

119th Congress

1st Session

A BILL (DRAFT)

To amend title 38, United States Code, to establish presumptive service connection for disabilities associated with occupational blast overpressure exposure, to direct the Secretary of Veterans Affairs to promulgate implementing regulations, to provide for survivors of deceased veterans, to establish a dedicated funding mechanism within the Cost of War Toxic Exposures Fund, to require Department of Defense cost-sharing, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Blast Overpressure Accountability Act of 2026” or the “BOAA 2026.”

(b) Table of Contents.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Presumptive service connection for occupational blast overpressure exposure.
- Sec. 5. Qualifying occupational specialties, covered exposures, and historical weapons systems.
- Sec. 6. Era-specific provisions for Korean War, Vietnam-era, and Cold War veterans.
- Sec. 7. Survivors and dependents.
- Sec. 8. Department of Defense data sharing and cooperation.
- Sec. 9. Outreach and notification.
- Sec. 10. Healthcare eligibility.
- Sec. 11. Disability benefits questionnaire and adjudicator training.

Sec. 12. Rulemaking and interim guidance.

Sec. 13. Funding mechanism; mandatory spending designation; Department of Defense cost-sharing.

Sec. 14. Conforming amendments.

Sec. 15. Report to Congress.

Sec. 16. Relationship to other laws.

Sec. 17. Effective date.

SECTION 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) The Millennium Cohort Study, the largest longitudinal military health study ever conducted, documents robust, population-scale associations between occupational blast overpressure exposure and neurological, auditory, psychiatric, and pulmonary outcomes across a dataset exceeding 2,200,000 service members, with additional emerging evidence regarding autonomic and spinal cord conditions warranting further formal evaluation.

(2) Military occupational specialties requiring the regular operation of mortars, howitzers, breaching charges, shoulder-fired rocket systems, recoilless rifles, and heavy machine guns subject service members to repeated low-level blast overpressure associated with chronic neurological injury, even absent a documented traumatic brain injury diagnosis.

(3) High-level blast overpressure from incoming munitions, improvised explosive devices, landmines, and enemy indirect fire has been a pervasive hazard for service members deployed to combat theaters from the Korean War to the present, and is independently associated with traumatic brain injury, post-concussive syndrome, hearing loss, tinnitus, and psychiatric disorders.

(4) Inhalation of respirable particulate matter generated during weapons firing—including lead, copper, barium, and antimony compounds deposited in the alveolar space—is an inseparable component of occupational blast overpressure exposure and is associated with pulmonary inflammation, fibrosis, oxidative stress, and chronic respiratory conditions.

(5) Veterans in Veterans Health Administration care with a traumatic brain injury diagnosis experienced a suicide rate of 77.6 per 100,000 person-years in 2023—a 94.3 percent elevation compared to veterans in such care without such a diagnosis—as documented in the Department’s 2025 National Veteran Suicide Prevention Annual Report.

(6) The National Defense Authorization Act for Fiscal Year 2025, Pub. L. No. 118-159, Subtitle C, Sections 721 through 725, constitutes an enacted institutional acknowledgment that occupational blast overpressure and subconcussive blast exposure are documented occupational harms

warranting federal mitigation and research investment, establishing the Defense Intrepid Network for Traumatic Brain Injury and Brain Health, mandating a traumatic brain injury oversight strategy, and directing performance parameters for weapons systems to minimize blast overpressure at operator position.

(7) Veterans of the Korean War, the Vietnam War, the Cold War standing forces, the Persian Gulf War, the post-September 11, 2001 conflicts, and all intervening periods of service operated weapons systems whose blast overpressure profiles meet or exceed those of currently fielded systems designated as Tier 1 under Department of Defense guidance, and accordingly warrant equivalent presumptive coverage notwithstanding era of service.

(8) The cohort of surviving Korean War veterans is now substantially aged, with the majority above ninety years of age, and the cohort of surviving Vietnam-era veterans is rapidly aging, such that timely adjudication of claims under this Act is essential to ensuring that affected veterans receive benefits during their lifetimes; delay in adjudication operates as a de facto denial for these populations.

(9) Surviving spouses, children, and dependents of veterans whose deaths were caused or materially contributed to by conditions presumptively associated with occupational blast overpressure exposure are entitled to dependency and indemnity compensation under section 1310 of title 38, United States Code, and the absence of a contemporaneous service connection determination during the veteran's lifetime shall not foreclose such entitlement.

(10) The Cost of War Toxic Exposures Fund established by section 805 of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (Pub. L. No. 117-168), codified at section 324 of title 38, United States Code, provides a proven funding architecture for mandatory toxic exposure benefits, and extension of that architecture to occupational blast overpressure exposure is the most administratively efficient and fiscally sound mechanism for funding the presumptions established by this Act.

(11) Consistent with the polluter-pays principle reflected in federal environmental and occupational safety law, the Department of Defense, as the source of the occupational hazard giving rise to the disabilities covered by this Act, should bear a defined share of the long-term costs of compensating affected veterans, and a cost-sharing mechanism between the Department of Defense and the Department of Veterans Affairs is consistent with prior interagency cost allocation under sections 1725A and 1729 of title 38, United States Code.

(12) The evidentiary record meets the equipoise-and-above threshold under section 1173(b)(3) of title 38, United States Code, and credibly supports a sufficient categorization for traumatic brain injury, tinnitus, hearing loss, post-traumatic stress disorder, and headache disorders.

