

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:

1 (b) **REPORT.**—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of Defense and
3 the Secretary of Veterans Affairs shall jointly submit to
4 the appropriate congressional committees a report con-
5 taining—

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

7 (2) a description of—

8 (A) the benefits administered by the Sec-
9 retary of Veterans Affairs that a veteran may
10 be eligible to receive by reason of being exposed
11 to toxic substances at Karshi Khanabad Air
12 Base, Uzbekistan, while serving in the Armed
13 Forces; and

14 (B) the outreach conducted by the Sec-
15 retary to inform such veterans of such benefits.

Page 521, after line 9, insert the following new sub-
sections:

1 (c) DETERMINATION OF PRESUMPTIONS OF SERVICE
2 CONNECTION FOR ILLNESSES ASSOCIATED WITH K2 EX-
3 POSURE.—

4 (1) IN GENERAL.—

5 (A) DETERMINATION REQUIRED.—Not
6 later than 60 days after the date on which the
7 Secretary of Veterans Affairs receives the re-
8 sults of a covered study, the Secretary shall
9 make a determination whether a positive asso-
10 ciation exists between—

11 (i) the exposure of humans to toxic
12 substances at Karshi Khanabad Air Base,
13 Uzbekistan, at any time during the period
14 beginning October 1, 2001, and ending De-
15 cember 31, 2005; and

16 (ii) the occurrence of a diagnosed ill-
17 ness in humans.

18 (B) BASES OF DETERMINATION.—In mak-
19 ing a determination under subparagraph (A),
20 the Secretary shall consider—

21 (i) whether the evidence is statistically
22 significant, capable of replication, and able
23 to withstand peer review demonstrating

1 that there is positive association between
2 the exposure and the occurrence of a diag-
3 nosed illness;

4 (ii) the results of a covered study; and

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

7 (C) PRESUMPTION.—If the Secretary de-
8 termines that a positive association exists be-
9 tween exposure and a diagnosed illness pursu-
10 ant to subparagraph (A), the Secretary shall
11 prescribe regulations providing that—

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

18 (ii) such covered veteran shall be pre-
19 sumed to have been exposed to toxic sub-
20 stances at Karshi Khanabad Air Base, Uz-
21 bekistan, at any time during the period be-
22 ginning October 1, 2001, and ending De-
23 cember 31, 2005, unless there is conclusive
24 evidence to establish that—

1 (I) the covered veteran was not
2 exposed to toxic substances in the
3 course of such service in the Armed
4 Forces; or

5 (II) the illness first became mani-
6 fest prior to the covered veteran's ex-
7 posure.

8 (D) SUBMISSION.—Upon the date on
9 which the Secretary makes the determination
10 under subparagraph (A), the Secretary shall
11 submit to the Committees on Veterans' Affairs
12 of the House of Representatives and the Senate
13 an explanation of such determination.

14 (2) REGULATIONS.—

15 (A) PROPOSED REGULATIONS.—

16 (i) TIMING.—If the Secretary deter-
17 mines under paragraph (1)(A) that a pre-
18 sumption of service connection is war-
19 ranted for an illness, the Secretary shall,
20 not later than 180 days after making such
21 determination—

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

24 (II) submit the initial report
25 under clause (ii).

1 (ii) REPORTS.—If the Secretary does
2 not issue proposed regulations by the dead-
3 line established in clause (i), the Secretary
4 shall submit to the Committees on Vet-
5 erans' Affairs of the House of Representa-
6 tives and the Senate a report on the status
7 of such proposed regulations. On a quar-
8 terly basis thereafter until the date on
9 which the Secretary issues such proposed
10 regulations, the Secretary shall submit to
11 such committees an update on such status.

12 (B) FINAL REGULATIONS.—Not later than
13 180 days after the date on which the Secretary
14 issues any proposed regulations under this
15 paragraph, the Secretary shall prescribe final
16 regulations. Such regulations shall be effective
17 on the date of issuance.

