

[DISCUSSION DRAFT]

119TH CONGRESS
2^D SESSION

H. R. _____

To amend title 38, United States Code, to establish the Advisory Committee on Toxic Exposure of the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title 38, United States Code, to establish the Advisory Committee on Toxic Exposure of the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Toxic Exposure Advi-
5 sory Committee Establishment Act”.

1 **SEC. 2. ESTABLISHMENT OF ADVISORY COMMITTEE ON**
2 **TOXIC-EXPOSED VETERANS.**

3 (a) ESTABLISHMENT.—Subchapter III of chapter 5
4 of title 38, United States Code, is amended by adding at
5 the end the following new section:

6 **“§ 549. Advisory Committee on Toxic Exposure**

7 “(a) ESTABLISHMENT.—(1) There is in the Depart-
8 ment the Advisory Committee on Toxic Exposure (in this
9 section referred to as the ‘Committee’).

10 “(2)(A) The Committee shall be composed of nine
11 members appointed as follows:

12 “(i) Five members shall be appointed by the
13 Secretary.

14 “(ii) One member shall be appointed by the
15 Speaker of the House of Representatives.

16 “(iii) One member shall be appointed by the mi-
17 nority leader of the House of Representatives.

18 “(iv) One member shall be appointed by the
19 majority leader of the Senate.

20 “(v) One member shall be appointed by the mi-
21 nority leader of the Senate.

22 “(B) The members appointed under subparagraph
23 (A) shall meet the following criteria:

24 “(i) Not more than three members shall be ap-
25 pointed from among individuals who are officials or

1 employees of the Veterans Benefits Administration
2 or the Veterans Health Administration.

3 “(ii) At least one member shall be appointed
4 from among individuals who are officials or employ-
5 ees of other departments or agencies of the Federal
6 Government, including the Department of Defense
7 and the Agency of Toxic Substances and Disease
8 Registry of the Centers for Disease Control and Pre-
9 vention.

10 “(iii) At least two members shall represent an
11 organization recognized by the Secretary for the rep-
12 resentation of veterans under section 5902 of this
13 title.

14 “(iv) At least one member shall be appointed
15 from among individuals in the private sector, State
16 or local government, or academia, who are experts in
17 toxicology and epidemiology.

18 “(3) The Secretary shall determine the pay and al-
19 lowances of the members of the Committee, including with
20 respect to any additional pay and allowances for members
21 who are officials or employees of the Federal Government.

22 “(4)(A) Except as provided by subparagraph (B),
23 each member of the Committee shall be appointed for a
24 two-year term, and may serve not more than three succes-
25 sive terms.

1 “(B) With respect to the five members who are ini-
2 tially appointed by the Secretary under paragraph
3 (2)(A)(i), the Secretary shall determine the length of the
4 term of each such member in a manner that ensures the
5 expiration of the terms on a staggered basis.

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

8 “(b) CONSULTATION.—The Secretary may consult
9 with, and seek the advice of, the Committee with respect
10 to cases in which veterans who, during active military,
11 naval, air, or space service, are suspected of having experi-
12 enced a toxic exposure or dependents of veterans who may
13 have experienced a toxic exposure during such service.

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

21 “(2) The assessments under paragraph (1) shall
22 cover suspected and known toxic exposures occurring dur-
23 ing active military, naval, air, or space service, including
24 by identifying and evaluating new and emerging toxic ex-

1 posures that are not recognized under existing presump-
2 tions of service connection.

3 “(3) The Committee may conduct an assessment
4 under paragraph (1) in response to comments by a person
5 described in subsection (e)(2), by a majority vote of the
6 members of the Committee.

7 “(4) The Committee shall on a periodic basis assess
8 the Individual Longitudinal Exposure Record, or successor
9 system, to ensure the accuracy of data collected.

10 “(d) RESEARCH RECOMMENDATIONS.—(1) Following
11 an assessment of a case of the toxic exposure of veterans
12 or their dependents that occurred during active military,
13 naval, air, or space service under subsection (c), the Com-
14 mittee may develop a recommendation for formal evalua-
15 tion under section 1173 of this title to conduct a review
16 of the health effects related to the case of exposure if the
17 Committee determines that the research may change the
18 current understanding of the relationship between an ex-
19 posure to an environmental hazard and adverse health
20 outcomes in humans.

21 “(2) Upon receipt of evidence suggesting that pre-
22 vious findings regarding the periods and locations of expo-
23 sure covered by an existing presumption of service connec-
24 tion are no longer supported, the Committee may nomi-

1 nate such evidence for formal evaluation under section
2 1173 of this title to modify the periods and locations.

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

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

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

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

15 “(f) REPORTS BY THE COMMITTEE.—Not less fre-
16 quently than once each year, the Committee shall submit
17 to the Secretary and the Committees on Veterans’ Affairs
18 of the Senate and the House of Representatives, and make
19 publicly available, a report on—

20 “(1) recommendations for research under sub-
21 section (d), if any; and

22 “(2) recommendations for such legislative or
23 administrative action as the Committee considers
24 necessary for the Committee to be more effective in
25 carrying out the requirements of this section.

1 “(g) RESPONSES BY SECRETARY.—In response to
2 each report submitted under subsection (f), the Secretary
3 shall submit to the Secretary and the Committees on Vet-
4 erans’ Affairs of the Senate and the House of Representa-
5 tives, and make publicly available, a report that includes
6 a response to the report. Each report under this sub-
7 section shall include—

8 “(1) the findings and opinions of the Secretary
9 with respect to the report most recently submitted
10 under subsection (f); and

11 “(2) if the report includes recommendations for
12 research under subsection (d), whether the Secretary
13 will conduct the research recommended to be con-
14 ducted in the report, and if not, an explanation of
15 why, including citations and sources.

16 “(h) NONAPPLICATION OF SUNSET REQUIRE-
17 MENTS.—Section 14 of the Federal Advisory Committee
18 Act (5 U.S.C. App.) shall not apply to the Committee.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 548 the following new
22 item:

“549. Advisory Committee on Toxic Exposure.”.