

117TH CONGRESS
1ST SESSION

H. R. 2601

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 HOUSE OF REPRESENTATIVES

APRIL 15, 2021

Mr. RYAN (for himself, Mr. MAST, Mr. KELLY of Mississippi, Mr. FITZPATRICK, Mr. VELA, Mrs. HAYES, and Mr. ZELDIN) 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 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.—

1 (1) IN GENERAL.—On a quarterly basis, the
2 Secretary of Veterans Affairs shall submit to the ap-
3 propriate congressional committees a report on each
4 reported case of burn pit exposure by a covered vet-
5 eran reported during the previous quarter.

6 (2) ELEMENTS.—Each report submitted under
7 paragraph (1) shall include, with respect to each re-
8 ported case of burn pit exposure of a covered vet-
9 eran included in the report, the following:

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

12 (B) Notice of, as available—

13 (i) the enrollment status of the cov-
14 ered veteran with respect to the patient en-
15 rollment system of the Department of Vet-
16 erans Affairs under section 1705(a) of title
17 38, United States Code;

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

22 (iii) the demographics of the covered
23 veteran, including age, sex, and race;

1 (iv) any non-Department of Veterans
2 Affairs health care benefits that the cov-
3 ered veteran receives;

4 (v) the Armed Force in which the cov-
5 ered veteran served and the rank of the
6 covered veteran;

7 (vi) the period in which the covered
8 veteran served;

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

13 (viii) the medical diagnoses of the cov-
14 ered veteran and the treatment provided to
15 the veteran; and

16 (ix) whether the covered veteran is
17 registered in the Airborne Hazards and
18 Open Burn Pit Registry.

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

24 (b) ANNUAL REPORT ON CASES.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, and an-
3 nually thereafter, the Secretary of Veterans Affairs,
4 in collaboration with the Secretary of Defense, shall
5 submit to the appropriate congressional committees
6 a report detailing the following:

7 (A) The total number of covered veterans.

8 (B) The total number of claims for dis-
9 ability compensation under chapter 11 of title
10 38, United States Code, approved and the total
11 number denied by the Secretary of Veterans Af-
12 fairs with respect to a covered veteran, and for
13 each such denial, the rationale of the denial.

14 (C) A comprehensive list of—

15 (i) the conditions for which covered
16 veterans seek treatment; and

17 (ii) the locations of the open burn pits
18 from which the covered veterans were ex-
19 posed to toxic airborne chemicals and
20 fumes.

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

1 (E) The total number of covered veterans
2 who died after seeking care for an illness relat-
3 ing to exposure to an open burn pit.

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

8 (2) MATTERS INCLUDED IN FIRST REPORT.—

9 The Secretary shall include in the first report under
10 paragraph (1) information specified in subsection
11 (a)(2) with respect to reported cases of burn pit ex-
12 posure made during the period beginning January 1,
13 1990, and ending on the day before the date of the
14 enactment of this Act.

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

21 “(3) REPORTING OF INFORMATION AFTER
22 DEATH.—The Secretary of Veterans Affairs shall
23 permit a survivor of a deceased veteran to report to
24 the registry under paragraph (1) the exposure of the
25 veteran to toxic airborne chemicals and fumes

1 caused by an open burn pit, even if such veteran was
2 not included in the registry before their death.

3 “(4) INFORMATION REGARDING REGISTRY.—

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

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

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

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

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

7 (e) DEFINITIONS.—In this section:

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

14 (2) The term “appropriate congressional com-
15 mittees” means—

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

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

22 (3) The term “covered veteran” means a vet-
23 eran who presents at a medical facility of the De-
24 partment of Veterans Affairs (or in a non-Depart-
25 ment facility pursuant to section 1703 or 1703A of

1 title 38, United States Code) for treatment that the
2 veteran describes as being related to, or ancillary to,
3 the exposure of the veteran to toxic airborne chemi-
4 cals and fumes caused by open burn pits at any time
5 while serving in the Armed Forces.

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

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

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