

118TH CONGRESS
2D SESSION

H. R. 7738

To establish the Toxic Exposure Fund of the Department of Veterans Affairs,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2024

Mr. BOST (for himself, Mrs. MILLER-MEEKS, and Mr. SCOTT FRANKLIN of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Rules, and the Budget, 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 establish the Toxic Exposure Fund of the Department
of Veterans Affairs, 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 “Toxic Exposure Fund
5 Improvement Act of 2024”.

6 **SEC. 2. TOXIC EXPOSURE FUND.**

7 (a) IN GENERAL.—Section 324 of title 38, United
8 States Code, is amended to read as follows:

1 **“§ 324. Toxic Exposure Fund**

2 “(a) IN GENERAL.—The Secretary of Veterans Af-
3 fairs shall use any funds appropriated pursuant to the au-
4 thorization of appropriations in subsection (b)(3) to carry
5 out the purposes of the Toxic Exposure Fund described
6 in subsection (b)(4).

7 “(b) TOXIC EXPOSURE FUND.—

8 “(1) ESTABLISHMENT.—There is established in
9 the Treasury an account, to be known as the ‘Toxic
10 Exposure Fund’ (referred to in this subsection as
11 the ‘Fund’), to carry out the purposes described in
12 paragraph (4).

13 “(2) TRANSFER OF DIRECT SPENDING SAV-
14 INGS.—

15 “(A) IN GENERAL.—The following
16 amounts shall be transferred, from the savings
17 described in subsection (e)(1), to the Toxic Ex-
18 posure Fund:

19 “(i) For fiscal year 2026,
20 \$26,411,000,000.

21 “(ii) For fiscal year 2027,
22 \$28,524,000,000.

23 “(iii) For fiscal year 2028,
24 \$30,806,000,000.

25 “(iv) For fiscal year 2029,
26 \$33,271,000,000.

1 “(v) For fiscal year 2030,
2 \$35,932,000,000.

3 “(vi) For fiscal year 2031,
4 \$38,807,000,000.

5 “(vii) For fiscal year 2032,
6 \$41,912,000,000.

7 “(viii) For fiscal year 2033,
8 \$45,264,000,000.

9 “(B) AMOUNTS DEPOSITED.—Any
10 amounts transferred under subparagraph (A)
11 shall remain unavailable for obligation or ex-
12 penditure until such amounts are appropriated
13 pursuant to paragraph (3).

14 “(C) ADJUSTMENTS.—

15 “(i) IN GENERAL.—Any amounts
16 under subparagraph (A) that are not ap-
17 propriated for a fiscal year shall be avail-
18 able for appropriation, under the terms
19 and conditions of this section, during the
20 subsequent fiscal year.

21 “(ii) BUDGET.—When the President
22 submits the budget under section 1105 of
23 title 31 for any of fiscal years 2026
24 through 2033, the Office of Management
25 and Budget shall calculate and the budget

1 shall include adjustments reflecting
2 amounts carried over by operation of
3 clause (i).

4 “(3) APPROPRIATIONS.—

5 “(A) AUTHORIZATION OF APPROPRIA-
6 TIONS.—For each of the fiscal years 2026
7 through 2033, there is authorized to be appro-
8 priated from the Fund to the Secretary of Vet-
9 erans Affairs, for the purpose of carrying out
10 the Fund, an amount not to exceed the total
11 amount transferred to the Fund under para-
12 graph (2)(A), to remain available until ex-
13 pended.

14 “(B) OFFSETTING FUTURE APPROPRIA-
15 TIONS.—For any of the fiscal years 2026
16 through 2033 for any discretionary appropria-
17 tion under the heading ‘Toxic Exposure Fund’
18 provided to the Secretary of Veterans Affairs
19 pursuant to the authorization of appropriations
20 under subparagraph (A), the total amount of
21 such appropriations for the applicable fiscal
22 year (not to exceed the total amount remaining
23 in the Fund) shall be subtracted from the esti-
24 mate of discretionary budget authority and the
25 resulting outlays for any estimate under the

1 Congressional Budget and Impoundment Con-
2 trol Act of 1974 or the Balanced Budget and
3 Emergency Deficit Control Act of 1985, and
4 the amount transferred to the Fund shall be re-
5 duced by the same amount.

