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In the House of Representatives, U. S.,

July 13, 2022.

Resolved, That the bill from the Senate (S. 3373) entitled "An Act to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant.", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

(a) SHORT TITLE.—This Act may be cited as the "Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022" or the "Honoring our PACT Act of 2022".

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

(1) REFERENCES.—Except as otherwise expressly provided, when in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(2) AMENDMENTS TO TABLES OF CONTENTS.—Except as otherwise expressly provided, when an amendment made by this Act to title 38, United States Code, adds a section or larger organizational unit to that title or amends the designation or heading of a section or larger organizational unit in that title, that amendment also shall have the effect of amending any table of sections in that title to alter the table to conform to the changes made by the amendment.

(c) TABLE OF CONTENTS.—The table of contents for 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.

TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY

Subtitle A—Toxic-exposed Veterans

SEC. 101. SHORT TITLE.

This title may be cited as the "Conceding Our Veterans' Exposure Now and Necessitating Training Act of 2022" or the "COVENANT Act of 2022".

SEC. 102. DEFINITIONS RELATING TO TOXIC-EXPOSED VETERANS.

(a) IN GENERAL.—Section 1710(a)(2)(F) is amended by striking "who was exposed to a toxic substance, radiation, or other conditions, as provided in subsection (e)" and inserting "who is a toxic-exposed veteran, in accordance with subsection (e)".

(b) DEFINITIONS OF TOXIC EXPOSURE AND TOXIC-EXPOSED VETERAN.—Section 101 is amended by adding at the end the following new paragraphs:

"(37) The term 'toxic exposure' includes the following:

"(A) A toxic exposure risk activity, as defined in section 1710(e)(4) of this title.

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

"(38) The term 'toxic-exposed veteran' means any veteran described in section 1710(e)(1) of this title.".

(c) DEFINITION OF TOXIC EXPOSURE RISK ACTIVITY.—Section 1710(e)(4) is amended by adding at the end the following new subparagraph:

"(C) The term 'toxic exposure risk activity' means any activity—

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

"(ii) that the Secretary determines qualifies for purposes of this subsection when taking into account what is reasonably prudent to protect the health of veterans.".

SEC. 103. EXPANSION OF HEALTH CARE FOR SPECIFIC CATEGORIES OF TOXIC-EXPOSED VETERANS AND VETERANS SUPPORTING CERTAIN OVERSEAS CONTINGENCY OPERATIONS.

(a) IN GENERAL.—

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

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

"(G) Beginning not later than the applicable date specified in paragraph (6), and subject to paragraph (2), a veteran who participated in a toxic exposure risk activity

while serving on active duty, active duty for training, or inactive duty training is eligible for hospital care (including mental health services and counseling), medical services, and nursing home care under subsection (a)(2)(F) for any illness.

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

"(I)(i) Beginning not later than the applicable date specified in paragraph (6), and subject to paragraph (2), a veteran who deployed in support of a contingency operation specified in clause (ii) is eligible for hospital care (including mental health services and counseling), medical services, and nursing home care under subsection (a)(2)(F) for any illness.

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

"(I) Operation Enduring Freedom.

"(II) Operation Freedom's Sentinel.

"(III) Operation Iraqi Freedom.

"(IV) Operation New Dawn.

"(V) Operation Inherent Resolve.

"(VI) Resolute Support Mission."; and

(B) in paragraph (2)(B)—

(i) by striking "or (F)" and inserting "(F), (G), (H), or (I)"; and

(ii) by striking "service or testing" and inserting "service, testing, or activity".

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

"(6)(A) The Secretary shall determine the dates in subparagraphs (G), (H), and (I) of paragraph (1) as follows:

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

"(ii) October 1, 2026, with respect to a veteran described in such subparagraph (G) or (H) who was discharged or released from the active military, naval, air, or space service during the period beginning on September 12, 2001, and ending on December 31, 2006.

"(iii) October 1, 2028, with respect to a veteran described in such subparagraph (G) or (H) who was discharged or released from the active military, naval,

air, or space service during the period beginning on January 1, 2007, and ending on December 31, 2012.

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

"(v) October 1, 2032, with respect to a veteran described in such subparagraph (I).

"(B)(i) The Secretary may modify a date specified in subparagraph (A) to an earlier date, as the Secretary determines appropriate based on the number of veterans receiving hospital care, medical services, and nursing home care under subparagraphs (G), (H), and (I) of paragraph (1) and the resources available to the Secretary.

"(ii) If the Secretary determines to modify a date under clause (i), the Secretary shall—

"(I) notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives of the proposed modification; and

"(II) publish such modified date in the Federal Register.".

(b) OUTREACH PLANS.—With respect to each of clauses (i) through (v) of section 1710(e)(6)(A) of title 38, United

States Code (as added by subsection (a)(2)), not later than 180 days before the date specified in the clause (including a date modified pursuant to such section), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to conduct outreach to the veterans described in the clause to notify such veterans of their eligibility for hospital care, medical services, or nursing home care under subparagraph (G), (H), or (I), of section 1710(e)(1) of such title, as the case may be.

SEC. 104. ASSESSMENTS OF IMPLEMENTATION AND OPERATION.

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

(1) complete an assessment to determine—

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

(B) the total number of covered veterans, as such term is defined in section 1119(c) of title 38, United States Code (as added by section 302), who receive hospital care or medical services furnished by the Secretary under chapter 17

of such title, disaggregated by priority group specified in section 1705(a) of such title; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the findings of the assessment completed under paragraph (1), including a specific determination as to whether the Department has the personnel and material resources necessary to implement section 103.

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

(c) ANNUAL REPORTS.—

(1) REPORTS.—Not later than October 1, 2025, and on an annual basis thereafter until October 1, 2033, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the following:

(A) The effect of the implementation of, and the provision and management of care under, section 103 (including the amendments made by

such section) on the demand by veterans described in subparagraphs (G), (H), and (I) of section 1710(e)(1) of title 38, United States Code (as added by such section 103) for health care services furnished by the Secretary.

(B) Any differing patterns of demand for health care services by such veterans, disaggregated by factors such as the relative distance of the veteran from medical facilities of the Department and whether the veteran had previously received hospital care or medical services furnished by the Secretary under chapter 17 of such title.

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

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

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

(A) The total number of veterans enrolled in the patient enrollment system who, during such

year, received hospital care or medical services furnished by the Secretary under chapter 17 of title 38, United States Code.

(B) Of the veterans specified in subparagraph (A), the number of such veterans who, during the preceding three fiscal years, had not received such care or services.

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

(i) the level of care; and

(ii) whether the care was provided through the Veterans Community Care Program.

(D) With respect to the number of veterans described in subparagraphs (G), (H), and (I) of section 1710(e)(1) of title 38, United States Code (as added by section 103), the following (shown in total and disaggregated by medical facility of the Department, as applicable):

(i) The number of such veterans who, during the year covered by the report, enrolled in the patient enrollment system.

(ii) The number of such veterans who applied for, but were denied, such enrollment.

(iii) The number of such veterans who were denied hospital care or a medical service furnished by the Secretary that was considered to be medically necessary but not of an emergency nature.

(E) The numbers and characteristics of, and the type and extent of health care furnished by the Secretary to, veterans enrolled in the patient enrollment system (shown in total and disaggregated by medical facility of the Department).

(F) The numbers and characteristics of, and the type and extent of health care furnished by the Secretary to, veterans not enrolled in the patient enrollment system (disaggregated by each class of eligibility for care under section 1710 of title 38, United States Code, and further shown as a total per class and disaggregated by medical facility of the Department).

(G) The specific fiscal impact (shown in total and disaggregated by geographic health care delivery areas) of changes in the delivery

patterns of health care furnished by the Secretary under chapter 17 of such title as a result of the implementation of section 103 (including the amendments made by such section).

(d) DEFINITIONS.—In this section:

(1) PATIENT ENROLLMENT SYSTEM.—The term "patient enrollment system" means the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) VETERANS COMMUNITY CARE PROGRAM.—The term "Veterans Community Care Program" means the program established under section 1703 of title 38, United States Code.

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.

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

(1) in subparagraph (A)—

(A) by striking "January 27, 2003" and inserting "September 11, 2001"; and

(B) by striking "five-year period" and inserting "10-year period";

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

"(B) With respect to a veteran described in paragraph (1)(D) who was discharged or released from the active military, naval, air, or space service after September 11, 2001, and before October 1, 2013, but did not enroll to receive such hospital care, medical services, or nursing home care under such paragraph pursuant to subparagraph (A) before October 1, 2022, the one-year period beginning on October 1, 2022."; and

(3) by striking subparagraph (C).

(b) CLARIFICATION OF COVERAGE.—Section 1710(e)(1)(D) is amended by inserting after "Persian Gulf War" the following: "(including any veteran who, in connection with service during such period, received the Armed Forces Expeditionary Medal, Service Specific Expeditionary Medal, Combat Era Specific Expeditionary Medal, Campaign Specific Medal, or any other combat theater award established by a Federal statute or an Executive order)".

(c) OUTREACH PLAN.—Not later than December 1, 2022, the Secretary of Veterans Affairs shall submit to the

Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to conduct outreach to veterans described in subparagraph (B) of section 1710(e)(3) of title 38, United States Code, as amended by subsection (a)(2), to notify such veterans of their eligibility for hospital care, medical services, or nursing home care pursuant to such subparagraph.

(d) REPORT ON ENROLLMENTS.—Not later than January 30, 2024, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying, with respect to the one-year period beginning on October 1, 2022, the number of veterans described in section 1710(e)(3)(B) of title 38, United States Code, as amended by subsection (a)(2), who, during such period, enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of such title.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2022.

TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

SEC. 201. SHORT TITLE.

This title may be cited as the "Toxic Exposure in the American Military Act of 2022" or the "TEAM Act of 2022".

SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF VETERANS AFFAIRS TO ESTABLISH PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE.

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

"SUBCHAPTER VII—DETERMINATIONS RELATING TO PRESUMPTIONS OF SERVICE CONNECTION BASED ON TOXIC EXPOSURE

"§ 1171. Procedures to determine presumptions of service connection based on toxic exposure; definitions

"(a) PROCEDURES.—The Secretary shall determine whether to establish, or to remove, presumptions of service connection based on toxic exposure pursuant to this subchapter, whereby—

"(1) under section 1172 of this title—

"(A) the Secretary provides—

"(i) public notice regarding what formal evaluations the Secretary plans to conduct; and

"(ii) the public an opportunity to comment on the proposed formal evaluations;

"(B) the working group established under subsection (b) of such section provides—

"(i) advice to the Secretary on toxic-exposed veterans and cases in which veterans who, during active military, naval, air, or space service, may have experienced a toxic exposure or their dependents may have experienced a toxic exposure while the veterans were serving in the active military, naval, air, or space service;

"(ii) recommendations to the Secretary on corrections needed in the Individual Longitudinal Exposure Record to better reflect veterans and dependents described in clause (i); and

"(iii) recommendations to the Secretary regarding which cases of possible toxic exposure should be reviewed;

"(2) the Secretary provides for formal evaluations of such recommendations under section 1173 of

this title and takes into account reports received by the Secretary from the National Academies of Sciences, Engineering, and Medicine under section 1176 of this title; and

"(3) the Secretary issues regulations under section 1174 of this title.

"(b) DEFINITIONS.—In this subchapter:

"(1) The term 'illness' includes a disease or other condition affecting the health of an individual, including mental and physical health.

"(2) The term 'Individual Longitudinal Exposure Record' includes—

"(A) service records;

"(B) any database maintained by the Department of Defense and shared with the Department of Veterans Affairs to serve as a central portal for exposure-related data that compiles, collates, presents, and provides available occupational and environmental exposure information to support the needs of the Department of Defense and the Department of Veterans Affairs; or

"(C) any successor system to a database described in subparagraph (B).

