b) of such Act (2 U.S.C. 639);
4 and

5 “(D) for purposes of the Statutory Pay-As-You-
6 Go Act of 2010 (2 U.S.C. 931 et seq.).

7 “(2) No amount appropriated to the Fund in fiscal
8 year 2023 or any subsequent fiscal year pursuant to this
9 section shall be counted as discretionary budget authority
10 and outlays or as direct spending for any estimate of an
11 appropriation Act under the Congressional Budget and Im-
12 poundment Control Act of 1974 (2 U.S.C. 621 et seq.) and
13 any other Act.

14 “(3) Notwithstanding the Budget Scorekeeping Guide-
15 lines and the accompanying list of programs and accounts
16 set forth in the joint explanatory statement of the committee
17 of conference accompanying Conference Report 105–217,
18 and for purposes of the Balanced Budget and Emergency
19 Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and the
20 Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.),
21 the Fund shall be treated as if it were an account designated
22 as ‘Appropriated Entitlements and Mandatories for Fiscal
23 Year 1997’ in the joint explanatory statement of the com-
24 mittee of conference accompanying Conference Report 105–
25 217.

1 “(e) *ESTIMATES FOR CONGRESSIONAL CONSIDER-*
2 *ATION.*—*The Secretary shall include in documents sub-*
3 *mitted to Congress in support of the President’s budget sub-*
4 *mitted pursuant to section 1105 of title 31 detailed esti-*
5 *mates of the sums described in subsection (c) for the appli-*
6 *cable fiscal year.*

7 “(f) *PROCEDURES FOR ESTIMATES.*—*The Secretary*
8 *may, after consultation with the Committee on Appropria-*
9 *tions of the Senate and the Committee on Appropriations*
10 *of the House of Representatives, establish policies and proce-*
11 *dures for developing the annual detailed estimates required*
12 *by subsection (e).”.*

13 “(b) *SEQUESTRATION.*—*Section 256(h)(4) of the Bal-*
14 *anced Budget and Emergency Deficit Control Act of 1985*
15 *(2 U.S.C. 906(h)(4)) is amended by adding at the end the*
16 *following new subparagraph:*

17 “(G) *Cost of War Toxic Exposures Fund.*”.

18 **SEC. 806. APPROPRIATION FOR FISCAL YEAR 2022.**

19 “(a) *APPROPRIATION.*—*In addition to amounts other-*
20 *wise available, there is appropriated for fiscal year 2022,*
21 *out of any funds in the Treasury not otherwise appro-*
22 *priated, \$500,000,000 for the Cost of War Toxic Exposures*
23 *Fund, established by section 324 of title 38, United States*
24 *Code, as added by section 805 of this Act, to remain avail-*
25 *able until September 30, 2024.*

1 (b) *SPEND PLAN*.—Not later than 30 days after enact-
2 ment of this Act, the Secretary of Veterans Affairs shall sub-
3 mit a plan for expending amounts made available by sub-
4 section (a) by program, project or activity to the Committee
5 on Appropriations of the Senate and the Committee on Ap-
6 propriations of the House of Representatives. Funds may
7 not be obligated until such Committees issue an approval,
8 or absent a response, a period of 30 days has elapsed.

9 **SEC. 807. AUTHORIZATION OF ELECTRONIC NOTICE IN**
10 **CLAIMS UNDER LAWS ADMINISTERED BY THE**
11 **SECRETARY OF VETERANS AFFAIRS.**

12 (a) *IN GENERAL*.—Title 38, United States Code, is
13 amended as follows:

14 (1) *By striking section 5100 and inserting the*
15 *following:*

16 **“§ 5100. Definitions**

17 *“In this chapter:*

18 *“(1) The term ‘claimant’ means any individual*
19 *applying for, or submitting a claim for, any benefit*
20 *under the laws administered by the Secretary.*

21 *“(2) The term ‘notice’ means a communication*
22 *issued through means (including electronic means)*
23 *prescribed by the Secretary.”.*

24 (2) *In section 5104, by adding at the end the fol-*
25 *lowing new subsection:*

1 “(c) *The Secretary may provide notice under sub-*
2 *section (a) electronically if a claimant (or the claimant’s*
3 *representative) elects to receive such notice electronically. A*
4 *claimant (or the claimant’s representative) may revoke such*
5 *an election at any time, by means prescribed by the Sec-*
6 *retary.*

7 “(d) *The Secretary shall annually—*

8 “(1) *solicit recommendations from stakeholders*
9 *on how to improve notice under this section; and*

10 “(2) *publish such recommendations on a publicly*
11 *available website of the Department.”.*

12 “(3) *In section 5104B(c), in the matter preceding*
13 *paragraph (1) by striking “in writing” and inserting*
14 *“to the claimant (and any representative of such*
15 *claimant)”.*

