

115TH CONGRESS  
1ST SESSION

# S. 319

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2017

Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BOOKER, Mr. ROUNDS, Mr. FRANKEN, Ms. BALDWIN, Mrs. GILLIBRAND, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits.

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 “Helping Veterans Ex-  
5 posed to Burn Pits Act”.

1 **SEC. 2. ESTABLISHMENT OF CENTER OF EXCELLENCE IN**  
 2 **PREVENTION, DIAGNOSIS, MITIGATION,**  
 3 **TREATMENT, AND REHABILITATION OF**  
 4 **HEALTH CONDITIONS RELATING TO EXPO-**  
 5 **SURE TO BURN PITS AND OTHER ENVIRON-**  
 6 **MENTAL EXPOSURES.**

7 (a) IN GENERAL.—Subchapter II of chapter 73 of  
 8 title 38, United States Code, is amended by adding at the  
 9 end the following new section:

10 **“§ 7330C. Center of excellence in prevention, diag-**  
 11 **nosis, mitigation, treatment, and rehabili-**  
 12 **tation of health conditions relating to ex-**  
 13 **posure to burn pits and other environ-**  
 14 **mental exposures**

15 “(a) ESTABLISHMENT.—(1) The Secretary shall es-  
 16 tablish within the Department a center of excellence in  
 17 the prevention, diagnosis, mitigation, treatment, and reha-  
 18 bilitation of health conditions relating to exposure to burn  
 19 pits and other environmental exposures to carry out the  
 20 responsibilities specified in subsection (d).

21 “(2) The Secretary shall establish the center of excel-  
 22 lence under paragraph (1) through the use of—

23 “(A) the directives and policies of the Depart-  
 24 ment in effect as of the date of the enactment of the  
 25 Helping Veterans Exposed to Burn Pits Act;

1           “(B) the recommendations of the Comptroller  
2           General of the United States and Inspector General  
3           of the Department in effect as of such date; and

4           “(C) guidance issued by the Secretary of De-  
5           fense under section 313 of the National Defense Au-  
6           thorization Act for Fiscal Year 2013 (Public Law  
7           112–239; 10 U.S.C. 1074 note).

8           “(b) SELECTION OF SITE.—In selecting the site for  
9           the center of excellence established under subsection (a),  
10          the Secretary shall consider entities that—

11           “(1) are equipped with the specialized equip-  
12           ment needed to study, diagnose, and treat health  
13           conditions relating to exposure to burn pits and  
14           other environmental exposures;

15           “(2) have a track record of publishing informa-  
16           tion relating to post-deployment health exposures  
17           among veterans who served in the Armed Forces in  
18           support of Operation Iraqi Freedom and Operation  
19           Enduring Freedom;

20           “(3) have access to animal models and in vitro  
21           models of dust immunology and lung injury con-  
22           sistent with the injuries of members of the Armed  
23           Forces who served in support of Operation Iraqi  
24           Freedom and Operation Enduring Freedom; and

1           “(4) have expertise in allergy, immunology, and  
2           pulmonary diseases.

3           “(c) COLLABORATION.—The Secretary shall ensure  
4           that the center of excellence collaborates, to the maximum  
5           extent practicable, with the Secretary of Defense, institu-  
6           tions of higher education, and other appropriate public  
7           and private entities (including international entities) to  
8           carry out the responsibilities specified in subsection (d).

9           “(d) RESPONSIBILITIES.—The center of excellence  
10          shall have the following responsibilities:

11           “(1) To provide for the development, testing,  
12           and dissemination within the Department of best  
13           practices for the treatment of health conditions re-  
14           lating to exposure to burn pits and other environ-  
15           mental exposures.

16           “(2) To provide guidance for the health systems  
17           of the Department and the Department of Defense  
18           in determining the personnel required to provide  
19           quality health care for members of the Armed  
20           Forces and veterans with health conditions relating  
21           to exposure to burn pits and other environmental ex-  
22           posures.

23           “(3) To establish, implement, and oversee a  
24           comprehensive program to train health professionals  
25           of the Department and the Department of Defense

1 in the treatment of health conditions relating to ex-  
2 posure to burn pits and other environmental expo-  
3 sures.

4 “(4) To facilitate advancements in the study of  
5 the short-term and long-term effects of exposure to  
6 burn pits and other environmental exposures.

7 “(5) To disseminate within medical facilities of  
8 the Department best practices for training health  
9 professionals with respect to health conditions relat-  
10 ing to exposure to burn pits and other environmental  
11 exposures.

12 “(6) To conduct basic science and translational  
13 research on health conditions relating to exposure to  
14 burn pits and other environmental exposures for the  
15 purposes of understanding the etiology of such con-  
16 ditions and developing preventive interventions and  
17 new treatments.

18 “(7) To provide medical treatment to veterans  
19 diagnosed with medical conditions specific to expo-  
20 sure to burn pits and other environmental exposures.

21 “(e) USE OF BURN PITS REGISTRY DATA.—In car-  
22 rying out its responsibilities under subsection (d), the cen-  
23 ter of excellence shall have access to and make use of the  
24 data accumulated by the burn pits registry established  
25 under section 201 of the Dignified Burial and Other Vet-

1 erans' Benefits Improvement Act of 2012 (Public Law  
2 112–260; 38 U.S.C. 527 note).

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘burn pit’ means an area of land  
5 located in Afghanistan or Iraq that—

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

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

13 “(2) The term ‘other environmental exposures’  
14 means exposure to environmental hazards, including  
15 burn pits, dust or sand, hazardous materials, and  
16 waste at any site in Afghanistan or Iraq that emits  
17 smoke containing pollutants present in the environ-  
18 ment or smoke from fires or explosions.

19 “(g) FUNDING.—(1) There is authorized to be appro-  
20 priated to carry out this section \$4,100,000 for each of  
21 the first five fiscal years beginning after the date of the  
22 enactment of the Helping Veterans Exposed to Burn Pits  
23 Act.

24 “(2) The Secretary may award additional amounts on  
25 a competitive basis to the center of excellence from the

1 medical and prosthetics research account of the Depart-  
2 ment for the purpose of conducting research under this  
3 section relating to clinical and scientific investigation.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of chapter 73 of such title is amended  
6 by inserting after the item relating to section 7330B the  
7 following new item:

“7330C. Center of excellence in prevention, diagnosis, mitigation, treatment,  
and rehabilitation of health conditions relating to exposure to  
burn pits and other environmental exposures.”.

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