(b) Purpose.—The purposes of this Act are to—

- (1) establish presumptive service connection for disabilities associated with occupational blast overpressure exposure for veterans who served in qualifying military occupational specialties or who were routinely exposed to blast overpressure during active duty service, regardless of era;
- (2) ensure equivalent coverage for veterans of the Korean War, the Vietnam War, the Cold War, the Persian Gulf War, the post-September 11, 2001 conflicts, and all intervening and subsequent periods of service;
- (3) extend dependency and indemnity compensation entitlement to surviving spouses, children, and dependents of deceased covered veterans;
- (4) direct the Secretary to promulgate implementing regulations and to provide interim guidance pending such regulations;
- (5) reduce the evidentiary burden on affected veterans;
- (6) facilitate timely access to Veterans Health Administration care and benefits;
- (7) establish a sustainable funding mechanism through extension of the Cost of War Toxic Exposures Fund and through a Department of Defense cost-sharing requirement; and
- (8) ensure that the implementation of this Act prioritizes claims by veterans aged 75 years or older as of the date of enactment.

SECTION 3. DEFINITIONS.

In this Act:

- (1) Blast overpressure.**—The term “blast overpressure” means the supersonic pressure wave generated by an explosion or weapons discharge, including the primary positive-pressure phase and the subsequent negative-pressure and dynamic pressure phases of the blast wave.
- (2) Low-level blast overpressure.**—The term “low-level blast overpressure” means blast overpressure generated by outgoing munitions—including mortars, howitzers, recoilless rifles, shoulder-fired rocket systems, breaching charges, and heavy weapons—at levels below the threshold for acute concussive traumatic brain injury but above the threshold associated with subclinical neurological injury, cognitive deficit, or auditory damage.
- (3) High-level blast overpressure.**—The term “high-level blast overpressure” means blast overpressure generated by incoming munitions, improvised explosive devices, landmines, vehicle-borne explosive devices, or enemy indirect fire.
- (4) Qualifying military occupational specialty.**—The term “qualifying military occupational specialty” means a military occupational specialty, rating, Air Force specialty code, naval enlisted classification code, or functional equivalent across any military service branch that required the regular operation, firing, or crew-served employment of a blast-producing weapons system, as

identified by the Secretary under section 5, including any predecessor or successor specialty whose duties substantially corresponded thereto.

(5) Covered veteran.—The term “covered veteran” means a veteran who—

(A) served in a qualifying military occupational specialty;

(B) was routinely and repeatedly exposed to blast overpressure during active military service, as established under section 5(b); or

(C) served in a covered special operations component, as defined in section 4(b)(3).

(6) Covered survivor.—The term “covered survivor” means a surviving spouse, child, or dependent parent of a deceased covered veteran, as those terms are defined under section 101 of title 38, United States Code.

(7) Cost of War Toxic Exposures Fund or Fund.—The terms “Cost of War Toxic Exposures Fund” and “Fund” mean the fund established under section 324 of title 38, United States Code.

(8) DoD BOP Directive.—The term “DoD BOP Directive” means the Department of Defense memorandum entitled “Department of Defense Requirements for Managing Brain Health Risks from Blast Overpressure,” issued August 8, 2024, or any successor Department of Defense guidance establishing tiered designation of blast-producing weapons systems.

(9) Secretary.—The term “Secretary” means the Secretary of Veterans Affairs.

(10) Secretary of Defense.—The term “Secretary of Defense” means the Secretary of Defense.

(11) VHA.—The term “VHA” means the Veterans Health Administration.

SECTION 4. PRESUMPTIVE SERVICE CONNECTION FOR OCCUPATIONAL BLAST OVERPRESSURE EXPOSURE.

(a) In General.—Chapter 11 of title 38, United States Code, is amended by inserting after section 1120 the following new section:

“§ 1121. Presumptive service connection for occupational blast overpressure exposure

“(a) Presumption of Service Connection.—For purposes of sections 1110 and 1131 of this title, and subject to section 1113 of this title, each disability specified in subsection (c) that becomes manifest to a degree of ten percent or more in a covered veteran shall be considered to have been incurred in or aggravated during active military, naval, air, or space service, notwithstanding that there is no record of such disease during the period of service. No manifestation period shall be required.

“(b) Covered Veterans.—

“(1) Occupational specialty.—A veteran is a covered veteran if the veteran served on active duty, active duty for training, or inactive duty training in a qualifying military occupational specialty.

“(2) Facts-found basis.—A veteran who did not serve in a qualifying military occupational specialty is a covered veteran if the veteran demonstrates, through service records, unit histories, medical records, or lay evidence, routine and repeated exposure to low-level or high-level blast overpressure during active military service. This pathway includes veterans whose duties regularly placed them in proximity to blast-producing events, including combat support personnel, forward observers, range personnel, explosive ordnance disposal technicians, combat engineers, and armor and mechanized infantry crewmen.

“(3) Special operations forces.—

“(A) Presumption.—A veteran who served in a covered special operations component is a covered veteran without regard to whether the veteran’s assigned military occupational specialty is otherwise listed as a qualifying military occupational specialty under this section.

“(B) Covered special operations components.—The following are covered special operations components for purposes of subparagraph (A):

(i) Army Special Operations Command (USASOC), including United States Army Special Forces, the 75th Ranger Regiment, the 160th Special Operations Aviation Regiment, Civil Affairs, and Military Information Support Operations units, and predecessor formations including the United States Army Special Forces (Airborne) of the Vietnam era and the Studies and Observations Group.

(ii) Naval Special Warfare Command (NSWC), including SEAL Teams, SEAL Delivery Vehicle Teams, Special Boat Teams, and predecessor Underwater Demolition Teams.

(iii) Marine Corps Forces Special Operations Command (MARSOC), including Marine Raider Regiments, Marine Raider Support Groups, and predecessor Marine Force Reconnaissance and Marine Raider units.

(iv) Air Force Special Operations Command (AFSOC), including Special Tactics Squadrons, Pararescue units, Special Reconnaissance teams, Tactical Air Control Parties, and predecessor Air Commando units.

(v) Joint Special Operations Command (JSOC) and its assigned forces, including forces whose designations are classified.

(vi) Theater Special Operations Commands and their subordinate units under geographic combatant commanders.

(vii) Coast Guard Maritime Security Response Team and Maritime Enforcement Specialist units serving in support of United States Special Operations Command operations.