"§ 1172. Annual notice and opportunity for public comment

"(a) NOTICE REQUIRED.—(1)(A) Not less frequently than once each year, the Secretary shall publish in the Federal Register notice of the formal evaluations that the Secretary plans to conduct pursuant to section 1173 of this title.

"(B) Each notice published under subparagraph (A) shall include, for each formal evaluation referred to in the notice, an explanation as to why the military environmental exposures and adverse health outcomes that are the subject of the formal evaluation were chosen by the Secretary for formal evaluation under section 1173 of this title.

"(2)(A) With each notice published under paragraph (1), the Secretary shall seek public comment on the military environmental exposures and adverse health outcomes that are the subject of the formal evaluations referred to in the notice.

"(B) The Secretary shall—

"(i) consider all public comment received under subparagraph (A); and

"(ii) publish in the Federal Register a response to the comments received under subparagraph (A).

"(3)(A) For each notice published under paragraph (1), the Secretary shall hold an open meeting for members

of the public to voice their comments in response to the notice.

"(B) To help evaluate presumptions of service connection, the Secretary shall, not less frequently than quarterly, collaborate with, partner with, and give weight to the advice of veterans service organizations and such other stakeholders as the Secretary considers appropriate.

"(4) Failure to include a military environmental exposure or adverse health effect in a Federal Register notice published pursuant to subsection (a) shall not preclude the Secretary from initiating a formal evaluation of such exposure or health effect.

"(b) WORKING GROUP.—(1) The Secretary shall establish a working group within the Department (in this section referred to as the 'Working Group').

"(2) The Working Group shall include personnel of the Veterans Health Administration and the Veterans Benefits Administration.

"(3) The Secretary shall consult with, and seek the advice of, the Working Group with respect to cases in which—

"(A) a veteran may have, during active military, naval, air, or space service, experienced a toxic exposure; or

"(B) a dependent of a veteran may have experienced a toxic exposure during the active military, naval, air, or space service of the veteran.

"(c) ASSESSMENTS.—(1) The Working Group shall assess cases of the toxic exposure of veterans and their dependents that occurred during active military, naval, air, or space service, including by conducting ongoing surveillance and reviewing such exposure described in scientific literature, media reports, information from veterans, and information from Congress.

"(2) The assessments under paragraph (1) shall cover suspected and known toxic exposures occurring during active military, naval, air, or space service, including by identifying and evaluating new and emerging toxic exposures that are not recognized under existing presumptions of service connection.

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

"(4) The Working Group shall, in consultation with the Secretary of Defense, on a periodic basis, assess the Individual Longitudinal Exposure Record to ensure the accuracy of data collected.

"(d) DEVELOPMENT OF RECOMMENDATIONS.—(1) Following an assessment of a case of the toxic exposure of vet-

erans that occurred during active military, naval, air, or space service under subsection (c), or their dependents, the Working Group may develop a recommendation for formal evaluation under section 1173 of this title to conduct a review of the health effects related to the case of exposure if the Working Group determines that the research may change the current understanding of the relationship between an exposure to an environmental hazard and adverse health outcomes in humans.

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

"(e) REPORTS BY THE WORKING GROUP.—Not less frequently than once each year, the Working Group shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives, and make publicly available, a report on—

"(1) recommendations developed under subsection (d), if any; and

"(2) recommendations for such legislative or administrative action as the Working Group considers

necessary for the Working Group to be more effective in carrying out the requirements of this section.

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

"§ 1173. Formal evaluation of recommendations

"(a) FORMAL EVALUATIONS.—The Secretary shall establish a process to conduct a formal evaluation with respect to each recommendation made by the Working Group under section 1172 of this title.

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

"(1) Scientific evidence, based on the review of available scientific literature, including human, toxicological, animal, and methodological studies, and other factors.

"(2) Claims data, based on the review of claim rate, grant rate, and service connection prevalence, and other factors.

"(3) Other factors the Secretary determines appropriate, such as—

"(A) the level of disability and mortality caused by the health effects related to the case of toxic exposure being evaluated;

"(B) the quantity and quality of the information available and reviewed;

"(C) the feasibility of and period for generating relevant information and evidence;

"(D) whether such health effects are combat- or deployment-related;

"(E) the ubiquity or rarity of the health effects; and

"(F) any time frame during which a health effect must become manifest.

"(c) CONDUCT OF EVALUATIONS.—(1) The Secretary shall ensure that each formal evaluation under subsection (a)—

"(A) reviews scientific evidence in a manner that—

"(i) conforms to principles of scientific and data integrity;

"(ii) is free from suppression or distortion of scientific or technological findings, data, information, conclusions, or technical results; and

"(B)(i) evaluates the likelihood that a positive association exists between an illness and a toxic expo-

sure while serving in the active military, naval, air, or space service; and

"(ii) assesses the toxic exposures and illnesses and determines whether the evidence supports a finding of a positive association between the toxic exposure and the illness.

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

"(A) The 'sufficient' category, where the evidence is sufficient to conclude that a positive association exists.

"(B) The 'equipoise and above' category, where the evidence is sufficient to conclude that a positive association is at least as likely as not, but not sufficient to conclude that a positive association exists.

"(C) The 'below equipoise' category, where the evidence is not sufficient to conclude that a positive association is at least as likely as not, or is not sufficient to make a scientifically informed judgment.

"(D) The 'against' category, where the evidence suggests the lack of a positive association.

"(d) RECOMMENDATION FOR ESTABLISHING A PRESUMPTION OF SERVICE CONNECTION.—Not later than 120

days after the date on which a formal evaluation is commenced, the element of the Department that conducts the evaluation shall submit to the Secretary a recommendation with respect to establishing a presumption of service connection for the toxic exposure and illness, or modifying an existing presumption of service connection, covered by the evaluation.

"§ 1174. Regulations regarding presumptions of service connection based on toxic exposure

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

"(1) if the Secretary determines, in the discretion of the Secretary, that the presumption, or modification, is warranted, the Secretary shall—

"(A) commence issuing regulations in accordance with the provisions of subchapter II of chapter 5 of title 5 (commonly referred to as the Administrative Procedures Act) setting forth the presumption or commence revising regulations to carry out such modification; and

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

"(2) if the Secretary determines, in the discretion of the Secretary, that the presumption, or modification, is not warranted, the Secretary shall publish in the Federal Register a notice of the determination, including the reasons supporting the determination.

"(b) REMOVAL OF PRESUMPTION.—(1)(A) The Secretary may—

"(i) issue a regulation to remove an illness from a presumption of service connection previously established pursuant to a regulation issued under subsection (a); and

"(ii) issue a regulation to remove a presumption of service connection established pursuant to title IV of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 if the Secretary concludes that evidence suggests the lack of a positive association between the disease and the toxic exposure.

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

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

"(A) a veteran who was awarded compensation under chapter 11 of this title for such illness on the basis of the presumption provided under such regulations before the effective date of the removal or modification shall continue to be entitled to receive compensation on that basis;

"(B) a survivor of a veteran who was awarded dependency and indemnity compensation under chapter 13 of this title for the death of a veteran resulting from such illness on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis; and

"(C) no veteran or survivor covered under subparagraph (A) or (B) shall have their compensation reduced solely because of the removal of an illness pursuant to paragraph (1).

"§ 1175. Authority to modify process; congressional oversight

"(a) IN GENERAL.—The Secretary may modify the process under which the working group established under subsection (b) of section 1172 of this title conducts assessments under such section, the Secretary conducts formal evaluations under section 1173 of this title, and issues regulations under section 1174 of this title if—

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

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

"(b) NOTICE.—If the Secretary proposes to modify the process under which the working group established under subsection (b) of section 1172 of this title conducts assessments under such section, the process under which the Secretary conducts formal evaluations under section 1173 of this title, or issues regulations under section 1174 of this title, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a notice of the proposed modifications containing the following:

"(1) A description of the proposed modifications.

"(2) A description of any exceptions to the requirements of such sections that are proposed because of limited available scientific evidence, and a description of how such evaluations will be conducted.

"§ 1176. Agreement with National Academies of Sciences, Engineering, and Medicine concerning toxic exposures

"(a) PURPOSE.—The purpose of this section is to provide for the National Academies of Sciences, Engineering, and Medicine (in this section referred to as the 'Academies'), an independent nonprofit scientific organization with appropriate expertise that is not part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between diseases and toxic exposures.

"(b) AGREEMENT.—(1) The Secretary shall seek to enter into a five-year agreement with the Academies to perform the services covered by this section.

"(2) The Secretary shall seek to enter into an agreement described in paragraph (1) not later than 60 days after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022.

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

"(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the Academies under this section, the Academies shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between toxic exposures during ac-

tive military, naval, air, or space service and each disease suspected to be associated with such exposure in the human population.

"(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—For each disease reviewed under subsection (c), the Academies shall determine, to the extent that available scientific data permit meaningful determinations—

"(1) whether an association exists between toxic exposures and the occurrence of the disease, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

"(2) the increased risk of the disease among those reporting toxic exposures during active military, naval, air, or space service;

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

"(4) determine the strength of evidence for a positive association based on categories furnished under section 1173 of this title.

"(e) COOPERATION OF FEDERAL AGENCIES.—The head of each relevant Federal agency, including the Sec-

retary of Defense, shall cooperate fully with the Academies in performing the services covered by this section.

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

"(2) In making recommendations under paragraph (1), the Academies shall consider—

"(A) the scientific information that is available at the time of the recommendation;

"(B) the value and relevance of the information that could result from additional studies; and

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

"(g) REPORTS.—(1)(A) Under an agreement between the Secretary and the Academies under this section, not later than one year after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, the Academies shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives an initial report on the activities of the Academies under the agreement.

"(B) The report submitted under subparagraph (A) shall include the following:

"(i) The determinations described in subsection (d).

"(ii) A full explanation of the scientific evidence and reasoning that led to such determinations.

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

"(2) Under an agreement between the Secretary and the Academies under this section, not less frequently than once every two years after the date on which the initial report is submitted under paragraph (1)(A), the Academies shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives an updated report on the activities of the Academies under the agreement.

"(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period prescribed in subsection (b)(2) to enter into an agreement with the Academies for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that—

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

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

"(C) has expertise and objectivity comparable to that of the Academies.

"(2) If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this subchapter to the Academies shall be treated as a reference to the other organization.".

(b) REPORTS AND BRIEFINGS.—

(1) REPORT.—

(A) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of, and recommendations for, subchapter VII of chapter 11 of title 38, United States Code, as added by subsection (a).

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

(2) BRIEFING.—On a quarterly basis during the two-year period beginning on the date of the enact-

ment of this Act, the Secretary shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing on the implementation of subchapter VII of chapter 11 of such title, as added by subsection (a).

(c) INDEPENDENT ASSESSMENT.—

(1) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine (in this subsection referred to as the "Academies") before the date that is 90 days after the date of the enactment of this Act to perform the services set forth under paragraph (2).

(2) ASSESSMENT.—

(A) IN GENERAL.—Under an agreement between the Secretary and the Academies under paragraph (1), the Academies shall conduct an assessment of the implementation by the Department of Veterans Affairs of the process established under subchapter VII of chapter 11 of title 38, United States Code, as added by subsection (a).

(B) ELEMENTS.—The assessment conducted under subparagraph (A) shall include the following:

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

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

(iii) provide recommendations for improvements to the process.

(3) REPORT.—Not later than one year after the date on which the Secretary enters into an agreement under paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Academies pursuant to such agreement.

(4) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—

(A) IN GENERAL.—If the Secretary is unable within the time period prescribed in para-

graph (1) to enter into an agreement with the Academies for the purposes of this subsection on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this subsection with another appropriate scientific organization that—

(i) is not part of the Federal Government;

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

(iii) has expertise and objectivity comparable to that of the Academies.

(B) TREATMENT.—If the Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this subsection to the Academies of Sciences, Engineering, and Medicine shall be treated as a reference to the other organization.

