

115TH CONGRESS
2D SESSION

H. R. 5920

To direct the Secretary of Veterans Affairs and the Secretary of Defense to submit to Congress an annual report on open burn pits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2018

Ms. SHEA-PORTER introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Veterans Affairs and the Secretary of Defense to submit to Congress an annual report on open burn pits, 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 “Airborne Hazards and
5 Open Burn Pit Registry Improvement Act”.

6 **SEC. 2. BURN PITS.**

7 (a) 2018 NDAA.—Section 738 of the National De-
8 fense Authorization Act for Fiscal Year 2018 (Public Law

1 115–91) is amended by inserting “in consultation with the
2 War Related Illness and Injury Study Center,” before
3 “shall coordinate efforts”.

4 (b) REPORTS.—

5 (1) SECRETARY OF VETERANS AFFAIRS.—Not
6 later than January 1, 2019, and annually thereafter,
7 the Secretary of Veterans Affairs shall submit re-
8 ports to the Committees on Armed Services and on
9 Veterans’ Affairs of the House of Representatives
10 and Senate regarding the following:

11 (A) New research and proposed policy
12 changes of the Department of Veterans Affairs
13 regarding efforts to identify, investigate, diag-
14 nose, treat, and heal medical conditions suf-
15 fered by veterans related to exposure to open
16 burn pits.

17 (B) The number of veterans who received
18 hospital care or medical services furnished by
19 the Secretary during the preceding year for
20 medical conditions related to exposure to open
21 burn pits, including—

22 (i) the medical conditions related to
23 exposure to open burn pits; and

24 (ii) when and where the veterans were
25 exposed to open burn pits.

1 (C) Plans of the Secretary to utilize and
2 improve the Airborne Hazards and Open Burn
3 Pit Registry (referred to in this section as “the
4 Registry”), including—

5 (i) outreach to veterans who have al-
6 ready registered responded to the Registry
7 questionnaire regarding new information
8 learned about medical conditions related to
9 exposure to open burn pits;

10 (ii) outreach to members of the
11 Armed Forces and veterans who were ex-
12 posed to open burn pits to encourage such
13 persons to respond to the Registry ques-
14 tionnaire;

15 (iii) partnerships between the Sec-
16 retary and the Secretary of Defense to
17 identify and inform members of the Armed
18 Forces and veterans who were exposed to
19 open burn pits;

20 (iv) actions taken to simplify the Reg-
21 istry questionnaire, including allowing
22 members of the Armed Forces and vet-
23 erans to input pertinent information auto-
24 matically from the Departments of Vet-
25 erans Affairs and Defense;

1 (v) actions taken to allow members of
2 the Armed Forces and veterans to update
3 answers to the Registry questionnaire;

4 (vi) actions taken to allow the match-
5 ing of information in the Registry to data
6 in the possession of the Health Adminis-
7 tration and Benefits Administration of the
8 Department;

9 (vii) actions taken to make data de-
10 scribed in clause (vi) available for longitu-
11 dinal studies;

12 (viii) privacy issues related to the
13 Registry that the Secretary has identified
14 and actions taken to mitigate such issues;
15 and

16 (ix) actions taken to model the Reg-
17 istry on other successful registries, includ-
18 ing registries operated by the Centers for
19 Disease Control and Prevention.

20 (D) An overview of initial claims and ap-
21 proved claims for compensation or health care
22 related to open burn pit exposures.

23 (E) Coordination between the Department
24 and any other Federal agency or non-govern-
25 mental entity related to the research and treat-

1 ment of medical conditions related to exposure
2 to open burn pits.

3 (F) Actions taken by the Secretary to up-
4 date the 2011 Institute of Medicine report ti-
5 tled “Long-Term Health Consequences of Ex-
6 posure to Burn Pits in Iraq and Afghanistan”.

7 (G) Any plan of the Secretary to conduct
8 research to address areas that the National
9 Academy of Medicine identifies as having lim-
10 ited, suggestive, inadequate, or insufficient evi-
11 dence to determine whether an association ex-
12 ists between exposure to open burn pits and an
13 illness, symptom, or disease.

