

116TH CONGRESS
2D SESSION

H. R. 5957

To direct the Secretary of Defense to conduct a study regarding toxic exposure by members of the Armed Forces deployed to Karshi Khanabad Air Base, Uzbekistan, to direct the Secretary of Veterans Affairs to establish a registry regarding such exposure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2020

Mr. GREEN of Tennessee (for himself and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Defense to conduct a study regarding toxic exposure by members of the Armed Forces deployed to Karshi Khanabad Air Base, Uzbekistan, to direct the Secretary of Veterans Affairs to establish a registry regarding such exposure, and for other purposes.

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 “K2 Veterans Toxic
5 Exposure Accountability Act of 2020”.

1 **SEC. 2. STUDY ON TOXIC EXPOSURE AT KARSHI KHANABAD**
2 **AIR BASE, UZBEKISTAN.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall conduct a study on toxic exposure by members
6 of the Armed Forces deployed to Karshi Khanabad
7 Air Base, Uzbekistan, at any time during the period
8 beginning October 1, 2001, and ending December
9 31, 2005.

10 (2) MATTERS INCLUDED.—The study under
11 paragraph (1) shall include the following:

12 (A) An assessment regarding the condi-
13 tions of Karshi Khanabad Air Base, Uzbek-
14 istan, during the period beginning October 1,
15 2001, and ending December 31, 2005, includ-
16 ing an identification of toxic substances con-
17 taminating the Air Base during such period.

18 (B) An epidemiological study of the health
19 consequences of a member of the Armed Forces
20 deployed to the Air Base during such period.

21 (C) An assessment of any association be-
22 tween exposure to toxic substances identified
23 under subparagraph (A) and the health con-
24 sequences studied under subparagraph (B).

25 (b) REPORT.—Not later than 180 days after the date
26 of the enactment of this Act, the Secretary of Defense and

1 the Secretary of Veterans Affairs shall jointly submit to
2 the appropriate congressional committees a report con-
3 taining—

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

5 (2) a description of—

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

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

14 **SEC. 3. ESTABLISHMENT OF K2 TOXIC EXPOSURE REG-**
15 **ISTRY.**

16 (a) ESTABLISHMENT OF REGISTRY.—

17 (1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of Veterans Affairs shall—

20 (A) establish and maintain a registry for
21 eligible individuals who may have been exposed
22 to toxic substances at Karshi Khanabad Air
23 Base, Uzbekistan, at any time during the pe-
24 riod beginning October 1, 2001, and ending De-
25 cember 31, 2005;

1 (B) include any information in such reg-
2 istry that the Secretary of Veterans Affairs de-
3 termines necessary to ascertain and monitor the
4 health effects of the exposure of members to
5 such substances;

6 (C) develop a public information campaign
7 to inform eligible individuals about the registry,
8 including how to register and the benefits of
9 registering; and

10 (D) periodically notify eligible individuals
11 of significant developments in the study and
12 treatment of conditions associated with such ex-
13 posure.

14 (2) UPDATES.—The Secretary shall take ac-
15 tions necessary to ensure that the registry may be
16 updated with the cause of death of a deceased reg-
17 istered individual by—

18 (A) an individual designated by such de-
19 ceased registered individual; or

20 (B) if no such individual is designated, an
21 immediate family member of such deceased reg-
22 istered individual.

23 (3) COORDINATION.—The Secretary of Vet-
24 erans Affairs shall coordinate with the Secretary of
25 Defense in carrying out paragraph (1).

1 (b) REPORT TO CONGRESS.—

2 (1) REPORTS BY INDEPENDENT SCIENTIFIC OR-
3 GANIZATION.—The Secretary of Veterans Affairs
4 shall enter into an agreement with an independent
5 scientific organization to prepare reports as follows:

6 (A) Not later than two years after the date
7 on which the registry under subsection (a) is es-
8 tablished, an initial report containing the fol-
9 lowing:

10 (i) An assessment of the effectiveness
11 of actions taken by the Secretaries to col-
12 lect and maintain information on the
13 health effects of exposure to toxic sub-
14 stances at Karshi Khanabad Air Base, Uz-
15 bekistan.

16 (ii) Recommendations to improve the
17 collection and maintenance of such infor-
18 mation.