(d) CONFORMING AMENDMENTS.—Chapter 11 is amended—

(1) in section 1116—

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

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

"(b) The Secretary shall ensure that any determination made on or after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 regarding a presumption of service connection based on exposure to an herbicide agent under this section is made pursuant to subchapter VII of this chapter, including with respect to assessing reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991 (Public Law 102–4)."; and

(C) by redesignating subsection (f) as subsection (c);

(2) in section 1116B(b)(2)(A), by inserting "pursuant to subchapter VII of this chapter," before "the Secretary determines"; and

(3) in section 1118—

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

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

"(b) The Secretary shall ensure that any determination made on or after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 regarding a presumption of service connection based on a toxic exposure

under this section is made pursuant to subchapter VII of this chapter.".

SEC. 203. OUTREACH TO CLAIMANTS FOR DISABILITY COMPENSATION PURSUANT TO CHANGES IN PRESUMPTIONS OF SERVICE CONNECTION.

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

"§ 1167. Outreach pursuant to changes in presumptions of service connection

"(a) IN GENERAL.—Whenever a law, including through a regulation or Federal court decision or settlement, establishes or modifies a presumption of service connection, the Secretary shall—

"(1) identify all claims for compensation under this chapter that—

"(A) were submitted to the Secretary;

"(B) were evaluated and denied by the Secretary before the date on which such provision of law went into effect; and

"(C) might have been evaluated differently had the establishment or modification been applicable to the claim; and

"(2) pursuant to subsection (b), conduct outreach to the claimants.

"(b) OUTREACH.—(1) The Secretary shall conduct outreach to inform claimants identified under subsection (a) that they may submit a supplemental claim in light of the establishment or modification of a presumption of service connection described in subsection (a).

"(2) Outreach under paragraph (1) shall include the following:

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

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

"(C) The Secretary shall contact each claimant identified under subsection (a) in the same manner that the Department last provided notice of a decision.".

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

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

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

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

SEC. 204. REEVALUATION OF CLAIMS FOR DEPENDENCY AND INDEMNITY COMPENSATION INVOLVING PRESUMPTIONS OF SERVICE CONNECTION.

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

"§ 1305. Reevaluation of dependency and indemnity compensation determinations pursuant to changes in presumptions of service connection

"(a) REEVALUATION.—Whenever a law, including through a regulation or Federal court decision or settlement, establishes or modifies a presumption of service connection, the Secretary shall—

"(1) identify all claims for dependency and indemnity compensation under this chapter that—

"(A) were submitted to the Secretary;

"(B) were evaluated and denied by the Secretary before the date on which such provision of law went into effect; and

"(C) might have been evaluated differently had the establishment or modification been applicable to the claim;

"(2) allow for the reevaluation of such claims at the election of the claimant; and

"(3) notwithstanding section 5110 of this title, with respect to claims approved pursuant to such reevaluation, provide compensation under this chapter effective as if the establishment or modification of the presumption of service connection had been in effect on the date of the submission of the original claim described in paragraph (1).

"(b) OUTREACH.—(1) The Secretary shall conduct outreach to inform relevant claimants that they may elect to have a claim be reevaluated in light of the establishment or modification of a presumption of service connection described in subsection (a).

"(2) Outreach under paragraph (1) shall include the following:

"(A) The Secretary shall publish on the internet website of the Department a notice that such claimants may elect to have a claim so reevaluated.

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

"(C) The Secretary shall contact each claimant identified under subsection (a) in the same manner that the Department last provided notice of a decision.".

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

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as modifying the obligations of the Department of Veterans Affairs under Federal court decisions or settlements in effect as of the date of the enactment of this Act.

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

SEC. 301. SHORT TITLE.

This title may be cited as the "Veterans Burn Pits Exposure Recognition Act of 2022".

SEC. 302. PRESUMPTIONS OF TOXIC EXPOSURE.

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

"§ 1119. Presumptions of toxic exposure

"(a) CONSIDERATION OF RECORDS.—If a veteran submits to the Secretary a claim for compensation for a service-connected disability under section 1110 of this title with evidence of a disability and a toxic exposure that occurred during active military, naval, air, or space service, the Secretary may, in adjudicating such claim, consider—

"(1) any record of the veteran in an exposure tracking record system; and

"(2) if no record of the veteran in an exposure tracking record system indicates that the veteran was subject to a toxic exposure during active military, naval, air, or space service, the totality of the circumstances of the service of the veteran.

"(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—(1) The Secretary shall, for purposes of section 1110 and chapter 17 of this title, presume that any covered veteran was exposed to the substances, chemicals, and airborne hazards identified in the list under paragraph (2) during the service of the covered veteran specified in subsection (c)(1), unless there is affirmative evidence to establish that the cov-

ered veteran was not exposed to any such substances, chemicals, or hazards in connection with such service.

"(2) The Secretary shall—

"(A) establish and maintain a list that contains an identification of one or more such substances, chemicals, and airborne hazards as the Secretary, in collaboration with the Secretary of Defense, may determine appropriate for purposes of this section; and

"(B) determine, using procedures consistent with section 1172 of this title and through the conduct of a formal evaluation under section 1173 of this title, whether to establish an end date for a covered veteran to qualify for presumptions of exposure under this section, if appropriate, but in no case establish an end date earlier than the last day of the period specified in section 101(33) for the Persian Gulf War.

"(3) Beginning not later than two years after the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, and not less frequently than once every two years thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report identifying any additions or removals to the list under paragraph (2) during the period covered by the report.

"(c) DEFINITIONS.—In this section:

"(1) The term 'covered veteran' means any veteran who—

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

"(i) Bahrain;

"(ii) Iraq;

"(iii) Kuwait;

"(iv) Oman;

"(v) Qatar;

"(vi) Saudi Arabia;

"(vii) Somalia; or

"(viii) United Arab Emirates; or

"(B) on or after September 11, 2001, performed active military, naval, air, or space service while assigned to a duty station in, including airspace above—

"(i) Afghanistan;

"(ii) Djibouti;

"(iii) Egypt;

"(iv) Jordan;

"(v) Lebanon;

"(vi) Syria;

"(vii) Yemen;

"(viii) Uzbekistan; or

"(ix) any other country determined relevant by the Secretary.

"(2) The term 'exposure tracking record system'—

"(A) means any system, program, or pilot program used by the Secretary of Veterans Affairs or the Secretary of Defense to track how veterans or members of the Armed Forces have been exposed to various occupational or environmental hazards; and

"(B) includes the Individual Longitudinal Exposure Record, or successor system.

"(3) The term 'toxic exposure risk activity' has the meaning given such term in section 1710(e)(4) of this title.".

SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EXPOSURE RISK ACTIVITIES.

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

"§ 1168. Medical nexus examinations for toxic exposure risk activities

"(a) MEDICAL EXAMINATIONS AND MEDICAL OPINIONS.—(1) Except as provided in subsection (b), if a veteran submits to the Secretary a claim for compensation for a service-connected disability under section 1110 of this title with evidence of a disability and evidence of participation in a toxic exposure risk activity during active military, naval, air, or space service, and such evidence is not sufficient to establish a service connection for the disability, the Secretary shall—

"(A) provide the veteran with a medical examination under section 5103A(d) of this title; and

"(B) obtain a medical opinion (to be requested by the Secretary in connection with the medical examination under subparagraph (A)) as to whether it is at least as likely as not that there is a nexus between the disability and the toxic exposure risk activity.

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

"(A) the total potential exposure through all applicable military deployments of the veteran; and

"(B) the synergistic, combined effect of all toxic exposure risk activities of the veteran.

"(3) The requirement under paragraph (2)(B) shall not be construed as requiring a health care provider to consider the synergistic, combined effect of each of the substances, chemicals, and airborne hazards identified in the list under section 1119(b)(2) of this title.

"(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary determines there is no indication of an association between the disability claimed by the veteran and the toxic exposure risk activity for which the veteran submitted evidence.

"(c) TOXIC EXPOSURE RISK ACTIVITY DEFINED.—In this section, the term 'toxic exposure risk activity' has the meaning given that term in section 1710(e)(4) of this title.".

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.

(a) SHORT TITLE.—This section may be cited as the "Mark Takai Atomic Veterans Healthcare Parity Act of 2022".

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

"(v) Cleanup of Enewetak Atoll during the period beginning on January 1, 1977, and ending on December 31, 1980.".

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.

(a) SHORT TITLE.—This section may be cited as the "Palomares or Thule Veterans Act of 2022".

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

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

"(vii) Onsite participation in the response effort following the on-board fire and crash of a United States Air Force B–52 bomber that caused the release of four thermonuclear weapons in the vicinity of Thule Air Force Base, Greenland, during the period beginning January 21, 1968, and ending September 25, 1968.".

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

(a) SHORT TITLE.—This section may be cited as the "Veterans Agent Orange Exposure Equity Act of 2022".

(b) IN GENERAL.—Section 1116, as amended by section 202, is further amended—

(1) by striking ", during active military, naval, air, or space service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975" each place it appears and inserting "performed covered service";

(2) by striking "performed active military, naval, air, or space service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975" each place it appears and inserting "performed covered service"; and

(3) by adding at the end the following new subsection:

"(d) In this section, the term 'covered service' means active military, naval, air, or space service—

"(1) performed in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975;

"(2) performed in Thailand at any United States or Royal Thai base during the period beginning on January 9, 1962, and ending on June 30, 1976, without regard to where on the base the veteran was located or what military job specialty the veteran performed;

"(3) performed in Laos during the period beginning on December 1, 1965, and ending on September 30, 1969;

"(4) performed in Cambodia at Mimot or Krek, Kampong Cham Province during the period beginning on April 16, 1969, and ending on April 30, 1969; or

"(5) performed on Guam or American Samoa, or in the territorial waters thereof, during the period beginning on January 9, 1962, and ending on July 31, 1980, or served on Johnston Atoll or on a ship that called at Johnston Atoll during the period beginning

on January 1, 1972, and ending on September 30, 1977.".

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

"(A) The term 'Vietnam-era herbicide-exposed veteran' means a veteran who—

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

"(ii) the Secretary finds may have been exposed during active military, naval, air, or space service to dioxin during the Vietnam era, regardless of the geographic area of such service, or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such era, regardless of the geographic area of such service.".

*(d) CONFORMING AMENDMENT.—The heading for section 1116 is amended by striking "**the Republic of Vietnam**" and inserting "**certain locations**".*

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

(1) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and for veterans whom the Secretary of Veterans Affairs determines are—

(A) terminally ill;

(B) homeless;

(C) under extreme financial hardship;

(D) more than 85 years old; or

(E) capable of demonstrating other sufficient cause.

(2) On October 1, 2022, for everyone not described in paragraph (1).

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.

(a) SHORT TITLE.—This section may be cited as the "Fair Care for Vietnam Veterans Act of 2022".

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

"(L) Monoclonal gammopathy of undetermined significance.".

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

"(M) Hypertension.".

(d) EFFECTIVE DATES AND APPLICABILITY.—

(1) MONOCLONAL GAMMOPATHY OF UNDETERMINED SIGNIFICANCE.—

(A) IN GENERAL.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply as follows:

(i) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and for veterans whom the Secretary of Veterans Affairs determines are—

(I) terminally ill;

(II) homeless;

(III) under extreme financial hardship;

(IV) more than 85 years old; or

(V) capable of demonstrating other sufficient cause.

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

(B) RETROACTIVE APPLICATION.—Notwithstanding any Federal court decisions or settlements in effect on the day before the date of the enactment of this Act, the Secretary of Veterans Affairs shall award retroactive claims for a condition under section 1116(a)(2)(L) of title 38, United States Code, as added by subsection (b) of this section, only to claimants for dependency and indemnity compensation under chapter 13 of such title described in subparagraph (A)(i) of this paragraph.

(2) HYPERTENSION.—

(A) IN GENERAL.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act and shall apply as follows:

(i) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and for vet-

erans whom the Secretary of Veterans Affairs determines are—

(I) terminally ill;

(II) homeless;

(III) under extreme financial hardship;

(IV) more than 85 years old; or

(V) capable of demonstrating other sufficient cause.

