

114TH CONGRESS  
1ST SESSION

# S. 901

To establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 13, 2015

Mr. MORAN (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans exposed to toxic substances during service in the Armed Forces that are related to that exposure, to establish an advisory board on such health conditions, 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 “Toxic Exposure Re-  
5 search Act of 2015”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ARMED FORCE.**—The term “Armed Force”  
4 means the United States Army, Navy, Marine  
5 Corps, Air Force, or Coast Guard, including the re-  
6 serve components thereof.

7 (2) **DESCENDANT.**—The term “descendant”  
8 means, with respect to an individual, the biological  
9 child, grandchild, or great-grandchild of that indi-  
10 vidual.

11 (3) **EXPOSED.**—The term “exposed” means,  
12 with respect to a toxic substance, that an individual  
13 came into contact with that toxic substance in a  
14 manner that could be hazardous to the health of  
15 that individual, that may include if that toxic sub-  
16 stance was inhaled, ingested, or touched the skin or  
17 eyes.

18 (4) **EXPOSURE.**—The term “exposure” means,  
19 with respect to a toxic substance, an event during  
20 which an individual was exposed to that toxic sub-  
21 stance.

22 (5) **TOXIC SUBSTANCE.**—The term “toxic sub-  
23 stance” means any substance determined by the Ad-  
24 ministrator of the Environmental Protection Agency  
25 to be harmful to the environment or hazardous to

1 the health of an individual if inhaled or ingested by  
2 or absorbed through the skin of that individual.

3 (6) VETERAN.—The term “veteran” has the  
4 meaning given that term in section 101 of title 38,  
5 United States Code.

6 **SEC. 3. NATIONAL CENTER FOR RESEARCH ON THE DIAG-**  
7 **NOSIS AND TREATMENT OF HEALTH CONDI-**  
8 **TIONS OF THE DESCENDANTS OF INDIVID-**  
9 **UALS EXPOSED TO TOXIC SUBSTANCES DUR-**  
10 **ING SERVICE IN THE ARMED FORCES THAT**  
11 **ARE RELATED TO SUCH SERVICE.**

12 (a) NATIONAL CENTER.—

13 (1) IN GENERAL.—Not later than one year  
14 after the date of the enactment of this Act, the Sec-  
15 retary of Veterans Affairs shall, in consultation with  
16 the Advisory Board established under section 4, se-  
17 lect a medical center of the Department of Veterans  
18 Affairs to serve as the national center for research  
19 on the diagnosis and treatment of health conditions  
20 of descendants of individuals exposed to toxic sub-  
21 stances while serving as members of the Armed  
22 Forces that are related to such exposure (in this Act  
23 referred to as the “National Center”).

24 (2) CRITERIA FOR SELECTION.—

1 (A) IN GENERAL.—The National Center  
2 shall be selected under paragraph (1) from  
3 among medical centers of the Department with  
4 expertise described in subparagraph (B), or  
5 that are affiliated with research medical centers  
6 or teaching hospitals with such expertise, that  
7 seek to be selected under this section.

8 (B) EXPERTISE DESCRIBED.—The exper-  
9 tise described in this subparagraph is—

10 (i) expertise in diagnosing and treat-  
11 ing functional and structural birth defects;  
12 or

13 (ii) expertise in caring for individuals  
14 exposed to toxic substances and diagnosing  
15 and treating any health conditions result-  
16 ing from such exposure.

17 (C) PREFERENCE.—Preference for selec-  
18 tion under paragraph (1) shall be given to med-  
19 ical centers of the Department with expertise  
20 described in clauses (i) and (ii) of subparagraph  
21 (B), or that are affiliated with research medical  
22 centers or teaching hospitals with such exper-  
23 tise.

24 (b) RESEARCH.—

1           (1) IN GENERAL.—The National Center shall  
2           conduct research on the diagnosis and treatment of  
3           health conditions of descendants of individuals ex-  
4           posed to toxic substances while serving as members  
5           of the Armed Forces that are related to that expo-  
6           sure.

7           (2) STUDIES.—In conducting research under  
8           paragraph (1), the National Center shall study indi-  
9           viduals, at the election of the individual, for whom  
10          the Secretary has made one of the following deter-  
11          minations:

12                 (A)(i) The individual is a descendant of an  
13                 individual who served as a member of the  
14                 Armed Forces;

15                 (ii) such member was exposed to a toxic  
16                 substance while serving as a member of the  
17                 Armed Forces; and

18                 (iii) such descendant is afflicted with a  
19                 health condition that is related to the exposure  
20                 of such member to such toxic substance.

21                 (B)(i) The individual was exposed to a  
22                 toxic substance while serving as a member of  
23                 the Armed Forces; and

1           (ii) such individual is afflicted with a  
2 health condition that is related to the exposure  
3 of such individual to such toxic substance.

