

116TH CONGRESS
1ST SESSION

H. R. 4137

To amend title 38, United States Code, to provide for the eligibility of certain individuals exposed to burn pits for hospital care, medical services, and nursing home care furnished by the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2019

Mr. RUIZ (for himself, Mr. CASTRO of Texas, Mr. BILIRAKIS, and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the eligibility of certain individuals exposed to burn pits for hospital care, medical services, and nursing home care furnished by the Department of Veterans Affairs, 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 “Jennifer Kepner
5 Healthcare for Open air burn Pit Exposure Act” or the
6 “Jennifer Kepner HOPE Act”.

1 **SEC. 2. ELIGIBILITY OF INDIVIDUALS EXPOSED TO BURN**
2 **PITS FOR HOSPITAL CARE, MEDICAL SERV-**
3 **ICES, AND NURSING HOME FURNISHED BY**
4 **THE DEPARTMENT OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Section 1710 of title 38, United
6 States Code, is amended—

7 (1) in subsection (a)(2)(F), by inserting “burn
8 pit,” after “radiation,”; and

9 (2) in subsection (e)—

10 (A) in paragraph (1), by adding at the end
11 the following new subparagraph:

12 “(G)(i) Subject to paragraph (2), an individual de-
13 scribed in clause (ii) is eligible for hospital care, medical
14 services, and nursing home care under subsection
15 (a)(2)(F) notwithstanding that there is insufficient med-
16 ical evidence to conclude that a disease or disability of the
17 individual is or is not associated with exposure to an open
18 air burn pit.

19 “(ii) An individual described in this clause is an indi-
20 vidual who, on or after January 1, 1990, served as a mem-
21 ber of the Armed Forces in support of a contingency oper-
22 ation and was based or stationed at a location where an
23 open air burn pit was in use.

24 “(iii) In this subparagraph, the term ‘open air burn
25 pit’ means a place where—

1 “(I) solid waste is disposed of by burning in the
2 outdoor air; and

3 “(II) a commercially manufactured incinerator
4 or other equipment specifically designed and manu-
5 factured for the burning of solid waste is not in
6 use.”; and

7 (B) in paragraph (2)(B), by striking “or
8 (F)” and inserting “(F), or (G)”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply with respect to hospital care,
11 medical services, and nursing home care furnished on or
12 after the date that is 180 days after the date of the enact-
13 ment of this Act.

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