6 “(4) PURPOSE.—Amounts appropriated from
7 the Fund—

8 “(A) shall be available for—

9 “(i) the delivery of veterans’ health
10 care under Public Law 117–168, subject to
11 the eligibility criteria described in section
12 1710(e) of this title as added to such sec-
13 tion by such Public Law;

14 “(ii) any expenses, including adminis-
15 trative and information technology ex-
16 penses, incident to—

17 “(I) the delivery of veterans’
18 health care described in clause (i); or

19 “(II) the delivery of benefits
20 under Public Law 117–168, including
21 to carry out section 701 of such Pub-
22 lic Law; and

23 “(iii) medical research under Public
24 Law 117–168; and

1 “(B) shall not be available for leases as au-
2 thorized or approved under section 8104 of this
3 title.

4 “(c) ACCOUNTABILITY AND OVERSIGHT.—

5 “(1) WORK PLAN.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of the enactment of the
8 Toxic Exposure Fund Improvement Act, the
9 Secretary of Veterans Affairs shall submit, to
10 the Committee on Veterans Affairs and Com-
11 mittee on Appropriations of the House of Rep-
12 resentatives and Committee on Veterans Affairs
13 and Committee on Appropriations of the Sen-
14 ate, a work plan including the proposed alloca-
15 tion of funds authorized to be appropriated pur-
16 suant to subsection (b)(3) for each fiscal years
17 2025 through 2033 for the Fund and the con-
18 tents described in subparagraph (B).

19 “(B) CONTENTS.—The work plan sub-
20 mitted under subparagraph (A) shall include—

21 “(i) the amount of money to be obli-
22 gated or expended in each year from the
23 Fund; and

1 “(ii) a description of how each such
2 account supports the strategic goal of serv-
3 ing veterans exposed to toxic materials.

4 “(2) REPORTS.—

5 “(A) ANNUAL REPORTS.—Not later than
6 January 1 of each fiscal years 2027 through
7 2033, the Secretary shall submit to the Com-
8 mittee on Veterans Affairs and Committee on
9 Appropriations of the House of Representatives
10 and Committee on Veterans Affairs and Com-
11 mittee on Appropriations of the Senate, a re-
12 port including—

13 “(i) the amount of money obligated or
14 expended in the prior fiscal year from the
15 Fund;

16 “(ii) a description of any such project
17 using funds provided pursuant to the au-
18 thorization of appropriations under sub-
19 section (b)(3); and

20 “(iii) whether such projects are serv-
21 ing veterans exposed to toxic materials.

22 “(B) ADDITIONAL REPORTS.—Upon the
23 request of the Committee on Veterans Affairs
24 and Committee on Appropriations of the House
25 of Representatives and Committee on Veterans

1 Affairs and Committee on Appropriations of the
2 Senate, the Secretary shall provide an update in
3 the form of testimony and any additional re-
4 ports to the respective congressional committee
5 regarding the allocation of funding under this
6 section or the description of the Fund.

7 “(d) TRANSFER AND REPROGRAMMING OF FUNDS.—
8 No amounts may be transferred into the Fund may be
9 from amounts that were designated by Congress as an
10 emergency requirement pursuant to a concurrent resolu-
11 tion on the budget or the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 “(e) BUDGET SCOREKEEPING.—

14 “(1) SAVINGS.—The amounts made available
15 under subsection (b)(2) shall be derived from sav-
16 ings generated through the modification of the Fund
17 by operation of this enactment of the Toxic Expo-
18 sure Fund Improvement Act to cover the cost of the
19 Fund. Any funds in excess of the total amounts so
20 made available shall be returned to the general fund
21 of the Treasury.

22 “(2) ESTIMATES FOR CONGRESSIONAL CONSID-
23 ERATION.—The Secretary shall include in the docu-
24 ments submitted to Congress in support of the
25 President’s budget submitted pursuant to section

1 1105 of title 31 detailed estimates of the sums de-
2 scribed in subsection (b) for the applicable fiscal
3 year.

