

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1769
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Toxic Exposure Re-
3 search Act of 2016”.

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 or grandchild of that individual.

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

1 stance was inhaled, ingested, or touched the skin or
2 eyes.

3 (4) EXPOSURE.—The term “exposure” means,
4 with respect to a toxic substance, an event during
5 which an individual was exposed to that toxic sub-
6 stance.

7 (5) TOXIC SUBSTANCE.—The term “toxic sub-
8 stance” means any substance determined by the Ad-
9 ministrator of the Environmental Protection Agency
10 to be harmful to the environment or hazardous to
11 the health of an individual if inhaled or ingested by
12 or absorbed through the skin of that individual.

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

16 **SEC. 3. NATIONAL CENTER FOR RESEARCH ON THE DIAG-**
17 **NOSIS AND TREATMENT OF HEALTH CONDI-**
18 **TIONS OF THE DESCENDANTS OF INDIVID-**
19 **UALS EXPOSED TO TOXIC SUBSTANCES DUR-**
20 **ING SERVICE IN THE ARMED FORCES THAT**
21 **ARE RELATED TO SUCH SERVICE.**

22 (a) NATIONAL CENTER.—

23 (1) IN GENERAL.—Not later than one year
24 after the date of the enactment of this Act, the Sec-
25 retary of Veterans Affairs shall, in consultation with

1 the Advisory Board established under section 4, se-
2 lect a medical center of the Department of Veterans
3 Affairs to serve as the national center for research
4 on the diagnosis and treatment of health conditions
5 of descendants of individuals exposed to toxic sub-
6 stances while serving as members of the Armed
7 Forces that are related to such exposure (in this Act
8 referred to as the “National Center”).

9 (2) CRITERIA FOR SELECTION.—

10 (A) IN GENERAL.—The National Center
11 shall be selected under paragraph (1) from
12 among medical centers of the Department with
13 expertise described in subparagraph (B), or
14 that are affiliated with research medical centers
15 or teaching hospitals with such expertise, that
16 seek to be selected under this section.

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

19 (i) expertise in diagnosing and treat-
20 ing functional and structural birth defects;
21 or

22 (ii) expertise in caring for individuals
23 exposed to toxic substances and diagnosing
24 and treating any health conditions result-
25 ing from such exposure.

1 (C) PREFERENCE.—Preference for selec-
2 tion under paragraph (1) shall be given to med-
3 ical centers of the Department with expertise
4 described in clauses (i) and (ii) of subparagraph
5 (B), or that are affiliated with research medical
6 centers or teaching hospitals with such exper-
7 tise.

8 (b) RESEARCH.—

9 (1) IN GENERAL.—The National Center shall
10 conduct research on the diagnosis and treatment of
11 health conditions of descendants of individuals ex-
12 posed to toxic substances while serving as members
13 of the Armed Forces that are related to that expo-
14 sure.

15 (2) STUDIES.—In conducting research under
16 paragraph (1), the National Center shall study indi-
17 viduals, at the election of the individual, for whom
18 the Secretary has made one of the following deter-
19 minations:

20 (A)(i) The individual is a descendant of an
21 individual who served as a member of the
22 Armed Forces;

23 (ii) such member was exposed to a toxic
24 substance while serving as a member of the
25 Armed Forces; and

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

4 (B)(i) The individual was exposed to a
5 toxic substance while serving as a member of
6 the Armed Forces; and

7 (ii) such individual is afflicted with a
8 health condition that is related to the exposure
9 of such individual to such toxic substance.

10 (3) USE OF RECORDS.—

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

19 (B) MECHANISM.—The Secretary of Vet-
20 erans Affairs and the Secretary of Defense or
21 the head of the appropriate Federal agency
22 shall jointly establish a mechanism for the
23 availability and review of records by the Sec-
24 retary of Veterans Affairs under subparagraph
25 (A).

1 (c) SOCIAL WORKERS.—The National Center shall
2 employ not less than one licensed clinical social worker to
3 coordinate access of individuals to appropriate Federal,
4 State, and local social and healthcare programs and to
5 handle case management.

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

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

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

17 (e) REPORTS.—

18 (1) ANNUAL REPORT.—

19 (A) IN GENERAL.—Not less frequently
20 than annually, the National Center shall submit
21 to Congress and the Advisory Board established
22 under section 4 a report on the functions of the
23 National Center during the year preceding the
24 submittal of the report that includes a sum-
25 mary of the research efforts of the National

1 Center that have been completed during such
2 year and that are ongoing as of the date of the
3 submittal of the report.

