

117TH CONGRESS
2D SESSION

S. 3541

To improve health care and services for veterans exposed to toxic substances,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2022

Mr. TESTER (for himself, Mr. MORAN, Ms. HASSAN, Mr. TILLIS, Mr. MANCHIN, Mr. SULLIVAN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mrs. MURRAY, Mr. TUBERVILLE, Ms. HIRONO, Mr. CASSIDY, Mr. SANDERS, Mr. CRAMER, Ms. SINEMA, Mr. ROUNDS, Mr. BROWN, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To improve health care and services for veterans exposed
to toxic substances, 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 “Health Care for Burn
5 Pit Veterans Act”.

1 **SEC. 2. EXPANSION OF ELIGIBILITY FOR HEALTH CARE**
2 **FROM DEPARTMENT OF VETERANS AFFAIRS**
3 **FOR CERTAIN VETERANS EXPOSED TO TOXIC**
4 **SUBSTANCES.**

5 (a) IN GENERAL.—Section 1710(e)(3) of title 38,
6 United States Code, is amended—

7 (1) in subparagraph (A)—

8 (A) by striking “January 27, 2003” and
9 inserting “September 11, 2001”; and

10 (B) by striking “five-year period” and in-
11 serting “ten-year period”;

12 (2) by amending subparagraph (B) to read as
13 follows:

14 “(B) With respect to a veteran described in
15 paragraph (1)(D) who was discharged or released
16 from the active military, naval, air, or space service
17 after September 11, 2001, and before October 1,
18 2013, but did not enroll to receive such hospital
19 care, medical services, or nursing home care under
20 such paragraph pursuant to subparagraph (A) be-
21 fore October 1, 2022, the one-year period beginning
22 on October 1, 2022.”; and

23 (3) by striking subparagraph (C).

24 (b) CLARIFICATION OF COVERAGE.—Section
25 1710(e)(1)(D) of such title is amended by inserting after
26 “Persian Gulf War” the following: “(to include any vet-

1 eran who, in connection with service during such period,
 2 received the Armed Forces Expeditionary Medal, Service
 3 Specific Expeditionary Medal, Combat Era Specific Expe-
 4 ditionary Medal, Campaign Specific Medal, or any other
 5 combat theater award established by a Federal statute or
 6 an Executive Order”.

7 (c) REPORT.—Not later than October 1, 2024, the
 8 Secretary of Veterans Affairs shall submit to the Com-
 9 mittee on Veterans’ Affairs of the Senate and the Com-
 10 mittee on Veterans’ Affairs of the House of Representa-
 11 tives a report on—

12 (1) the number of veterans who enrolled in the
 13 system of annual patient enrollment of the Depart-
 14 ment of Veterans Affairs established and operated
 15 under section 1705(a) of title 38, United States
 16 Code, to receive care pursuant to eligibility under
 17 subparagraph (B) of section 1710(e)(3) of such title,
 18 as amended by subsection (a)(2); and

19 (2) of the veterans described in paragraph (1),
 20 the number of such veterans who reported a health
 21 concern related to exposure to a toxic substance or
 22 radiation.

23 (d) OUTREACH PLAN.—Not later than December 1,
 24 2022, the Secretary shall submit to the Committee on Vet-
 25 erans’ Affairs of the Senate and the Committee on Vet-

1 erans' Affairs of the House of Representatives a plan to
 2 conduct outreach to veterans described in subparagraph
 3 (B) of section 1710(e)(3) of title 38, United States Code,
 4 as amended by subsection (a)(2), to notify such veterans
 5 of their eligibility for hospital care, medical services, or
 6 nursing home care under such subparagraph.

7 (e) EFFECTIVE DATE.—This section and the amend-
 8 ments made by this section shall take effect on October
 9 1, 2022.

10 **SEC. 3. INCORPORATION OF TOXIC EXPOSURE SCREENING**
 11 **FOR VETERANS.**

12 (a) IN GENERAL.—Beginning not later than 90 days
 13 after the date of the enactment of this Act, the Secretary
 14 of Veterans Affairs shall incorporate a screening to help
 15 determine potential exposures to toxic substances during
 16 active military, naval, air, or space service as part of a
 17 health care screening furnished by the Department of Vet-
 18 erans Affairs to veterans enrolled in the system of annual
 19 patient enrollment of the Department established and op-
 20 erated under section 1705 of title 38, United States Code,
 21 to improve understanding by the Department of exposures
 22 of veterans to toxic substances while serving in the Armed
 23 Forces.

24 (b) TIMING.—The Secretary shall ensure that a vet-
 25 eran described in subsection (a) completes the screening

1 required under such subsection not less frequently than
2 once every five years.

3 (c) DETERMINATION OF QUESTIONS.—

4 (1) IN GENERAL.—The questions included in
5 the screening required under subsection (a) shall be
6 determined by the Secretary with input from medical
7 professionals.