4 “(3) PROCEDURES FOR ESTIMATES.—After
5 consultation with the Committees on Veterans’ Af-
6 fairs and Appropriations of the House of Represent-
7 atives and Senate, the Secretary may establish poli-
8 cies and procedures for developing the annual de-
9 tailed estimates required by paragraph (2).

10 “(f) BUDGETARY TREATMENT.—

11 “(1) STATUTORY PAYGO SCORECARDS.—The
12 budgetary effects of this section shall not be entered
13 on either PAYGO scorecard maintained pursuant to
14 section 4(d) of the Statutory Pay-As-You-Go Act of
15 2010 (2 U.S.C. 933(d)).

16 “(2) SENATE PAYGO SCORECARDS.—The budg-
17 etary effects of this section shall not be entered on
18 any PAYGO scorecard maintained for purposes of
19 section 4106 of H. Con. Res. 71 (115th Congress).

20 “(3) RESERVATION OF SAVINGS.—None of the
21 amounts in the Fund may be made available except
22 to the extent provided in advance in appropriations
23 Acts, and legislation or an Act that rescinds or re-
24 duces amounts in such accounts shall not be esti-
25 mated as a reduction in direct spending under the

1 Congressional Budget and Impoundment Control
2 Act of 1974 or the Balanced Budget and Emergency
3 Deficit Control Act of 1985.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 3 of title 38, United States Code, is amended
6 by striking the item relating to section 324 and inserting
7 the following:

“324. Toxic Exposure Fund.”.

8 (c) APPLICATION FOR FISCAL YEARS 2024 AND
9 2025.—

10 (1) IN GENERAL.—The amounts made available
11 under section 101(d) of title I of division A of Public
12 Law 118–5 shall be carried out consistent with the
13 requirements of section 324 of title 38, United
14 States Code, as amended by subsection (a) of this
15 section.

16 (2) LIMITS.—In carrying out paragraph (1) for
17 fiscal years 2024 and 2025, the amounts appro-
18 priated by such section 101(d) for fiscal year 2024
19 or 2025 shall be deemed to be an amount trans-
20 ferred to the Toxic Exposure Fund under subsection
21 (b)(2)(A) of such section 324, and shall be treated
22 in the same manner as amounts so transferred for
23 each of fiscal years 2026 through 2033.

24 (3) RULE OF CONSTRUCTION.—Nothing in this
25 subsection shall be construed to require such

1 amounts for fiscal year 2024 and 2025 to be re-
2 appropriated by Congress, and such funds shall be
3 available for obligation and expenditure without fu-
4 ture appropriations.

5 **SEC. 3. TOXIC EXPOSURE FUND APPROPRIATIONS FOR FIS-**
6 **CAL YEARS 2034 THROUGH 2045.**

7 (a) ASSESSMENT.—Not later than November 1,
8 2024, and annually thereafter, the Secretary shall submit
9 an assessment, to the Committees on Veterans' Affairs of
10 the Senate and the House of Representatives, on the fund-
11 ing provided to carry out the Toxic Exposure Fund under
12 section 324 of title 38, United States Code. Such assess-
13 ment shall include the following:

14 (1) The amount of monies that were obligated
15 and expended from the Fund during the most re-
16 cently ended fiscal year.

17 (2) An estimate of the amount of funds that
18 transferred from the most recently ended fiscal year
19 to the current fiscal year pursuant to subsection
20 (b)(2)(C)(i) of such section 324.

21 (b) PROPOSED FUNDING LEVEL.—Not later than
22 October 1, 2033, the Secretary shall submit to Congress
23 a report containing proposed funding levels for the Toxic
24 Exposure Fund for each of fiscal years 2034 through
25 2045. Such report shall include—

1 (1) a single page containing a list of each such
2 fiscal year and a corresponding proposed appropria-
3 tion (expressed as a single dollar amount) for such
4 a year in the same manner as provided in section
5 324(b)(2)(A) of title 38, United States Code;

6 (2) an explanation and methodology of how the
7 Secretary determined such amounts are appropriate
8 funding levels; and

9 (3) how such funding levels will address pos-
10 sible inflation and will fully fund activities author-
11 ized under such section 324.