4 (B) UPON REQUEST.—Upon the request of
5 any organization exempt from taxation under
6 section 501(c)(19) of the Internal Revenue
7 Code of 1986, the National Center shall submit
8 a copy of a report submitted under subpara-
9 graph (A) to such organization.

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

16 (A) A summary of the research efforts of
17 the National Center during such quarter.

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

1 **SEC. 4. ADVISORY BOARD.**

2 (a) ESTABLISHMENT.—Not later than 180 days after
3 the date of the enactment of this Act, the Secretary of
4 Veterans Affairs shall establish an advisory board (in this
5 section referred to as the “Advisory Board”) to oversee
6 and assess the National Center established under section
7 3 and to advise the Secretary of Veterans Affairs with re-
8 spect to the work of the National Center.

9 (b) MEMBERSHIP.—

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

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

20 (i) not less than three shall be mem-
21 bers of organizations exempt from taxation
22 under section 501(c)(19) of the Internal
23 Revenue Code of 1986;

24 (ii) not less than one shall be—

25 (I) a descendant of an individual
26 who was exposed to toxic substances

1 while serving as a member of the
2 Armed Forces and the descendant has
3 manifested a structural or functional
4 birth defect or a health condition that
5 is related to the exposure of such indi-
6 vidual to such toxic substance; or

7 (II) a parent or child of that de-
8 scendant;

9 (iii) not less than six shall be health
10 professionals, scientists, or academics who
11 are not employees of the Federal Govern-
12 ment and have expertise in—

13 (I) birth defects;

14 (II) developmental disabilities;

15 (III) epigenetics;

16 (IV) public health;

17 (V) the science of environmental
18 exposure or environmental exposure
19 assessment;

20 (VI) the science of toxic sub-
21 stances; or

22 (VII) medical and research eth-
23 ics; and

24 (iv) additional members may be se-
25 lected from among social workers and ad-

1 vocates for veterans or members of the
2 Armed Forces who are not employees of
3 the Federal Government; and

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

8 (2) CHAIRPERSON.—The Secretary shall select
9 a Chairperson from among the members of the Advi-
10 sory Board.

11 (3) TERMS.—

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

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

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

21 (1) oversee and assess the work of the National
22 Center;

23 (2) not less frequently than quarterly, meet
24 with the director or another representative of the
25 National Center on the work conducted at the Na-

1 tional Center, including the research efforts of the
2 National Center;

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

6 (4) advise the Secretary of Veterans Affairs
7 on—

8 (A) issues related to the research con-
9 ducted at the National Center;

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

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

21 (D) any determinations or recommenda-
22 tions that the Advisory Board may have with
23 respect to the feasibility and advisability of the
24 Department providing health care services de-
25 scribed in subparagraph (C) to descendants de-

1 scribed in such subparagraph, including a de-
2 scription of changes to existing policy.

3 (d) REPORT.—

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

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

23 (A) The health condition is related to the
24 exposure of such individual to such toxic sub-
25 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 REVIEW BY DEPARTMENT OF**
10 **DEFENSE OF CERTAIN INCIDENTS OF EXPO-**
11 **SURE OF MEMBERS OF THE ARMED FORCES**
12 **TO TOXIC SUBSTANCES.**

13 (a) REVIEW.—The Secretary of Defense shall con-
14 duct a declassification review to determine what informa-
15 tion may be made publicly available relating to any known
16 incident in which not less than 100 members of the Armed
17 Forces were exposed to a toxic substance that resulted in
18 at least one case of a disability that a specialist in the
19 field of occupational medicine has determined to be
20 credibly associated with that toxic substance.

21 (b) RELEASE OF DECLASSIFIED INFORMATION.—To
22 the extent practicable, and subject to subsection (c) and
23 consistent with national security, the Secretary of Defense
24 shall make publicly available information declassified fol-
25 lowing the review required by subsection (a).

1 (c) LIMITATION.—Information made publicly avail-
2 able pursuant to subsection (b) shall be limited to informa-
3 tion necessary for an individual who was potentially ex-
4 posed to a toxic substance to determine the following:

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

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

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

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

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

22 (1) Information on—

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

1 (B) health conditions resulting from such
2 exposure; and

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

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

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

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

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

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

24 (4) by educating employees of all medical facili-
25 ties of the Department with respect to such informa-

1 tion and providing such employees with printed ma-
2 terials containing such information.

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

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

10 (2) by notifying all members of the Armed
11 Forces of such information; and

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

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

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

23 (2) by notifying such members of such informa-
24 tion; and

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

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

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