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

(B) RETROACTIVE APPLICATION.—Notwithstanding any Federal court decisions or settlements in effect on the day before the date of the enactment of this Act, the Secretary of Veterans Affairs shall award retroactive claims for a condition under section 1116(a)(2)(M) of title 38, United States Code, as added by subsection (c) of this section, only to claimants for dependency and indemnity compensation under chapter 13 of such title described in subparagraph (A)(i) of this paragraph.

SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES OCCURRING IN PERSIAN GULF WAR VETERANS.

(a) REDUCTION IN THRESHOLD OF ELIGIBILITY.—Subsection (a)(1) of section 1117 is amended by striking "became manifest—" and all that follows through the period at the end and inserting "became manifest to any degree at any time.".

(b) PERMANENT EXTENSION OF PERIOD OF ELIGIBILITY.—Such section is further amended—

(1) by striking subsection (b);

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

(3) in subsection (a)(2)(C), by striking "under subsection (d)" and inserting "under subsection (c)".

(c) ESTABLISHING SINGULAR DISABILITY-BASED QUESTIONNAIRE.—Such section is further amended by inserting after subsection (c) (as redesignated by subsection (b)) the following new subsection (d):

"(d) If a Persian Gulf veteran at a medical facility of the Department presents with any one symptom associated with Gulf War Illness, the Secretary shall ensure that health care personnel of the Department use a disability benefits questionnaire, or successor questionnaire, designed to identify Gulf War Illness, in addition to any other diagnostic actions the personnel determine appropriate.".

(d) EXPANSION OF DEFINITION OF PERSIAN GULF VETERAN.—Subsection (f) of such section is amended by inserting ", Afghanistan, Israel, Egypt, Turkey, Syria, or Jordan," after "operations".

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

"(i)(1) The Secretary shall take such actions as may be necessary to ensure that health care personnel of the Department are appropriately trained to effectively carry out this section.

"(2) Not less frequently than once each year, the Secretary shall submit to Congress a report on the actions taken by the Secretary to carry out paragraph (1).".

SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.

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

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

"§ 1120. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins

"(a) PRESUMPTION OF SERVICE CONNECTION.—For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in subsection (b) becoming manifest in a covered veteran shall be considered to have been incurred in or aggravated during active military, naval, air, or space service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(b) DISEASES SPECIFIED.—The diseases specified in this subsection are the following:

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

"(2) The following types of cancer:

"(A) Head cancer of any type.

"(B) Neck cancer of any type.

"(C) Respiratory cancer of any type.

"(D) Gastrointestinal cancer of any type.

"(E) Reproductive cancer of any type.

"(F) Lymphoma cancer of any type.

"(G) Lymphomatic cancer of any type.

"(H) Kidney cancer.

"(I) Brain cancer.

"(J) Melanoma.

"(K) Pancreatic cancer.

"(3) Chronic bronchitis.

"(4) Chronic obstructive pulmonary disease.

"(5) Constrictive bronchiolitis or obliterative bronchiolitis.

"(6) Emphysema.

"(7) Granulomatous disease.

"(8) Interstitial lung disease.

"(9) Pleuritis.

"(10) Pulmonary fibrosis.

"(11) Sarcoidosis.

"(12) Chronic sinusitis.

"(13) Chronic rhinitis.

"(14) Glioblastoma.

"(15) Any other disease for which the Secretary determines, pursuant to regulations prescribed under subchapter VII that a presumption of service connection is warranted based on a positive association with a substance, chemical, or airborne hazard identified in the list under section 1119(b)(2) of this title.

"(c) COVERED VETERAN DEFINED.—In this section, the term 'covered veteran' has the meaning given that term in section 1119(c) of this title.".

(c) CONFORMING AMENDMENT.—Section 1113 is amended by striking "or 1118" each place it appears and inserting "1118, or 1120".

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

(1) On the date of the enactment of this Act for claimants for dependency and indemnity compensation under chapter 13 of title 38, United States Code, and veterans whom the Secretary of Veterans Affairs determines are—

(A) terminally ill;

(B) homeless;

(C) under extreme financial hardship;

(D) more than 85 years old; or

(E) capable of demonstrating other sufficient cause.

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

(3) On October 1, 2023, for everyone not described in paragraph (1), with respect to paragraphs

(3) and (4) of section 1120(b) of such title, as so added.

(4) On October 1, 2024, for everyone not described in paragraph (1), with respect to subparagraphs (A), (B), (D), (E), (F), (G), and (K) of section 1120(b)(2) of such title, as so added.

(5) On October 1, 2025, for everyone not described in paragraph (1), with respect to subparagraphs (H) and (J) of section 1120(b)(2) of such title, as so added.

SEC. 407. RULE OF CONSTRUCTION.

(a) GENERALLY.—Nothing in this Act shall be construed to prevent the Secretary of Veterans Affairs from processing claims for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection, as a claim for benefits for a condition or disease with direct service connection.

(b) EFFECTIVE DATES AND APPLICABILITY.—The Secretary shall not deny a claim for benefits under title 38, United States Code, for a condition or disease for which this Act establishes a presumption of service connection because the claimant filed the claim prior to the effective date or date of applicability for that particular condition or disease.

TITLE V—RESEARCH MATTERS

SEC. 501. INTERAGENCY WORKING GROUP ON TOXIC EXPOSURE RESEARCH.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the heads of the entities described in paragraph (2), establish the Toxic Exposure Research Working Group (in this section referred to as the "Working Group").

(2) COMPOSITION.—The Working Group shall consist of employees, selected by the Secretary, of the following:

(A) The Department of Veterans Affairs.

(B) The Department of Defense.

(C) The Department of Health and Human Services.

(D) The Environmental Protection Agency.

(E) Other entities of the Federal Government involved in research activities regarding the health consequences of toxic exposures experienced during active military, naval, air, or space service.

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

(1) Identify collaborative research activities and resources available among entities represented by members of the Working Group to conduct such collaborative research activities.

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

(c) REPORTING.—The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the following:

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

(2) Not later than two years after the date of the enactment of this Act, a report containing the collaborative research activities identified, and the strategic plan developed, by the Working Group under subsection (b).

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

(d) TERMINATION.—The Working Group shall terminate after submitting the final report under subsection (c).

(e) DEFINITIONS.—In this section:

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

(2) COLLABORATIVE RESEARCH ACTIVITY.—The term "collaborative research activity" means a research activity—

(A) agreed upon by the Working Group;

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

(C) funded by the Federal Government; and

(D) regarding the health consequences of toxic exposures experienced during active military, naval, air, or space service.

(3) TOXIC EXPOSURE.—The term "toxic exposure" has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

SEC. 502. ANALYSIS AND REPORT ON TREATMENT OF VETERANS FOR MEDICAL CONDITIONS RELATED TO TOXIC EXPOSURE.

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

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

(2) is likely to be scientifically useful in determining the association, if any, between the medical condition of a veteran and a toxic exposure.

(b) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the following:

(1) The aggregate data compiled under subsection (a).

(2) An analysis of such data.

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

(4) The explanation of the Secretary for the incidence of such medical conditions and other explanations for the incidence of such conditions as the Secretary considers reasonable.

(5) The views of the Secretary on the scientific validity of drawing conclusions from the incidence of

such medical conditions, as evidenced by the data compiled under subsection (a), regarding any association between such conditions and toxic exposures.

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

SEC. 503. ANALYSIS RELATING TO MORTALITY OF VETERANS WHO SERVED IN SOUTHWEST ASIA.

(a) ANALYSIS.—

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

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

(A) Metrics of airborne exposures.

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

(C) The military occupational specialty of the veteran.

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

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

(F) Relevant personal information of the veteran, including cigarette and e-cigarette smoking history, diet, sex, gender, age, race, and ethnicity.

(b) COVERED VETERAN DEFINED.—In this section, the term "covered veteran" means any veteran who—

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

(A) Bahrain;

(B) Iraq;

(C) Kuwait;

(D) Oman;

(E) Qatar;

(F) Saudi Arabia;

(G) Somalia; or

(H) the United Arab Emirates; or

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

(A) Afghanistan;

(B) Djibouti;

(C) Egypt;

(D) Jordan;

(E) Lebanon;

(F) Syria; or

(G) Yemen.

SEC. 504. STUDY ON HEALTH TRENDS OF POST–9/11 VETERANS.

The Secretary of Veterans Affairs shall conduct an epidemiological study on the health trends of veterans who served in the Armed Forces after September 11, 2001.

SEC. 505. STUDY ON CANCER RATES AMONG VETERANS.

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

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

(1) The age of the veteran.

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

(3) The military occupational specialty or specialties of the veteran.

(4) The sex of the veteran.

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

SEC. 506. STUDY ON HEALTH EFFECTS OF WASTE RELATED TO MANHATTAN PROJECT ON CERTAIN VETERANS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the conduct of a study on the health trends of veterans who, while serving in the active military, naval, air, or space service—

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

(2) resided at or near, as determined by the Secretary, the locations described in subsection (b).

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

(1) In the county of St. Louis, Missouri, the following:

(A) Coldwater Creek, Missouri.

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

(C) The West Lake Landfill.

(2) Oak Ridge, Tennessee.

(3) Hanford, Washington.

(4) Any other location that is proximate to covered waste, as determined by the Secretary.

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

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

(2) The period and location of exposure to covered waste.

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

(4) A comparison of the overall health condition of the veteran, including any illness of the veteran identified pursuant to paragraph (3), with the overall health condition of past and present civilian populations residing at the same location of exposure, as determined by the Secretary.

(d) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study under subsection (a) and include in such report an analysis of the data available and data reliability.

(e) DEFINITIONS.—In this section:

(1) ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERVICE; TOXIC EXPOSURE.—The terms "active military, naval, air, or space service" and "toxic expo-

sure" have the meanings given those terms in section 101 of title 38, United States Code, as added by section 102(b).

(2) COVERED WASTE.—The term "covered waste" means any waste arising from activities carried out in connection with the Manhattan Project.

(3) ILLNESS.—The term "illness" has the meaning given that term in section 1171 of title 38, United States Code, as added by section 202.

(4) TOXIC EXPOSURE.—The term "toxic exposure" has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

SEC. 507. STUDY ON TOXIC EXPOSURE AND MENTAL HEALTH OUTCOMES.

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine for the conduct of a study of veterans to assess possible relationships between toxic exposures experienced during service in the Armed Forces and mental health conditions, including chronic multisymptom illness, traumatic brain injury, post-traumatic stress disorder, depression, episodes of psy-

chosis, schizophrenia, bipolar disorder, suicide attempts, and suicide deaths.

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

(1) Age.

(2) Sex.

(3) Race and ethnicity.

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

(5) The military occupational specialty or specialties of the veteran.

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

(7) Any diagnosis of chronic multisymptom illness.

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

(9) Any history of suicide attempt or suicidality.

(10) If the veteran died by suicide.

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

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the

Committee on Veterans' Affairs of the House of Representatives a report containing the findings of the National Academies of Sciences, Engineering, and Medicine with respect to the study conducted under subsection (a).

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

(a) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the state of access and barriers to benefits and services furnished by the Veterans Benefits Administration and the Veterans Health Administration under laws administered by the Secretary of Veterans Affairs to veterans in Territories and Freely Associated States of the United States, including deficits in the availability and accessibility of such benefits and services compared to veterans elsewhere in the United States.