“(C) Records establishing covered special operations service.—

“(i) DD-214 initial screening.—The Secretary shall review the Member-4 long-form copy of the DD-214 as the initial screening document. A Member-1 short-form copy, which routinely omits sensitive assignment information and separation codes, shall not constitute a sufficient basis for denial. If the Member-4 copy reflects, in any block, one or more of the following indicators, the Secretary shall treat that indicator as prima facie evidence of service in a covered special operations component and shall adjudicate the claim accordingly without further verification under clause (ii):

(I) a military occupational specialty, rating, Air Force specialty code, or naval enlisted classification code that, standing alone, designates assignment to a covered special operations component, including Army 18-series MOS designations (conferring Special Forces assignment), Navy SEAL NEC codes (including 5326), and direct-assignment codes for Marine Raiders, AFSOC special warfare personnel, and Coast Guard SO units;

(II) a Special Qualification Identifier (SQI), Additional Skill Identifier (ASI), or functional equivalent that, in conjunction with documented unit assignment reflected elsewhere on the DD-214, establishes assignment to a covered special operations component; provided that a qualification identifier alone, without corresponding unit assignment, is not sufficient under this sub-clause;

(III) completion of a special operations qualification course or award of a special operations qualification badge, tab, or other device, as reflected in Block 14 or Block 13 of the DD-214, where such completion or award is accompanied by, or is itself probative evidence of, assignment to a covered special operations component; provided that completion of a qualifying course or award of a qualification device without corresponding assignment to a covered special operations component is not sufficient under this sub-clause; or

(IV) direct unit assignment, in Block 8a, Block 18, or any other block, to a unit identified in subparagraph (B).

“(ii) Verification through the SOCOM channel.—Where the Member-4 copy of the DD-214 does not reflect sufficient indicators under clause (i)—whether because sensitive assignment information was omitted for operational security purposes or because the veteran’s unit designation is not publicly disclosed—the Secretary shall, before denying the claim—

(I) route the claim to the regional office Military Records Specialist (MRS) to prepare a status verification request identifying the veteran’s branch of service, component, MOS or rating, tour of duty dates, and any unit assignment information available from the claims file, and transmit that request via the existing encrypted channel to United States Special Operations Command (USSOCOM), consistent with the procedures in M21-1, Part IV, Subpart ii, Chapter 1, Section I, as in effect on the date of enactment or as subsequently revised; and

(II) allow not less than 60 days for USSOCOM to respond before issuing a rating decision on the special operations forces service element of the claim.

“(iii) Effect of USSOCOM response.—If USSOCOM provides a sanitized summary confirming the veteran’s service in or attachment to a covered special operations component, the Secretary shall treat that confirmation as conclusive evidence of covered special operations service for purposes of this section, and shall proceed to adjudicate the underlying disability claim. The Secretary shall apply section 3.304(d) of title 38, Code of Federal Regulations, governing service connection for disabilities incurred in combat.

“(4) Combat exposure.—For blast overpressure exposure alleged to have occurred in a combat environment, satisfactory lay or other evidence shall be accepted as sufficient proof of the exposure element, consistent with section 1154(b) of this title.

“(5) Korean War, Vietnam War, and Cold War service.—The Secretary shall not deny presumptive service connection under this section on the basis that the veteran’s period of service predates systematic blast exposure tracking under the DoD BOP Directive, the Defense Occupational and Environmental Health Readiness System, or any other Department of Defense data system. The facts-found pathway under paragraph (2) and the historical weapons systems and military occupational specialty annexes published under section 5(d) of the Blast Overpressure Accountability Act of 2026 shall be applied with full evidentiary weight to claims arising from service during the Korean War, the Vietnam War, the Cold War standing forces, and all intervening periods.

“(c) Covered Disabilities.—The following disabilities shall be subject to the presumption under subsection (a):

“(1) Hearing loss, bilateral or unilateral, as defined under section 4.85 of title 38, Code of Federal Regulations.

“(2) Tinnitus, recurrent.

“(3) Headache disorders, including migraine disorders.

“(4) Acquired pulmonary disorders, including interstitial lung disease, metal-induced pneumoconiosis, pulmonary fibrosis, chronic bronchitis, chronic obstructive pulmonary

disease, emphysema, constrictive or obliterative bronchiolitis, sarcoidosis, granulomatous lung disease, asthma diagnosed after separation from active service, chronic rhinitis, chronic sinusitis, and respiratory cancer.

“(5) Sleep disorders.

“(6) Traumatic brain injury, and any residual or chronic condition thereof, including post-concussive syndrome, cognitive deficits, memory impairment, and dementia.

“(7) Acquired psychiatric conditions, specifically post-traumatic stress disorder, depressive disorders, anxiety disorders, and adjustment disorders.

“(8) Such additional disabilities, including autonomic nervous system disorders and spinal cord conditions, as the Secretary may add to the list under this subsection by regulation following formal evaluation under section 1173 of this title; provided that no provision of this section shall preclude direct service connection for any such condition under sections 1110, 1131, or 1154 of this title independent of the presumption established by this section.

“(d) **Relationship to Other Presumptives.**—Nothing in this section limits the availability of service connection under section 1120 of this title, section 1154 of this title, or any regulation establishing service connection for burn pit, open air waste burning, or fine particulate matter exposure. A covered veteran may seek service connection under this section and any other applicable provision of law.

“(e) **Rebuttal.**—The presumption under this section may be rebutted by clear and convincing evidence that the disability is due to a cause other than active military service, consistent with section 1113 of this title.

“(f) **Rule of Construction.**—This section shall be liberally construed in favor of the claimant, consistent with the benefit-of-the-doubt standard under section 5107(b) of this title.”

SECTION 5. QUALIFYING OCCUPATIONAL SPECIALTIES, COVERED EXPOSURES, AND HISTORICAL WEAPONS SYSTEMS.