16 “(4) *In section 5112(b)(6), by striking “(at the*
17 *payee’s last address of record)”.*

18 “(5) *In section 7104—*

19 “(A) *in the heading, by adding “; **deci-***
20 ***sions; notice**” at the end; and*

21 “(B) *by striking subsection (e) and inserting*
22 *the following:*

23 “(e) *After reaching a decision on an appeal, the Board*
24 *shall promptly issue notice (as that term is defined in sec-*
25 *tion 5100 of this title) of such decision to the following:*

1 “(1) *The appellant.*

2 “(2) *Any other party with a right to notice of*
3 *such decision.*

4 “(3) *Any authorized representative of the appel-*
5 *lant or party described in paragraph (2).*

6 “(f)(1) *The Secretary may provide notice under sub-*
7 *section (e) electronically if a claimant (or the claimant’s*
8 *representative) elects to receive such notice electronically.*

9 “(2) *A claimant (or the claimant’s representative)*
10 *may revoke such an election at any time, by means pre-*
11 *scribed by the Secretary.”.*

12 (6) *In section 7105(b)(1)(A), by striking “mail-*
13 *ing” and inserting “issuance”.*

14 (7) *In section 7105A(a), by striking “mailed”*
15 *and inserting “issued”.*

16 (8) *In section 7266(a), by striking “mailed” and*
17 *inserting “issued”.*

18 (b) *RULE OF CONSTRUCTION.—None of the amend-*
19 *ments made by this section shall be construed to apply sec-*
20 *tion 5104(a) of such title to decisions of the Board of Vet-*
21 *erans’ Appeals under chapter 71 of such title.*

22 **SEC. 808. BURN PIT TRANSPARENCY.**

23 (a) *ANNUAL REPORT ON DISABILITY CLAIMS.—*

24 (1) *IN GENERAL.—Not later than 180 days after*
25 *the date of the enactment of this Act, and annually*

1 *thereafter, the Secretary of Veterans Affairs shall sub-*
2 *mit to the appropriate congressional committees a re-*
3 *port detailing the following:*

4 *(A) The total number of covered veterans.*

5 *(B) The total number of claimed issues for*
6 *disability compensation under chapter 11 of title*
7 *38, United States Code, approved and the total*
8 *number denied by the Secretary of Veterans Af-*
9 *fairs with respect to a covered veteran, and a*
10 *breakdown of the reasons for the denials.*

11 *(C) A comprehensive list of the top 10 con-*
12 *ditions from each body system for which the Sec-*
13 *retary awarded service connection for covered*
14 *veterans.*

15 *(D) Any updates or trends with respect to*
16 *the information described in subparagraphs (A),*
17 *(B), and (C), that the Secretary determines ap-*
18 *propriate.*

19 *(2) COVERED VETERAN DEFINED.—In this sub-*
20 *section, the term “covered veteran” means a veteran*
21 *who deployed to the Southwest Asia theater of oper-*
22 *ations any time after August 1990, or Afghanistan,*
23 *Syria, Djibouti, or Uzbekistan after September 19,*
24 *2001, and who submits a claim for disability com-*

1 *pendation under chapter 11 of title 38, United States*
2 *Code.*

3 *(b) INFORMATION REGARDING THE AIRBORNE HAZ-*
4 *ARDS AND OPEN BURN PIT REGISTRY.—*

5 *(1) NOTICE.—The Secretary of Veterans Affairs*
6 *shall ensure that a medical professional of the Depart-*
7 *ment of Veterans Affairs informs a veteran of the Air-*
8 *borne Hazards and Open Burn Pit Registry if the*
9 *veteran presents at a medical facility of the Depart-*
10 *ment for treatment that the veteran describes as being*
11 *related to, or ancillary to, the exposure of the veteran*
12 *to toxic airborne chemicals and fumes caused by open*
13 *burn pits.*

14 *(2) DISPLAY.—In making information public re-*
15 *garding the number of participants in the Airborne*
16 *Hazards and Open Burn Pit Registry, the Secretary*
17 *shall display such numbers by both State and by con-*
18 *gressional district.*

19 *(c) DEFINITIONS.—In this section:*

20 *(1) AIRBORNE HAZARDS AND OPEN BURN PIT*
21 *REGISTRY.—The term “Airborne Hazards and Open*
22 *Burn Pit Registry” means the registry established by*
23 *the Secretary of Veterans Affairs under section 201 of*
24 *the Dignified Burial and Other Veterans’ Benefits*

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

3 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
 4 *TEES.—The term “appropriate congressional commit-*
 5 *tees” means—*

