

117TH CONGRESS
2^D SESSION

S. 3541

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

10 (1) in subparagraph (A)—

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

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

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

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

26 (3) by striking subparagraph (C).

1 (b) CLARIFICATION OF COVERAGE.—Section
2 1710(e)(1)(D) of such title is amended by inserting after
3 “Persian Gulf War” the following: “(to include any vet-
4 eran who, in connection with service during such period,
5 received the Armed Forces Expeditionary Medal, Service
6 Specific Expeditionary Medal, Combat Era Specific Expe-
7 ditionary Medal, Campaign Specific Medal, or any other
8 combat theater award established by a Federal statute or
9 an Executive Order)”.

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

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

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

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

10 (e) EFFECTIVE DATE.—This section and the amend-
11 ments made by this section shall take effect on October
12 1, 2022.

13 **SEC. 3. INCORPORATION OF TOXIC EXPOSURE SCREENING**
14 **FOR VETERANS.**

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

1 of veterans to toxic substances while serving in the Armed
2 Forces.

3 (b) TIMING.—The Secretary shall ensure that a vet-
4 eran described in subsection (a) completes the screening
5 required under such subsection not less frequently than
6 once every five years.

7 (c) DETERMINATION OF QUESTIONS.—

8 (1) IN GENERAL.—The questions included in
9 the screening required under subsection (a) shall be
10 determined by the Secretary with input from medical
11 professionals.

12 (2) SPECIFIC QUESTIONS.—At a minimum, the
13 screening required under subsection (a) shall, with
14 respect to a veteran, include—

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

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

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

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

1 (B) does not contain a commercially manu-
2 factured incinerator or other equipment specifi-
3 cally designed and manufactured for the burn-
4 ing of solid waste.

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

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

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

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

23 (a) HEALTH CARE PERSONNEL.—The Secretary of
24 Veterans Affairs shall provide to health care personnel of
25 the Department of Veterans Affairs education and train-

1 ing to identify, treat, and assess the impact on veterans
2 of illnesses related to exposure to toxic substances and in-
3 form such personnel of how to ask for additional informa-
4 tion from veterans regarding different exposures.

5 (b) BENEFITS PERSONNEL.—

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

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

15 **SEC. 5. ANALYSIS AND REPORT ON TREATMENT OF VET-**
16 **ERANS FOR MEDICAL CONDITIONS RELATED**
17 **TO TOXIC EXPOSURE.**

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

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

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

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

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

13 (2) an analysis of such data;

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

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

21 (5) the views of the Secretary on the scientific
22 validity of drawing conclusions from the incidence of
23 such medical conditions, as evidenced by the data
24 compiled under subsection (a), regarding any asso-

1 ciation between such conditions and exposure to a
2 toxic substance.

3 **SEC. 6. ANALYSIS RELATING TO MORTALITY OF VETERANS**

4 **WHO SERVED IN SOUTHWEST ASIA.**

5 (a) ANALYSIS.—

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

12 (2) ELEMENTS.—The analysis required by
13 paragraph (1) shall include, to the extent prac-
14 ticable, the following with respect to each covered
15 veteran:

16 (A) Metrics of airborne exposures.

17 (B) The location and timing of deploy-
18 ments of the veteran.

19 (C) The military occupational specialty of
20 the veteran.

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

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

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

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

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

9 (A) Bahrain;

10 (B) Iraq;

11 (C) Kuwait;

12 (D) Oman;

13 (E) Qatar;

14 (F) Saudi Arabia;

15 (G) Somalia; or

16 (H) the United Arab Emirates; or

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

19 (A) Afghanistan;

20 (B) Djibouti;

21 (C) Egypt;

22 (D) Jordan;

23 (E) Lebanon;

24 (F) Syria; or

25 (G) Yemen.

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

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

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

7 (a) IN GENERAL.—The Secretary of Veterans Affairs
8 shall conduct a study on the incidence of cancer in vet-
9 erans to determine trends in the rates of the incidence
10 of cancer in veterans.

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

14 (1) The age of the veteran.

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

17 (3) The military occupational specialty or spe-
18 cialties of the veteran.

19 (4) The gender of the veteran.

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

1 **SEC. 9. PUBLICATION OF LIST OF RESOURCES OF DEPART-**
2 **MENT OF VETERANS AFFAIRS FOR VETERANS**
3 **EXPOSED TO TOXIC SUBSTANCES AND OUT-**
4 **REACH PROGRAM FOR SUCH VETERANS AND**
5 **CAREGIVERS AND SURVIVORS OF SUCH VET-**
6 **ERANS.**

7 (a) PUBLICATION OF LIST OF RESOURCES.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, and an-
10 nually thereafter, the Secretary of Veterans Affairs
11 shall publish a list of resources of the Department
12 of Veterans Affairs for—

13 (A) veterans who were exposed to toxic
14 substances;

15 (B) families and caregivers of such vet-
16 erans; and

17 (C) survivors of such veterans who are re-
18 ceiving death benefits under the laws adminis-
19 tered by the Secretary.

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

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

1 **SEC. 10. REPORT ON INDIVIDUAL LONGITUDINAL EXPO-**
2 **SURE RECORD.**

3 (a) **IN GENERAL.**—Not later than one year after the
4 date on which the Individual Longitudinal Exposure
5 Record achieves full operational capability, the Secretary
6 of Veterans Affairs shall submit to the appropriate com-
7 mittees of Congress a report on the data quality of the
8 Individual Longitudinal Exposure Record and the useful-
9 ness of the Individual Longitudinal Exposure Record in
10 supporting veterans in receiving health care and benefits
11 from the Department of Veterans Affairs.

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

14 (1) An identification of exposures to toxic sub-
15 stances that may not be fully captured by the cur-
16 rent systems for environmental and occupational
17 health monitoring and recommendations for how to
18 improve those systems.

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

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

26 (c) **DEFINITIONS.**—In this section:

1 (1) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—The term “appropriate committees of
3 Congress” means—

4 (A) the Committee on Armed Services and
5 the Committee on Veterans’ Affairs of the Sen-
6 ate; and

7 (B) the Committee on Armed Services and
8 the Committee on Veterans’ Affairs of the
9 House of Representatives.

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

Passed the Senate February 16, 2022.

Attest:

Secretary.

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