8 (2) SPECIFIC QUESTIONS.—At a minimum, the
9 screening required under subsection (a) shall, with
10 respect to a veteran, include—

11 (A) a question about the potential exposure
12 of the veteran to an open burn pit; and

13 (B) a question regarding exposures that
14 are commonly associated with service in the
15 Armed Forces.

16 (3) OPEN BURN PIT DEFINED.—In this sub-
17 section, the term “open burn pit” means an area of
18 land that—

19 (A) is designated by the Secretary of De-
20 fense to be used for disposing solid waste by
21 burning in the outdoor air; and

22 (B) does not contain a commercially manu-
23 factured incinerator or other equipment specifi-
24 cally designed and manufactured for the burn-
25 ing of solid waste.

1 (d) PRINT MATERIAL.—In developing the screening
 2 established under subsection (a), the Secretary shall en-
 3 sure that print materials complementary to such screening
 4 that outline related resources for veterans are available at
 5 each medical center of the Department to veterans who
 6 may not have access to the internet.

7 (e) SCREENING UPDATES.—The Secretary shall con-
 8 sider updates to the content of the screening required
 9 under subsection (a) not less frequently than biennially to
 10 ensure the screening contains the most current informa-
 11 tion.

12 (f) ACTIVE MILITARY, NAVAL, AIR, OR SPACE SERV-
 13 ICE DEFINED.—In this section, the term “active military,
 14 naval, air, or space service” has the meaning given that
 15 term in section 101(24) of title 38, United States Code.

16 **SEC. 4. TRAINING FOR PERSONNEL OF THE DEPARTMENT**
 17 **OF VETERANS AFFAIRS WITH RESPECT TO**
 18 **VETERANS EXPOSED TO TOXIC SUBSTANCES.**

19 (a) HEALTH CARE PERSONNEL.—The Secretary of
 20 Veterans Affairs shall provide to health care personnel of
 21 the Department of Veterans Affairs education and train-
 22 ing to identify, treat, and assess the impact on veterans
 23 of illnesses related to exposure to toxic substances and in-
 24 form such personnel of how to ask for additional informa-
 25 tion from veterans regarding different exposures.

1 (b) BENEFITS PERSONNEL.—

2 (1) IN GENERAL.—The Secretary shall incor-
 3 porate a training program for processors of claims
 4 under the laws administered by the Secretary who
 5 review claims for disability benefits relating to serv-
 6 ice-connected disabilities based on exposure to toxic
 7 substances.

8 (2) ANNUAL TRAINING.—Training provided to
 9 processors under paragraph (1) shall be provided not
 10 less frequently than annually.

11 **SEC. 5. ANALYSIS AND REPORT ON TREATMENT OF VET-**
 12 **ERANS FOR MEDICAL CONDITIONS RELATED**
 13 **TO TOXIC EXPOSURE.**

14 (a) IN GENERAL.—The Secretary of Veterans Affairs
 15 shall analyze, on a continuous basis, all clinical data
 16 that—

17 (1) is obtained by the Department of Veterans
 18 Affairs in connection with hospital care, medical
 19 services, and nursing home care furnished under sec-
 20 tion 1710(a)(2)(F) of title 38, United States Code;
 21 and

22 (2) is likely to be scientifically useful in deter-
 23 mining the association, if any, between the medical
 24 condition of a veteran and the exposure of the vet-
 25 eran to a toxic substance.

1 (b) ANNUAL REPORT.—Not later than one year after
2 the date of the enactment of this Act, and annually there-
3 after, the Secretary shall submit to the Committee on Vet-
4 erans' Affairs of the Senate and the Committee on Vet-
5 erans' Affairs of the House of Representatives a report
6 containing—

7 (1) the aggregate data compiled under sub-
8 section (a);

9 (2) an analysis of such data;

10 (3) a description of the types and incidences of
11 medical conditions identified by the Department
12 under such subsection;

13 (4) the explanation of the Secretary for the in-
14 cidence of such medical conditions and other expla-
15 nations for the incidence of such conditions as the
16 Secretary considers reasonable; and

17 (5) the views of the Secretary on the scientific
18 validity of drawing conclusions from the incidence of
19 such medical conditions, as evidenced by the data
20 compiled under subsection (a), regarding any asso-
21 ciation between such conditions and exposure to a
22 toxic substance.

23 **SEC. 6. ANALYSIS RELATING TO MORTALITY OF VETERANS**
24 **WHO SERVED IN SOUTHWEST ASIA.**

25 (a) ANALYSIS.—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs, in coordination with the
4 Secretary of Defense, shall conduct an updated anal-
5 ysis of total and respiratory disease mortality in cov-
6 ered veterans.

7 (2) ELEMENTS.—The analysis required by
8 paragraph (1) shall include, to the extent prac-
9 ticable, the following with respect to each covered
10 veteran:

11 (A) Metrics of airborne exposures.

12 (B) The location and timing of deploy-
13 ments of the veteran.

14 (C) The military occupational specialty of
15 the veteran.

16 (D) The Armed Force in which the veteran
17 served.

18 (E) Pre-existing health status of the vet-
19 eran, including with respect to asthma.