14 (H) The strategy of the Secretary to edu-
15 cate health care providers (including non-De-
16 partment providers) who treat veterans regard-
17 ing the assessment, diagnosis, and treatment of
18 medical conditions related to exposure to open
19 burn pits, including the following:

20 (i) How the Secretary measures
21 whether providers are aware of and versed
22 in the environmental exposure knowledge
23 base.

1 (ii) Whether and how providers screen
2 veterans for medical conditions related to
3 exposure to open burn pits.

4 (iii) Methods (including direct ques-
5 tions) that providers use to identify vet-
6 erans who were likely exposed to open burn
7 pits.

8 (iv) Whether and how providers refer
9 veterans who were exposed to open burn
10 pits to appropriate specialists.

11 (v) Whether and how the Secretary
12 tracks referrals described in clause (v) and
13 related outcomes.

14 (vi) Whether the Secretary is con-
15 ducting any ongoing research regarding
16 veterans who were exposed to open burn
17 pits and related health outcomes.

18 (vii) What training the Secretary pro-
19 vides for providers regarding the assess-
20 ment, diagnosis, and treatment of medical
21 conditions related to exposure to open burn
22 pits.

23 (viii) How many providers have re-
24 ceived training described in clause (viii).

1 (I) Coordination with the Department of
2 Defense and related information regarding vet-
3 erans exposed to open burn pits.

4 (J) Resources and legislation the Secretary
5 determines to be necessary to identify, mitigate,
6 investigate, diagnose, treat, and heal medical
7 conditions related to open burn pit exposures.

8 (2) SECRETARY OF DEFENSE.—Not later than
9 January 1, 2019, and annually thereafter, the Sec-
10 retary of Defense shall submit reports to the Com-
11 mittees on Armed Services and on Veterans' Affairs
12 of the House of Representatives and Senate regard-
13 ing the following:

14 (A) Actions taken to identify and inform
15 members of the Armed Forces and veterans ex-
16 posed to open burn pits, including—

17 (i) the formation of any partnership
18 between the Departments of Defense and
19 Veterans Affairs to identify such individ-
20 uals;

21 (ii) actions taken to ensure such indi-
22 viduals are screened for medical conditions
23 related to open burn pit exposures; and

24 (iii) actions taken to ensure that, be-
25 fore such members of the Armed Forces

1 separate from active service, the mem-
2 bers—

3 (I) receive education about serv-
4 ices available from the Departments
5 of Defense and Veterans Affairs re-
6 garding medical conditions related to
7 open burn pit exposures; and

8 (II) respond to the Registry
9 questionnaire.

10 (B) Actions taken and plans to mitigate
11 future exposures of members of the Armed
12 Forces to open burn pits.

13 (C) Alternatives to open burn pits and
14 evaluations of such alternatives.

15 (D) Any exposures of members of the
16 Armed Forces to open burn pits operated by an
17 entity other than the Department of Defense.

18 (E) Data shared with the Secretary of Vet-
19 erans Affairs regarding—

20 (i) members of the Armed Forces and
21 veterans exposed to open burn pits;

22 (ii) when and where members of the
23 Armed Forces and veterans were exposed
24 to open burn pits;

1 (iii) the contents of burn pits identi-
2 fied under clause (ii);

3 (iv) the duration of exposures identi-
4 fied under clause (ii);

5 (v) data collected by industrial hygien-
6 ists regarding exposures of members of the
7 Armed Forces to open burn pits;

8 (vi) data collected from members of
9 the Armed Forces in post-deployment
10 health assessments that the Secretary de-
11 termines are related to open burn pit expo-
12 sures.

13 (F) Plans and actions of the Secretary to
14 collect surveillance data to enhance accuracy re-
15 garding the number of service members ex-
16 posed, characteristics of those exposed, and pat-
17 terns or linkages identified in those exposed.

18 (G) Plans and actions of the Secretary to
19 link data collected under subparagraph (F) to
20 health data regarding veterans that is in the
21 possession of the Secretary of Veterans Affairs.

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