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

9 (B) *The Committee on Veterans’ Affairs and*
 10 *the Committee on Armed Services of the House*
 11 *of Representatives.*

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

17 **TITLE IX—IMPROVEMENT OF**
 18 **WORKFORCE OF DEPART-**
 19 **MENT OF VETERANS AFFAIRS**

20 **SEC. 901. NATIONAL RURAL RECRUITMENT AND HIRING**
 21 **PLAN FOR VETERANS HEALTH ADMINISTRA-**
 22 **TION.**

23 (a) *IN GENERAL.—Not later than 18 months after the*
 24 *date of the enactment of this Act, the Secretary of Veterans*
 25 *Affairs, in collaboration with the directors of each commu-*

1 *nity-based outpatient clinic and medical center of the De-*
2 *partment of Veterans Affairs, shall develop and implement*
3 *a national rural recruitment and hiring plan for the Vet-*
4 *erans Health Administration to—*

5 (1) *recruit health care professionals for rural*
6 *and highly rural community-based outpatient clinics*
7 *and rural and highly rural medical centers of the De-*
8 *partment;*

9 (2) *determine which such clinics or centers have*
10 *a staffing shortage of health care professionals;*

11 (3) *develop best practices and techniques for re-*
12 *cruiting health care professionals for such clinics and*
13 *centers;*

14 (4) *not less frequently than annually, provide*
15 *virtually based, on-demand training to human re-*
16 *sources professionals of the Veterans Health Adminis-*
17 *tration on the best practices and techniques developed*
18 *under paragraph (3); and*

19 (5) *provide recruitment resources, such as pam-*
20 *phlets and marketing material to—*

21 (A) *Veterans Integrated Service Networks of*
22 *the Department;*

23 (B) *rural and highly rural community-*
24 *based outpatient clinics of the Department; and*

1 (C) rural and highly rural medical centers
2 of the Department.

3 (b) ANNUAL REPORT.—Not later than 18 months after
4 the date of the enactment of this Act, and annually there-
5 after, the Secretary shall submit to the Committee on Vet-
6 erans' Affairs of the Senate and the Committee on Veterans'
7 Affairs of the House of Representatives a report that in-
8 cludes—

9 (1) the plan developed and implemented under
10 subsection (a); and

11 (2) an assessment of the outcomes related to re-
12 cruitment and retention of employees of the Veterans
13 Health Administration at rural and highly rural fa-
14 cilities of the Department.

15 (c) DEFINITIONS.—In this section, the terms “rural”
16 and “highly rural” have the meanings given those terms
17 under the rural-urban commuting areas coding system of
18 the Department of Agriculture.

19 **SEC. 902. AUTHORITY TO BUY OUT SERVICE CONTRACTS**
20 **FOR CERTAIN HEALTH CARE PROFESSIONALS**
21 **IN EXCHANGE FOR EMPLOYMENT AT RURAL**
22 **OR HIGHLY RURAL FACILITIES OF DEPART-**
23 **MENT OF VETERANS AFFAIRS.**

24 (a) IN GENERAL.—For any covered health care profes-
25 sional to whom the Secretary of Veterans Affairs has offered

1 *employment with the Department of Veterans Affairs, the*
2 *Secretary may buy out the non-Department service contract*
3 *of such individual in exchange for such individual agreeing*
4 *to be employed at a rural or highly rural facility of the*
5 *Department for a period of obligated service specified in*
6 *subsection (c).*

7 *(b) PAYMENT OF AMOUNTS.—*

8 *(1) IN GENERAL.—Payment of any amounts for*
9 *a buy out of a service contract for a covered health*
10 *care professional under subsection (a) shall be made*
11 *directly to the individual or entity with respect to*
12 *which the covered health care professional has a serv-*
13 *ice obligation under such contract.*

14 *(2) LIMITATION ON TOTAL AMOUNT.—The total*
15 *amount paid by the Department under this section*
16 *shall not exceed \$40,000,000 per fiscal year.*

17 *(c) OBLIGATED SERVICE.—In exchange for a contract*
18 *buy out under subsection (a), a covered health care profes-*
19 *sional shall agree to be employed for not less than four years*
20 *at a rural or highly rural facility of the Department.*

21 *(d) LIABILITY.—*

22 *(1) IN GENERAL.—Except as provided in para-*
23 *graph (2), if a covered health care professional fails*
24 *for any reason to complete the period of obligated*
25 *service of the individual under subsection (c), the*

1 *United States shall be entitled to recover from the in-*
2 *dividual an amount equal to—*

3 *(A) the total amount paid under subsection*
4 *(a) to buy out the non-Department service con-*
5 *tract of the individual; multiplied by*