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

(A) the number of veterans in each Territory and Freely Associated State of the United States;

(B) the number of veterans in each Territory and Freely Associated State who are enrolled in the system of annual patient enrollment

of the Department of Veterans Affairs under section 1705(a) of title 38, United States Code;

(C) a description of how the Department estimates the number of veterans in each Territory and Freely Associated State who are eligible for services under section 1710 of such title but who are not enrolled as described in subparagraph (B);

(D) a detailed description of obstacles facing veterans in each Territory and Freely Associated State in accessing health care services, including those involving the availability of such services to veterans in the Territory or Freely Associated State in which the veterans reside, and any distance impediments to receiving services at a regional medical center of the Veterans Health Administration, a community-based outpatient clinic, another full-service medical facility of the Department, or a Vet Center, respectively;

(E) a detailed description of obstacles facing veterans in each Territory and Freely Associated State in accessing readjustment counseling services, including those involving the availability of such services to veterans in the Territory in

which the veterans reside, and any distance impediments to receiving services at a readjustment counseling services center of the Department;

(F) a detailed description of obstacles facing veterans in each Territory and Freely Associated State in accessing non-health care veterans benefits, including those involving the availability of benefits and services to veterans in the Territory or Freely Associated State in which the veterans reside, and any distance impediments to accessing the nearest office of the Veterans Benefits Administration;

(G) an analysis of the staffing and quality of the offices of the Veterans Benefits Administration and Veterans Health Administration charged with serving veterans in the Territories and Freely Associated States, including the availability of the full- and part-time staff of each office to the veterans they are charged with serving;

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

(I) an analysis of the economic and health outcomes for veterans in each Territory or Freely Associated State resulting from obstacles to accessing adequate assistance and health care at facilities of the Department;

(J) an analysis of the access to benefit assistance and health care provided to veterans in the aftermath of major disasters declared in each of the Territories and Freely Associated States since September 4, 2017; and

(K) such recommendations as the Comptroller General considers appropriate for improving access of veterans in the Territories and Freely Associated States to benefits and health care services furnished by the Secretary, and reducing barriers and deficits in the availability and accessibility of such benefits and services compared to veterans elsewhere in the United States.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall provide to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a briefing setting forth the results of the study conducted under subsection (a), including any rec-

ommendations developed under paragraph (2)(K) of such subsection.

(c) DEFINITIONS.—In this section:

(1) FREELY ASSOCIATED STATE.—The term "Freely Associated State" includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) TERRITORY.—The term "Territory" includes American Samoa, the Commonwealth of the Northern Marianas Islands, Guam, Puerto Rico, and the Virgin Islands.

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

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

(a) WEBSITE.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish, and maintain thereafter, a publicly accessible internet website of the Department of Veterans Affairs that serves as a clearinghouse for the publication of all toxic exposure research carried out or funded by the executive branch of the Federal Government.

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

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

(2) the War Related Illness and Injury Study Center of the Department of Veterans Affairs, or successor center; and

(3) any working group of the Department of Veterans Affairs or other similar entity responsible for coordinating toxic exposure research.

(c) DEFINITIONS.—In this section:

(1) TOXIC EXPOSURE.—The term "toxic exposure" has the meaning given that term in section 101 of title 38, United States Code, as added by section 102(b).

(2) TOXIC EXPOSURE RESEARCH.—The term "toxic exposure research" means research on the health consequences of toxic exposures experienced during service in the Armed Forces.

SEC. 510. REPORT ON HEALTH EFFECTS OF JET FUELS USED BY ARMED FORCES.

(a) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives, and make publicly

available, a report on health effects of jet fuels used by the Armed Forces.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) A discussion of the effect of various different types of jet fuels used by the Armed Forces on the health of individuals by length of exposure.

(2) An identification of the immediate symptoms of jet fuel exposure that may indicate future health risks.

(3) A chronology of health safeguards implemented by the Armed Forces intended to reduce the exposure of members of the Armed Forces to jet fuel.

(4) An identification of any areas relating to jet fuel exposure about which new research needs to be conducted.

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

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

SEC. 601. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Fairly Assessing Service-related Toxic Exposure Residuals Presumptions Act of 2022" or the "FASTER Presumption Act of 2022".

(b) DEFINITIONS.—In this title, the terms "active military, naval, air, or space service", "toxic exposure", and "toxic-exposed veteran" have the meanings given those terms in section 101 of title 38, United States Code, as amended by section 102.

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.

(a) PUBLICATION OF LIST OF RESOURCES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs shall pub-

lish a list of resources of the Department of Veterans Affairs for—

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

(B) families and caregivers of such veterans; and

(C) survivors of such veterans who are receiving death benefits under the laws administered by the Secretary.

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

(b) OUTREACH.—The Secretary shall develop, with input from the community, an informative outreach program for veterans on illnesses that may be related to toxic exposures, including outreach with respect to benefits and support programs.

SEC. 603. INCORPORATION OF TOXIC EXPOSURE SCREENING FOR VETERANS.

(a) IN GENERAL.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall incorporate a screening to help determine potential toxic exposures during active military, naval, air, or space service as part of a health care screening furnished by the Department of Veterans Affairs to veterans enrolled in the system of annual patient enrollment

of the Department established and operated under section 1705 of title 38, United States Code, to improve understanding by the Department of toxic exposures while serving in the Armed Forces.

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

(c) DETERMINATION OF QUESTIONS.—

(1) IN GENERAL.—The questions included in the screening required under subsection (a) shall be determined by the Secretary with input from medical professionals.

(2) SPECIFIC QUESTIONS.—At a minimum, the screening required under subsection (a) shall, with respect to a veteran, include—

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

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

(3) OPEN BURN PIT DEFINED.—In this subsection, the term "open burn pit" means an area of land that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

(d) PRINT MATERIAL.—In developing the screening established under subsection (a), the Secretary shall ensure that print materials complementary to such screening that outline related resources for veterans are available at each medical center of the Department to veterans who may not have access to the internet.

(e) SCREENING UPDATES.—The Secretary shall consider updates to the content of the screening required under subsection (a) not less frequently than biennially to ensure the screening contains the most current information.

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

(a) HEALTH CARE PERSONNEL.—The Secretary of Veterans Affairs shall provide to health care personnel of the Department of Veterans Affairs education and training to identify, treat, and assess the impact on veterans of illnesses related to toxic exposures and inform such personnel

of how to ask for additional information from veterans regarding different toxic exposures.

(b) BENEFITS PERSONNEL.—

(1) IN GENERAL.—The Secretary shall incorporate a training program for processors of claims under the laws administered by the Secretary who review claims for disability benefits relating to service-connected disabilities based on toxic exposures.

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

TITLE VII—RESOURCING

SEC. 701. AUTHORITY TO USE APPROPRIATIONS TO ENHANCE CLAIMS PROCESSING CAPACITY AND AUTOMATION.

(a) AUTHORITY.—The Secretary of Veterans Affairs may use, from amounts appropriated to the Cost of War Toxic Exposures Fund established by section 324 of title 38, United States Code, as added by section 805 of this Act, such amounts as may be necessary to continue the modernization, development, and expansion of capabilities and capacity of information technology systems and infrastructure of the Veterans Benefits Administration, including for claims automation, to support expected increased claims processing for newly eligible veterans pursuant to this Act.

(b) PLAN FOR MODERNIZATION OF VETERANS BENEFITS ADMINISTRATION INFORMATION TECHNOLOGY SYSTEMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a plan for the modernization of the information technology systems of the Veterans Benefits Administration. The plan shall cover the first fiscal year that begins after the date of the enactment of this Act and the subsequent four fiscal years and shall include each of the following:

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

(B) A description of how the Secretary intends to incorporate the following principles into the modernization of such information systems:

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

(ii) Automation should be conducted in a manner that enhances the productivity of employees of the Department of Veterans Affairs.

(iii) Automation should be carried out in a manner that achieves greater consistency in the processing and rating of claims by relying on patterns of similar evidence in claim files.

(iv) To the greatest extent possible, automation should be carried out by drawing from information in the possession of the Department, other Government agencies, and applicants for benefits.

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

(vi) Employees of the Department should continue to make decisions with respect to the approval of claims and the granting of benefits.

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

(viii) Automation should be carried out while taking all necessary measures to

protect the privacy of claimants and their personally identifiable information.

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

(C) An identification of targets, for each fiscal year, by which the Secretary intends to complete the modernization of each information system or major component or functionality of such system identified under subparagraph (A).

(D) Cost estimates for the modernization of each information system identified under paragraph (A) for each fiscal year covered by the plan and in total.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Com-

mittee on Appropriations of the House of Representatives.

SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES OF DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2023.

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

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

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

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

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

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

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

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

(8) Lease for a facility for research in the vicinity of Buffalo, New York, in an estimated amount of $11,106,000.

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

(10) Lease of a facility for research in the vicinity of Columbia, Missouri, in an estimated amount of $20,726,000.

(11) Lease for an outpatient clinic in the vicinity of Cookeville, Tennessee, in an estimated amount of $10,958,000.

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

(13) Lease for an outpatient clinic in the vicinity of Elizabethtown, Kentucky, in an estimated amount of $16,671,000.

(14) Lease for an outpatient clinic in the vicinity of Farmington, Missouri, in an estimated amount of $17,940,000.

(15) Lease for an outpatient clinic in the vicinity of Hampton, Virginia, in an estimated amount of $63,085,000.

(16) Lease for an outpatient clinic in the vicinity of Jacksonville, North Carolina, in an estimated amount of $61,450,000.

(17) Lease for an outpatient clinic in the vicinity of Killeen, Texas, in an estimated amount of $61,030,000.

(18) Lease for an outpatient clinic in the vicinity of Lawrence, Indiana, in an estimated amount of $15,811,000.

(19) Lease for an outpatient clinic in the vicinity of Lecanto, Florida, in an estimated amount of $15,373,000.

(20) Lease for an outpatient clinic in the vicinity of Nashville, Tennessee, in an estimated amount of $58,038,000.

(21) Lease for an outpatient clinic in the vicinity of North Kansas City, Missouri, in an estimated amount of $40,027,000.

(22) Lease for an outpatient clinic in the vicinity of Pflugerville, Texas, in an estimated amount of $16,654,000.

(23) Lease for an outpatient clinic in the vicinity of Plano, Texas, in an estimated amount of $32,796,000.

(24) Lease for an outpatient clinic in the vicinity of Prince George's County, Maryland, in an estimated amount of $31,754,000.

(25) Lease for an outpatient clinic in the vicinity of Rolla, Missouri, in an estimated amount of $21,352,000.

(26) Lease for an outpatient clinic in the vicinity of Salt Lake City, Utah, in an estimated amount of $29,466,000.

(27) Lease for an outpatient clinic in the vicinity of Sarasota, Florida, in an estimated amount of $36,517,000.

(28) Lease for an outpatient clinic in the vicinity of Springfield, Massachusetts, in an estimated amount of $30,918,000.

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

(30) Lease for an outpatient clinic in the vicinity of The Villages, Florida, in an estimated amount of $48,267,000.

(31) Lease for an outpatient clinic in the vicinity of Tri-Cities, Washington, in an estimated amount of $36,136,000.

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

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

SEC. 703. TREATMENT OF MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CONGRESSIONAL APPROVAL OF MAJOR MEDICAL FACILITY LEASES.—Paragraph (2) of subsection (a) of section 8104 of title 38, United States Code, is amended—

(1) by striking "No funds" and inserting "(A) No funds";

(2) by striking "or any major medical facility lease";

(3) by striking "or lease"; and

(4) by adding at the end the following new subparagraph:

"(B) No funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives each adopt a resolution approving the lease.".

(b) MODIFICATION OF DEFINITION OF MAJOR MEDICAL FACILITY LEASE.—Subparagraph (B) of paragraph (3) of such subsection is amended to read as follows:

"(B) The term 'major medical facility lease'—

"(i) means a lease for space for use as a new medical facility approved through the General Services Administration under section 3307(a) of title 40 at an average annual rent equal to or greater than the appropriate dollar threshold described in such section, which shall be subject to annual adjustment in accordance with section 3307(h) of such title; and

"(ii) does not include a lease for space for use as a shared Federal medical facility for which the Department's estimated share of the lease costs does not exceed such dollar threshold.".