(a) Incorporation of DoD Tier 1 Designations.

(1) The Secretary shall treat as qualifying military occupational specialties all occupational specialties whose primary duties require the regular operation of any weapons system designated as Tier 1 under the DoD BOP Directive, or any successor Department of Defense guidance.

(2) The Tier 1 systems identified in the DoD BOP Directive—including breaching charges, shoulder-fired weapons, .50-caliber rifles and guns, mortars, and field artillery howitzers—are hereby recognized as qualifying systems. This recognition is self-executing upon enactment.

(3) Not later than 180 days after enactment, the Secretary shall publish in the Federal Register a list of qualifying military occupational specialties derived from paragraph (1), recognizing equivalent

specialties across all components, including the Reserve Components and National Guard. The Secretary shall update such list not less frequently than once every three years.

(b) Facts-Found Exposure Guidance.—The Secretary shall, by regulation, establish criteria for adjudicating covered veteran status under the facts-found pathway of section 4, including—

- (1) categories of military duties, units, and assignments probative of routine blast overpressure exposure;
- (2) types of records and lay evidence that constitute probative evidence of qualifying exposure;
- (3) procedures ensuring adjudicators apply the benefit-of-the-doubt standard under section 5107(b) of title 38, United States Code; and
- (4) specific guidance for adjudicating claims arising from service during periods predating systematic exposure tracking, including the Korean War, the Vietnam War, and the Cold War standing forces.

(c) Use of Existing Department of Defense Records.

(1) DOEHRS-IH records.—Any record in the Defense Occupational and Environmental Health Readiness System–Industrial Hygiene documenting that a claimant was identified as at increased risk of blast overpressure exposure under the DoD BOP Directive shall satisfy the exposure element of service connection for the documented period of service.

(2) Cognitive assessment records.—Any Department of Defense-administered cognitive baseline or Neurocognitive Assessment Tool record identifying a service member as serving in a high-risk blast overpressure specialty shall be treated as probative evidence of qualifying exposure.

(3) Absence of records.—The absence of a DOEHRS-IH entry, a cognitive baseline, or any other Department of Defense exposure record shall not be construed as evidence against qualifying blast overpressure exposure. For veterans whose service predates systematic tracking, including all veterans who served before January 1, 2008, the facts-found pathway under subsection (b) and the historical weapons and MOS annexes under subsection (d) remain fully available with no diminished evidentiary weight.

(d) Historical Weapons Systems and Military Occupational Specialties.

(1) Floor, not ceiling.—The Tier 1 designations under subsection (a) constitute a minimum. The presumption established under section 4 shall not be limited to veterans who operated weapons systems currently fielded by the Department of Defense or who served in currently designated specialties.

(2) Historical weapons systems annex.—Not later than 180 days after enactment, the Secretary shall publish as part of the list under subsection (a)(3) a supplemental historical annex identifying retired blast-producing weapons systems, including at a minimum—

(A) Korean War-era systems.—Including the 75mm pack howitzer M116, 105mm howitzer M2A1, 155mm howitzer M1 (“Long Tom”) and 155mm gun M1, 8-inch howitzer M1, 240mm howitzer M1, 60mm mortar M2 and M19, 81mm mortar M1, 4.2-inch mortar M2, 57mm recoilless rifle M18, 75mm recoilless rifle M20, and 3.5-inch rocket launcher M20 (“Super Bazooka”);

(B) Vietnam-era and Cold War systems.—Including the M29 and M29A1 81mm mortar, M30 4.2-inch mortar, M101 and M102 105mm howitzers, M114 155mm howitzer, M198 155mm howitzer, M109 series self-propelled howitzers (all variants), M110 8-inch howitzer (all variants), M107 175mm self-propelled gun, M108 105mm self-propelled howitzer, M44 155mm self-propelled howitzer, M52 105mm self-propelled howitzer, M53 155mm self-propelled gun, M55 8-inch self-propelled howitzer, M40 106mm recoilless rifle, M67 90mm recoilless rifle, M72 LAW, M202 FLASH, M47 Dragon, BGM-71 TOW (all variants), M9A1 and M20 Bazooka, and AT4;

(C) Post-Cold War and contemporary systems.—Including all weapons systems designated as Tier 1 or any equivalent successor designation under the DoD BOP Directive or successor Department of Defense guidance, and any unlisted system whose bore diameter, propellant charge, or overpressure profile at operator position is substantially similar to a Tier 1 system; and

(D) Catch-all provision.—Any unlisted system, of any era, whose bore diameter, propellant charge mass, or measured or modeled overpressure profile at operator position is substantially similar to a system listed under subparagraphs (A) through (C).

(3) Historical MOS annex.—Not later than 180 days after enactment, the Secretary shall publish a supplemental historical military occupational specialty annex identifying specialties that have been redesignated, consolidated, or retired since January 1, 1948, and whose primary duties required the regular operation of any system in the historical weapons annex or any Tier 1 system. Such annex shall include at a minimum—

(A) Army specialties.—Army MOS codes 11C (Indirect Fire Infantryman), 11H (Heavy Anti-Armor/Weapons Infantryman), 12B (Combat Engineer), 13B (Cannon Crewmember), 13C (Tactical Automated Fire Control Systems Specialist), 13E (Cannon Fire Direction Specialist), 13F (Fire Support Specialist), 13M (MLRS Crewmember), 13P (MLRS Operations/Fire Direction Specialist), 18-series Special Forces specialties, and any predecessor specialty number under the Specification Serial Number system used during the Korean War and earlier, including SSN 745 (Cannoneer), SSN 607 (Light Mortar Crewman), SSN 604 (Heavy Mortar Crewman), and equivalent designations;