6 *(B) a fraction—*

7 *(i) the numerator of which is—*

8 *(I) the total number of months in*
9 *the period of obligated service of the in-*
10 *dividual; minus*

11 *(II) the number of months served*
12 *by the individual; and*

13 *(ii) the denominator of which is the*
14 *total number of months in the period of ob-*
15 *ligated service of the individual.*

16 *(2) EXCEPTION.—Liability shall not arise under*
17 *paragraph (1) in the case of an individual covered by*
18 *that paragraph if the individual does not obtain, or*
19 *fails to maintain, employment as an employee of the*
20 *Department due to staffing changes approved by the*
21 *Under Secretary for Health.*

22 *(e) NOT A TAXABLE BENEFIT.—A contract buy out for*
23 *a covered health care professional under subsection (a) shall*
24 *not be considered a taxable benefit or event for the covered*
25 *health care professional.*

1 (f) *ANNUAL REPORT.*—

2 (1) *IN GENERAL.*—Not later than 18 months
3 after the date of the enactment of this Act, and not
4 less frequently than annually thereafter, the Secretary
5 of Veterans Affairs shall submit to the Committee on
6 Veterans' Affairs of the Senate and the Committee on
7 Veterans' Affairs of the House of Representatives a re-
8 port on the use by the Secretary of the authority
9 under this section.

10 (2) *ELEMENTS.*—Each report required by para-
11 graph (1) shall include the following:

12 (A) *The number of health care professionals*
13 *for whom a service contract buyout payment was*
14 *made under subsection (a) in the previous fiscal*
15 *year, disaggregated by occupation or specialty.*

16 (B) *The average, highest, and lowest*
17 *amount of the service contract buyout payments*
18 *made under subsection (a) for each occupation or*
19 *specialty in the previous fiscal year.*

20 (C) *Each location where contract buyout*
21 *authority under subsection (a) was utilized and*
22 *the number of covered health care professionals*
23 *who agreed to be employed at such location in*
24 *the previous fiscal year.*

25 (g) *DEFINITIONS.*—*In this section:*

1 (1) *COVERED HEALTH CARE PROFESSIONAL.*—
2 *The term “covered health care professional” means a*
3 *physician, nurse anesthetist, physician assistant, or*
4 *nurse practitioner offered employment with the De-*
5 *partment regardless of the authority under which*
6 *such employment is offered.*

7 (2) *RURAL; HIGHLY RURAL.*—*The terms “rural”*
8 *and “highly rural” have the meanings given those*
9 *terms under the rural-urban commuting areas coding*
10 *system of the Department of Agriculture.*

11 (h) *SUNSET.*—*This section shall terminate on Sep-*
12 *tember 30, 2027.*

13 **SEC. 903. QUALIFICATIONS FOR HUMAN RESOURCES POSI-**
14 **TIONS WITHIN DEPARTMENT OF VETERANS**
15 **AFFAIRS AND PLAN TO RECRUIT AND RETAIN**
16 **HUMAN RESOURCES EMPLOYEES.**

17 (a) *ESTABLISHMENT OF QUALIFICATIONS.*—*Not later*
18 *than 180 days after the date of the enactment of this Act,*
19 *the Secretary of Veterans Affairs shall—*

20 (1) *establish qualifications for each human re-*
21 *sources position within the Department of Veterans*
22 *Affairs in coordination with the Office of Personnel*
23 *Management;*

24 (2) *establish standardized performance metrics*
25 *for each such position; and*

1 (3) *submit to the Committee on Veterans' Affairs*
2 *of the Senate and the Committee on Veterans' Affairs*
3 *of the House of Representatives a report containing*
4 *the qualifications and standardized performance*
5 *metrics established under paragraphs (1) and (2).*

6 (b) *IMPROVEMENT OF HUMAN RESOURCES ACTIONS.—*
7 *Not later than 90 days after the date of the enactment of*
8 *this Act, the Secretary shall establish or enhance systems*
9 *of the Department to monitor the hiring and other human*
10 *resources actions that occur at the local, regional, and na-*
11 *tional levels of the Department to improve the performance*
12 *of those actions.*

13 (c) *REPORT.—Not later than one year after the estab-*
14 *lishment of the qualifications and performance metrics*
15 *under subsection (a), the Comptroller General of the United*
16 *States shall submit to the Committee on Veterans' Affairs*
17 *of the Senate and the Committee on Veterans' Affairs of*
18 *the House of Representatives a report containing—*

19 (1) *a description of the implementation of such*
20 *qualifications and performance metrics;*

21 (2) *an assessment of the quality of such quali-*
22 *fications and performance metrics;*

23 (3) *an assessment of performance and outcomes*
24 *based on such metrics; and*

1 (4) *such other matters as the Comptroller Gen-*
2 *eral considers appropriate.*

