

116TH CONGRESS
2D SESSION

H. R. 7072

To direct the Secretary of Veterans Affairs to notify Congress regularly of reported cases of burn pit exposure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2020

Ms. GABBARD (for herself and Mr. MAST) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to notify Congress regularly of reported cases of burn pit exposure, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “SFC Heath Robinson
5 Burn Pit Transparency Act”.

6 **SEC. 2. NOTIFICATIONS AND REPORTS REGARDING RE-**
7 **PORTED CASES OF BURN PIT EXPOSURE.**

8 (a) QUARTERLY NOTIFICATIONS.—

9 (1) REQUIREMENT.—On a quarterly basis, the
10 Secretary of Veterans Affairs shall submit to the ap-

1 appropriate congressional committees a report on each
2 case of burn pit exposure reported during the pre-
3 vious quarter. Each such report shall include, with
4 respect to such cases, the following:

5 (A) Notice of the case, including the med-
6 ical facility at which the case was reported.

7 (B) Notice of, as available—

8 (i) the enrollment status of the cov-
9 ered veteran with respect to the patient en-
10 rollment under section 1705(a) of title 38,
11 United States Code;

12 (ii) a summary of all health care visits
13 by the covered veteran at the medical facil-
14 ity at which the case was reported that are
15 related to the case;

16 (iii) the demographics of the covered
17 veteran, including age, sex, and race;

18 (iv) identification of any non-Depart-
19 ment of Veterans Affairs health care bene-
20 fits that the covered veteran receives;

21 (v) the Armed Force in which the cov-
22 ered veteran served and the rank of the
23 covered veteran;

24 (vi) the period in which the covered
25 veteran served;

1 (vii) each location of an open burn pit
2 from which the covered veteran was ex-
3 posed to toxic airborne chemicals and
4 fumes caused by open burn pits during
5 such service;

6 (viii) the medical diagnoses of the cov-
7 ered veteran and the treatment provided to
8 the veteran; and

9 (ix) whether the covered veteran is
10 registered in the Airborne Hazards and
11 Open Burn Pit Registry.

12 (2) PROTECTION OF INFORMATION.—The Sec-
13 retary shall ensure that the reports submitted under
14 paragraph (1) do not include the identity of covered
15 veterans or contain other personally identifiable
16 data.

17 (b) ANNUAL REPORT ON CASES.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, and an-
20 nually thereafter, the Secretary of Veterans Affairs,
21 in collaboration with the Secretary of Defense, shall
22 submit to the appropriate congressional committees
23 a report detailing the following:

24 (A) The total number of covered veterans.

1 (B) The total number of claims for dis-
2 ability compensation under chapter 11 of title
3 38, United States Code, approved and denied
4 by the Secretary of Veterans Affairs with re-
5 spect to covered veterans, and for each such de-
6 nial, the rationale of the denial.

7 (C) A comprehensive list of—

8 (i) the conditions for which covered
9 veterans seek treatment; and

10 (ii) the locations of the open burn pits
11 to which the covered veterans were exposed
12 to toxic airborne chemicals and fumes
13 caused by open burn pits.

14 (D) Identification of any illnesses relating
15 to exposure to open burn pits which formed the
16 basis for the Secretary to award benefits, in-
17 cluding but not limited to, entitlement to serv-
18 ice connection or an increase in disability rat-
19 ing.

20 (E) Any updates or trends with respect to
21 the information described in subparagraphs (A),
22 (B), and (C) that the Secretary determines ap-
23 propriate.

24 (2) MATTERS INCLUDED IN FIRST REPORT.—

25 The Secretary shall include in the first report under

1 paragraph (1) notifications containing the informa-
2 tion specified in subsection (a)(1) with respect to re-
3 ported cases of burn pit exposure made during the
4 period beginning January 1, 1990, and ending on
5 the day before the date of the enactment of this Act.

6 (c) INFORMATION REGARDING REGISTRY.—Section
7 201(a) of the Dignified Burial and Other Veterans’ Bene-
8 fits Improvement Act of 2012 (Public Law 112–260; 38
9 U.S.C. 527 note) is amended by adding at the end the
10 following new paragraph:

11 “(3) INFORMATION.—

12 “(A) NOTICE.—The Secretary shall ensure
13 that a medical professional of the Department
14 of Veterans Affairs informs a veteran of the
15 registry under paragraph (1) if the veteran pre-
16 sents at a medical facility of the Department
17 for treatment that the veteran describes as
18 being related to, or ancillary to, the exposure of
19 the veteran to toxic airborne chemicals and
20 fumes caused by open burn pits.

21 “(B) DISPLAY.—In making information
22 public regarding the number of participants in
23 the registry under paragraph (1), the Secretary
24 shall display such numbers by both State and
25 by congressional district.”.

1 (d) COMPTROLLER GENERAL REPORT.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Comptroller General of the United States shall submit
4 to the appropriate congressional committees a report con-
5 taining an assessment of the effectiveness of any memo-
6 randum of understanding or memorandum of agreement
7 entered into by the Secretary of Veterans Affairs with re-
8 spect to—

9 (1) the processing of reported cases of burn pit
10 exposure; and

11 (2) the coordination of care and provision of
12 health care relating to such cases at medical facili-
13 ties of the Department and at non-Department fa-
14 cilities.

15 (e) DEFINITIONS.—In this section:

16 (1) The term “Airborne Hazards and Open
17 Burn Pit Registry” means the registry established
18 by the Secretary of Veterans Affairs under section
19 201 of the Dignified Burial and Other Veterans’
20 Benefits Improvement Act of 2012 (Public Law
21 112–260; 38 U.S.C. 527 note).

22 (2) The term “appropriate congressional com-
23 mittees” means—

1 (A) The Committee on Veterans' Affairs
2 and the Committee on Armed Services of the
3 House of Representatives; and

4 (B) the Committee on Veterans' Affairs
5 and the Committee on Armed Services of the
6 Senate.

7 (3) The term "covered veteran" means a vet-
8 eran described in paragraph (5).

9 (4) The term "open burn pit" has the meaning
10 given that term in section 201(c) of the Dignified
11 Burial and Other Veterans' Benefits Improvement
12 Act of 2012 (Public Law 112-260; 38 U.S.C. 527
13 note).

14 (5) The term "reported case of burn pit expo-
15 sure" means each instance in which a veteran pre-
16 sents at a medical facility of the Department of Vet-
17 erans Affairs (or in a non-Department facility pur-
18 suant to section 1703 or 1703A of title 38, United
19 States Code) for treatment that the veteran de-
20 scribes as being related to, or ancillary to, the expo-
21 sure of the veteran to toxic airborne chemicals and
22 fumes caused by open burn pits at any time while
23 serving in the Armed Forces.

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