AMENDMENT TO
RULES COMMITTEE PRINT 116–57
OFFERED BY MR. GREEN OF TENNESSEE

Page 520, line 6, strike “STUDY ON”.

Page 521, strike lines 5 through 9 and insert the following new subsection:

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees a report containing—

(1) the study under subsection (a); and

(2) a description of—

(A) the benefits administered by the Secretary of Veterans Affairs that a veteran may be eligible to receive by reason of being exposed to toxic substances at Karshi Khanabad Air Base, Uzbekistan, while serving in the Armed Forces; and

(B) the outreach conducted by the Secretary to inform such veterans of such benefits.
Page 521, after line 9, insert the following new sub-sections:

(c) **Determination of Presumptions of Service Connection for Illnesses Associated With K2 Exposure.**—

(1) **In General.**—

(A) **Determination Required.**—Not later than 60 days after the date on which the Secretary of Veterans Affairs receives the results of a covered study, the Secretary shall make a determination whether a positive association exists between—

(i) the exposure of humans to toxic substances at Karshi Khanabad Air Base, Uzbekistan, at any time during the period beginning October 1, 2001, and ending December 31, 2005; and

(ii) the occurrence of a diagnosed illness in humans.

(B) **Bases of Determination.**—In making a determination under subparagraph (A), the Secretary shall consider—

(i) whether the evidence is statistically significant, capable of replication, and able to withstand peer review demonstrating
that there is positive association between
the exposure and the occurrence of a diag-
nosed illness;

(ii) the results of a covered study; and

(iii) all other sound medical and sci-
entific evidence available to the Secretary.

(C) Presumption.—If the Secretary de-
determines that a positive association exists be-
tween exposure and a diagnosed illness pursu-
ant to subparagraph (A), the Secretary shall
prescribe regulations providing that—

(i) a presumption of service connec-
tion is warranted for the illness covered by
that determination if the illness first be-
comes manifest within the period, if any,
prescribed in such regulations in a covered
veteran; and

(ii) such covered veteran shall be pre-
sumed to have been exposed to toxic sub-
stances at Karshi Khanabad Air Base, Uz-
bekistan, at any time during the period be-
beginning October 1, 2001, and ending De-
cember 31, 2005, unless there is conclusive
evidence to establish that—
(I) the covered veteran was not exposed to toxic substances in the course of such service in the Armed Forces; or

(II) the illness first became manifest prior to the covered veteran’s exposure.

(D) Submission.—Upon the date on which the Secretary makes the determination under subparagraph (A), the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate an explanation of such determination.

(2) Regulations.—

(A) Proposed regulations.—

(i) Timing.—If the Secretary determines under paragraph (1)(A) that a presumption of service connection is warranted for an illness, the Secretary shall, not later than 180 days after making such determination—

(I) issue proposed regulations setting forth the determination; or

(II) submit the initial report under clause (ii).
(ii) **REPORTS.**—If the Secretary does not issue proposed regulations by the deadline established in clause (i), the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report on the status of such proposed regulations. On a quarterly basis thereafter until the date on which the Secretary issues such proposed regulations, the Secretary shall submit to such committees an update on such status.

(B) **FINAL REGULATIONS.**—Not later than 180 days after the date on which the Secretary issues any proposed regulations under this paragraph, the Secretary shall prescribe final regulations. Such regulations shall be effective on the date of issuance.

(C) **PRESUMPTION NOT WARRANTED.**—

(i) **PUBLICATION.**—If the Secretary determines under paragraph (1) that a presumption of service connection is not warranted for an illness, or proposes to remove a previously established presumption, the Secretary shall publish in the Federal Register a notice of that determination not
later than 180 days after making the determination. The notice shall include an explanation of the evidence and scientific basis for that determination.

(ii) Removal of Previous Presumption.—If an illness already presumed to be service connected under this subsection is subject to a notice published under clause (i), the Secretary shall issue proposed regulations removing the presumption for the illness not later than 180 days after publication of such notice.

(D) Effect of Removal.—Whenever the presumption of service connection for an illness under this subsection is removed under this paragraph—

(i) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

(ii) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran result-
ing from the illness on the basis of the pre-
sumption before that date shall continue to
be entitled to receive dependency and in-
demnity compensation on that basis.

(3) EFFECTIVE DATE OF BENEFIT AWARDS.—
The effective date of any benefit awarded by reason
of this subsection shall be determined in accordance
with section 5110 of title 38, United States Code,
but shall in no case be earlier than the effective date
of the final regulations prescribed pursuant to para-
graph (2)(B).

(4) DEFINITIONS.—In this subsection:

(A) The term “covered study” includes—

(i) the study conducted under sub-
section (a); and

(ii) any subsequent study or any study
conducted by the National Academies of
Sciences, Engineering, and Medicine re-

regarding the effects of exposure of humans
to toxic substances at Karshi Khanabad
Air Base, Uzbekistan, at any time during
the period beginning October 1, 2001, and
ending December 31, 2005.

(B) The term “covered veteran” means a
veteran who was deployed as a member of the
Armed Forces to Karshi Khanabad Air Base, Uzbekistan, at any time during the period beginning October 1, 2001, and ending December 31, 2005.

(d) Access of the National Academies of Sciences, Engineering, and Medicine to Information From the Department of Defense.—Upon request by the National Academies of Sciences, Engineering, and Medicine (in this subsection referred to as the “Academies”), the Secretary of Defense shall provide to the Academies information in the possession of the Department of Defense that the Academies determine useful in performing a covered study, as that term is defined in subsection (c)(4). Such information includes, at a minimum, all environmental sampling data relative to any location included in the study.

(e) Inclusion of Uzbekistan in Certain Registries and Programs.—

(1) Open Burn Pit Registry.—Section 201(c)(2) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note) is amended by striking “Afghanistan or Iraq” and inserting “Afghanistan, Iraq, or Uzbekistan”.

(2) **Depleted Uranium Follow-Up Programs.**—The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that any individual who deployed as a member of the Armed Forces to Karshi Khanabad Air Base, Uzbekistan, at any time during the period beginning October 1, 2001, and ending December 31, 2005, is covered by the Depleted Uranium Follow-Up Programs of the Department of Defense and the Department of Veterans Affairs.

(f) **Appropriate Congressional Committees Defined.**—In this section, the term “appropriate congressional committees” means—

1. the congressional defense committees; and
2. the Committees on Veterans’ Affairs of the House of Representatives and the Senate.