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

(1) by striking paragraph (7);

(2) in paragraph (1), by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively;

(3) in paragraph (6), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

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

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

(A) by striking "Whenever the President" and inserting "(1) Whenever the President";

(B) by striking "the Congress" and inserting "Congress"; and

(C) by striking "or a major medical facility lease (as defined in subsection (a)(3)(b))";

(6) in subparagraph (A), as redesignated by paragraph (4), by striking "leased,";

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

(A) by striking "or lease" each place it appears; and

(B) by striking "or leases"; and

(8) by adding at the end the following new paragraph:

"(2) Whenever the President or the Secretary submit to Congress a request for the funding of a major medical facility lease (as defined in subsection (a)(3)(B)), the Secretary shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Any such prospectus shall include the following:

"(A) A description of the facility to be leased.

"(B) An estimate of the cost to the Federal Government of the facility to be leased.

"(C) An estimate of the energy performance of the proposed lease space, to include a description of anticipated utilization of renewable energy, energy efficient and climate resilient elements, and related matters.

"(D) Current and projected workload and utilization data regarding the facility to be leased, includ-

ing information on projected changes in workload and utilization over a five-year period, a ten-year period, and a twenty-year period.

"(E) A detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A–11 and section 1341 of title 31 (commonly referred to as the 'Anti-Deficiency Act'). Any such analysis shall include—

"(i) an analysis of the classification of the lease as a 'lease purchase', a 'capital lease', or an 'operating lease' as those terms are defined in Office of Management and Budget Circular A–11;

"(ii) an analysis of the obligation of budgetary resources associated with the lease; and

"(iii) an analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.".

(d) INTERIM LEASING ACTIONS.—Such section is further amended by adding at the end the following new subsection:

"(i)(1) Notwithstanding subsection (a)(2)(B), the Secretary may carry out interim leasing actions as the Secretary considers necessary for the following leases:

"(A) Major medical facility leases (as defined in subsection (a)(3)(B)) approved pursuant to this section and for which a prospectus for a replacement lease has been submitted to Congress pursuant to subsection (b)(2).

"(B) Replacement leases that do not require approval under this section and for which a prospectus has been submitted to Congress pursuant to subsection (b)(2).

"(2) In this subsection, the term 'interim leasing actions' has the meaning given that term by the Administrator of the General Services Administration.".

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

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

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

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.

Section 8103 of title 38, United States Code, is amended by adding at the end the following new subsection:

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

"(2) In this subsection:

"(A) The term 'academic affiliate' means an institution or organization described in section 7302(d) of this title.

"(B) The term 'covered entity' means a unit or subdivision of a State, local, or municipal government, public or nonprofit agency, institution, or organization, or other institution or organization as the Secretary considers appropriate that owns property controlled by an academic affiliate to be leased under this subsection.

"(C) The term 'health -care resource' has the meaning given that term in section 8152(1) of this title.

"(D) The term 'space' means any room, unit, floor, wing, building, parking facility, or other subdivision of a building or facility owned or controlled by an academic affiliate.".

SEC. 705. MODIFICATIONS TO ENHANCED-USE LEASE AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS.

(a) MODIFICATIONS TO AUTHORITY.—Paragraph (2) of section 8162(a) of title 38, United States Code, is amended to read as follows:

"(2)(A) The Secretary may enter into an enhanced-use lease on or after the date of the enactment of this paragraph only if the Secretary determines—

"(i) that the lease will not be inconsistent with, and will not adversely affect—

"(I) the mission of the Department; or

"(II) the operation of facilities, programs, and services of the Department in the area of the leased property; and

"(ii) that—

"(I) the lease will enhance the use of the leased property by directly or indirectly benefitting veterans; or

"(II) the leased property will provide supportive housing.

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

"(i) provide supportive housing for veterans;

"(ii) provide direct services or benefits targeted to veterans; or

"(iii) provide services or benefits that indirectly support veterans.".

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

(c) MODIFICATION OF USE OF PROCEEDS.—Section 8165(a)(1) of such title is amended by striking "shall be deposited in the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title." and inserting "shall, at the discretion of the Secretary, be deposited in—

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

"(B) the Medical Facilities or Construction, Minor Projects account of the Department to be used to defray the costs of administration, maintenance, repair, and related expenses incurred by the Department with respect to property that is owned by or under the jurisdiction or control of the Department.".

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

(e) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $922,000,000 for an additional amount for the Department of Veterans Affairs, to remain available until expended, to enter into enhanced-use leases pursuant to section 8162 of title 38, United States Code, as amended by this section.

SEC. 706. AUTHORITY FOR JOINT LEASING ACTIONS OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

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

(1) by inserting ", or the leasing," after "design, and construction" each place it appears; and

(2) in subsection (c)(2), by inserting ", or the leasing," after "design".

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

(1) in subsection (a), by inserting ", or the leasing," after "design, and construction";

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

"(3) The Secretary of Veterans Affairs may transfer to the Department of Defense amounts appropriated to the 'Medical Facilities' account of the Department of Veterans Affairs for the purpose of leasing space for a shared medical facility if the estimated share of the Department of Veterans Affairs for the lease costs does not exceed the amount specified in section 8104(a)(3)(B) of this title."; and

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

"(3) Any amount transferred to the Secretary of Veterans Affairs by the Secretary of Defense for the purpose of leasing space for a shared medical facility may be credited to the 'Medical Facilities' account of the Department of Veterans Affairs and may be used for such purpose.".

SEC. 707. APPROPRIATION OF AMOUNTS FOR MAJOR MEDICAL FACILITY LEASES.

(a) FISCAL YEAR 2023.—In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any funds in the Treasury not otherwise appro-

priated, $1,880,000,000 for an additional amount for the Medical Facilities account of the Department of Veterans Affairs, to remain available until expended, for major medical facility leases authorized by section 702.

(b) ADDITIONAL YEARS.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for the Medical Facilities account of the Department of Veterans Affairs, to remain available until expended, for major medical facility leases authorized by section 702 or approved pursuant to subchapter I of chapter 81 of title 38, United States Code, as amended by section 703—

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

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

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

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

(5) $600,000,000 for fiscal year 2028;

(6) $610,000,000 for fiscal year 2029;

(7) $620,000,000 for fiscal year 2030; and

(8) $650,000,000 for fiscal year 2031.

TITLE VIII—RECORDS AND OTHER MATTERS

SEC. 801. EPIDEMIOLOGICAL STUDY ON FORT MCCLELLAN VETERANS.

The Secretary of Veterans Affairs shall conduct an epidemiological study on the health trends of veterans who served in the Armed Forces at Fort McClellan at any time during the period beginning January 1, 1935, and ending on May 20, 1999.

SEC. 802. BIENNIAL BRIEFING ON INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.

(a) IN GENERAL.—Not later than one year after the date on which the Individual Longitudinal Exposure Record achieves full operational capability, as determined by the Secretary of Defense, and every two years thereafter, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall provide the appropriate committees of Congress a briefing on—

(1) the quality of the databases of the Department of Defense that provide the information presented in such Individual Longitudinal Exposure Record; and

(2) the usefulness of such Individual Longitudinal Exposure Record or system in supporting members of the Armed Forces and veterans in receiving

health care and benefits from the Department of Defense and the Department of Veterans Affairs.

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

(1) An identification of potential exposures to occupational or environmental hazards captured by the current systems of the Department of Defense for environmental, occupational, and health monitoring, and recommendations for how to improve those systems.

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

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

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

(2) INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.—The term "Individual Longitudinal Exposure Record" has the meaning given such term in section 1171 of title 38, United States Code, as added by section 202.

SEC. 803. CORRECTION OF EXPOSURE RECORDS BY MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense to provide a means for veterans to update their records as necessary to reflect exposures to occupational or environmental hazards by such member or veteran in the Individual Longitudinal Exposure Record.

(b) EVIDENCE.—

(1) PROVISION OF EVIDENCE.—To update a record under subsection (a), a veteran shall provide such evidence as the Secretary of Veterans Affairs considers necessary.

(2) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe by regulation the evidence considered necessary under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.—The term "Individual Longitudinal Exposure Record" has the meaning given such term in section 1171 of title 38, United States Code, as added by section 202.

(2) TOXIC EXPOSURE.—The term "toxic exposure" has the meaning given such term in section 101 of title 38, United States Code, as amended by section 102(b).

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

(a) SHORT TITLE.—This section may be cited as the "Camp Lejeune Justice Act of 2022".

(b) IN GENERAL.—An individual, including a veteran (as defined in section 101 of title 38, United States Code), or the legal representative of such an individual, who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina, that was supplied by, or on behalf of, the United States may bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for

harm that was caused by exposure to the water at Camp Lejeune.

(c) BURDENS AND STANDARD OF PROOF.—

(1) IN GENERAL.—The burden of proof shall be on the party filing the action to show one or more relationships between the water at Camp Lejeune and the harm.

(2) STANDARDS.—To meet the burden of proof described in paragraph (1), a party shall produce evidence showing that the relationship between exposure to the water at Camp Lejeune and the harm is—

(A) sufficient to conclude that a causal relationship exists; or

(B) sufficient to conclude that a causal relationship is at least as likely as not.

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

(e) EXCLUSIVE REMEDY.—

(1) IN GENERAL.—An individual, or legal representative of an individual, who brings an action under this section for a harm described in subsection

(b), including a latent disease, may not thereafter bring a tort action against the United States for such harm pursuant to any other law.

(2) HEALTH AND DISABILITY BENEFITS RELATING TO WATER EXPOSURE.—Any award made to an individual, or legal representative of an individual, under this section shall be offset by the amount of any disability award, payment, or benefit provided to the individual, or legal representative—

(A) under—

(i) any program under the laws administered by the Secretary of Veterans Affairs;

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

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

(B) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.

(f) IMMUNITY LIMITATION.—The United States may not assert any claim to immunity in an action under this

section that would otherwise be available under section 2680(a) of title 28, United States Code.

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

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

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

(j) APPLICABILITY; PERIOD FOR FILING.—

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

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

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

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

(3) INAPPLICABILITY OF OTHER LIMITATIONS.—Any applicable statute of repose or statute of limita-

tions, other than under paragraph (2), shall not apply to a claim under this section.

SEC. 805. COST OF WAR TOXIC EXPOSURES FUND.

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

"§ 324. Cost of War Toxic Exposures Fund

"(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States an account to be known as the 'Cost of War Toxic Exposures Fund' (the 'Fund'), to be administered by the Secretary.

"(b) DEPOSITS.—There shall be deposited in the Fund such amounts as may be appropriated to the Fund pursuant to subsection (c).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund for fiscal year 2023 and each subsequent fiscal year such sums as are necessary to increase funding, over the fiscal year 2021 level, for investment in—

"(1) the delivery of veterans' health care associated with exposure to environmental hazards in the active military, naval, air, or space service in programs administered by the Under Secretary for Health;

"(2) any expenses incident to the delivery of veterans' health care and benefits associated with expo-

sure to environmental hazards in the active military, naval, air, or space service, including administrative expenses, such as information technology and claims processing and appeals, and excluding leases as authorized or approved under section 8104 of this title; and

"(3) medical and other research relating to exposure to environmental hazards.

"(d) BUDGET SCOREKEEPING.—(1) Immediately upon enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, expenses authorized to be appropriated to the Fund in subsection (c) shall be estimated for fiscal year 2023 and each subsequent fiscal year and treated as budget authority that is considered to be direct spending—

"(A) in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907);

"(B) by the Chairman of the Committee on the Budget of the Senate and the Chair of the Committee on the Budget of the House of Representatives, as appropriate, for purposes of budget enforcement in the Senate and the House of Representatives;

"(C) under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), including in the reports re-

quired by section 308(b) of such Act (2 U.S.C. 639); and

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

"(2) No amount appropriated to the Fund in fiscal year 2023 or any subsequent fiscal year pursuant to this section shall be counted as discretionary budget authority and outlays or as direct spending for any estimate of an appropriation Act under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) and any other Act.

