

116TH CONGRESS
2D SESSION

S. 3885

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

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2020

Mr. BROWN (for himself and Mr. PORTMAN) introduced the following bill;
which was read twice and 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 by veterans, 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) IN GENERAL.—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 by a covered veteran re-
3 ported during the previous quarter.

4 (2) ELEMENTS.—Each report submitted under
5 paragraph (1) shall include, with respect to each
6 case of burn pit exposure of a covered veteran in-
7 cluded in the report, the following:

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

10 (B) Notice of, as available—

11 (i) the enrollment status of the cov-
12 ered veteran with respect to the patient en-
13 rollment system of the Department of Vet-
14 erans Affairs under section 1705(a) of title
15 38, United States Code;

16 (ii) a summary of all health care visits
17 by the covered veteran at the medical facil-
18 ity at which the case was reported that are
19 related to the case;

20 (iii) the demographics of the covered
21 veteran, including age, sex, and race;

22 (iv) any non-Department of Veterans
23 Affairs health care benefits that the cov-
24 ered veteran receives;

1 (v) the Armed Force in which the cov-
2 ered veteran served and the rank of the
3 covered veteran;

4 (vi) the period in which the covered
5 veteran served;

6 (vii) each location of an open burn pit
7 from which the covered veteran was ex-
8 posed to toxic airborne chemicals and
9 fumes during such service;

10 (viii) the medical diagnoses of the cov-
11 ered veteran and the treatment provided to
12 the veteran; and

13 (ix) whether the covered veteran is
14 registered in the Airborne Hazards and
15 Open Burn Pit Registry.

16 (3) PROTECTION OF INFORMATION.—The Sec-
17 retary shall ensure that the reports submitted under
18 paragraph (1) do not include the identity of covered
19 veterans or contain other personally identifiable
20 data.

21 (b) ANNUAL REPORT ON CASES.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, and an-
24 nually thereafter, the Secretary of Veterans Affairs,
25 in collaboration with the Secretary of Defense, shall

1 submit to the appropriate congressional committees
2 a report detailing the following:

3 (A) The total number of covered veterans.

4 (B) The total number of claims for dis-
5 ability compensation under chapter 11 of title
6 38, United States Code, approved and the total
7 number denied by the Secretary of Veterans Af-
8 fairs with respect to a covered veteran, and for
9 each such denial, the rationale of the denial.

10 (C) A comprehensive list of—

11 (i) the conditions for which covered
12 veterans seek treatment; and

13 (ii) the locations of the open burn pits
14 from which the covered veterans were ex-
15 posed to toxic airborne chemicals and
16 fumes.

17 (D) Identification of any illnesses relating
18 to exposure to open burn pits that formed the
19 basis for the Secretary to award benefits, in-
20 cluding entitlement to service connection or an
21 increase in disability rating.

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

1 (2) MATTERS INCLUDED IN FIRST REPORT.—

2 The Secretary shall include in the first report under
3 paragraph (1) information specified in subsection
4 (a)(2) with respect to reported cases of burn pit ex-
5 posure made during the period beginning January 1,
6 1990, and ending on the day before the date of the
7 enactment of this Act.

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

13 “(3) INFORMATION.—

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

23 “(B) DISPLAY.—In making information
24 public regarding the number of participants in
25 the registry under paragraph (1), the Secretary

1 shall display such numbers by both State and
2 by congressional district.”.

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

11 (1) the processing of reported cases of exposure
12 to open burn pits; and

13 (2) the coordination of care and provision of
14 health care relating to such cases at medical facili-
15 ties of the Department of Veterans Affairs and at
16 non-Department facilities.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “Airborne Hazards and Open
19 Burn Pit Registry” means the registry established
20 by the Secretary of Veterans Affairs under section
21 201 of the Dignified Burial and Other Veterans’
22 Benefits Improvement Act of 2012 (Public Law
23 112–260; 38 U.S.C. 527 note).

24 (2) The term “appropriate congressional com-
25 mittees” means—

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

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

7 (3) The term "covered veteran" means a vet-
8 eran who presents at a medical facility of the De-
9 partment of Veterans Affairs (or in a non-Depart-
10 ment facility pursuant to section 1703 or 1703A of
11 title 38, United States Code) for treatment that the
12 veteran describes as being related to, or ancillary to,
13 the exposure of the veteran to toxic airborne chemi-
14 cals and fumes caused by open burn pits at any time
15 while serving in the Armed Forces.

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

21 (5) The term "reported case of burn pit expo-
22 sure" means each instance in which a veteran pre-
23 sents at a medical facility of the Department of Vet-
24 erans Affairs (or in a non-Department facility pur-
25 suant to section 1703 or 1703A of title 38, United

1 States Code) for treatment that the veteran de-
2 scribes as being related to, or ancillary to, the expo-
3 sure of the veteran to toxic airborne chemicals and
4 fumes caused by open burn pits at any time while
5 serving in the Armed Forces.

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