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S.2738 - Toxic Exposure Research Act of 2014[View Bill Overview Official info, comments, more](#)

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, to establish an advisory board on exposure to toxic substances, and for other purposes.

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S 2738 IS

113th CONGRESS
2d Session
S. 2738

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, to establish an advisory board on exposure to toxic substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES
July 31, 2014

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

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, to establish an advisory board on exposure to toxic substances, and for other purposes.

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 'Toxic Exposure Research Act of 2014'.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **ARMED FORCE**- The term 'Armed Force' means the United States Army, Navy, Marine Corps, Air Force, or Coast Guard, including the reserve components thereof.
- (2) **DESCENDANT**- The term 'descendant' means, with respect to an individual, the biological child, grandchild, or great-grandchild of that individual.
- (3) **TOXIC SUBSTANCE**- The term 'toxic substance' shall have the meaning given that term by the Secretary of Veterans Affairs and shall include all substances that have been proven by peer reviewed scientific research or a preponderance of opinion in the medical community to lead to disabilities related to the exposure of an individual to those substances while serving as a member of the Armed Forces.
- (4) **VETERAN**- The term 'veteran' has the meaning given that term in section 101 of title 38, United States Code.

SEC. 3. NATIONAL CENTER FOR RESEARCH ON THE DIAGNOSIS AND TREATMENT OF HEALTH CONDITIONS OF THE DESCENDANTS OF INDIVIDUALS EXPOSED TO TOXIC SUBSTANCES DURING SERVICE IN THE ARMED FORCES.

(a) **National Center-**

(1) **IN GENERAL**- Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the advisory board established under section 4, select a medical center of the Department of Veterans Affairs to serve as the national center for research on the diagnosis and treatment of health conditions of descendants of individuals exposed to toxic substances while serving as members of the Armed Forces that are related to that exposure (in this section referred to as the 'National Center').

(2) **CRITERIA FOR SELECTION**- The National Center shall be selected under paragraph (1) from among medical centers of the Department with expertise in diagnosing and treating functional and structural birth defects and caring for individuals exposed to toxic substances, or that are affiliated with research medical centers or teaching hospitals with such expertise, that seek to be selected under this section.

(b) **Research-**

(1) **IN GENERAL**- The National Center may conduct research on the diagnosis and treatment of health conditions of descendants of individuals exposed to toxic substances while serving as members of the Armed Forces that are related to that exposure.

(2) **STUDIES**- In conducting research under paragraph (1), the National Center shall study individuals, at the election of the individual, for whom the Secretary has made one of the following determinations:

- (A)(i) The individual is a descendant of an individual who served as a member of the Armed Forces;
 - (ii) such member was exposed to a toxic substance while serving as a member of the Armed Forces; and
 - (iii) such descendant is afflicted with a health condition that is determined by the advisory board established in section 4 to be a health condition that results from the exposure of such member to such toxic substance.
- (B)(i) The individual was exposed to a toxic substance while serving as a member of the Armed Forces; and

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(ii) such individual is afflicted with a health condition that is determined by the advisory board established in section 4 to be a health condition that results from the exposure of such individual to such toxic substance.

(3) USE OF RECORDS-

(A) IN GENERAL- The Secretary of Defense or the head of a Federal agency may make available to the Secretary of Veterans Affairs for review records held by the Department of Defense, an Armed Force, or that Federal agency, as appropriate, that might assist the Secretary of Veterans Affairs in making the determinations required by paragraph (2).

(B) MECHANISM- The Secretary of Veterans Affairs and the Secretary of Defense or the head of the appropriate Federal agency may jointly establish a mechanism for the availability and review of records by the Secretary of Veterans Affairs under subparagraph (A).

(c) Social Workers- The National Center shall employ not less than one licensed clinical social worker to coordinate access of individuals to appropriate Federal, State, and local social and healthcare programs and to handle case management.

