

116TH CONGRESS  
2D SESSION

# H. R. \_\_\_\_\_

To amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## A BILL

To amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, 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 “Veterans Burn Pits  
5 Exposure Recognition Act of 2020”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

1           (1) The health of some members of the Armed  
2 Forces and veterans who served in certain locations,  
3 often multiple times, may have been affected by  
4 their service near burn pits.

5           (2) Determining the location of burn pits, and  
6 the scope of health effects associated to exposure, re-  
7 mains the subject of much investigation and re-  
8 search by the Department of Veterans Affairs, the  
9 Department of Defense, other government agencies,  
10 and the National Academies of Sciences, Engineer-  
11 ing, and Medicine.

12           (3) The locations of burn pits used by the De-  
13 partment of Defense and partnered armed forces,  
14 and the possible health effects associated by their  
15 use, may never be completely known, as—

16                   (A) some location and air and soil quality  
17 data is fragmentary; and

18                   (B) the research involved with establishing  
19 links between burn pit exposure and health con-  
20 ditions by necessity is complex, years in length,  
21 and in the end, in some cases, inconclusive.

22           (4) In the interim, though, some veterans have  
23 already been adversely affected by their exposure to  
24 burn pits, and their claims to certain benefits fur-

1 nished by the Department of Veterans Affairs can  
2 be reviewed on a case-by-case basis.

3 (5) When filing a claim for certain benefits fur-  
4 nished by the Department of Veterans Affairs, the  
5 application requires that each veteran show evidence  
6 of their exposure to burn pits, however if the evi-  
7 dence of exposure to burn pits is not provided, the  
8 claim is often denied.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that—

11 (1) if it is determined that a veteran was de-  
12 ployed to a covered location during a certain period,  
13 the Secretary of Veterans Affairs should concede  
14 that the member or veteran was exposed to certain  
15 toxins, chemicals, and hazards; and

16 (2) a concession of exposure as described in  
17 paragraph (1) should not alone be sufficient to enti-  
18 tle one to health care or disability compensation  
19 under laws administered by the Secretary of Vet-  
20 erans Affairs.

1 **SEC. 3. CONCESSION OF EXPOSURE TO AIRBORNE HAZ-**  
2 **ARDS AND TOXINS FROM DEPARTMENT OF**  
3 **DEFENSE AND PARTNERED ARMED FORCES**  
4 **BURN PITS.**

5 (a) IN GENERAL.—Subchapter II of chapter 11 of  
6 title 38, United States Code, is amended by adding at the  
7 end the following new section:

8 **“§ 1119. Concession of exposure to airborne hazards**  
9 **and toxins from burn pits**

10 “(a) IN GENERAL.—For purposes of section 1110  
11 and chapter 17 of this title, any veteran who, during active  
12 military, naval, or air service, was deployed in support of  
13 a contingency operation while so serving and as part of  
14 such deployment served in a covered location during a cor-  
15 responding period set forth under subsection (b), shall be  
16 considered to have been exposed to the toxins, chemicals,  
17 and hazards listed in subsection (c).

18 “(b) COVERED LOCATIONS AND CORRESPONDING  
19 PERIODS.—(1) The covered locations and corresponding  
20 periods set forth under this subsection are as follows:

21 “(A) Iraq and the following periods:

22 “(i) The period beginning on August 2,  
23 1990, and ending on February 28, 1991.

24 “(ii) The period beginning on March 19,  
25 2003, and ending on such date as the Secretary  
26 determines burn pits are no longer used in Iraq.

1           “(B) The Southwest Asia Theater of oper-  
2           ations, other than Iraq, and the period beginning on  
3           August 2, 1990, and ending on such date as the  
4           Secretary determines burn pits are no longer used in  
5           such location, including the following:

6                   “(i) Kuwait.

7                   “(ii) Saudi Arabia.

8                   “(iii) Bahrain.

9                   “(iv) Oman.

10                   “(v) Qatar.

11                   “(vi) United Arab Emirates.

12           “(C) Afghanistan and the period beginning on  
13           September 11, 2001, and ending on such date as the  
14           Secretary determines burn pits are no longer used in  
15           Afghanistan.

