

115TH CONGRESS  
2D SESSION

# H. R. 5671

To direct the Secretary of Defense to include in periodic health assessments, separation history and physical examinations, and other assessments an evaluation of whether a member of the Armed Forces has been exposed to open burn pits or toxic airborne chemicals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2018

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

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## A BILL

To direct the Secretary of Defense to include in periodic health assessments, separation history and physical examinations, and other assessments an evaluation of whether a member of the Armed Forces has been exposed to open burn pits or toxic airborne chemicals, 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 “Burn Pits Account-  
5 ability Act”.

1 **SEC. 2. EXPOSURE TO OPEN BURN PITS AND TOXIC AIR-**  
2 **BORNE CHEMICALS AS PART OF PERIODIC**  
3 **HEALTH ASSESSMENTS AND OTHER PHYS-**  
4 **ICAL EXAMINATIONS.**

5 (a) PERIODIC HEALTH ASSESSMENT.—The Sec-  
6 retary of Defense shall ensure that any periodic health as-  
7 sessment provided to members of the Armed Forces in-  
8 cludes an evaluation of whether the member has been—

9 (1) based or stationed at a location where an  
10 open burn pit was used; or

11 (2) exposed to toxic airborne chemicals, includ-  
12 ing any information recorded as part of the Airborne  
13 Hazards and Open Burn Pit Registry.

14 (b) SEPARATION HISTORY AND PHYSICAL EXAMINA-  
15 TIONS.—Section 1145(a)(5) of title 10, United States  
16 Code, is amended by adding at the end the following new  
17 subparagraph:

18 “(C) The Secretary concerned shall ensure that each  
19 physical examination of a member under subparagraph  
20 (A) includes an assessment of whether the member was—

21 “(i) based or stationed at a location where an  
22 open burn pit was used; or

23 “(ii) exposed to toxic airborne chemicals, in-  
24 cluding any information recorded as part of the reg-  
25 istry established by the Secretary of Veterans Af-  
26 fairs under section 201 of the Dignified Burial and

1 Other Veterans' Benefits Improvement Act of 2012  
2 (Public Law 112–260; 38 U.S.C. 527 note).”.

3 (c) DEPLOYMENT ASSESSMENTS.—Section  
4 1074f(b)(2) of title 10, United States Code, is amended  
5 by adding at the end the following new subparagraph:

6 “(D) An assessment of whether the member  
7 was—

8 “(i) based or stationed at a location where  
9 an open burn pit was used; or

10 “(ii) exposed to toxic airborne chemicals,  
11 including any information recorded as part of  
12 the registry established by the Secretary of Vet-  
13 erans Affairs under section 201 of the Dignified  
14 Burial and Other Veterans' Benefits Improve-  
15 ment Act of 2012 (Public Law 112–260; 38  
16 U.S.C. 527 note).”.

17 (d) SHARING OF INFORMATION.—

18 (1) DOD–VA.—The Secretary of Defense and  
19 the Secretary of Veterans Affairs shall jointly enter  
20 into a memorandum of understanding providing for  
21 the sharing by the Department of Defense with the  
22 Department of Veterans Affairs of the results of  
23 covered evaluations regarding the exposure by a  
24 member of the Armed Forces to toxic airborne  
25 chemicals.

1           (2) REGISTRY.—If a covered evaluation of a  
2           member of the Armed Forces establishes that the  
3           member was based or stationed at a location where  
4           an open burn pit was used, or the member was ex-  
5           posed to toxic airborne chemicals, the member shall  
6           be enrolled in the Airborne Hazards and Open Burn  
7           Pit Registry, unless the member elects to not so en-  
8           roll.

9           (e) DEFINITIONS.—In this section:

10           (1) The term “Airborne Hazards and Open  
11           Burn Pit Registry” means the registry established  
12           by the Secretary of Veterans Affairs under section  
13           201 of the Dignified Burial and Other Veterans’  
14           Benefits Improvement Act of 2012 (Public Law  
15           112–260; 38 U.S.C. 527 note).

16           (2) The term “covered evaluation” means—

17                   (A) a periodic health assessment conducted  
18                   in accordance with subsection (a);

19                   (B) a separation history and physical ex-  
20                   amination conducted under section 1145(a)(5)  
21                   of title 10, United States Code, as amended by  
22                   this section; and

23                   (C) a deployment assessment conducted  
24                   under section 1074f(b)(2) of title 10, United  
25                   States Code, as amended by this section.

1           (3) The term “open burn pit” has the meaning  
2           given that term in section 201(c) of the Dignified  
3           Burial and Other Veterans’ Benefits Improvement  
4           Act of 2012 (Public Law 112–260; 38 U.S.C. 527  
5           note).

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