4           (3) USE OF RECORDS.—

5           (A) IN GENERAL.—The Secretary of De-  
6 fense or the head of a Federal agency shall  
7 make available to the Secretary of Veterans Af-  
8 fairs for review records held by the Department  
9 of Defense, an Armed Force, or that Federal  
10 agency, as appropriate, that might assist the  
11 Secretary of Veterans Affairs in making the de-  
12 terminations required by paragraph (2).

13           (B) MECHANISM.—The Secretary of Vet-  
14 erans Affairs and the Secretary of Defense or  
15 the head of the appropriate Federal agency  
16 shall jointly establish a mechanism for the  
17 availability and review of records by the Sec-  
18 retary of Veterans Affairs under subparagraph

19           (A).

20           (c) SOCIAL WORKERS.—The National Center shall  
21 employ not less than one licensed clinical social worker to  
22 coordinate access of individuals to appropriate Federal,  
23 State, and local social and healthcare programs and to  
24 handle case management.

1 (d) REIMBURSEMENT FOR NECESSARY TRAVEL AND  
2 ROOM AND BOARD.—The National Center shall reimburse  
3 any individual participating in a study pursuant to sub-  
4 section (b), and any parent, guardian, spouse, or sibling  
5 who accompanies such individual, for the reasonable cost  
6 of—

7 (1) travel to the National Center for participa-  
8 tion in such study; and

9 (2) room and board during the period in which  
10 such individual is participating in such study at the  
11 National Center.

12 (e) REPORTS.—

13 (1) ANNUAL REPORT.—

14 (A) IN GENERAL.—Not less frequently  
15 than annually, the National Center shall submit  
16 to Congress and the Advisory Board established  
17 under section 4 a report on the functions of the  
18 National Center during the year preceding the  
19 submittal of the report that includes a sum-  
20 mary of the research efforts of the National  
21 Center that have been completed during such  
22 year and that are ongoing as of the date of the  
23 submittal of the report.

24 (B) UPON REQUEST.—Upon the request of  
25 any organization exempt from taxation under

1 section 501(c)(19) of the Internal Revenue  
2 Code of 1986, the National Center shall submit  
3 a copy of a report submitted under subpara-  
4 graph (A) to such organization.

5 (2) QUARTERLY REPORT TO ADVISORY  
6 BOARD.—Not less frequently than quarterly, the Na-  
7 tional Center shall submit to the Advisory Board a  
8 report on the functions of the National Center dur-  
9 ing the quarter preceding the submittal of the report  
10 that includes the following:

11 (A) A summary of the research efforts of  
12 the National Center during such quarter.

13 (B) A description of any determinations  
14 made by the National Center pursuant to such  
15 research efforts regarding whether health condi-  
16 tions of descendants of individuals exposed to  
17 toxic substances while serving as members of  
18 the Armed Forces are related to that exposure.

19 **SEC. 4. ADVISORY BOARD.**

20 (a) ESTABLISHMENT.—Not later than 180 days after  
21 the date of the enactment of this Act, the Secretary of  
22 Veterans Affairs shall establish an advisory board (in this  
23 section referred to as the “Advisory Board”) to oversee  
24 and assess the National Center established under section



1 3 and to advise the Secretary of Veterans Affairs with re-  
2 spect to the work of the National Center.

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—Not later than 120 days  
5 after the date of the enactment of this Act, the Sec-  
6 retary of Veterans Affairs, in consultation with the  
7 Secretary of Health and Human Services, the Direc-  
8 tor of the National Institute of Environmental  
9 Health Sciences, and other heads of Federal agen-  
10 cies as the Secretary of Veterans Affairs determines  
11 appropriate—

12 (A) shall select not less than 13 voting  
13 members of the Advisory Board, of whom—

14 (i) not less than three shall be mem-  
15 bers of organizations exempt from taxation  
16 under section 501(c)(19) of the Internal  
17 Revenue Code of 1986;

18 (ii) not less than one shall be—

19 (I) a descendant of an individual  
20 who was exposed to toxic substances  
21 while serving as a member of the  
22 Armed Forces and the descendant has  
23 manifested a structural or functional  
24 birth defect or a health condition that

1 is related to the exposure of such indi-  
2 vidual to such toxic substance; or

3 (II) a parent, child, or grandchild  
4 of that descendant;

5 (iii) not less than six shall be health  
6 professionals, scientists, or academics who  
7 are not employees of the Federal Govern-  
8 ment and have expertise in—

9 (I) birth defects;

10 (II) developmental disabilities;

11 (III) epigenetics;

12 (IV) public health;

13 (V) the science of environmental  
14 exposure or environmental exposure  
15 assessment;

16 (VI) the science of toxic sub-  
17 stances; or

18 (VII) medical and research eth-  
19 ics; and

20 (iv) additional members may be se-  
21 lected from among social workers and ad-  
22 vocates for veterans or members of the  
23 Armed Forces who are not employees of  
24 the Federal Government; and

1           (B) may select nonvoting members from  
2           among individuals described in clause (iii) or  
3           (iv) of subparagraph (A) who are employees of  
4           the Federal Government.

