

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MS. HOYLE OF OREGON

At the end of subtitle C of title XVII, insert the following:

1 **SEC. 17____. PRESUMPTION OF SERVICE CONNECTION FOR**
2 **CERTAIN DISEASES ASSOCIATED WITH SERV-**
3 **ICE AT KARSHI KHANABAD AIR BASE, UZBEK-**
4 **ISTAN, FOR DEPARTMENT OF VETERANS AF-**
5 **FAIRS DISABILITY COMPENSATION.**

6 (a) IN GENERAL.—Subchapter II of chapter 11 of
7 title 38, United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 1120A. Presumption of service connection for cer-**
10 **tain diseases associated with service at**
11 **Karshi Khanabad Air Base, Uzbekistan**

12 **“(a) PRESUMPTION OF SERVICE CONNECTION.—For**
13 **the purposes of section 1110 of this title, and subject to**
14 **section 1113 of this title, a disease specified in subsection**
15 **(b) becoming manifest in a covered veteran shall be con-**
16 **sidered to have been incurred in or aggravated during ac-**
17 **tive military, naval, air, or space service, notwithstanding**

1 that there is no record of evidence of such disease during
2 the period of such service.

3 “(b) DISEASES SPECIFIED.—The diseases specified
4 in this subsection are any diseases that the Secretary de-
5 termines have a positive association, including a sufficient,
6 limited, or suggestive association with a covered toxin.

7 “(c) OTHER DISEASES.—In the case of a covered vet-
8 eran who files a claim for compensation under this chapter
9 for a disease other than a disease specified in subsection
10 (b) and the evidence is not sufficient to approve the claim,
11 before denying the claim, the Secretary shall ensure that
12 the covered veteran receives a medical examination and
13 a medical opinion as to any causal link between the disease
14 and a covered toxin. In performing a medical examination
15 pursuant to this subsection, a medical examiner shall con-
16 sider the total potential exposure of the veteran and the
17 synergistic effect of all combined toxins through inhala-
18 tion, dermal exposure, and ingestion.

19 “(d) FORMAL EVALUATION.—(1) Not later than 180
20 days after the date of the enactment of this section, and
21 not less frequently than every two years thereafter, the
22 Secretary shall conduct a formal process, as described in
23 section 1173 of this title, to evaluate the connection be-
24 tween diseases and covered toxins and to determine which
25 diseases have a positive association with a covered toxin.

1 “(2) The Secretary shall submit to Congress notice
2 of any disease for which the Secretary establishes a posi-
3 tive association with a covered toxin pursuant to para-
4 graph (1).

5 “(e) DEFINITIONS.—In this section:

6 “(1) The term ‘open burn pit’ mean an area of
7 land that—

8 “(A) is designated by the Secretary of De-
9 fense to be used for disposing solid waste by
10 burning in the outdoor air; and

11 “(B) does not contain a commercially man-
12 ufactured incinerator or other equipment spe-
13 cifically designed and manufactured for the
14 burning of solid waste.

15 “(2) The term ‘covered toxin’ means any of the
16 following:

17 “(A) Volatile organic compounds.

18 “(B) Total petroleum hydrocarbons.

19 “(C) Enriched uranium.

20 “(D) Tetrachloroethylene.

21 “(E) Residuals of chemical weapons, in-
22 cluding cyanide.

23 “(F) Asbestos.

24 “(G) Lead-based paint.

1 “(H) High levels of particulate matter and
2 dust resulting from open burn pits.

3 “(I) Other toxins, chemicals, and airborne
4 hazards as determined by the Secretary, in con-
5 sultation with the Secretary of Defense.

6 “(3) The term ‘covered veteran’ means a vet-
7 eran who, during the period beginning on January
8 1, 2001, and ending on December 31, 2005, per-
9 formed active military, naval, air, or space service at
10 Karshi Khanabad Air Base, Uzbekistan.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 1120 the following new
14 item:

 “1120A. Presumption of service connection for certain diseases associated with
 service at Karshi Khanabad Air Base, Uzbekistan.”.

