To amend title 38, United States Code, to improve health care and services for veterans exposed to toxic substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 9, 2022

Mr. Bost (for himself, Mrs. Radewagen, Mr. Bergman, Mr. Banks, Mr. Mann, Mr. Moore of Alabama, Ms. Mace, Mr. Cawthorn, Mr. Nehls, Mr. Rosendale, Mrs. Miller-Meeks, Mr. Ellzey, Ms. Houlahan, Mr. McKinley, Mr. Newhouse, Mr. Posey, Mr. Rutherford, Ms. Van Duyne, Mr. Rodney Davis of Illinois, Mr. Wenstrup, Mr. Jacobs of New York, Mr. Meijer, Mrs. Rodgers of Washington, Mr. C. Scott Franklin of Florida, and Mrs. Cammack) introduced the following bill; which was referred to the Committee on Veterans’ Affairs

A BILL

To amend title 38, United States Code, to improve health care and services for veterans exposed to toxic substances, 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.

This Act may be cited as the “Health Care for Burn Pit Veterans Act”.

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

(a) In General.—Section 1710(e)(3) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

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

(B) by striking “five-year period” and inserting “ten-year period”;

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

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

(3) by striking subparagraph (C).

(b) Clarification of Coverage.—Section 1710(e)(1)(D) of such title is amended by inserting after “Persian Gulf War” the following: “(including any veteran
who, in connection with service during such period, received the Armed Forces Expeditionary Medal, Service Specific Expeditionary Medal, Combat Era Specific Expeditionary Medal, Campaign Specific Medal, or any other combat theater award established by a Federal statute or an Executive Order”.

(c) REPORT.—Not later than October 1, 2024, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report on—

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

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

(d) OUTREACH PLAN.—Not later than December 1, 2022, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a plan to conduct outreach to veterans described
in subparagraph (B) of section 1710(e)(3) of title 38, United States Code, as amended by subsection (a)(2), to notify such veterans of their eligibility for hospital care, medical services, or nursing home care under such subparagraph.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2022.

SEC. 3. INCORPORATION OF TOXIC EXPOSURE SCREENING FOR VETERANS.

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

(b) TIMING.—The Secretary shall ensure that a veteran described in subsection (a) completes the screening
required under such subsection not less frequently than once every five years.

(c) Determination of Questions.—

(1) In general.—The questions included in the screening required under subsection (a) shall be determined by the Secretary with input from medical professionals.

(2) Specific questions.—At a minimum, the screening required under subsection (a) shall, with respect to a veteran, include—

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

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

(3) Open Burn Pit Defined.—In this subsection, the term “open burn pit” means an area of land that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.
(d) **PRINT MATERIAL.**—In developing the screening established under subsection (a), the Secretary shall ensure that print materials complementary to such screening that outline related resources for veterans are available at each medical center of the Department to veterans who may not have access to the internet.

(e) **SCREENING UPDATES.**—The Secretary shall consider updates to the content of the screening required under subsection (a) not less frequently than biennially to ensure the screening contains the most current information.

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

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

(a) **HEALTH CARE PERSONNEL.**—The Secretary of Veterans Affairs shall provide to health care personnel of the Department of Veterans Affairs education and training to identify, treat, and assess the impact on veterans of illnesses related to exposure to toxic substances and inform such personnel of how to ask for additional information from veterans regarding different exposures.
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(b) BENEFITS PERSONNEL.—

(1) IN GENERAL.—The Secretary shall incorporate a training program for processors of claims under the laws administered by the Secretary who review claims for disability benefits relating to service-connected disabilities based on exposure to toxic substances.

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

SEC. 5. ANALYSIS AND REPORT ON TREATMENT OF VETERANS FOR MEDICAL CONDITIONS RELATED TO TOXIC EXPOSURE.

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

(1) is obtained by the Department of Veterans Affairs in connection with hospital care, medical services, and nursing home care furnished under section 1710(a)(2)(F) of title 38, United States Code; and

(2) is likely to be scientifically useful in determining the association, if any, between the medical condition of a veteran and the exposure of the veteran to a toxic substance.
(b) **ANNUAL REPORT.**—Not later than one year after
the date of the enactment of this Act, and annually there-
after, the Secretary shall submit to the Committees on
Veterans’ Affairs of the House of Representatives and the
Senate a report containing—

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

(2) an analysis of such data;

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

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

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

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

(a) **ANALYSIS.**—
(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall conduct an updated analysis of total and respiratory disease mortality in covered veterans.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, to the extent practicable, the following with respect to each covered veteran:

(A) Metrics of airborne exposures.

(B) The location and timing of deployments of the veteran.

(C) The military occupational specialty of the veteran.

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

(E) Pre-existing health status of the veteran, including with respect to asthma.

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

(b) COVERED VETERAN DEFINED.—In this section, the term “covered veteran” means any veteran who—
(1) on or after August 2, 1990, served on active
duty in—

(A) Bahrain;
(B) Iraq;
(C) Kuwait;
(D) Oman;
(E) Qatar;
(F) Saudi Arabia;
(G) Somalia; or
(H) the United Arab Emirates; or

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

(A) Afghanistan;
(B) Djibouti;
(C) Egypt;
(D) Jordan;
(E) Lebanon;
(F) Syria; or
(G) Yemen.

SEC. 7. STUDY ON HEALTH TRENDS OF POST-9/11 VETERANS.

The Secretary of Veterans Affairs shall conduct an
epidemiological study on the health trends of veterans who
SEC. 8. STUDY ON CANCER RATES AMONG VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the incidence of cancer in veterans to determine trends in the rates of the incidence of cancer in veterans.

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

(1) The age of the veteran.

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

(3) The military occupational specialty or specialties of the veteran.

(4) The gender of the veteran.

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

SEC. 9. PUBLICATION OF LIST OF RESOURCES OF DEPARTMENT OF VETERANS AFFAIRS FOR VETERANS EXPOSED TO TOXIC SUBSTANCES AND OUT-REACH PROGRAM FOR SUCH VETERANS AND CAREGIVERS AND SURVIVORS OF SUCH VETERANS.

(a) PUBLICATION OF LIST OF RESOURCES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs...
shall publish a list of resources of the Department of Veterans Affairs for—

(A) veterans who were exposed to toxic substances;

(B) families and caregivers of such veterans; and

(C) survivors of such veterans who are receiving death benefits under the laws administered by the Secretary.

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

(b) OUTREACH.—The Secretary shall develop, with input from the community, an informative outreach program for veterans on illnesses that may be related to exposure to toxic substances, including outreach with respect to benefits and support programs.

SEC. 10. REPORT ON INDIVIDUAL LONGITUDINAL EXPOSURE RECORD.

(a) IN GENERAL.—Not later than one year after the date on which the Individual Longitudinal Exposure Record achieves full operational capability, the Secretary of Veterans Affairs shall submit to the appropriate congressional committees a report on the data quality of the Individual Longitudinal Exposure Record and the usefulness of the Individual Longitudinal Exposure Record in
supporting veterans in receiving health care and benefits from the Department of Veterans Affairs.

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

(1) An identification of exposures to toxic substances that may not be fully captured by the current systems for environmental and occupational health monitoring and recommendations for how to improve those systems.

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

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

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate.
(2) The term “Individual Longitudinal Exposure Record” includes any pilot program or other program used by the Department of Veterans Affairs or the Department of Defense to track how members of the Armed Forces or veterans have been exposed to various occupational or environmental hazards.