"(3) Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the Fund shall be treated as if it were an account designated as 'Appropriated Entitlements and Mandatories for Fiscal Year 1997' in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

"(e) ESTIMATES FOR CONGRESSIONAL CONSIDERATION.—The Secretary shall include in documents sub-

mitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31 detailed estimates of the sums described in subsection (c) for the applicable fiscal year.

"(f) PROCEDURES FOR ESTIMATES.—The Secretary may, after consultation with the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, establish policies and procedures for developing the annual detailed estimates required by subsection (e).".

(b) SEQUESTRATION.—Section 256(h)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(h)(4)) is amended by adding at the end the following new subparagraph:

"(G) Cost of War Toxic Exposures Fund.".

SEC. 806. APPROPRIATION FOR FISCAL YEAR 2022.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $500,000,000 for the Cost of War Toxic Exposures Fund, established by section 324 of title 38, United States Code, as added by section 805 of this Act, to remain available until September 30, 2024.

(b) SPEND PLAN.—Not later than 30 days after enactment of this Act, the Secretary of Veterans Affairs shall sub-

mit a plan for expending amounts made available by subsection (a) by program, project or activity to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives. Funds may not be obligated until such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

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

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

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

"§ 5100. Definitions

"In this chapter:

"(1) The term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.

"(2) The term 'notice' means a communication issued through means (including electronic means) prescribed by the Secretary.".

(2) In section 5104, by adding at the end the following new subsection:

"(c) The Secretary may provide notice under subsection (a) electronically if a claimant (or the claimant's

representative) elects to receive such notice electronically. A claimant (or the claimant's representative) may revoke such an election at any time, by means prescribed by the Secretary.

"(d) The Secretary shall annually—

"(1) solicit recommendations from stakeholders on how to improve notice under this section; and

"(2) publish such recommendations on a publicly available website of the Department.".

(3) In section 5104B(c), in the matter preceding paragraph (1) by striking "in writing" and inserting "to the claimant (and any representative of such claimant)".

(4) In section 5112(b)(6), by striking "(at the payee's last address of record)".

(5) In section 7104—

*(A) in the heading, by adding "**; decisions; notice**" at the end; and*

(B) by striking subsection (e) and inserting the following:

"(e) After reaching a decision on an appeal, the Board shall promptly issue notice (as that term is defined in section 5100 of this title) of such decision to the following:

"(1) The appellant.

"(2) Any other party with a right to notice of such decision.

"(3) Any authorized representative of the appellant or party described in paragraph (2).

"(f)(1) The Secretary may provide notice under subsection (e) electronically if a claimant (or the claimant's representative) elects to receive such notice electronically.

"(2) A claimant (or the claimant's representative) may revoke such an election at any time, by means prescribed by the Secretary.".

(6) In section 7105(b)(1)(A), by striking "mailing" and inserting "issuance".

(7) In section 7105A(a), by striking "mailed" and inserting "issued".

(8) In section 7266(a), by striking "mailed" and inserting "issued".

(b) RULE OF CONSTRUCTION.—None of the amendments made by this section shall be construed to apply section 5104(a) of such title to decisions of the Board of Veterans' Appeals under chapter 71 of such title.

SEC. 808. BURN PIT TRANSPARENCY.

(a) ANNUAL REPORT ON DISABILITY CLAIMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs shall sub-

mit to the appropriate congressional committees a report detailing the following:

(A) The total number of covered veterans.

(B) The total number of claimed issues for disability compensation under chapter 11 of title 38, United States Code, approved and the total number denied by the Secretary of Veterans Affairs with respect to a covered veteran, and a breakdown of the reasons for the denials.

(C) A comprehensive list of the top 10 conditions from each body system for which the Secretary awarded service connection for covered veterans.

(D) Any updates or trends with respect to the information described in subparagraphs (A), (B), and (C), that the Secretary determines appropriate.

(2) COVERED VETERAN DEFINED.—In this subsection, the term "covered veteran" means a veteran who deployed to the Southwest Asia theater of operations any time after August 1990, or Afghanistan, Syria, Djibouti, or Uzbekistan after September 19, 2001, and who submits a claim for disability compensation under chapter 11 of title 38, United States Code.

(b) INFORMATION REGARDING THE AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY.—

(1) NOTICE.—The Secretary of Veterans Affairs shall ensure that a medical professional of the Department of Veterans Affairs informs a veteran of the Airborne Hazards and Open Burn Pit Registry if the veteran presents at a medical facility of the Department for treatment that the veteran describes as being related to, or ancillary to, the exposure of the veteran to toxic airborne chemicals and fumes caused by open burn pits.

(2) DISPLAY.—In making information public regarding the number of participants in the Airborne Hazards and Open Burn Pit Registry, the Secretary shall display such numbers by both State and by congressional district.

(c) DEFINITIONS.—In this section:

(1) AIRBORNE HAZARDS AND OPEN BURN PIT REGISTRY.—The term "Airborne Hazards and Open Burn Pit Registry" means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(B) The Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

(3) OPEN BURN PIT.—The term "open burn pit" has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

TITLE IX—IMPROVEMENT OF WORKFORCE OF DEPARTMENT OF VETERANS AFFAIRS

SEC. 901. NATIONAL RURAL RECRUITMENT AND HIRING PLAN FOR VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs, in collaboration with the directors of each community-based outpatient clinic and medical center of the Department of Veterans Affairs, shall develop and implement

a national rural recruitment and hiring plan for the Veterans Health Administration to—

(1) recruit health care professionals for rural and highly rural community-based outpatient clinics and rural and highly rural medical centers of the Department;

(2) determine which such clinics or centers have a staffing shortage of health care professionals;

(3) develop best practices and techniques for recruiting health care professionals for such clinics and centers;

(4) not less frequently than annually, provide virtually based, on-demand training to human resources professionals of the Veterans Health Administration on the best practices and techniques developed under paragraph (3); and

(5) provide recruitment resources, such as pamphlets and marketing material to—

(A) Veterans Integrated Service Networks of the Department;

(B) rural and highly rural community-based outpatient clinics of the Department; and

(C) rural and highly rural medical centers of the Department.

(b) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes—

(1) the plan developed and implemented under subsection (a); and

(2) an assessment of the outcomes related to recruitment and retention of employees of the Veterans Health Administration at rural and highly rural facilities of the Department.

(c) DEFINITIONS.—In this section, the terms "rural" and "highly rural" have the meanings given those terms under the rural-urban commuting areas coding system of the Department of Agriculture.

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.

(a) IN GENERAL.—For any covered health care professional to whom the Secretary of Veterans Affairs has offered employment with the Department of Veterans Affairs, the Secretary may buy out the non-Department service contract

of such individual in exchange for such individual agreeing to be employed at a rural or highly rural facility of the Department for a period of obligated service specified in subsection (c).

(b) PAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Payment of any amounts for a buy out of a service contract for a covered health care professional under subsection (a) shall be made directly to the individual or entity with respect to which the covered health care professional has a service obligation under such contract.

(2) LIMITATION ON TOTAL AMOUNT.—The total amount paid by the Department under this section shall not exceed $40,000,000 per fiscal year.

(c) OBLIGATED SERVICE.—In exchange for a contract buy out under subsection (a), a covered health care professional shall agree to be employed for not less than four years at a rural or highly rural facility of the Department.

(d) LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), if a covered health care professional fails for any reason to complete the period of obligated service of the individual under subsection (c), the United States shall be entitled to recover from the individual an amount equal to—

(A) the total amount paid under subsection (a) to buy out the non-Department service contract of the individual; multiplied by

(B) a fraction—

(i) the numerator of which is—

(I) the total number of months in the period of obligated service of the individual; minus

(II) the number of months served by the individual; and

(ii) the denominator of which is the total number of months in the period of obligated service of the individual.

(2) EXCEPTION.—Liability shall not arise under paragraph (1) in the case of an individual covered by that paragraph if the individual does not obtain, or fails to maintain, employment as an employee of the Department due to staffing changes approved by the Under Secretary for Health.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on

Veterans' Affairs of the House of Representatives a report on the use by the Secretary of the authority under this section.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) The number of health care professionals for whom a service contract buyout payment was made under subsection (a) in the previous fiscal year, disaggregated by occupation or specialty.

(B) The average, highest, and lowest amount of the service contract buyout payments made under subsection (a) for each occupation or specialty in the previous fiscal year.

(C) Each location where contract buyout authority under subsection (a) was utilized and the number of covered health care professionals who agreed to be employed at such location in the previous fiscal year.

(f) DEFINITIONS.—In this section:

(1) COVERED HEALTH CARE PROFESSIONAL.—The term "covered health care professional" means a physician, nurse anesthetist, physician assistant, or nurse practitioner offered employment with the Department regardless of the authority under which such employment is offered.

(2) RURAL; HIGHLY RURAL.—The terms "rural" and "highly rural" have the meanings given those terms under the rural-urban commuting areas coding system of the Department of Agriculture.

(g) SUNSET.—This section shall terminate on September 30, 2027.

SEC. 903. QUALIFICATIONS FOR HUMAN RESOURCES POSITIONS WITHIN DEPARTMENT OF VETERANS AFFAIRS AND PLAN TO RECRUIT AND RETAIN HUMAN RESOURCES EMPLOYEES.

(a) ESTABLISHMENT OF QUALIFICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish qualifications for each human resources position within the Department of Veterans Affairs in coordination with the Office of Personnel Management;

(2) establish standardized performance metrics for each such position; and

(3) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the qualifications and standardized performance metrics established under paragraphs (1) and (2).

(b) IMPROVEMENT OF HUMAN RESOURCES ACTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish or enhance systems of the Department to monitor the hiring and other human resources actions that occur at the local, regional, and national levels of the Department to improve the performance of those actions.

(c) REPORT.—Not later than one year after the establishment of the qualifications and performance metrics under subsection (a), the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing—

(1) a description of the implementation of such qualifications and performance metrics;

(2) an assessment of the quality of such qualifications and performance metrics;

(3) an assessment of performance and outcomes based on such metrics; and

(4) such other matters as the Comptroller General considers appropriate.

(d) PLAN TO RECRUIT AND RETAIN HUMAN RESOURCES EMPLOYEES.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs

of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan for the recruitment and retention of human resources employees within the Department of Veterans Affairs.

SEC. 904. MODIFICATION OF PAY CAP FOR CERTAIN EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7455(c) is amended—

(1) in paragraph (1), by striking "30 percent" inserting "50 percent";

(2) in paragraph (2), by striking "level IV" inserting "level II"; and

(3) by adding at the end the following new paragraph:

"(3)(A) Notwithstanding section 5304 of title 5 or any other provision of law, but subject to the limitation under paragraph (2), pursuant to an increase under subsection (a), the Secretary may pay a special rate or an adjusted rate of basic pay in excess of the rate of basic pay payable for level IV of the Executive Schedule.

"(B) If an employee is in receipt of a special rate of pay under subparagraph (A) in excess of the rate of basic pay payable for level IV of the Executive Schedule with an established special rate supplement of greater value than a supplement based on the applicable locality-based com-

parability payment percentage under section 5304 of title 5, but a pay adjustment would cause such established special rate supplement to be of lesser value, the special rate supplement shall be converted to a supplement based on the applicable locality-based comparability percentage unless the Secretary determines that some other action is appropriate.".

(b) PAY FOR CRITICAL POSITIONS.—Section 7404(a)(1)(B) is amended by inserting "7306 or" before "7401(4)".

SEC. 905. EXPANSION OF OPPORTUNITIES FOR HOUSEKEEPING AIDES.

Section 3310 of title 5, United States Code, is amended by inserting "(other than for positions of housekeeping aides in the Department of Veterans Affairs)" after "competitive service".

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.