(B) Marine Corps specialties.—Marine Corps MOS codes 0341 (Mortarman), 0351 (Infantry Assault Specialist), 0352 (Anti-Tank Missileman), 0811 (Field Artillery Cannoneer), 0842 (Field Artillery Radar Operator), 1371 (Combat Engineer), and any predecessor MOS or

military specialty number used during the Korean War and earlier whose duties substantially corresponded to those listed herein;

(C) Navy ratings and Coast Guard ratings.—Including Gunner’s Mate (GM and predecessor ratings), Boatswain’s Mate-Gunner, Explosive Ordnance Disposal (EOD), Special Warfare Operator (SO) and predecessor SEAL ratings, and any rating whose duties included routine operation of weapons systems producing blast overpressure in excess of 4 pounds per square inch at operator position; and

(D) Air Force specialties.—Including Tactical Air Control Party (1C4X1 and predecessor codes), Combat Controller (1C2X1), Pararescue (1T2X1), Special Reconnaissance (1Z4X1), Explosive Ordnance Disposal (3E8X1), and predecessor specialties from the United States Army Air Forces era and the early Air Force whose duties substantially corresponded thereto.

(4) Functional equivalence.—A specialty shall be deemed functionally equivalent to a qualifying specialty if its primary duties required operation of a weapons system whose bore diameter, propellant charge mass, or measured or modeled overpressure at operator position is substantially similar to a qualifying or historically listed system. The Secretary shall apply this standard liberally in favor of the claimant.

(5) No era restriction.—The presumption established under section 4 applies to any covered veteran without regard to era of service. This Act expressly reaches veterans of the Korean War (June 27, 1950, through January 31, 1955), the Vietnam War (February 28, 1961, through May 7, 1975, for veterans who served in the Republic of Vietnam, and August 5, 1964, through May 7, 1975, for all other veterans), the Cold War standing forces (September 2, 1945, through December 26, 1991), the Persian Gulf War (August 2, 1990, through a date to be prescribed by Presidential proclamation or law), the post-September 11, 2001 conflicts, and all intervening and subsequent periods of service.

SECTION 6. ERA-SPECIFIC PROVISIONS FOR KOREAN WAR, VIETNAM-ERA, AND COLD WAR VETERANS.

(a) Priority Adjudication for Aged Veterans.—The Secretary shall establish a priority adjudication track for claims filed under section 1121 of title 38, United States Code, as added by this Act, by—

- (1) any veteran aged 75 years or older as of the date of filing;
- (2) any veteran with a documented terminal illness, irrespective of age; and
- (3) any covered survivor whose claim arises from the death of a veteran who served during the Korean War or the Vietnam War.

(b) Adjudication Timeline.—The Secretary shall adjudicate claims described in subsection (a) within 125 days of receipt of a substantially complete claim, consistent with the Veterans Benefits

Administration’s priority case processing standards. Failure to meet this timeline shall be reported under section 15.

(c) Non-Discriminatory Treatment of Pre-2008 Service.—The Secretary, the Board of Veterans’ Appeals, and any reviewing court shall not assign reduced evidentiary weight to a claim or to lay evidence solely on the basis that the underlying service occurred prior to the implementation of the Defense Occupational and Environmental Health Readiness System or other contemporary blast exposure tracking systems. The benefit-of-the-doubt standard under section 5107(b) of title 38, United States Code, shall be applied with particular force in adjudicating claims arising from pre-2008 service.

(d) Reconstruction of Service Records.—For veterans whose service records are unavailable, lost, or destroyed, including veterans whose records were affected by the 1973 fire at the National Personnel Records Center in St. Louis, Missouri, the Secretary shall—

- (1) accept buddy statements, unit histories, after-action reports, command chronologies, and other secondary documentation as probative evidence of service in a qualifying occupational specialty or of qualifying exposure;
- (2) coordinate with the National Personnel Records Center, the United States Army Center of Military History, the Naval History and Heritage Command, the Marine Corps History Division, the Air Force Historical Research Agency, and the Coast Guard Historian’s Office to identify alternative records sources; and
- (3) ensure that the absence of primary service records is not, by itself, a basis for denial.

(e) Coordination With Existing Presumptions.—Nothing in this section limits the availability of presumptive service connection under any other provision of law applicable to Korean War, Vietnam-era, or Cold War veterans, including presumptions related to herbicide exposure under section 1116 of title 38, United States Code, ionizing radiation exposure under section 1112(c) of such title, prisoner of war status under section 1112(b) of such title, or contaminated water exposure at Camp Lejeune under section 1710(e)(1)(F) of such title.

SECTION 7. SURVIVORS AND DEPENDENTS.

(a) Dependency and Indemnity Compensation.—The presumption established under section 1121 of title 38, United States Code, as added by this Act, shall apply for purposes of dependency and indemnity compensation under section 1310 of such title. A covered survivor of a deceased covered veteran is entitled to dependency and indemnity compensation if the cause of the veteran’s death was a disability listed under section 1121(c) of such title, or a disability that was caused or materially contributed to by such a listed disability.

(b) Posthumous Service Connection.—A determination of service connection under section 1121 of title 38, United States Code, may be made posthumously for a deceased veteran solely for the purpose of

establishing entitlement to dependency and indemnity compensation, accrued benefits under section 5121 of such title, or burial benefits under chapter 23 of such title.

(c) Retroactivity for Survivors.—A covered survivor may file a claim under this section without regard to the date of the veteran’s death, provided that the claim is filed within ten years after the date on which the implementing regulations under section 12 take effect. The Secretary shall provide outreach under section 9 to identify potentially eligible survivors of deceased Korean War, Vietnam-era, and Cold War veterans.

(d) No Reduction of Existing Benefits.—Receipt of dependency and indemnity compensation under this section shall not reduce or offset any other benefit payable to a covered survivor under any other provision of law, except as expressly provided in title 38, United States Code.

(e) Burial Benefits.—A determination of service connection under section 1121 of title 38, United States Code, made posthumously, shall confer eligibility for burial in a national cemetery under section 2402 of such title and for the burial allowance under section 2303 of such title, to the extent such benefits would be available had the determination been made during the veteran’s lifetime.