3 (d) *PLAN TO RECRUIT AND RETAIN HUMAN RE-*
4 *SOURCES EMPLOYEES.—Not later than one year after the*
5 *date of the enactment of this Act, the Secretary of Veterans*
6 *Affairs shall submit to the Committee on Veterans' Affairs*
7 *of the Senate and the Committee on Veterans' Affairs of*
8 *the House of Representatives a plan for the recruitment and*
9 *retention of human resources employees within the Depart-*
10 *ment of Veterans Affairs.*

11 **SEC. 904. MODIFICATION OF PAY CAP FOR CERTAIN EM-**
12 **PLOYEES OF VETERANS HEALTH ADMINIS-**
13 **TRATION.**

14 (a) *IN GENERAL.—Section 7455(c) is amended—*

15 (1) *in paragraph (1), by striking “30 percent”*
16 *inserting “50 percent”;*

17 (2) *in paragraph (2), by striking “level IV” in-*
18 *serting “level II”; and*

19 (3) *by adding at the end the following new para-*
20 *graph:*

21 “(3)(A) *Notwithstanding section 5304 of title 5 or any*
22 *other provision of law, but subject to the limitation under*
23 *paragraph (2), pursuant to an increase under subsection*
24 *(a), the Secretary may pay a special rate or an adjusted*

1 *rate of basic pay in excess of the rate of basic pay payable*
2 *for level IV of the Executive Schedule.*

3 “(B) *If an employee is in receipt of a special rate of*
4 *pay under subparagraph (A) in excess of the rate of basic*
5 *pay payable for level IV of the Executive Schedule with an*
6 *established special rate supplement of greater value than a*
7 *supplement based on the applicable locality-based com-*
8 *parability payment percentage under section 5304 of title*
9 *5, but a pay adjustment would cause such established spe-*
10 *cial rate supplement to be of lesser value, the special rate*
11 *supplement shall be converted to a supplement based on the*
12 *applicable locality-based comparability percentage unless*
13 *the Secretary determines that some other action is appro-*
14 *priate.*”.

15 (b) *PAY FOR CRITICAL POSITIONS.*—Section
16 *7404(a)(1)(B) is amended by inserting “7306 or” before*
17 *“7401(4)”.*

18 **SEC. 905. EXPANSION OF OPPORTUNITIES FOR HOUSE-**
19 **KEEPING AIDES.**

20 Section 3310 of title 5, United States Code, is amended
21 by inserting “(other than for positions of housekeeping aides
22 in the Department of Veterans Affairs)” after “competitive
23 service”.

1 **SEC. 906. MODIFICATION OF AUTHORITY OF THE SEC-**
2 **RETARY OF VETERANS AFFAIRS RELATING TO**
3 **HOURS, CONDITIONS OF EMPLOYMENT, AND**
4 **PAY FOR CERTAIN EMPLOYEES OF VETERANS**
5 **HEALTH ADMINISTRATION.**

6 (a) *EXPANSION OF ELIGIBILITY OF EMPLOYEES FOR*
7 *CERTAIN AWARDS.*—Section 7404(c) is amended—

8 (1) *by striking “Notwithstanding” and inserting*
9 *“(1) Notwithstanding”;*

10 (2) *by inserting “or 7401(4)” after “section*
11 *7306”;*

12 (3) *by striking “who is not eligible for pay under*
13 *subchapter III” and inserting “or in a covered execu-*
14 *tive position under section 7401(1) of this title”;*

15 (4) *by striking “sections 4507 and 5384” and in-*
16 *serting “section 4507”; and*

17 (5) *by adding at the end the following new para-*
18 *graph:*

19 *“(2) In this subsection, the term ‘covered executive po-*
20 *sition’ means a position that the Secretary has determined*
21 *is of equivalent rank to a Senior Executive Service position*
22 *(as such term is defined in section 3132(a) of title 5) and*
23 *is subject to an agency performance management system.”.*

24 (b) *AUTHORITY FOR AWARDS PROGRAMS OF DEPART-*
25 *MENT OF VETERANS AFFAIRS.*—

1 (1) *IN GENERAL.*—Subchapter I of chapter 74 is
2 amended by inserting after section 7404 the following
3 new section:

4 **“§ 7404A. Awards**

5 “(a) *SUPERIOR ACCOMPLISHMENTS AND PERFORM-*
6 *ANCE AWARDS PROGRAM.*—The Secretary may establish an
7 awards program for personnel listed in section 7421(b) of
8 this title consistent with chapter 45 of title 5, to the extent
9 practicable.