(d) Reimbursement for Necessary Travel and Room and Board- The National Center shall reimburse any individual participating in a study pursuant to subsection (b), and any parent, guardian, spouse, or sibling who accompanies such individual, for the reasonable cost of--

(1) travel to the National Center for participation in such study; and

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

(e) Report- Not less frequently than annually, the National Center shall submit a report to Congress on the functions of the National Center during the year preceding the submittal of the report that includes a summary of the research efforts of the National Center under this section that have been completed during such year and that are ongoing as of the date of the submittal of the report.

SEC. 4. ADVISORY BOARD.

(a) Establishment- Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish an advisory board (in this section referred to as the 'Advisory Board')--

(1) to advise the National Center established under section 3;

(2) to determine which health conditions result from exposure to toxic substances; and

(3) to study and evaluate cases of exposure of current and former members of the Armed Forces to toxic substances if such exposure is related to the service of the member in the Armed Forces.

(b) Membership-

(1) COMPOSITION- Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Health and Human Services, the Director of the National Institute of Environmental Health Sciences, and other heads of Federal agencies as the Secretary of Veterans Affairs determines appropriate, select not less than 13 members of the Advisory Board, of whom--

(A) not less than three shall be members of organizations exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986;

(B) not less than one shall be--

(i) a descendant of an individual who was exposed to toxic substances while serving as a member of the Armed Forces and the descendant has manifested a birth defect or functional disability as a result of the exposure of that individual; or

(ii) a parent, child, or grandchild of that descendant; and

(C) additional members may be selected from among--

(I) health professionals, scientists, and academics with expertise in--

(i) birth defects;

(ii) developmental disabilities;

(iii) epigenetics;

(iv) public health;

(v) the science of environmental exposure or environmental exposure assessment;

(vi) the science of toxic substances; or

(vii) medical and research ethics;

(ii) social workers; and

(iii) advocates for veterans or members of the Armed Forces.

(2) CHAIRPERSON- The Secretary shall select a Chairperson from among the members of the Advisory Board.

(3) TERMS- Each member of the Advisory Board shall serve a term of two or three years as determined by the Secretary.

(c) Duties-

(1) ADVISORY ROLE WITH RESPECT TO THE NATIONAL CENTER- With respect to the National Center established under section 3, the Advisory Board shall--

(A) oversee and assess the work of the National Center; and

(B) advise the Secretary of Veterans Affairs on--

(i) issues related to the research conducted at the National Center; and

(ii) the particular benefits and services required by the descendants of individuals exposed to toxic substances while serving as members of the Armed Forces.

(2) DETERMINATION THAT HEALTH CONDITIONS RESULTED FROM TOXIC EXPOSURE- The Advisory Board shall determine which health conditions in descendants of individuals exposed to toxic substances while serving as members of the Armed Forces are health conditions that resulted from the exposure of that individual to that toxic substance for purposes of eligibility of those descendants for medical care under section 1781 of title 38, United States Code.

(3) STUDY AND CONSIDERATION OF TOXIC SUBSTANCE EXPOSURE CLAIMS-

(A) IN GENERAL- The Advisory Board shall study and evaluate claims of exposure to toxic substances by current and former members of the Armed Forces that is related to the service of the member in the Armed Forces.

(B) SUBMISSION OF CLAIMS- Claims of exposure described in subparagraph (A) may be submitted to the Advisory Board in such form and in such manner as the Secretary of Veterans Affairs may require by any of the following individuals or entities:

(i) A member of the Armed Forces.

(ii) A veteran.

(iii) A descendant of a member of the Armed Forces.

(iv) A descendant of a veteran.

(v) A veterans advocacy group.

(vi) An official of the Department of Veterans Affairs with responsibility or experience monitoring the health of current and former members of the Armed Forces.

(vii) An official of the Department of Defense with responsibility or experience monitoring the health of current and former members of the Armed Forces.

(C) CONSIDERATION OF CLAIMS- Not later than 180 days after receiving a claim submitted pursuant to subparagraph (B), the Advisory Board shall consider the claim and take one of the following actions:

(i) If the Advisory Board determines that exposure to a toxic substance occurred to a degree that an individual exposed to that substance may have or develop a medical condition that would qualify that individual for health care or compensation from the Department of Veterans Affairs or the Department of Defense, the Advisory Board shall submit to the Secretary of Veterans Affairs a report described in subparagraph (D).

