

153rd CONGRESS
1ST SESSION

S.3

To improve health care and services for veterans exposed to toxic substances

IN THE SENATE

May 6, 2022

Mr. Wolf of Georgia (for himself) introduced the following bill

AN ACT

To improve health care and services for veterans exposed to toxic substances
*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 “Veterans Exposed To Toxic Substances Act”

SEC. 2. EXPANSION OF ELIGIBILITY 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 “October 12, 2000”; 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: “(to include 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) OUTREACH PLAN.—Not later than December 1, 2023, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives 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.
- (d) 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 Department of Veterans Affairs to veterans enrolled in the system of annual patient enrollment of the Department 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 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.
- (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.

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 October 12, 2000, served on active duty in—
 - (A) Afghanistan;
 - (B) Djibouti;
 - (C) Egypt;
 - (D) Jordan;
 - (E) Lebanon;
 - (F) Syria; or
 - (G) Yemen.