

Senator Leahy Approps Record on Burn Pits Research for FY18-FY22

Between FY18 and FY22, Senator Leahy has shepherded \$32.5 million of additional appropriations supporting the work of the Airborne Hazards and Burn Pits Center of Excellence, to aid in the development of health expertise through clinical programs, research, education and risk communication. As part of the War Related Illness and Injury Study Center, the Center of Excellence is the lead VA agency for understanding and responding to the health needs of veterans exposed to burn pits.

FY22: \$10 million for Airborne Hazards and Burn Pits Center of Excellence

FY21: \$7.5 million for Airborne Hazards and Burn Pits Center of Excellence

FY20: \$5 million for Airborne Hazards and Burn Pits Center of Excellence

FY19: \$5 million for research into the effects of burn pits

FY18: \$5 million for implementing recommendations to improve the burn pit registry from the National Academies of Science

Division J of the Consolidated Appropriations Act for FY2022

An increase of \$10 million for the Airborne Hazards and Burn Pits Center of Excellence was included in the “front matters” list of most important Congressional Items of Interest at the beginning of the VA title of the bill.

Explanatory statement [[link](#)]

Toxic Exposures.—The Committees remain concerned by the long history of servicemembers being exposed to toxic substances, including Agent Orange, radiation, per- and polyfluoroalkyl substances (PFAS), and open burn pits, and believe that the recent rulemaking activity expanding presumptive benefits for veterans with toxic exposures is a step in the right direction. More must be done, both in expanding access to healthcare for veterans exposed to toxins, as well as ensuring they are receiving the disability and compensation benefits that they have earned.

The Department of Veterans Affairs (VA) is urged to work with the Department of Defense (DOD) to ensure that VA has information about every location in which servicemembers may have been exposed to toxins in order to appropriately adjudicate claims and make determinations about presumptive eligibility. Further, to improve data on veteran exposure to burn pits and potential health effects, the Committees reiterate the direction provided in House Report 117-81, requiring a report within 180 days on burn pit data tracking and reporting.

Additionally, the Committees support the Department's plans to increase research on the effects of and treatments for veterans exposed to toxins during their time in military service, as well as the launch of the Military Exposure Research Program. The Department is encouraged to partner with DOD and other research institutions to leverage its funding and to include gender-specific research in its research efforts. The Committees reiterate the directions provided in House Report 117-81 and Senate Report 117-35 to address concerns from PFAS exposure.

To assist in better understanding the effects of exposure to open burn pits and airborne hazards on the health of veterans, the agreement provides \$10,000,000 for the Airborne Hazards and Burn Pits Center of Excellence.

The Department is directed to provide a spend plan to the Committees on Appropriations detailing the planned use of funds provided in this Act for programs focused on toxic substances within 30 days of enactment of this Act. In addition, the Department is directed, within 60 days of enactment of this Act, to provide a retrospective report detailing spending on programs and activities focused on toxic substance exposure, including registries, research, reviewing and adjudicating claims, and benefits and health care for fiscal year 2021.

Senate Report -- S.Rpt.117-35 [[link](#)]

Veterans Exposed to Open Burn Pits and Airborne Hazards.—The Committee is supportive of the efforts of VA to research and study the health effects of open-air burn pits on veterans. In order to provide full and effective medical care, it is essential for the Department to better understand the impacts exposure during service has had on the health of veterans. Therefore the Committee directs not less than \$8,000,000 be utilized to carry out responsibilities and activities of the Airborne Hazards and Burn Pits Center of Excellence.

Division J of the FY2021 Omnibus and COVID Response and Relief Act (P.L. 116-260)

Explanatory Statement [[link](#)]

Working with the House in an explanatory statement for the omnibus, Senator Leahy included \$7.5 million for the Airborne Hazards and Burn Pits Center of Excellence, as well as increased outreach for the registry.

Veterans Exposed to Open Burn Pits and Airborne Hazards.—In order to provide full and effective medical care, it is essential for the Department to better understand the effects that exposure to open burn pits and airborne hazards during service had on the health of veterans. Consistent with the language included in House Report 116–445, the agreement includes \$7,500,000 to carry out responsibilities and activities of the Airborne Hazards and Burn Pits Center of Excellence. Furthermore, the Committees support increased outreach to veterans to enroll in the Airborne Hazards and Open Burn Pits Registry.

Division F of the Further Consolidated Appropriations Act for FY2020 (P.L. 116-94)

Explanatory Statement of the Rules Committee [[link](#)]

In FY20, due to disagreements over whether to prohibit the transfer of Military Construction funding for construction of a border wall, the Majority did not release a Military Construction, Veterans Affairs, and Related Agencies bill. Senator Leahy advocated that the final bill include funding he had previously sponsored for the Airborne Hazards and Burn Pits Center of Excellence, and which the House had included in its version of the bill.

Veterans Exposed to Open Burn Pits and Airborne Hazards.—In order to provide full and effective medical care, it is essential for the Department to better understand the impacts that exposure during service has had on the health of veterans. Therefore, the agreement supports language included in House Report 116-63, including \$5,000,000 to carry out responsibilities and activities of the Airborne Hazards and Burn Pits Center of Excellence.