10 “(b) *EXECUTIVE PERFORMANCE AWARDS PROGRAM.*—
11 Notwithstanding section 7425 of this title or any other pro-
12 vision of law, the Secretary may establish a performance
13 awards program consistent with section 5384 of title 5
14 for—

15 “(1) personnel appointed under section 7401(1)
16 of this title for a position that the Secretary has de-
17 termined is of equivalent rank to a Senior Executive
18 Service position (as such term is defined in section
19 3132(a) of title 5) and is subject to an agency per-
20 formance management system; and

21 “(2) personnel appointed under section 7306 or
22 7401(4) of this title.

23 “(c) *PAYMENT OF AWARDS.*—Awards under this sec-
24 tion may be paid based on criteria established by the Sec-

1 *retary and shall not be considered in calculating the limita-*
2 *tion under section 7431(e)(4) of this title.*

3 “(d) *NOT CONSIDERED BASIC PAY.*—*Awards under*
4 *this section shall not be considered basic pay for any pur-*
5 *pose.*

6 “(e) *REGULATIONS.*—*The Secretary may prescribe reg-*
7 *ulations for the administration of this section.*”.

8 (2) *LIMITATION ON PAST AWARDS.*—*Notwith-*
9 *standing any other provision of law, awards made by*
10 *the Secretary of Veterans Affairs for any period on or*
11 *after January 1, 2017, and before the date of the en-*
12 *actment of this Act for an employee under section*
13 *7306 or 7401(4) of title 38, United States Code, or for*
14 *a position described in section 7401(1) of such title*
15 *that the Secretary has determined is of equivalent*
16 *rank to a Senior Executive Service position (as such*
17 *term is defined in section 3132(a) of title 5, United*
18 *States Code), may be subject to section 7404A of title*
19 *38, United States Code, as added by paragraph (1).*

20 (c) *MODIFICATION OF EMPLOYEES SUBJECT TO REGU-*
21 *LATION BY SECRETARY OF VETERANS AFFAIRS OF HOURS*
22 *AND CONDITIONS OF EMPLOYMENT AND LEAVES OF AB-*
23 *SENCE.*—

24 (1) *IN GENERAL.*—*Section 7421 is amended—*

1 (A) in subsection (a), by striking “chapter”
2 and inserting “title”; and

3 (B) in subsection (b), by adding at the end
4 the following new paragraph:

5 “(9) Any position for which the employee is ap-
6 pointed under section 7306 or 7401(4) of this title.”.

7 (2) ADMINISTRATION OF FULL-TIME EMPLOY-
8 EES.—Section 7423 is amended—

9 (A) in subsection (a)(2), by adding at the
10 end the following new subparagraph:

11 “(D) The Secretary may exclude from the requirements
12 of paragraph (1) employees hired under section 7306 or
13 7401(4) of this title or for a position described in section
14 7401(1) of this title that the Secretary has determined is
15 of equivalent rank to a Senior Executive Service position
16 (as such term is defined in section 3132(a) of title 5).”;
17 and

18 (B) in subsection (e)(1), by striking
19 “7401(1)” and inserting “7421(b)”.

20 (3) ADDITIONAL PAY AUTHORITIES.—Section
21 7410(a) is amended—

22 (A) by striking “The Secretary” and insert-
23 ing “(1) The Secretary”;

24 (B) by striking “the personnel described in
25 paragraph (1) of section 7401 of this title” and

1 inserting “personnel appointed under section
2 7306 of this title or section 7401(4) of this title,
3 or personnel described in section 7401(1) of this
4 title,”; and

5 (C) by striking “in the same manner, and
6 subject to the same limitations, as in the case of”
7 and inserting “in a manner consistent with”;
8 and

9 (D) by adding at the end the following new
10 paragraph:

11 “(2) Payments under paragraph (1) shall not be con-
12 sidered in calculating the limitation under section
13 7431(e)(4) of this title.”.

14 (4) *TREATMENT OF PAY AUTHORITY CHANGES.*—
15 For the purposes of the amendments made by para-
16 graph (3), the Secretary of Veterans Affairs shall treat
17 any award or payment made by the Secretary be-
18 tween January 1, 2017, and the date of the enactment
19 of this Act to employees appointed under sections
20 7306, 7401(1), and 7401(4) of title 38, United States
21 Code, that the Secretary has determined are of equiv-
22 alent rank to a Senior Executive Service position (as
23 such term is defined in section 3132(a) of title 5,
24 United States Code), as if such amendments had been
25 in effect at the time of such award or payment.

