

114TH CONGRESS
1ST SESSION

H. R. 1769

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2015

Mr. BENISHEK (for himself, Mr. HONDA, and Ms. ESTY) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Toxic Exposure Re-
3 search Act of 2015”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

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

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

25 (5) **TOXIC SUBSTANCE.**—The term “toxic sub-
26 stance” means any substance determined by the Ad-

1 administrator of the Environmental Protection Agency
2 to be harmful to the environment or hazardous to
3 the health of an individual if inhaled or ingested by
4 or absorbed through the skin of that individual.

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

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

14 (a) NATIONAL CENTER.—

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

1 (2) CRITERIA FOR SELECTION.—

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

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

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

13 or

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

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

25 (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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