12 (c) PROVISION OF FUNDS.—Unless a joint resolution
13 of disapproval under subsection (d) is enacted into law,
14 on October 1, 2034, and on October 1 of each of fiscal
15 years 2035 through 2045, there are hereby appropriated,
16 out of any money in the Treasury not otherwise appro-
17 priated, the dollar amount for the applicable fiscal year
18 submitted by the Secretary under subsection (b)(1).
19 Amounts appropriated under this subsection shall be avail-
20 able under the terms and conditions of section 324 of title
21 38, United States Code.

22 (d) JOINT RESOLUTION OF DISAPPROVAL.—

23 (1) IN GENERAL.—For purposes of this sub-
24 section, the term “joint resolution” means only a
25 joint resolution which is introduced within the 5-day

1 period beginning on the date on which the Secretary
2 transmits the report to the Congress under sub-
3 section (b), and—

4 (A) which does not have a preamble;

5 (B) the matter after the resolving clause of
6 which is as follows: “That Congress disapproves
7 the recommendations for the funding of the
8 Toxic Exposure Fund for Fiscal Years 2034
9 through 2045”, the blank space being filled
10 with the appropriate date; and

11 (C) the title of which is as follows: “Joint
12 resolution disapproving the recommendations
13 for the funding of the Toxic Exposure Fund for
14 Fiscal Years 2034 through 2045.”.

15 (2) CONSIDERATION IN THE HOUSE OF REP-
16 REPRESENTATIVES.—

17 (A) REPORTING AND DISCHARGE.—Any
18 committee of the House of Representatives to
19 which a joint resolution is referred shall report
20 it to the House without amendment not later
21 than 15 legislative days after the date of intro-
22 duction thereof. If a committee fails to report
23 the joint resolution, the committee shall be dis-
24 charged from further consideration of the joint
25 resolution.

1 (B) PROCEEDING TO CONSIDERATION.—It
2 shall be in order at any time after the third leg-
3 islative day after each committee authorized to
4 consider a joint resolution has reported or has
5 been discharged from consideration of a joint
6 resolution, to move to proceed to consider the
7 joint resolution in the House. All points of
8 order against the motion are waived. Such a
9 motion shall not be in order after the House
10 has disposed of a motion to proceed on a joint
11 resolution addressing a particular submission.
12 The previous question shall be considered as or-
13 dered on the motion to its adoption without in-
14 tervening motion. The motion shall not be de-
15 batable. A motion to reconsider the vote by
16 which the motion is disposed of shall not be in
17 order.

18 (C) CONSIDERATION.—The joint resolution
19 shall be considered as read. All points of order
20 against the joint resolution and against its con-
21 sideration are waived. The previous question
22 shall be considered as ordered on the joint reso-
23 lution to its passage without intervening motion
24 except 2 hours of debate equally divided and
25 controlled by the proponent and an opponent. A

1 motion to reconsider the vote on passage of the
2 joint resolution shall not be in order.

3 (3) CONSIDERATION IN THE SENATE.—

4 (A) REFERRAL.—A joint resolution intro-
5 duced in the Senate shall be referred to the
6 Committee on Veterans' Affairs.

7 (B) REPORTING AND DISCHARGE.—Any
8 committee of the Senate to which a joint resolu-
9 tion is referred shall report it to the Senate
10 without amendment not later than 15 session
11 days after the date of introduction of a joint
12 resolution described in paragraph (1). If a com-
13 mittee fails to report the joint resolution within
14 that period, the committee shall be discharged
15 from further consideration of the joint resolu-
16 tion and the joint resolution shall be placed on
17 the calendar.