SECTION 8. DEPARTMENT OF DEFENSE DATA SHARING AND COOPERATION.

(a) In General.—The Secretary of Defense shall, in coordination with the Secretary, ensure that the Department of Veterans Affairs has timely access to all Department of Defense records relevant to the adjudication of claims under section 1121 of title 38, United States Code, including—

- (1) Defense Occupational and Environmental Health Readiness System–Industrial Hygiene records;
- (2) cognitive baseline assessments and Neurocognitive Assessment Tool records;
- (3) blast exposure event reports under section 723 of the National Defense Authorization Act for Fiscal Year 2025;
- (4) unit assignment records, including classified unit designations subject to the SOCOM verification channel established under section 4(b)(3)(C) of this Act;
- (5) personnel records affected by the 1973 fire at the National Personnel Records Center, to the extent reconstructed or available from alternative sources; and
- (6) such other records as the Secretary may identify.

(b) Memorandum of Understanding.—Not later than 180 days after enactment, the Secretary and the Secretary of Defense shall enter into a memorandum of understanding governing the data sharing required under subsection (a). The memorandum shall include—

- (1) procedures for timely transmission of records to the Department of Veterans Affairs in connection with pending claims;
- (2) procedures for handling classified or operationally sensitive records, consistent with the encrypted SOCOM channel established under section 4(b)(3)(C);
- (3) procedures for retroactive identification of veterans whose service records reflect qualifying exposure but who have not filed claims; and
- (4) procedures for resolving disputes regarding the scope of records subject to disclosure.

(c) Annual Certification.—The Secretary of Defense shall annually certify to the Committees on Armed Services and Veterans’ Affairs of the Senate and the House of Representatives that the Department of Defense is in compliance with this section.

(d) Default Rule.—Where a record requested under this section is not produced by the Department of Defense within 60 days, the absence of the record shall not be construed as evidence against the claimant, and the Secretary shall proceed to adjudicate the claim under the facts-found pathway.

SECTION 9. OUTREACH AND NOTIFICATION.

(a) Outreach Program.—The Secretary shall, in coordination with the Secretary of Defense, establish an outreach program to identify and notify potentially eligible covered veterans and covered survivors of the benefits available under this Act. The program shall include—

- (1) direct mail notification to veterans whose service records reflect a qualifying military occupational specialty or assignment to a covered special operations component;
- (2) direct mail notification, to the extent practicable, to surviving spouses of record of deceased Korean War, Vietnam-era, and Cold War veterans whose service records reflect qualifying service;
- (3) coordination with veterans service organizations, including organizations representing combat arms communities and special operations communities;
- (4) public service announcements and digital outreach;
- (5) targeted outreach to veterans aged 75 years or older; and
- (6) coordination with State departments of veterans affairs and tribal veterans services.

(b) Funding.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2027 through 2031, to remain available until expended.

(c) Coordination With PACT Act Outreach.—The outreach program established under this section shall, to the extent practicable, be coordinated with the outreach program established under section 504 of

the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022.

SECTION 10. HEALTHCARE ELIGIBILITY.

(a) In General.—Section 1710(e)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(G) Subject to subparagraph (D), a veteran who is a covered veteran, as that term is defined in section 1121 of this title, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability of the veteran, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such service.”

(b) Effective Date for Healthcare Eligibility.—The amendment made by subsection (a) shall take effect on the date of enactment and shall apply with respect to hospital care, medical services, and nursing home care provided on or after such date.

(c) Mental Health Care.—A covered veteran is eligible for mental health care, including counseling, therapy, and medication management, through the Veterans Health Administration, regardless of whether the veteran has filed a claim or received a determination of service connection under section 1121 of title 38, United States Code.

SECTION 11. DISABILITY BENEFITS QUESTIONNAIRE AND ADJUDICATOR TRAINING.

(a) Blast Overpressure Disability Benefits Questionnaire.—Not later than 270 days after enactment, the Secretary shall develop and implement a Disability Benefits Questionnaire specific to occupational blast overpressure exposure, designed to capture—

- (1) the veteran’s service in a qualifying military occupational specialty or covered special operations component;
- (2) the veteran’s exposure history under the facts-found pathway, including approximate frequency, intensity, and duration of exposure;
- (3) the veteran’s current symptoms across each disability category listed under section 1121(c) of title 38, United States Code; and
- (4) the clinician’s assessment of nexus between the veteran’s qualifying exposure and the claimed disability.

(b) Adjudicator Training.—The Secretary shall provide training to all Veterans Benefits Administration adjudicators with responsibility for claims under section 1121 of title 38, United States Code, on—

- (1) the technical characteristics of blast overpressure as an occupational hazard;

- (2) the historical weapons systems and military occupational specialty annexes published under section 5(d);
- (3) the SOCOM verification channel under section 4(b)(3)(C);
- (4) the priority adjudication requirements under section 6;
- (5) the survivors' claims pathway under section 7; and
- (6) the application of the benefit-of-the-doubt standard to claims arising from pre-2008 service.

(c) Clinician Training.—The Secretary, in coordination with the Defense Intrepid Network for Traumatic Brain Injury and Brain Health, shall develop and disseminate clinical guidance to Veterans Health Administration clinicians regarding the diagnosis and management of conditions covered by section 1121(c) of title 38, United States Code.

SECTION 12. RULEMAKING AND INTERIM GUIDANCE.

