

117TH CONGRESS
1ST SESSION

S. 1188

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

APRIL 15, 2021

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 reported case of burn pit exposure by a covered vet-
3 eran reported during the previous quarter.

4 (2) ELEMENTS.—Each report submitted under
5 paragraph (1) shall include, with respect to each re-
6 ported case of burn pit exposure of a covered vet-
7 eran included 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) The total number of covered veterans
23 who died after seeking care for an illness relat-
24 ing to exposure to an open burn pit.

1 (F) Any updates or trends with respect to
2 the information described in subparagraphs (A),
3 (B), (C), (D), and (E) that the Secretary deter-
4 mines appropriate.

5 (2) MATTERS INCLUDED IN FIRST REPORT.—

6 The Secretary shall include in the first report under
7 paragraph (1) information specified in subsection
8 (a)(2) with respect to reported cases of burn pit ex-
9 posure made during the period beginning January 1,
10 1990, and ending on the day before the date of the
11 enactment of this Act.

12 (c) INCLUSION OF INFORMATION AFTER DEATH AND
13 PROVISION OF INFORMATION REGARDING OPEN BURN
14 PIT REGISTRY.—Section 201(a) of the Dignified Burial
15 and Other Veterans' Benefits Improvement Act of 2012
16 (Public Law 112–260; 38 U.S.C. 527 note) is amended
17 by adding at the end the following new paragraphs:

18 “(3) REPORTING OF INFORMATION AFTER
19 DEATH.—The Secretary of Veterans Affairs shall
20 permit a survivor of a deceased veteran to report to
21 the registry under paragraph (1) the exposure of the
22 veteran to toxic airborne chemicals and fumes
23 caused by an open burn pit, even if such veteran was
24 not included in the registry before their death.

25 “(4) INFORMATION REGARDING REGISTRY.—

1 “(A) NOTICE.—The Secretary of Veterans
2 Affairs shall ensure that a medical professional
3 of the Department of Veterans Affairs informs
4 a veteran of the registry under paragraph (1)
5 if the veteran presents at a medical facility of
6 the Department for treatment that the veteran
7 describes as being related to, or ancillary to, the
8 exposure of the veteran to toxic airborne chemi-
9 cals and fumes caused by open burn pits.

10 “(B) DISPLAY.—In making information
11 public regarding the number of participants in
12 the registry under paragraph (1), the Secretary
13 shall display such numbers by both State and
14 by congressional district.”.

15 (d) COMPTROLLER GENERAL REPORT.—Not later
16 than 180 days after the date of the enactment of this Act,
17 the Comptroller General of the United States shall submit
18 to the appropriate congressional committees a report con-
19 taining an assessment of the effectiveness of any memo-
20 randum of understanding or memorandum of agreement
21 entered into by the Secretary of Veterans Affairs with re-
22 spect to—

23 (1) the processing of reported cases of burn pit
24 exposure; and

1 (2) the coordination of care and provision of
2 health care relating to such cases at medical facili-
3 ties of the Department of Veterans Affairs and at
4 non-Department facilities.

5 (e) DEFINITIONS.—In this section:

6 (1) The term “Airborne Hazards and Open
7 Burn Pit Registry” means the registry established
8 by the Secretary of Veterans Affairs under section
9 201 of the Dignified Burial and Other Veterans’
10 Benefits Improvement Act of 2012 (Public Law
11 112–260; 38 U.S.C. 527 note).

12 (2) The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Veterans’ Affairs
15 and the Committee on Armed Services of the
16 Senate; and

17 (B) The Committee on Veterans’ Affairs
18 and the Committee on Armed Services of the
19 House of Representatives.

20 (3) The term “covered veteran” means a vet-
21 eran who presents at a medical facility of the De-
22 partment of Veterans Affairs (or in a non-Depart-
23 ment facility pursuant to section 1703 or 1703A of
24 title 38, United States Code) for treatment that the
25 veteran describes as being related to, or ancillary to,

1 the exposure of the veteran to toxic airborne chemi-
2 cals and fumes caused by open burn pits at any time
3 while serving in the Armed Forces.

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

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

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