**Energy and Water, Legislative Branch, and
Military Construction and Veterans Affairs Consolidated Appropriations Act
for FY2019 (P.L. 115-244)**

Joint Explanatory Statement of the Conference Committee [[link](#)]

Within the JES, the Senator specifically reaffirmed his Senate language and provided an additional \$5 million to improve post-deployment health practices and research for veterans exposed to airborne hazards and open burn pits, emphasizing the importance of the topic by both the House and the Senate. Most items in the House and Senate reports are included under a generic paragraph that says anything not contradicted in the JES should be considered to have been approved by the Conference Committee.

Burn pits. – The conference agreement provides \$5,000,000 for Veterans Health Administration clinical proposals, developed in conjunction with research, focusing on post-deployment health for veterans exposed to airborne hazards and open burn pits. In addition, the Secretary is directed to provide an assessment of the process for informing veterans through VA and community care providers about the Airborne Hazards and Open Burn Pit Registry and their eligibility for registering.

Senator Leahy was also happy to support the specific inclusion of language in the JES that was not originally in either the House or the Senate bills that funds and changes the name of an existing institution to the Airborne Hazards and Burn Pits Center of Excellence.

Burn Pits Center of Excellence. – The conferees are aware that VA currently runs an Airborne Hazards Center of Excellence (AHCE) at the War Related Illness and Injury Study Center. The AHCE was established in 2013 to provide an objective and comprehensive assessment of veterans’ cardiopulmonary function, military and non-military exposures, and health-related symptoms for those with airborne hazard concerns. In addition, the AHCE conducts clinical and translational research and actively develops and delivers new educational content to healthcare providers, veterans and other stakeholders. In order to better prevent, diagnose, mitigate, and treat conditions related to exposure to burn pits, as well as to leverage expertise in airborne hazards, the conferees have provided an additional \$5,000,000 for the Center to develop a concentration in burn pit study and research. Furthermore, to fully recognize the importance of this new mission and incorporate the expansion into the Center’s overarching expertise in Airborne Hazards, the Department is directed to rename the Center to the Airborne Hazards and Burn Pits Center of Excellence. To the maximum extent practicable, the Department should collaborate with the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out responsibilities and activities of this Center of Excellence. Additionally, the conferees direct the Department to report back to the Committees on Appropriations no later than 120 days after enactment of this Act progress made in establishing this enhanced center of excellence.

Senate Report -- S.Rpt.115-269 [[link](#)]

Senator Leahy added language requiring an assessment of how veterans receive information about the burn pit registry. It also called for improved research and research partnerships.

Veterans Exposed to Open Burn Pits and Airborne Hazards.—The Committee directs the Secretary to provide an assessment of the process by which veterans are informed by both VA and community care providers about the Airborne Hazards and Open Burn Pit Registry and their eligibility for registering. The assessment should include an analysis of the process by which VA or community care providers for veterans who may be suffering the effects of exposure to airborne hazards are connected to the VA experts at the Airborne Hazards Center of Excellence for additional resources and assistance.

The Committee is also concerned about the need for a better understanding of and treatment options for rare cancers disproportionately impacting those who have served in the military. The Committee encourages the Department to support research to evaluate the health status of service members from their time of deployment to Iraq and Afghanistan over many years to determine their incidence of chronic diseases including cancers that tend not to show up for decades. The Committee further encourages the Department to establish a collaboration with the Department of Defense to examine the impact of rare cancers on those who serve and fund research in delivering treatments for rare cancers that take a platform-agnostic approach to developing new therapeutics.

Consolidated Appropriations Act for FY2018 (P.L. 115-141)

Joint Explanatory Statement [[link](#)]

The JES from the Conference Committee reaffirmed Senator Leahy's registry addition in the Senate bill. Most items in the House and Senate reports are included under a generic paragraph that says anything not contradicted in the JES should be considered to have been approved by the Conference Committee.

Burn pits.—The agreement provides \$5,000,000 for the purpose of implementing the recommendations included in National Academies of Sciences, Engineering, and Medicine's assessment to improve the VA open burn pit registry.

Senate Report – S.Rpt.115-130 [[link](#)]

Senator Leahy added funding to implement the recommendations of the National Academies of Sciences in order to make the burn pit registry scientifically viable in order to improve treatment and solidify causal links. The VA is still overhauling and combining its multiple registry systems.

Improving Federal Burn Pits Registry.—The Committee provides an additional \$5,000,000 for the purpose of implementing the recommendations included in the National Academies of Sciences, Engineering, and Medicine’s Assessment of the Department of Veterans Affairs Airborne Hazards and Open Burn Pit Registry for improving the registry. The Department is directed to submit a report to the Committees on Appropriations of both Houses of Congress no later than 90 days after enactment of this act assessing the cost and timeline of implementation of each of the report’s recommendations.

Senator Leahy supported language related to research, which is funded in a separate section of the VA approps bill from the registry.

Burn Pits Research.—The Committee recommends VA continue conducting medical trials, using available treatments for pulmonary, cardiovascular, and other diseases and conditions related to the exposure to open air burn pits. The Department is directed to provide an update to the Committees on Appropriations of both Houses of Congress no later than 180 days after enactment of this act on the status and progress of such medical trials. Furthermore, where appropriate, VA is encouraged to work with private and public institutions which have already begun to research the chronic impacts of exposure to burn pits in order to develop treatments for veterans exposed to burn pits.