19 (iii) Using established and previously
20 published epidemiological studies, rec-
21 ommendations regarding the most effective
22 and prudent means of addressing the med-
23 ical needs of eligible individuals with re-
24 spect to conditions that are likely to result
25 from such exposure.

1 (B) Not later than five years after com-
2 pleting the initial report described in subpara-
3 graph (A), a follow-up report containing the fol-
4 lowing:

5 (i) An update to the initial report de-
6 scribed in subparagraph (A).

7 (ii) An assessment of whether and to
8 what degree the content of the registry es-
9 tablished under subsection (a) is current
10 and scientifically up-to-date.

11 (2) SUBMITTAL TO CONGRESS.—

12 (A) INITIAL REPORT.—Not later than two
13 years after the date on which the registry under
14 subsection (a) is established, the Secretary of
15 Veterans Affairs shall submit to Congress the
16 initial report prepared under paragraph (1)(A).

17 (B) FOLLOW-UP REPORT.—Not later than
18 five years after submitting the report under
19 subparagraph (A), the Secretary of Veterans
20 Affairs shall submit to Congress the follow-up
21 report prepared under paragraph (1)(B).

22 (c) DEFINITIONS.—In this section:

23 (1) The term “eligible individual” means any
24 individual who was deployed as a member of the
25 Armed Forces to Karshi Khanabad Air Base, Uz-

1 bekistan, at any time during the period beginning
 2 October 1, 2001, and ending December 31, 2005.

3 (2) The term “immediate family member”, with
 4 respect to a deceased individual, means—

5 (A) the spouse, parent, brother, sister, or
 6 adult child of the individual;

7 (B) an adult person to whom the indi-
 8 vidual stands in loco parentis; or

9 (C) any other adult person—

10 (i) living in the household of the indi-
 11 vidual at the time of the death of the indi-
 12 vidual; and

13 (ii) related to the individual by blood
 14 or marriage.

15 (3) The term “registered individual” means an
 16 individual registered with the registry under sub-
 17 section (a).

18 **SEC. 4. DETERMINATION OF PRESUMPTIONS OF SERVICE**
 19 **CONNECTION FOR ILLNESSES ASSOCIATED**
 20 **WITH K2 EXPOSURE.**

21 (a) IN GENERAL.—

22 (1) DETERMINATION REQUIRED.—Not later
 23 than 60 days after the date on which the Secretary
 24 of Veterans Affairs receives the results of a covered

1 study, the Secretary shall make a determination
2 whether a positive association exists between—

3 (A) the exposure of humans to toxic sub-
4 stances at Karshi Khanabad Air Base, Uzbek-
5 istan, at any time during the period beginning
6 October 1, 2001, and ending December 31,
7 2005; and

8 (B) the occurrence of a diagnosed illness in
9 humans.

10 (2) BASES OF DETERMINATION.—In making a
11 determination under paragraph (1), the Secretary
12 shall consider—

13 (A) whether the evidence is statistically
14 significant, capable of replication, and able to
15 withstand peer review demonstrating that there
16 is positive association between the exposure and
17 the occurrence of a diagnosed illness;

18 (B) the results of a covered study; and

19 (C) all other sound medical and scientific
20 evidence available to the Secretary.

21 (3) PRESUMPTION.—If the Secretary deter-
22 mines that a positive association exists between ex-
23 posure and a diagnosed illness pursuant to para-
24 graph (1), the Secretary shall prescribe regulations
25 providing that—

1 (A) a presumption of service connection is
2 warranted for the illness covered by that deter-
3 mination if the illness first becomes manifest
4 within the period, if any, prescribed in such
5 regulations in a covered veteran; and

6 (B) such covered veteran shall be pre-
7 sumed to have been exposed to toxic substances
8 at Karshi Khanabad Air Base, Uzbekistan, at
9 any time during the period beginning October
10 1, 2001, and ending December 31, 2005, unless
11 there is conclusive evidence to establish that—

12 (i) the covered veteran was not ex-
13 posed to toxic substances in the course of
14 such service in the Armed Forces; or

15 (ii) the illness first became manifest
16 prior to the covered veteran's exposure.

17 (4) SUBMISSION.—Upon the date on which the
18 Secretary makes the determination under paragraph
19 (1), the Secretary shall submit to the Committees on
20 Veterans' Affairs of the House of Representatives
21 and the Senate an explanation of such determina-
22 tion.