(a) EXPANSION OF ELIGIBILITY OF EMPLOYEES FOR CERTAIN AWARDS.—Section 7404(c) is amended—

(1) by striking "Notwithstanding" and inserting "(1) Notwithstanding";

(2) by inserting "or 7401(4)" after "section 7306";

(3) by striking "who is not eligible for pay under subchapter III" and inserting "or in a covered executive position under section 7401(1) of this title";

(4) by striking "sections 4507 and 5384" and inserting "section 4507"; and

(5) by adding at the end the following new paragraph:

"(2) In this subsection, the term 'covered executive position' means a position that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5) and is subject to an agency performance management system.".

(b) AUTHORITY FOR AWARDS PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter I of chapter 74 is amended by inserting after section 7404 the following new section:

"§ 7404A. Awards

"(a) SUPERIOR ACCOMPLISHMENTS AND PERFORMANCE AWARDS PROGRAM.—The Secretary may establish an awards program for personnel listed in section 7421(b) of this title consistent with chapter 45 of title 5, to the extent practicable.

"(b) EXECUTIVE PERFORMANCE AWARDS PROGRAM.—Notwithstanding section 7425 of this title or any other provision of law, the Secretary may establish a performance awards program consistent with section 5384 of title 5 for—

"(1) personnel appointed under section 7401(1) of this title for a position that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5) and is subject to an agency performance management system; and

"(2) personnel appointed under section 7306 or 7401(4) of this title.

"(c) PAYMENT OF AWARDS.—Awards under this section may be paid based on criteria established by the Secretary and shall not be considered in calculating the limitation under section 7431(e)(4) of this title.

"(d) NOT CONSIDERED BASIC PAY.—Awards under this section shall not be considered basic pay for any purpose.

"(e) REGULATIONS.—The Secretary may prescribe regulations for the administration of this section.".

(2) LIMITATION ON PAST AWARDS.—Notwithstanding any other provision of law, awards made by the Secretary of Veterans Affairs for any period on or

after January 1, 2017, and before the date of the enactment of this Act for an employee under section 7306 or 7401(4) of title 38, United States Code, or for a position described in section 7401(1) of such title that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5, United States Code), may be subject to section 7404A of title 38, United States Code, as added by paragraph (1).

(c) MODIFICATION OF EMPLOYEES SUBJECT TO REGULATION BY SECRETARY OF VETERANS AFFAIRS OF HOURS AND CONDITIONS OF EMPLOYMENT AND LEAVES OF ABSENCE.—

(1) IN GENERAL.—Section 7421 is amended—

(A) in subsection (a), by striking "chapter" and inserting "title"; and

(B) in subsection (b), by adding at the end the following new paragraph:

"(9) Any position for which the employee is appointed under section 7306 or 7401(4) of this title.".

(2) ADMINISTRATION OF FULL-TIME EMPLOYEES.—Section 7423 is amended—

(A) in subsection (a)(2), by adding at the end the following new subparagraph:

"(D) The Secretary may exclude from the requirements of paragraph (1) employees hired under section 7306 or 7401(4) of this title or for a position described in section 7401(1) of this title that the Secretary has determined is of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5)."; and

(B) in subsection (e)(1), by striking "7401(1)" and inserting "7421(b)".

(3) ADDITIONAL PAY AUTHORITIES.—Section 7410(a) is amended—

(A) by striking "The Secretary" and inserting "(1) The Secretary";

(B) by striking "the personnel described in paragraph (1) of section 7401 of this title" and inserting "personnel appointed under section 7306 of this title or section 7401(4) of this title, or personnel described in section 7401(1) of this title,"; and

(C) by striking "in the same manner, and subject to the same limitations, as in the case of" and inserting "in a manner consistent with"; and

(D) by adding at the end the following new paragraph:

"(2) Payments under paragraph (1) shall not be considered in calculating the limitation under section 7431(e)(4) of this title.".

(4) TREATMENT OF PAY AUTHORITY CHANGES.—For the purposes of the amendments made by paragraph (3), the Secretary of Veterans Affairs shall treat any award or payment made by the Secretary between January 1, 2017, and the date of the enactment of this Act to employees appointed under sections 7306, 7401(1), and 7401(4) of title 38, United States Code, that the Secretary has determined are of equivalent rank to a Senior Executive Service position (as such term is defined in section 3132(a) of title 5, United States Code), as if such amendments had been in effect at the time of such award or payment.

(5) TREATMENT OF PRIOR LEAVE BALANCES.—Notwithstanding any other provision of law, the Secretary may adjust the leave balance and carryover leave balance of any employee described in section 7421(b)(9) of title 38, United States Code, as amended by paragraph (1)(B), to ensure any leave accrued or carried over before the date of the enactment of this Act remains available to such employee.

(d) TREATMENT OF CERTAIN EMPLOYEES AS APPOINTED UNDER SECTION 7306.—Section 7306 is amended—

(1) in subsection (a), by redesignating the second paragraph (11) as paragraph (12); and

(2) by adding at the end the following new subsection:

"(g) For purposes of applying any provision of chapter 74 of this title, including sections 7404, 7410, and 7421, or any other provision of law, the Secretary may treat any appointment for a position under this chapter to be an appointment under this section.".

(e) CONFORMING AMENDMENT.—Section 7431(e)(4) is amended by striking "In no case" and inserting "Except as provided in sections 7404A(c) and 7410(a)(2) of this title, in no case".

SEC. 907. WAIVER OF PAY LIMITATION FOR CERTAIN EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

Subchapter I of chapter 7 is amended by inserting after section 703 the following new section:

"§ 704. Waiver of pay limitation for certain employees

"(a) EMPLOYEES OF VETERANS HEALTH ADMINISTRATION IMPACTED BY CLOSURE OR REALIGNMENT.—Notwithstanding any other provision of law, the Secretary may

waive any annual premium or aggregate limitation on pay for an employee of the Veterans Health Administration for the calendar year during which—

"(1) the official duty station of the employee is closed; or

"(2) the office, facility, activity, or organization of the employee is realigned.

"(b) EMPLOYEES PROVIDING CARE TO VETERANS EXPOSED TO OPEN BURN PITS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may waive any annual premium or aggregate limitation on pay for an employee of the Department whose primary duties include providing expanded care for veterans exposed to open burn pits.

"(2) OPEN BURN PIT DEFINED.—In this subsection, the term 'open burn pit' has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

"(c) COORDINATION WITH OFFICE OF PERSONNEL MANAGEMENT.—In implementing this section, the Secretary shall coordinate with the Director of the Office of Personnel Management.

"(d) REPORTS.—

"(1) IN GENERAL.—For each quarter that the Secretary waives a limitation under this section, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Office of Personnel Management a report on the waiver or waivers.

"(2) CONTENTS.—Each report submitted under paragraph (1) with respect to a waiver or waivers shall include the following:

"(A) Where the waiver or waivers were used, including in which component of the Department and, as the case may be, which medical center of the Department.

"(B) For how many employees the waiver or waivers were used, disaggregated by component of the Department and, if applicable, medical center of the Department.

"(C) The average amount by which each payment exceeded the pay limitation that was waived, disaggregated by component of the Department and, if applicable, medical center of the Department.

"(e) EMPLOYEE DEFINED.—In this section, the term 'employee' means any employee regardless of the authority under which the employee was hired.

"(f) TERMINATION.—This section shall terminate on September 30, 2027.".

SEC. 908. ELIMINATION OF LIMITATION ON AWARDS AND BONUS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 705(a) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is amended by striking paragraph (3).

(b) APPLICABILITY.—Subsection (a) shall take effect on the date of the enactment of this Act and apply as if such subsection had been enacted on September 30, 2021.

SEC. 909. ADDITIONAL AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS RELATING TO RECRUITMENT AND RETENTION OF PERSONNEL.

Subchapter I of chapter 7 is amended by inserting after section 705 the following new section:

"§ 706. Additional authority relating to recruitment and retention of personnel

"(a) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a recruitment or relocation bonus under

section 5753(e) of title 5 without regard to any requirements for certification or approval under that section.

"(b) RETENTION BONUSES.—(1) The Secretary may pay a retention bonus under section 5754(f) of title 5 without regard to any requirement for certification or approval under that subsection.

"(2) The Secretary may pay a retention bonus as specified in subsection (e)(2) of section 5754 of title 5 and may pay the bonus as a single lump-sum payment at the beginning of the full period of service required by an agreement under subsection (d) of such section.

"(c) MERIT AWARDS.—The Secretary may grant a cash award under section 4502(b) of title 5 without regard to any requirement for certification or approval under that section.

"(d) INCENTIVES FOR CRITICAL SKILLS.—(1) Subject to the provisions of this paragraph, the Secretary may provide a critical skill incentive to an employee in a case in which the Secretary determines—

"(A) the employee possesses a high-demand skill or skill that is at a shortage;

"(B) such skill is directly related to the duties and responsibilities of the employee's position; and

"(C) employment of an individual with such skill in such position serves a critical mission-related need of the Department.

"(2) An incentive provided to an employee under paragraph (1) may not to exceed 25 percent of the basic pay of the employee.

"(3) Provision of an incentive under paragraph (1) shall be contingent on the employee entering into a written agreement to complete a period of employment with the Department.

"(4) An incentive provided under paragraph (1) shall not be considered basic pay for any purpose.

"(5) The Secretary may prescribe conditions, including with respect to eligibility, and limitations on provision of incentive under paragraph (1).

"(6) Incentive provided under paragraph (1) shall not be included in the calculation of total amount of compensation under section 7431(e)(4) of this title.

"(e) STUDENT LOAN REPAYMENTS.—(1) Subject to the provisions of this subsection, the Secretary may repay a student loan pursuant to section 5379(b) of title 5.

"(2) Paragraph (2) of such section shall not apply to payment under this subsection.

"(3) Payment under this subsection shall be made subject to such terms, limitations, or conditions as may be mu-

tually agreed to by the Secretary and the employee concerned, except that the amount paid by the Secretary under this subsection may not exceed—

"(A) $40,000 for any employee in any calendar year; or

"(B) a total of $100,000 in the case of any employee.

"(f) EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expedite hiring for college graduates under section 3115 of title 5 without regard to subsection (e) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

"(2) The number of employees the Secretary may appoint under section 3115 of title 5 may not exceed the number equal to 25 percent of individuals that the Secretary appointed during the previous fiscal year to a position in the competitive service classified in a professional or administrative occupational category, at the GS–11 level, or an equivalent level, or below, under a competitive examining procedure.

"(g) EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expe-

dite hiring of post-secondary students under section 3116 of title 5, without regard to subsection (d) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

"(2) The number of employees the Secretary may appoint under section 3116 of title 5 may not exceed the number equal to 25 percent of the number of students that the Secretary appointed during the previous fiscal year to a position at the GS–11 level, or an equivalent level, or below.

"(h) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Subject to the provisions of this subsection, the Secretary may authorize the fixing of the rate of pay for a critical position in the Department consistent with the authorities and requirements of section 5377 of title 5 that apply to the Office of Personnel Management.

"(2) The Secretary may fix the rate of pay for a critical position under this subsection in excess of the limitation set forth by section 5377(d)(2) of such title.

"(3) Basic pay may not be fixed under this subsection at a rate greater than the rate payable for the Vice President of the United States established under section 104 of title 3, except upon written approval of the President.

"(4) Notwithstanding section 5377(f) of title 5, the Secretary may authorize the exercise of authority under this subsection with respect to up to 200 positions at any time.

"(i) RATES OF SPECIAL PAY.—(1) The Secretary may establish a rate for special pay under section 5305(a)(1) of title 5.

"(2) In applying such section to the Secretary's authority under paragraph (1)—

"(A) '50 percent' shall be substituted for '30 percent'; and

"(B) 'level II of the Executive Schedule' shall be substituted for 'level IV of the Executive Schedule'.

"(j) WAIVER OF LIMITATIONS ON CERTAIN PAYMENTS UNDER PAY COMPARABILITY SYSTEM.—The Secretary may waive the limitation in section 5307 of title 5 for an employee or a payment.

"(k) TERMINATION.—The authorities under this section shall terminate on September 30, 2027.".

Attest:

Clerk.

117TH CONGRESS
2D SESSION

S. 3373

AMENDMENT