18 (C) PRESUMPTION NOT WARRANTED.—

19 (i) PUBLICATION.—If the Secretary
20 determines under paragraph (1) that a
21 presumption of service connection is not
22 warranted for an illness, or proposes to re-
23 move a previously established presumption,
24 the Secretary shall publish in the Federal
25 Register a notice of that determination not

1 later than 180 days after making the de-
2 termination. The notice shall include an
3 explanation of the evidence and scientific
4 basis for that determination.

5 (ii) REMOVAL OF PREVIOUS PRESUMP-
6 TION.—If an illness already presumed to
7 be service connected under this subsection
8 is subject to a notice published under
9 clause (i), the Secretary shall issue pro-
10 posed regulations removing the presump-
11 tion for the illness not later than 180 days
12 after publication of such notice.

13 (D) EFFECT OF REMOVAL.—Whenever the
14 presumption of service connection for an illness
15 under this subsection is removed under this
16 paragraph—

17 (i) a veteran who was awarded com-
18 pensation for the illness on the basis of the
19 presumption before the effective date of
20 the removal of the presumption shall con-
21 tinue to be entitled to receive compensation
22 on that basis; and

23 (ii) a survivor of a veteran who was
24 awarded dependency and indemnity com-
25 pensation for the death of a veteran result-

1 ing from the illness on the basis of the pre-
2 sumption before that date shall continue to
3 be entitled to receive dependency and in-
4 demnity compensation on that basis.

5 (3) EFFECTIVE DATE OF BENEFIT AWARDS.—

6 The effective date of any benefit awarded by reason
7 of this subsection shall be determined in accordance
8 with section 5110 of title 38, United States Code,
9 but shall in no case be earlier than the effective date
10 of the final regulations prescribed pursuant to para-
11 graph (2)(B).

12 (4) DEFINITIONS.—In this subsection:

13 (A) The term “covered study” includes—

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

16 (ii) any subsequent study or any study
17 conducted by the National Academies of
18 Sciences, Engineering, and Medicine re-
19 garding the effects of exposure of humans
20 to toxic substances at Karshi Khanabad
21 Air Base, Uzbekistan, at any time during
22 the period beginning October 1, 2001, and
23 ending December 31, 2005.

24 (B) The term “covered veteran” means a
25 veteran who was deployed as a member of the

1 Armed Forces to Karshi Khanabad Air Base,
2 Uzbekistan, at any time during the period be-
3 ginning October 1, 2001, and ending December
4 31, 2005.

5 (d) ACCESS OF THE NATIONAL ACADEMIES OF
6 SCIENCES, ENGINEERING, AND MEDICINE TO INFORMA-
7 TION FROM THE DEPARTMENT OF DEFENSE.—Upon re-
8 quest by the National Academies of Sciences, Engineering,
9 and Medicine (in this subsection referred to as the “Acad-
10 emies”), the Secretary of Defense shall provide to the
11 Academies information in the possession of the Depart-
12 ment of Defense that the Academies determine useful in
13 performing a covered study, as that term is defined in sub-
14 section (c)(4). Such information includes, at a minimum,
15 all environmental sampling data relative to any location
16 included in the study.

17 (e) INCLUSION OF UZBEKISTAN IN CERTAIN REG-
18 ISTRIES AND PROGRAMS.—

19 (1) OPEN BURN PIT REGISTRY.—Section
20 201(c)(2) of the Dignified Burial and Other Vet-
21 erans’ Benefits Improvement Act of 2012 (Public
22 Law 112–260; 38 U.S.C. 527 note) is amended by
23 striking “Afghanistan or Iraq” and inserting “Af-
24 ghanistan, Iraq, or Uzbekistan”.

1 (2) DEPLETED URANIUM FOLLOW-UP PRO-
2 GRAMS.—The Secretary of Defense and the Sec-
3 retary of Veterans Affairs shall ensure that any indi-
4 vidual who deployed as a member of the Armed
5 Forces to Karshi Khanabad Air Base, Uzbekistan,
6 at any time during the period beginning October 1,
7 2001, and ending December 31, 2005, is covered by
8 the Depleted Uranium Follow-Up Programs of the
9 Department of Defense and the Department of Vet-
10 erans Affairs.

11 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

- 14 (1) the congressional defense committees; and
15 (2) the Committees on Veterans’ Affairs of the
16 House of Representatives and the Senate.

