

1 active military, naval, or air service during World
2 War II and that were denied before the date of the
3 enactment of this Act.

4 (3) PRESUMPTION OF EXPOSURE.—In carrying
5 out paragraph (1), if the Secretary of Veterans Af-
6 fairs or the Secretary of Defense makes a deter-
7 mination regarding whether a veteran experienced
8 full-body exposure to mustard gas or lewisite, such
9 Secretary—

10 (A) shall presume that the veteran experi-
11 enced full-body exposure to mustard gas or lew-
12 isite, as the case may be, unless proven other-
13 wise; and

14 (B) may not use information contained in
15 the Department of Defense and Veterans Af-
16 fairs Chemical Biological Warfare Database or
17 any list of known testing sites for mustard gas
18 or lewisite maintained by the Department of
19 Veterans Affairs or the Department of Defense
20 as the sole reason for determining that the vet-
21 eran did not experience full-body exposure to
22 mustard gas or lewisite.

23 (4) REPORT.—Not later than 90 days after the
24 date of the enactment of this Act, and not less fre-
25 quently than once every 90 days thereafter, the Sec-

1 retary of Veterans Affairs shall submit to the appro-
2 priate committees of Congress a report specifying
3 any claims reconsidered under paragraph (1) that
4 were denied during the 90-day period preceding the
5 submittal of the report, including the rationale for
6 each such denial.

7 (b) DEVELOPMENT OF POLICY.—Not later than one
8 year after the date of the enactment of this Act, the Sec-
9 retary of Veterans Affairs and the Secretary of Defense
10 shall jointly establish a policy for processing future claims
11 for compensation under chapter 11 of title 38, United
12 States Code, that the Secretary of Veterans Affairs deter-
13 mines are in connection with exposure to mustard gas or
14 lewisite during active military, naval, or air service during
15 World War II.

16 (c) INVESTIGATION AND REPORT BY SECRETARY OF
17 DEFENSE.—Not later than 180 days after the date of the
18 enactment of this Act, the Secretary of Defense shall—

19 (1) for purposes of determining whether a site
20 should be added to the list of the Department of De-
21 fense of sites where mustard gas or lewisite testing
22 occurred, investigate and assess sites where—

23 (A) the Army Corps of Engineers has un-
24 covered evidence of mustard gas or lewisite test-
25 ing; or

1 (B) more than two veterans have sub-
2 mitted claims for compensation under chapter
3 11 of title 38, United States Code, in connec-
4 tion with exposure to mustard gas or lewisite at
5 such site and such claims were denied; and

6 (2) submit to the appropriate committees of
7 Congress a report on experiments conducted by the
8 Department of Defense during World War II to as-
9 sess the effects of mustard gas and lewisite on peo-
10 ple, which shall include—

11 (A) a list of each location where such an
12 experiment occurred, including locations inves-
13 tigated and assessed under paragraph (1);

14 (B) the dates of each such experiment; and

15 (C) the number of members of the Armed
16 Forces who were exposed to mustard gas or
17 lewisite in each such experiment.

18 (d) INVESTIGATION AND REPORT BY SECRETARY OF
19 VETERANS AFFAIRS.—Not later than 180 days after the
20 date of the enactment of this Act, the Secretary of Vet-
21 erans Affairs shall—

22 (1) investigate and assess—

23 (A) the actions taken by the Secretary to
24 reach out to individuals who had been exposed

1 to mustard gas or lewisite in the experiments
2 described in subsection (c)(2)(A); and

3 (B) the claims for disability compensation
4 under laws administered by the Secretary that
5 were filed with the Secretary and the percent-
6 age of such claims that were denied by the Sec-
7 retary; and

8 (2) submit to the appropriate committees of
9 Congress—

10 (A) a report on the findings of the Sec-
11 retary with respect to the investigations and as-
12 sessments carried out under paragraph (1); and

13 (B) a comprehensive list of each location
14 where an experiment described in subsection
15 (c)(2)(A) was conducted.

16 (e) DEFINITIONS.—In this section:

17 (1) The terms “active military, naval, or air
18 service”, “veteran”, and “World War II” have the
19 meanings given such terms in section 101 of title 38,
20 United States Code.

21 (2) The term “appropriate committees of Con-
22 gress” means—

23 (A) the Committee on Veterans’ Affairs,
24 the Committee on Armed Services, and the Spe-
25 cial Committee on Aging of the Senate; and

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

4 (3) The term "full-body exposure", with respect
5 to mustard gas or lewisite, has the meaning given
6 that term by the Secretary of Defense.