1 (5) *TREATMENT OF PRIOR LEAVE BALANCES.*—
2 *Notwithstanding any other provision of law, the Sec-*
3 *retary may adjust the leave balance and carryover*
4 *leave balance of any employee described in section*
5 *7421(b)(9) of title 38, United States Code, as amend-*
6 *ed by paragraph (1)(B), to ensure any leave accrued*
7 *or carried over before the date of the enactment of this*
8 *Act remains available to such employee.*

9 (d) *TREATMENT OF CERTAIN EMPLOYEES AS AP-*
10 *POINTED UNDER SECTION 7306.*—*Section 7306 is amend-*
11 *ed—*

12 (1) *in subsection (a), by redesignating the second*
13 *paragraph (11) as paragraph (12); and*

14 (2) *by adding at the end the following new sub-*
15 *section:*

16 “(g) *For purposes of applying any provision of chapter*
17 *74 of this title, including sections 7404, 7410, and 7421,*
18 *or any other provision of law, the Secretary may treat any*
19 *appointment for a position under this chapter to be an ap-*
20 *pointment under this section.”.*

21 (e) *CONFORMING AMENDMENT.*—*Section 7431(e)(4) is*
22 *amended by striking “In no case” and inserting “Except*
23 *as provided in sections 7404A(c) and 7410(a)(2) of this*
24 *title, in no case”.*

1 *given that term in section 201(c) of the Dignified*
2 *Burial and Other Veterans' Benefits Improvement Act*
3 *of 2012 (Public Law 112–260; 38 U.S.C. 527 note).*

4 “(c) *COORDINATION WITH OFFICE OF PERSONNEL*
5 *MANAGEMENT.—In implementing this section, the Sec-*
6 *retary shall coordinate with the Director of the Office of*
7 *Personnel Management.*

8 “(d) *REPORTS.—*

9 “(1) *IN GENERAL.—For each quarter that the*
10 *Secretary waives a limitation under this section, the*
11 *Secretary shall submit to the Committee on Veterans'*
12 *Affairs of the Senate, the Committee on Veterans' Af-*
13 *airs of the House of Representatives, and the Office*
14 *of Personnel Management a report on the waiver or*
15 *waivers.*

16 “(2) *CONTENTS.—Each report submitted under*
17 *paragraph (1) with respect to a waiver or waivers*
18 *shall include the following:*

19 “(A) *Where the waiver or waivers were*
20 *used, including in which component of the De-*
21 *partment and, as the case may be, which medical*
22 *center of the Department.*

23 “(B) *For how many employees the waiver*
24 *or waivers were used, disaggregated by compo-*

1 **SEC. 909. ADDITIONAL AUTHORITY OF THE SECRETARY OF**
2 **VETERANS AFFAIRS RELATING TO RECRUIT-**
3 **MENT AND RETENTION OF PERSONNEL.**

4 *Subchapter I of chapter 7 is amended by inserting*
5 *after section 705 the following new section:*

6 **“§ 706. Additional authority relating to recruitment**
7 **and retention of personnel**

8 *“(a) RECRUITMENT AND RELOCATION BONUSES.—The*
9 *Secretary may pay a recruitment or relocation bonus under*
10 *section 5753(e) of title 5 without regard to any require-*
11 *ments for certification or approval under that section.*

12 *“(b) RETENTION BONUSES.—(1) The Secretary may*
13 *pay a retention bonus under section 5754(f) of title 5 with-*
14 *out regard to any requirement for certification or approval*
15 *under that subsection.*

16 *“(2) The Secretary may pay a retention bonus as spec-*
17 *ified in subsection (e)(2) of section 5754 of title 5 and may*
18 *pay the bonus as a single lump-sum payment at the begin-*
19 *ning of the full period of service required by an agreement*
20 *under subsection (d) of such section.*

21 *“(c) MERIT AWARDS.—The Secretary may grant a*
22 *cash award under section 4502(b) of title 5 without regard*
23 *to any requirement for certification or approval under that*
24 *section.*

25 *“(d) INCENTIVES FOR CRITICAL SKILLS.—(1) Subject*
26 *to the provisions of this paragraph, the Secretary may pro-*

1 *vide a critical skill incentive to an employee in a case in*
2 *which the Secretary determines—*

3 “(A) *the employee possesses a high-demand skill*
4 *or skill that is at a shortage;*

5 “(B) *such skill is directly related to the duties*
6 *and responsibilities of the employee’s position; and*

7 “(C) *employment of an individual with such*
8 *skill in such position serves a critical mission-related*
9 *need of the Department.*

10 “(2) *An incentive provided to an employee under*
11 *paragraph (1) may not to exceed 25 percent of the basic*
12 *pay of the employee.*

13 “(3) *Provision of an incentive under paragraph (1)*
14 *shall be contingent on the employee entering into a written*
15 *agreement to complete a period of employment with the De-*
16 *partment.*

17 “(4) *An incentive provided under paragraph (1) shall*
18 *not be considered basic pay for any purpose.*