(a) Final Rulemaking.—Not later than one year after enactment, the Secretary shall promulgate regulations implementing this Act in accordance with subchapter II of chapter 5 of title 5, United States Code. Such regulations shall include—

- (1) an amendment to section 3.307 of title 38, Code of Federal Regulations, adding a new paragraph (8) governing presumptive and direct service connection for blast overpressure-associated diseases, including the pathways, evidentiary standards, and definitions required by this Act;
- (2) an amendment to section 3.309 of title 38, Code of Federal Regulations, adding a new subsection (g) listing diseases associated with occupational blast overpressure exposure, consistent with the covered disabilities enumerated in section 1121(c) of title 38, United States Code, as added by this Act;
- (3) an amendment to part 3 of title 38, Code of Federal Regulations, governing the survivors' claims pathway under section 7;
- (4) procedures implementing the priority adjudication track under section 6; and
- (5) any conforming amendments to adjacent provisions of title 38, Code of Federal Regulations.

(b) Interim Guidance.—Not later than 90 days after enactment, and pending the promulgation of regulations under subsection (a), the Secretary shall issue interim guidance to Veterans Benefits Administration adjudicators directing them to—

- (1) accept, as self-executing, the qualifying status of all military occupational specialties whose primary duties require regular operation of any DoD Tier 1 system under section 5(a)(2);
- (2) apply the SOCOM verification channel under section 4(b)(3)(C) to all special operations forces claims;

- (3) apply the priority adjudication standards under section 6 to all eligible claims; and
- (4) accept survivor claims under section 7.

(c) Preserved Authority.—Nothing in this section limits the Secretary’s authority to expand the covered disabilities list under section 1121(c)(8) of title 38, United States Code, through subsequent rulemaking, or to amend section 3.320 of title 38, Code of Federal Regulations, to add blast overpressure as a qualifying exposure category for existing PM2.5 respiratory presumptions.

(d) Statutory Authority.—Regulations promulgated under this section shall cite as authority sections 501(a), 1110, 1112, 1120, 1121, 1131, 1310, and 1171 through 1174 of title 38, United States Code.

SECTION 13. FUNDING MECHANISM; MANDATORY SPENDING DESIGNATION; DEPARTMENT OF DEFENSE COST-SHARING.

(a) Findings.—Congress finds that—

- (1) the Cost of War Toxic Exposures Fund established by section 805 of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (Pub. L. No. 117-168) and codified at section 324 of title 38, United States Code, provides a proven and operationally mature funding architecture for mandatory toxic exposure benefits;
- (2) extending that architecture to occupational blast overpressure exposure is administratively efficient, fiscally sound, and avoids the duplication that would result from creating a separate fund;
- (3) the Department of Defense, as the source of the occupational hazard giving rise to the disabilities covered by this Act, has an institutional responsibility to bear a defined share of the long-term cost of compensating affected veterans, consistent with the polluter-pays principle reflected in federal occupational safety and environmental law; and
- (4) interagency cost allocation between the Department of Defense and the Department of Veterans Affairs is consistent with prior practice under sections 1725A and 1729 of title 38, United States Code.

(b) Extension of Cost of War Toxic Exposures Fund.—Section 324 of title 38, United States Code, is amended—

- (1) in subsection (a), by inserting after “toxic exposure” the following: “, including occupational blast overpressure exposure as defined in section 1121 of this title,”; and
- (2) by adding at the end the following new subsection:

“(d) Blast Overpressure Sub-Account.—

“(1) Establishment.—There is established within the Fund a sub-account designated the Blast Overpressure Sub-Account, into which shall be deposited all amounts described in paragraph (2).

“(2) Deposits.—The Sub-Account shall consist of—

“(A) such sums as may be appropriated under subsection (c);

“(B) transfers from the Department of Defense under the cost-sharing requirement established under section 13(d) of the Blast Overpressure Accountability Act of 2026; and

“(C) such other amounts as may be transferred or appropriated to the Sub-Account.

“(3) Use of funds.—Amounts in the Sub-Account shall be available, without further appropriation, for—

“(A) payment of compensation, dependency and indemnity compensation, and pension benefits arising from claims under section 1121 of this title;

“(B) provision of healthcare under section 1710(e)(1)(G) of this title, as added by section 10 of the Blast Overpressure Accountability Act of 2026;

“(C) administration of claims under section 1121, including adjudicator training, Disability Benefits Questionnaire development, and information technology modernization; and

“(D) outreach activities under section 9 of the Blast Overpressure Accountability Act of 2026.”

(c) Mandatory Spending Designation.—Amounts paid from the Cost of War Toxic Exposures Fund for purposes described in subsection (b) shall be classified as mandatory spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. § 900 et seq.) and the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. § 931 et seq.). Such amounts shall not be subject to discretionary spending caps and shall not displace other Department of Veterans Affairs discretionary appropriations.

(d) Department of Defense Cost-Sharing.

(1) Annual transfer.—For each fiscal year beginning with fiscal year 2028, the Secretary of Defense shall transfer from amounts available in the Operation and Maintenance accounts of the Department of Defense to the Blast Overpressure Sub-Account of the Cost of War Toxic Exposures Fund an amount equal to two percent of the aggregate Operation and Maintenance funds expended in the preceding fiscal year on training, sustainment, and operation of weapons systems designated as Tier 1 under the DoD BOP Directive or successor Department of Defense guidance.

(2) Calculation.—Not later than 180 days after enactment, the Secretary of Defense, in consultation with the Director of the Office of Management and Budget, shall publish in the Federal Register the methodology for calculating the transfer amount under paragraph (1). The

methodology shall be subject to public notice and comment and shall be revisited not less frequently than once every five years.

(3) Floor.—The transfer required under paragraph (1) shall not be less than \$1,000,000,000 for any fiscal year.

(4) Certification.—The Secretary of Defense shall annually certify to the Committees on Armed Services, Appropriations, and Veterans’ Affairs of the Senate and the House of Representatives that the transfer required under this subsection has been made, and shall report the calculation underlying the transfer.

(5) No reduction in readiness.—The Secretary of Defense shall ensure that the transfer required under this subsection does not result in a reduction of training, equipping, or operational readiness, and shall identify offsets within the Department of Defense budget consistent with this requirement. Nothing in this subsection authorizes a reduction in funding for the Defense Intrepid Network for Traumatic Brain Injury and Brain Health, the Warfighter Brain Health Initiative, or related research and clinical programs.