5           (2) CHAIRPERSON.—The Secretary shall select  
6           a Chairperson from among the members of the Advi-  
7           sory Board.

8           (3) TERMS.—

9           (A) IN GENERAL.—Each member of the  
10          Advisory Board shall serve a term of two or  
11          three years as determined by the Secretary.

12          (B) REAPPOINTMENT.—At the end of the  
13          term of a member of the Advisory Board, the  
14          Secretary may reselect the member for another  
15          term, except that no member may serve more  
16          than four consecutive terms.

17          (c) DUTIES.—The Advisory Board shall—

18           (1) oversee and assess the work of the National  
19          Center;

20           (2) not less frequently than quarterly, meet  
21          with the director or another representative of the  
22          National Center on the work conducted at the Na-  
23          tional Center, including the research efforts of the  
24          National Center;

1           (3) review the annual report submitted by the  
2 National Center to Congress and the Advisory Board  
3 under section 3(e)(1); and

4           (4) advise the Secretary of Veterans Affairs  
5 on—

6           (A) issues related to the research con-  
7 ducted at the National Center;

8           (B) health conditions of descendants of in-  
9 dividuals exposed to toxic substances while serv-  
10 ing as members of the Armed Forces that are  
11 related to the exposure of such individual to  
12 such toxic substance;

13           (C) health care services that are needed by  
14 the descendants of individuals exposed to toxic  
15 substances while serving as members of the  
16 Armed Forces for health conditions that are re-  
17 lated to the exposure of such individual to such  
18 toxic substance; and

19           (D) any determinations or recommenda-  
20 tions that the Advisory Board may have with  
21 respect to the feasibility and advisability of the  
22 Department providing health care services de-  
23 scribed in subparagraph (C) to descendants de-  
24 scribed in such subparagraph, including a de-  
25 scription of changes to existing policy.

1 (d) REPORT.—

2 (1) IN GENERAL.—Not later than one year  
3 after the establishment of the Advisory Board under  
4 subsection (a), and not less frequently than once  
5 each year thereafter, the Advisory Board shall sub-  
6 mit to the Committee on Veterans' Affairs of the  
7 Senate, the Committee on Veterans' Affairs of the  
8 House of Representatives, and the Secretary of Vet-  
9 erans Affairs a report on the recommendations of  
10 the Advisory Board.

11 (2) ELEMENTS.—Each report submitted under  
12 paragraph (1) shall include recommendations for ad-  
13 ministrative or legislative action, including rec-  
14 ommendations for further research by the National  
15 Center, with respect to each health condition of a  
16 descendant of an individual exposed to a toxic sub-  
17 stance while serving as a member of the Armed  
18 Forces for which the National Center has made one  
19 of the following determinations in conducting re-  
20 search under section 3(b):

21 (A) The health condition is related to the  
22 exposure of such individual to such toxic sub-  
23 stance.

1           (B) It is unclear whether the health condi-  
2           tion is related to the exposure of such individual  
3           to such toxic substance.

4           (C) The health condition is not related to  
5           the exposure of such individual to such toxic  
6           substance.

7           (e) MEETINGS.—The Advisory Board shall meet at  
8           the call of the Chair, but not less frequently than quar-  
9           terly.

10          (f) COMPENSATION.—The members of the Advisory  
11          Board shall serve without compensation.

12          (g) EXPENSES.—The Secretary of Veterans Affairs  
13          shall determine the appropriate expenses of the Advisory  
14          Board.

15          (h) PERSONNEL.—

16               (1) IN GENERAL.—The Chairperson may, with-  
17               out regard to the civil service laws and regulations,  
18               appoint an executive director of the Advisory Board,  
19               who shall be a civilian employee of the Department  
20               of Veterans Affairs, and such other personnel as  
21               may be necessary to enable the Advisory Board to  
22               perform its duties.

23               (2) APPROVAL.—The appointment of an execu-  
24               tive director under paragraph (1) shall be subject to  
25               approval by the Advisory Board.

1           (3) COMPENSATION.—The Chairperson may fix  
2           the compensation of the executive director and other  
3           personnel without regard to the provisions of chapter  
4           51 and subchapter III of chapter 53 of title 5,  
5           United States Code, except that the rate of pay for  
6           the executive director and other personnel may not  
7           exceed the rate payable for level V of the Executive  
8           Schedule under section 5316 of such title.