(ii) If the Advisory Board determines that further consideration of the claim is necessary to adequately assess the extent of exposure, the Advisory Board shall refer the claim to the National Center established under section 3 to conduct further research and report its findings to the Advisory Board.

(iii) If the Advisory Board determines that exposure to a toxic substance did not occur, the Advisory Board shall report such determination to the Secretary of Veterans Affairs.

(D) REPORT- If the Advisory Board makes a determination under subparagraph (C)(i), the Advisory Board shall submit to the Secretary of Veterans Affairs a report that contains the following:

(i) Evidence used by the Advisory Board in making the determination under subparagraph (C)(i), including, if appropriate, the following:

(I) Scientific research.

(II) Peer-reviewed articles from scientific journals relating to exposure to toxic substances.

(III) Medical research conducted by the Department of Veterans Affairs, the Department of Defense, or the medical community.

(ii) Recommendations on the extent to which the Department of Veterans Affairs or the Department of Defense should provide health care, benefits, or other compensation with respect to exposure to a toxic substance to the following individuals:

(I) An individual exposed to a toxic substance as determined under subparagraph (C)(i).

(II) A descendant of that individual.

(iii) Information on cost and attributable exposure, as defined in regulations prescribed pursuant to this Act.

(E) PUBLICATION OF EVIDENCE-

(i) IN GENERAL- Except as provided in clause (ii), the Secretary shall publish in the Federal Register the evidence described in clause (i) of subparagraph (D) that is submitted with the report required by that subparagraph.

(ii) EXCEPTION- Such evidence may not be published if the Secretary determines that preventing such publication-

(I) is in the national security interest of the United States; or

(II) protects the privacy interests of individuals exposed to toxic substances.

(F) SUBPOENA AUTHORITY- The Advisory Board may require by subpoena the attendance and testimony of witnesses necessary to consider claims of exposure to toxic substances under this paragraph.

(G) COOPERATION OF FEDERAL AGENCIES- The head of each relevant Federal agency, including the Administrator of the Environmental Protection Agency, shall cooperate fully with the Advisory Board for purposes of considering claims of exposure to toxic substances under this paragraph.

(d) Meetings- The Advisory Board shall meet at the call of the Chair, but not less frequently than semiannually.

(e) Compensation-

(1) IN GENERAL- The members of the Advisory Board shall serve without compensation.

(2) TRAVEL EXPENSES- The members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board.

(f) Personnel-

(1) IN GENERAL- The Chairperson may, without regard to the civil service laws and regulations, appoint an executive director of the Advisory Board, who shall be a civilian employee of the Department of Veterans Affairs, and such other personnel as may be necessary to enable the Advisory Board to perform its duties.

(2) APPROVAL- The appointment of an executive director under paragraph (1) shall be subject to approval by the Advisory Board.

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

SEC. 5. DECLASSIFICATION BY DEPARTMENT OF DEFENSE OF CERTAIN INCIDENTS OF EXPOSURE OF MEMBERS OF THE ARMED FORCES TO TOXIC SUBSTANCES.

(a) In General- The Secretary of Defense may declassify documents related to any known incident in which not less than 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability that a member of the medical profession has determined to be associated with that toxic substance.

(b) Limitation- The declassification authorized by subsection (a) shall be limited to information necessary for an individual who was potentially exposed to a toxic substance to determine the following:

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

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

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

(c) Exception- The Secretary of Defense is not required to declassify documents if the Secretary determines that declassification of those documents would materially and immediately threaten the security of the United States.

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

The Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Secretary of Defense shall jointly conduct a national outreach and education campaign directed towards members of the Armed Forces, veterans, and their family members to communicate the following information:

(1) Information on-

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

(B) health conditions resulting from such exposure; and

(C) the potential long-term effects of such exposure on the individuals exposed to those substances and the descendants of those individuals.

(2) Information on the National Center established under section 3 of this Act for individuals eligible to participate in studies conducted at the National Center.

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