

118TH CONGRESS
1ST SESSION

S. 302

To amend title 10, United States Code, to direct the Secretary of Defense to provide colorectal cancer screening for members of the uniformed services who served in locations associated with toxic exposure, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to direct the Secretary of Defense to provide colorectal cancer screening for members of the uniformed services who served in locations associated with toxic exposure, 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 “CPT Rafael Barbosa
5 Enhanced Colorectal Cancer Screening Standard for Toxic
6 Exposed Members of the Uniformed Services Act” or the
7 “Barbosa Act”.

1 **SEC. 2. REVISION OF THE PRIMARY AND PREVENTIVE**
 2 **HEALTH CARE POLICY OF THE DEPARTMENT**
 3 **OF DEFENSE TO PROVIDE ENHANCED**
 4 **COLORECTAL CANCER SCREENING STAND-**
 5 **ARD FOR MEMBERS OF THE UNIFORMED**
 6 **SERVICES WHO SERVED IN LOCATIONS ASSO-**
 7 **CIATED WITH TOXIC EXPOSURE.**

8 (a) IN GENERAL.—Section 1074d of title 10, United
 9 States Code, is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking “sub-
 12 section (b)” and inserting “subsection (c)”; and

13 (B) in paragraph (2), by striking “consider
 14 appropriate.” and inserting “determine meet or
 15 exceed national standards for preventive care
 16 services, including screening under subsection
 17 (b).”;

18 (2) by redesignating subsection (b) as sub-
 19 section (c); and

20 (3) by inserting after subsection (a) the fol-
 21 lowing new subsection (b):

22 “(b) ENHANCED COLORECTAL CANCER SCREENING
 23 STANDARD FOR MEMBERS OF THE UNIFORMED SERVICES
 24 EXPOSED TO TOXIC SUBSTANCES.—(1) Under the policy
 25 developed under subsection (a)(2), any member of the uni-
 26 formed services who, during active service, was deployed

1 in support of a contingency operation in a location and
2 during a period specified in paragraph (2), is entitled to
3 a colorectal cancer screening, which may include a
4 colonoscopy, fecal occult blood testing, sigmoidoscopy, or
5 other colon cancer screening, by a health care provider of
6 the Department of Defense beginning on the date that is
7 five years after the first day of qualifying service for such
8 member and thereafter at a frequency as recommended
9 by the United States Preventive Services Task Force.

10 “(2) The locations and periods specified in this para-
11 graph are the following:

12 “(A) Iraq during following periods:

13 “(i) The period beginning on August 2,
14 1990, and ending on February 28, 1991.

15 “(ii) The period beginning on March 19,
16 2003, and ending on such date as the Secretary
17 of Defense determines burn pits are no longer
18 used in Iraq.

19 “(B) The Southwest Asia theater of operations,
20 other than Iraq, during the period beginning on Au-
21 gust 2, 1990, and ending on such date as the Sec-
22 retary determines burn pits are no longer used in
23 such location, including the following locations:

24 “(i) Kuwait.

25 “(ii) Saudi Arabia.

1 “(iii) Oman.

2 “(iv) Qatar.

3 “(C) Afghanistan during the period beginning
4 on September 11, 2001, and ending on such date as
5 the Secretary determines burn pits are no longer
6 used in Afghanistan.

7 “(D) Djibouti during the period beginning on
8 September 11, 2001, and ending on such date as the
9 Secretary determines burn pits are no longer used in
10 Djibouti.

11 “(E) Syria during the period beginning on Sep-
12 tember 11, 2001, and ending on such date as the
13 Secretary determines burn pits are no longer used in
14 Syria.

15 “(F) Jordan during the period beginning on
16 September 11, 2001, and ending on such date as the
17 Secretary determines burn pits are no longer used in
18 Jordan.

19 “(G) Egypt during the period beginning on
20 September 11, 2001, and ending on such date as the
21 Secretary determines burn pits are no longer used in
22 Egypt.

23 “(H) Lebanon during the period beginning on
24 September 11, 2001, and ending on such date as the

1 Secretary determines burn pits are no longer used in
2 Lebanon.

3 “(I) Yemen during the period beginning on
4 September 11, 2001, and ending on such date as the
5 Secretary determines burn pits are no longer used in
6 Yemen.

7 “(J) Such other locations and corresponding pe-
8 riods as set forth by the Airborne Hazards and Open
9 Burn Pit Registry established under section 201 of
10 the Dignified Burial and Other Veterans’ Benefits
11 Improvement Act of 2012 (Public Law 112–260; 38
12 U.S.C. 527 note).

13 “(K) Such other locations and corresponding
14 periods as the Secretary may determine appropriate
15 in a report submitted under paragraph (3).

16 “(3) Not later than two years after the date of the
17 enactment of the CPT Rafael Barbosa Enhanced
18 Colorectal Cancer Screening Standard for Toxic Exposed
19 Members of the Uniformed Services Act, and not less fre-
20 quently than once every two years thereafter, the Sec-
21 retary of Defense shall submit to Congress a report speci-
22 fying other locations and corresponding periods for pur-
23 poses of paragraph (2)(K).

1 “(4) A location under this subsection shall not in-
2 clude any body of water around or any airspace above such
3 location.

4 “(5) In this subsection, the term ‘burn pit’ means an
5 area of land that—

6 “(A) is used for disposal of solid waste by burn-
7 ing in the outdoor air; and

8 “(B) does not contain a commercially manufac-
9 tured incinerator or other equipment specifically de-
10 signed and manufactured for the burning of solid
11 waste.”.

12 (b) REPORT ON COLORECTAL CANCER RATES FOR
13 MEMBERS OF THE UNIFORMED SERVICES DEPLOYED TO
14 CERTAIN AREAS.—

15 (1) IN GENERAL.—Not later than two years
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense shall submit to the Committee on
18 Armed Services of the Senate and the Committee on
19 Armed Services of the House of Representatives a
20 report that compares the rates of colorectal cancer
21 among members of the uniformed services deployed
22 to the locations and during the periods specified in
23 section 1074d(b) of title 10, United States Code, as
24 added by subsection (a), as compared to members of
25 the uniformed services who were not deployed to

1 those locations during those periods and to the civil-
2 ian population.

3 (2) UNIFORMED SERVICES DEFINED.—In this
4 subsection, the term “uniformed services” has the
5 meaning given that term in section 101(a)(5) of title
6 10, United States Code.

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