9   **SEC. 5. DECLASSIFICATION BY DEPARTMENT OF DEFENSE**  
10                           **OF CERTAIN INCIDENTS OF EXPOSURE OF**  
11                           **MEMBERS OF THE ARMED FORCES TO TOXIC**  
12                           **SUBSTANCES.**

13           (a) IN GENERAL.—The Secretary of Defense shall  
14           declassify documents related to any known incident in  
15           which not less than 100 members of the Armed Forces  
16           were exposed to a toxic substance that resulted in at least  
17           one case of a disability that a member of the medical pro-  
18           fession has determined to be associated with that toxic  
19           substance.

20           (b) LIMITATION.—The declassification required by  
21           subsection (a) shall be limited to information necessary  
22           for an individual who was potentially exposed to a toxic  
23           substance to determine the following:

24                   (1) Whether that individual was exposed to that  
25           toxic substance.

1           (2) The potential severity of the exposure of  
2           that individual to that toxic substance.

3           (3) Any potential health conditions that may  
4           have resulted from exposure to that toxic substance.

5           (c) EXCEPTION.—The Secretary of Defense is not re-  
6           quired to declassify documents if the Secretary determines  
7           that declassification of those documents would materially  
8           and immediately threaten the security of the United  
9           States.

10 **SEC. 6. NATIONAL OUTREACH CAMPAIGN ON POTENTIAL**  
11 **LONG-TERM HEALTH EFFECTS OF EXPOSURE**  
12 **TO TOXIC SUBSTANCES BY MEMBERS OF THE**  
13 **ARMED FORCES AND THEIR DESCENDANTS.**

14           (a) IN GENERAL.—The Secretary of Veterans Affairs  
15           shall, in consultation with the Secretary of Health and  
16           Human Services and the Secretary of Defense, conduct  
17           a national outreach and education campaign directed to-  
18           ward members of the Armed Forces, veterans, and their  
19           family members to communicate the following informa-  
20           tion:

21           (1) Information on—

22                   (A) incidents of exposure of members of  
23                   the Armed Forces to toxic substances;

24                   (B) health conditions resulting from such  
25                   exposure; and



1           (C) the potential long-term effects of such  
2           exposure on the individuals exposed to those  
3           substances and the descendants of those indi-  
4           viduals.

5           (2) Information on the National Center estab-  
6           lished under section 3 for individuals eligible to par-  
7           ticipate in studies conducted at the National Center.

8           (b) DEPARTMENT OF VETERANS AFFAIRS.—In car-  
9           rying out this section, the Secretary of Veterans Affairs  
10          shall design and implement the national outreach and edu-  
11          cation campaign conducted under subsection (a), includ-  
12          ing—

13           (1) by distributing printed materials containing  
14           the information described in subsection (a) to vet-  
15           erans;

16           (2) by publishing such information on an Inter-  
17           net website of the Department of Veterans Affairs  
18           that is available to the public;

19           (3) by presenting such information in person at  
20           facilities that serve a large number of veterans or  
21           members of the Armed Forces; and

22           (4) by educating employees of all medical facili-  
23           ties of the Department with respect to such informa-  
24           tion and providing such employees with printed ma-  
25           terials containing such information.

1           (c) DEPARTMENT OF DEFENSE.—The Secretary of  
2 Defense shall assist the Secretary of Veterans Affairs in  
3 implementing the national outreach and education cam-  
4 paign conducted under subsection (a)—

5           (1) by making the information described in sub-  
6 section (a) available to all members of the Armed  
7 Forces and their families;

8           (2) by notifying all members of the Armed  
9 Forces of such information; and

10           (3) by publishing such information on an Inter-  
11 net website of the Department of Defense that is  
12 available to the public.

13           (d) DEPARTMENT OF HEALTH AND HUMAN SERV-  
14 ICES.—The Secretary of Health and Human Services shall  
15 assist the Secretary of Veterans Affairs in implementing  
16 the national outreach and education campaign conducted  
17 under subsection (a)—

18           (1) by making the information described in sub-  
19 section (a) available to members of the health care  
20 profession;

21           (2) by notifying such members of such informa-  
22 tion; and

23           (3) by publishing such information on an Inter-  
24 net website of the Department of Health and  
25 Human Services that is available to the public.

1 **SEC. 7. PROHIBITION ON NEW APPROPRIATIONS.**

2       No additional funds are authorized to be appro-  
3 priated to carry out this Act and this Act shall be carried  
4 out using amounts otherwise made available for the pur-  
5 poses of this Act.

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