23 (b) REGULATIONS.—

24 (1) PROPOSED REGULATIONS.—

1 (A) TIMING.—If the Secretary determines
2 under subsection (a)(1) that a presumption of
3 service connection is warranted for an illness,
4 the Secretary shall, not later than 180 days
5 after making such determination—

6 (i) issue proposed regulations setting
7 forth the determination; or

8 (ii) submit the initial report under
9 subparagraph (B).

10 (B) REPORTS.—If the Secretary does not
11 issue proposed regulations by the deadline es-
12 tablished in subparagraph (A), the Secretary
13 shall submit to the Committees on Veterans'
14 Affairs of the House of Representatives and the
15 Senate a report on the status of such proposed
16 regulations. On a quarterly basis thereafter
17 until the date on which the Secretary issues
18 such proposed regulations, the Secretary shall
19 submit to such committees an update on such
20 status.

21 (2) FINAL REGULATIONS.—Not later than 180
22 days after the date on which the Secretary issues
23 any proposed regulations under this subsection, the
24 Secretary shall prescribe final regulations. Such reg-
25 ulations shall be effective on the date of issuance.

1 (3) PRESUMPTION NOT WARRANTED.—

2 (A) PUBLICATION.—If the Secretary deter-
3 mines under subsection (a) that a presumption
4 of service connection is not warranted for an ill-
5 ness, or proposes to remove a previously estab-
6 lished presumption, the Secretary shall publish
7 in the Federal Register a notice of that deter-
8 mination not later than 180 days after making
9 the determination. The notice shall include an
10 explanation of the evidence and scientific basis
11 for that determination.

12 (B) REMOVAL OF PREVIOUS PRESUMP-
13 TION.—If an illness already presumed to be
14 service connected under this section is subject
15 to a notice published under subparagraph (A),
16 the Secretary shall issue proposed regulations
17 removing the presumption for the illness not
18 later than 180 days after publication of such
19 notice.

20 (4) EFFECT OF REMOVAL.—Whenever the pre-
21 sumption of service connection for an illness under
22 this section is removed under this subsection—

23 (A) a veteran who was awarded compensa-
24 tion for the illness on the basis of the presump-
25 tion before the effective date of the removal of

1 the presumption shall continue to be entitled to
2 receive compensation on that basis; and

3 (B) a survivor of a veteran who was
4 awarded dependency and indemnity compensa-
5 tion for the death of a veteran resulting from
6 the illness on the basis of the presumption be-
7 fore that date shall continue to be entitled to
8 receive dependency and indemnity compensation
9 on that basis.

10 (c) EFFECTIVE DATE OF BENEFIT AWARDS.—The
11 effective date of any benefit awarded by reason of this sec-
12 tion shall be determined in accordance with section 5110
13 of title 38, United States Code, but shall in no case be
14 earlier than the effective date of the final regulations pre-
15 scribed pursuant to subsection (b)(2).

16 (d) DEFINITIONS.—In this section:

17 (1) The term “covered study” includes—

18 (A) the study conducted under section 2;

19 and

20 (B) any subsequent study or any study
21 conducted by the National Academies of
22 Sciences, Engineering, and Medicine regarding
23 the effects of exposure of humans to toxic sub-
24 stances at Karshi Khanabad Air Base, Uzbek-
25 istan, at any time during the period beginning

1 October 1, 2001, and ending December 31,
2 2005.

3 (2) The term “covered veteran” means a vet-
4 eran who was 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.

8 **SEC. 5. ACCESS OF THE NATIONAL ACADEMIES OF**
9 **SCIENCES, ENGINEERING, AND MEDICINE TO**
10 **INFORMATION FROM THE DEPARTMENT OF**
11 **DEFENSE.**

12 Upon request by the National Academies of Sciences,
13 Engineering, and Medicine (in this section referred to as
14 the “Academies”), the Secretary of Defense shall provide
15 to the Academies information in the possession of the De-
16 partment of Defense that the Academies determine useful
17 in performing a covered study, as that term is defined in
18 section 4(d). Such information includes, at a minimum,
19 all environmental sampling data relative to any location
20 included in the study.

○