20 (F) Relevant personal information of the
21 veteran, including cigarette and e-cigarette
22 smoking history, diet, sex, gender, age, race,
23 and ethnicity.

24 (b) COVERED VETERAN DEFINED.—In this section,
25 the term “covered veteran” means any veteran who—

1 (1) on or after August 2, 1990, served on active
2 duty in—

- 3 (A) Bahrain;
- 4 (B) Iraq;
- 5 (C) Kuwait;
- 6 (D) Oman;
- 7 (E) Qatar;
- 8 (F) Saudi Arabia;
- 9 (G) Somalia; or
- 10 (H) the United Arab Emirates; or

11 (2) on or after September 11, 2001, served on
12 active duty in—

- 13 (A) Afghanistan;
- 14 (B) Djibouti;
- 15 (C) Egypt;
- 16 (D) Jordan;
- 17 (E) Lebanon;
- 18 (F) Syria; or
- 19 (G) Yemen.

20 **SEC. 7. STUDY ON HEALTH TRENDS OF POST 9/11 VET-**
21 **ERANS.**

22 The Secretary of Veterans Affairs shall conduct an
23 epidemiological study on the health trends of veterans who
24 served in the Armed Forces after September 11, 2001.

1 **SEC. 8. STUDY ON CANCER RATES AMONG VETERANS.**

2 (a) IN GENERAL.—The Secretary of Veterans Affairs
3 shall conduct a study on the incidence of cancer in vet-
4 erans to determine trends in the rates of the incidence
5 of cancer in veterans.

6 (b) ELEMENTS.—The study required by subsection
7 (a) shall assess, with respect to each veteran included in
8 the study, the following:

9 (1) The age of the veteran.

10 (2) The period of service and length of service
11 of the veteran in the Armed Forces.

12 (3) The military occupational specialty or spe-
13 cialties of the veteran.

14 (4) The gender of the veteran.

15 (5) The type or types of cancer that the veteran
16 has.

17 **SEC. 9. PUBLICATION OF LIST OF RESOURCES OF DEPART-**
18 **MENT OF VETERANS AFFAIRS FOR VETERANS**
19 **EXPOSED TO TOXIC SUBSTANCES AND OUT-**
20 **REACH PROGRAM FOR SUCH VETERANS AND**
21 **CAREGIVERS AND SURVIVORS OF SUCH VET-**
22 **ERANS.**

23 (a) PUBLICATION OF LIST OF RESOURCES.—

24 (1) IN GENERAL.—Not later than one year
25 after the date of the enactment of this Act, and an-
26 nually thereafter, the Secretary of Veterans Affairs

1 shall publish a list of resources of the Department
2 of Veterans Affairs for—

3 (A) veterans who were exposed to toxic
4 substances;

5 (B) families and caregivers of such vet-
6 erans; and

7 (C) survivors of such veterans who are re-
8 ceiving death benefits under the laws adminis-
9 tered by the Secretary.

10 (2) UPDATE.—The Secretary shall periodically
11 update the list published under paragraph (1).

12 (b) OUTREACH.—The Secretary shall develop, with
13 input from the community, an informative outreach pro-
14 gram for veterans on illnesses that may be related to expo-
15 sure to toxic substances, including outreach with respect
16 to benefits and support programs.

17 **SEC. 10. REPORT ON INDIVIDUAL LONGITUDINAL EXPO-**
18 **SURE RECORD.**

19 (a) IN GENERAL.—Not later than one year after the
20 date on which the Individual Longitudinal Exposure
21 Record achieves full operational capability, the Secretary
22 of Veterans Affairs shall submit to the appropriate com-
23 mittees of Congress a report on the data quality of the
24 Individual Longitudinal Exposure Record and the useful-
25 ness of the Individual Longitudinal Exposure Record in

1 supporting veterans in receiving health care and benefits
2 from the Department of Veterans Affairs.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall include the following:

5 (1) An identification of exposures to toxic sub-
6 stances that may not be fully captured by the cur-
7 rent systems for environmental and occupational
8 health monitoring and recommendations for how to
9 improve those systems.

10 (2) An analysis of the quality of the location
11 data in determining exposures of veterans to toxic
12 substances and recommendations for how to improve
13 the quality of that location data.

14 (3) Recommendations on how to improve the
15 usefulness of the Individual Longitudinal Exposure
16 Record.

17 (c) DEFINITIONS.—In this section:

18 (1) APPROPRIATE COMMITTEES OF CONGRESS
19 DEFINED.—The term “appropriate committees of
20 Congress” means—

21 (A) the Committee on Armed Services and
22 the Committee on Veterans’ Affairs of the Sen-
23 ate; and

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

4 (2) INDIVIDUAL LONGITUDINAL EXPOSURE
5 RECORD.—The term “Individual Longitudinal Expo-
6 sure Record” includes any pilot program or other
7 program used by the Department of Veterans Af-
8 fairs or the Department of Defense to track how
9 members of the Armed Forces or veterans have been
10 exposed to various occupational or environmental
11 hazards.

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