19 “(5) *The Secretary may prescribe conditions, includ-*
20 *ing with respect to eligibility, and limitations on provision*
21 *of incentive under paragraph (1).*

22 “(6) *Incentive provided under paragraph (1) shall not*
23 *be included in the calculation of total amount of compensa-*
24 *tion under section 7431(e)(4) of this title.*

1 “(e) *STUDENT LOAN REPAYMENTS.*—(1) *Subject to the*
2 *provisions of this subsection, the Secretary may repay a*
3 *student loan pursuant to section 5379(b) of title 5.*

4 “(2) *Paragraph (2) of such section shall not apply to*
5 *payment under this subsection.*

6 “(3) *Payment under this subsection shall be made sub-*
7 *ject to such terms, limitations, or conditions as may be mu-*
8 *tually agreed to by the Secretary and the employee con-*
9 *cerned, except that the amount paid by the Secretary under*
10 *this subsection may not exceed—*

11 “(A) *\$40,000 for any employee in any calendar*
12 *year; or*

13 “(B) *a total of \$100,000 in the case of any em-*
14 *ployee.*

15 “(f) *EXPEDITED HIRING AUTHORITY FOR COLLEGE*
16 *GRADUATES; COMPETITIVE SERVICE.*—(1) *Subject to para-*
17 *graph (2) of this subsection, the Secretary may expedite hir-*
18 *ing for college graduates under section 3115 of title 5 with-*
19 *out regard to subsection (e) of such section or any regula-*
20 *tions prescribed by the Office of Personnel Management for*
21 *administration of such subsection.*

22 “(2) *The number of employees the Secretary may ap-*
23 *point under section 3115 of title 5 may not exceed the num-*
24 *ber equal to 25 percent of individuals that the Secretary*
25 *appointed during the previous fiscal year to a position in*

1 *the competitive service classified in a professional or ad-*
2 *ministrative occupational category, at the GS–11 level, or*
3 *an equivalent level, or below, under a competitive exam-*
4 *ining procedure.*

5 “(g) *EXPEDITED HIRING AUTHORITY FOR POST-SEC-*
6 *ONDARY STUDENTS; COMPETITIVE SERVICE.—(1) Subject*
7 *to paragraph (2) of this subsection, the Secretary may expe-*
8 *dite hiring of post-secondary students under section 3116*
9 *of title 5, without regard to subsection (d) of such section*
10 *or any regulations prescribed by the Office of Personnel*
11 *Management for administration of such subsection.*

12 “(2) *The number of employees the Secretary may ap-*
13 *point under section 3116 of title 5 may not exceed the num-*
14 *ber equal to 25 percent of the number of students that the*
15 *Secretary appointed during the previous fiscal year to a*
16 *position at the GS–11 level, or an equivalent level, or below.*

17 “(h) *PAY AUTHORITY FOR CRITICAL POSITIONS.—(1)*
18 *Subject to the provisions of this subsection, the Secretary*
19 *may authorize the fixing of the rate of pay for a critical*
20 *position in the Department consistent with the authorities*
21 *and requirements of section 5377 of title 5 that apply to*
22 *the Office of Personnel Management.*

23 “(2) *The Secretary may fix the rate of pay for a crit-*
24 *ical position under this subsection in excess of the limita-*
25 *tion set forth by section 5377(d)(2) of such title.*

1 “(3) *Basic pay may not be fixed under this subsection*
2 *at a rate greater than the rate payable for the Vice Presi-*
3 *dent of the United States established under section 104 of*
4 *title 3, except upon written approval of the President.*

5 “(4) *Notwithstanding section 5377(f) of title 5, the Sec-*
6 *retary may authorize the exercise of authority under this*
7 *subsection with respect to up to 200 positions at any time.*

8 “(i) *RATES OF SPECIAL PAY.—(1) The Secretary may*
9 *establish a rate for special pay under section 5305(a)(1)*
10 *of title 5.*

11 “(2) *In applying such section to the Secretary’s au-*
12 *thority under paragraph (1)—*

13 “(A) *‘50 percent’ shall be substituted for ‘30 per-*
14 *cent’; and*

15 “(B) *‘level II of the Executive Schedule’ shall be*
16 *substituted for ‘level IV of the Executive Schedule’.*

17 “(j) *WAIVER OF LIMITATIONS ON CERTAIN PAYMENTS*
18 *UNDER PAY COMPARABILITY SYSTEM.—The Secretary may*
19 *waive the limitation in section 5307 of title 5 for an em-*
20 *ployee or a payment.*

1 “(k) *TERMINATION.*—*The authorities under this sec-*
2 *tion shall terminate on September 30, 2027.*”.

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

H.R. 3967

AMENDMENT