18 (C) FLOOR CONSIDERATION.—

19 (i) IN GENERAL.—Notwithstanding
20 Rule XXII of the Standing Rules of the
21 Senate, it is in order at any time after the
22 third session day on which the Committee
23 on Veterans' Affairs has reported or has
24 been discharged from consideration of a
25 joint resolution described in paragraph (1)

1 (even though a previous motion to the
2 same effect has been disagreed to) to move
3 to proceed to the consideration of the joint
4 resolution, and all points of order against
5 the joint resolution (and against consider-
6 ation of the joint resolution) are waived.
7 The motion to proceed is not debatable.
8 The motion is not subject to a motion to
9 postpone. A motion to reconsider the vote
10 by which the motion is agreed to or dis-
11 agreed to shall not be in order. If a motion
12 to proceed to the consideration of the reso-
13 lution is agreed to, the joint resolution
14 shall remain the unfinished business until
15 disposed of.

16 (ii) CONSIDERATION.—Consideration
17 of the joint resolution, and on all debatable
18 motions and appeals in connection there-
19 with, shall be limited to not more than 2
20 hours, which shall be divided equally be-
21 tween the majority and minority leaders or
22 their designees. A motion further to limit
23 debate is in order and not debatable. An
24 amendment to, or a motion to postpone, or
25 a motion to proceed to the consideration of

1 other business, or a motion to recommit
2 the joint resolution is not in order.

3 (iii) VOTE ON PASSAGE.—If the Sen-
4 ate has voted to proceed to a joint resolu-
5 tion, the vote on passage of the joint reso-
6 lution shall occur immediately following the
7 conclusion of consideration of the joint res-
8 olution, and a single quorum call at the
9 conclusion of the debate if requested in ac-
10 cordance with the rules of the Senate.

11 (iv) RULINGS OF THE CHAIR ON PRO-
12 CEDURE.—Appeals from the decisions of
13 the Chair relating to the application of the
14 rules of the Senate, as the case may be, to
15 the procedure relating to a joint resolution
16 shall be decided without debate.

17 (4) AMENDMENT NOT IN ORDER.—A joint reso-
18 lution of disapproval considered pursuant to this sec-
19 tion shall not be subject to amendment in either the
20 House of Representatives or the Senate.

21 (5) COORDINATION WITH ACTION BY OTHER
22 HOUSE.—

23 (A) IN GENERAL.—If, before the passage
24 by one House of the joint resolution of that
25 House, that House receives the joint resolution

1 from the other House, then the following proce-
2 dures shall apply:

3 (i) The joint resolution of the other
4 House shall not be referred to a com-
5 mittee.

6 (ii) With respect to the joint resolu-
7 tion of the House receiving the joint reso-
8 lution—

9 (I) the procedure in that House
10 shall be the same as if no joint resolu-
11 tion had been received from the other
12 House; but

13 (II) the vote on passage shall be
14 on the joint resolution of the other
15 House.

16 (B) TREATMENT OF JOINT RESOLUTION
17 OF OTHER HOUSE.—If the Senate fails to intro-
18 duce or consider a joint resolution under this
19 section, the joint resolution of the House shall
20 be entitled to expedited floor procedures under
21 this section.

22 (C) TREATMENT OF COMPANION MEAS-
23 URES.—If, following passage of the joint resolu-
24 tion in the Senate, the Senate then receives the
25 companion measure from the House of Rep-

1 representatives, the companion measure shall not
2 be debatable.

3 (6) RULES OF THE HOUSE OF REPRESENTA-
4 TIVES AND SENATE.—This subsection is enacted by
5 Congress—

6 (A) as an exercise of the rulemaking power
7 of the Senate and House of Representatives, re-
8 spectively, and as such it is deemed a part of
9 the rules of each House, respectively, but appli-
10 cable only with respect to the procedure to be
11 followed in that House in the case of a joint
12 resolution, and it supersedes other rules only to
13 the extent that it is inconsistent with such
14 rules; and

15 (B) with full recognition of the constitu-
16 tional right of either House to change the rules
17 (so far as relating to the procedure of that
18 House) at any time, in the same manner, and
19 to the same extent as in the case of any other
20 rule of that House.

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