(6) Failure to transfer.—If the Secretary of Defense fails to make the transfer required under paragraph (1) by the end of the second quarter of any fiscal year, the Secretary of the Treasury shall, upon certification by the Director of the Office of Management and Budget, transfer the required amount from the general fund of the Treasury to the Blast Overpressure Sub-Account, and the amount so transferred shall be deducted from the next-following appropriation to the Department of Defense Operation and Maintenance accounts.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Cost of War Toxic Exposures Fund such sums as may be necessary to carry out section 1121 of title 38, United States Code, as added by this Act.

(f) PAYGO Compliance.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. § 931 et seq.), shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(g) GAO Review.—Not later than three years after enactment, and every five years thereafter, the Comptroller General of the United States shall conduct a review of the cost-sharing mechanism established under subsection (d) and shall submit to Congress a report including—

- (1) an assessment of whether the two percent transfer level is appropriate in light of actual claims experience;
- (2) recommendations for adjustment of the transfer percentage; and

(3) an assessment of whether additional offset mechanisms, including assessments on procurement of newly fielded blast-producing systems, should be considered.

SECTION 14. CONFORMING AMENDMENTS.

(a) Table of Sections.—The table of sections at the beginning of chapter 11 of title 38, United States Code, is amended by inserting after the item relating to section 1120 the following:

“1121. Presumptive service connection for occupational blast overpressure exposure.”

(b) Cross-Reference in Section 1120.—Section 1120 of title 38, United States Code, is amended by adding at the end the following:

“(f) Cross-Reference.—For presumptive service connection for disabilities associated with occupational blast overpressure exposure, see section 1121 of this title. The provisions of this section and section 1121 are cumulative and non-exclusive.”

(c) Conforming Amendments to Section 1310.—Section 1310 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) For purposes of this section, a disability for which presumptive service connection is established under section 1121 of this title shall be deemed a service-connected disability, and a covered survivor under section 7 of the Blast Overpressure Accountability Act of 2026 is entitled to compensation under this section as if a contemporaneous determination of service connection had been made during the veteran’s lifetime.”

SECTION 15. REPORT TO CONGRESS.

(a) Initial Report.—Not later than two years after enactment, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report including—

- (1) the number of claims filed under section 1121 of title 38, United States Code, as added by this Act, disaggregated by covered disability, qualifying pathway, service branch, era of service, and disposition;
- (2) the number of survivor claims filed under section 7, disaggregated by era of service of the deceased veteran;
- (3) an evaluation of the adequacy of the qualifying specialty list, historical weapons annex, and historical MOS annex published under section 5, including recommendations for expansion;
- (4) an assessment of compliance with the priority adjudication standards under section 6, including the number of claims by veterans aged 75 years or older and the average adjudication time for such claims;

- (5) an assessment of the evidence record for any conditions identified for further evaluation under section 1121(c)(8) of title 38, United States Code, evaluated under the strength-of-evidence categories of section 1173(b)(3) of such title, with a determination and any recommendation for additional covered conditions;
- (6) the status of implementing regulations under section 12 and the status of interim guidance;
- (7) the status of the memorandum of understanding under section 8 and an assessment of Department of Defense compliance with data sharing requirements;
- (8) the status of outreach activities under section 9, including data on the demographic reach of such outreach;
- (9) the status of the Department of Defense cost-sharing transfer under section 13(d), including the calculation methodology and any disputes regarding compliance; and
- (10) the Secretary’s plan for integrating blast exposure history into Veterans Health Administration records and claims adjudication.

(b) Subsequent Reports.—Not later than three years after enactment, and every three years thereafter for fifteen years, the Secretary shall submit to the same committees an updated report addressing the items in subsection (a) and any changes in the evidence record warranting modification of the covered disabilities list.

SECTION 16. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall be construed to—

- (1) limit the authority to establish service connection under sections 1110, 1131, or 1154 of title 38, United States Code, independent of this Act;
- (2) limit the availability of presumptive service connection under section 1116 of title 38, United States Code (relating to herbicide exposure), section 1112(c) of such title (relating to ionizing radiation exposure), section 1117 of such title (relating to Persian Gulf War undiagnosed illnesses), section 1120 of such title, or section 3.320 of title 38, Code of Federal Regulations;
- (3) limit the formal evaluation and rulemaking obligations of the Secretary under sections 1171 through 1174 of title 38, United States Code;
- (4) limit the benefit-of-the-doubt standard under section 5107(b) of title 38, United States Code; or
- (5) limit the availability of dependency and indemnity compensation under section 1310 of title 38, United States Code, or accrued benefits under section 5121 of such title, on any other basis.

SECTION 17. EFFECTIVE DATE.

(a) In General.—This Act takes effect on the date of enactment.

(b) Retroactivity.—Section 1121 of title 38, United States Code, as added by this Act, applies to—

(1) claims filed on or after the date of enactment;

(2) claims pending before the Secretary, the Board of Veterans’ Appeals, or a Federal court on the date of enactment;

(3) claims denied before enactment solely because the claimant could not establish service connection for a covered disability, if the claimant files a supplemental claim within one year after the implementing regulations under section 12 take effect; and

(4) claims by covered survivors under section 7, subject to the ten-year filing window under section 7(c).

(c) Priority Effective Date for Aged Veterans.—The priority adjudication track under section 6 shall be operational not later than 90 days after enactment, contemporaneous with the issuance of interim guidance under section 12(b).

(d) No Offset Against Other Benefits.—No amount paid under this Act shall be offset against or deducted from any amount previously paid or payable under any other provision of law.

(e) Severability.—If any provision of this Act, or the application thereof to any person or circumstance, is held to be invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Blast Overpressure Accountability Act of 2026

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