16           “(D) Djibouti and the period beginning on Sep-  
17           tember 11, 2001, and ending on such date as the  
18           Secretary determines burn pits are no longer used in  
19           Djibouti.

20           “(E) Such other locations as are set forth by  
21           the Airborne Hazards and Open Burn Pit Registry  
22           established under section 201 of the Dignified Bur-  
23           ial and Other Veterans’ Benefits Improvement Act  
24           of 2012 (Public Law 112–260; 38 U.S.C. 527 note)  
25           and corresponding periods set forth in such registry.

1           “(F) In accordance with subsection (e), such  
2 other locations and corresponding periods as the  
3 Secretary, in collaboration with the Secretary of De-  
4 fense, may determine appropriate.

5           “(2) A location set forth under this subsection shall  
6 not include any body of water around or any airspace  
7 above such location.

8           “(c) TOXINS, CHEMICALS, AIRBORNE HAZARDS.—

9 (1) Subject to paragraph (2), the toxins, chemicals, and  
10 airborne hazards listed in this subsection are as follows:

11           “(A) Particulate matter, including the fol-  
12 lowing:

13                   “(i) PM-10.

14                   “(ii) PM-2.5.

15           “(B) Polycyclic aromatic hydrocarbons (PAHs),  
16 including the following:

17                   “(i) Acenaphthene.

18                   “(ii) Acenaphthylene.

19                   “(iii) Anthracene.

20                   “(iv) Benzo(a)anthracene.

21                   “(v) Benzo(a)pyrene.

22                   “(vi) Benzo(b)fluoroanthene.

23                   “(vii) Benzo(g,h,i)perylene.

24                   “(viii) Benzo(k)fluoroanthene.

25                   “(ix) Chrysene.

1                   “(x) Dibenz(a,h)anthracene.

2                   “(xi) Fluoranthene.

3                   “(xii) Fluorene.

4                   “(xiii) Indeno(1,2,3-cd)pyrene.

5                   “(xiv) Naphthalene.

6                   “(xv) Phenanthrene.

7                   “(xvi) Pyrene.

8                   “(C) Volatile organic compounds (VOCs), in-  
9 including the following:

10                   “(i) Acetone.

11                   “(ii) Acrolein.

12                   “(iii) Benzene.

13                   “(iv) Carbon Disulfide.

14                   “(v) Chlorodifluoromethane.

15                   “(vi) Chloromethane.

16                   “(vii) Ethylbenzene.

17                   “(viii) Hexane.

18                   “(ix) Hexachlorobutadiene.

19                   “(x) m/p-Xylene.

20                   “(xi) Methylene Chloride.

21                   “(xii) Pentane.

22                   “(xiii) Propylene.

23                   “(xiv) Styrene.

24                   “(xv) Toluene.

1           “(D) Toxic organic halogenated dioxins and  
2           furans (dioxins), including the following:

3                   “(i) 1,2,3,4,6,7,8 HPCDD.

4                   “(ii) 1,2,3,4,6,7,8 HPCDF.

5                   “(iii) 1,2,3,4,7,8,9 HPCDF.

6                   “(iv) 1,2,3,4,7,8 HXCDD.

7                   “(v) 1,2,3,4,7,8 HXCDF.

8                   “(vi) 1,2,3,6,7,8 HXCDD.

9                   “(vii) 1,2,3,6,7,8 HXCDF.

10                  “(viii) 1,2,3,7,8,9 HXCDD.

11                  “(ix) 1,2,3,7,8,9 HXCDF.

12                  “(x) 1,2,3,7,8 PECDD.

13                  “(xi) 1,2,3,7,8 PECDF.

14                  “(xii) 2,3,4,6,7,8 HXCDF.

15                  “(xiii) 2,3,4,7,8 PECDF.

16                  “(xiv) 2,3,7,8 TCDD.

17                  “(xv) 2,3,7,8 TCDF.

18                  “(xvi) Octachlorodibenzodioxin.

19                  “(xvii) Octachlorodibenzofuran.

20           “(E) Such other toxins, chemicals, and airborne  
21           hazards as the Secretary, in collaboration with the  
22           Secretary of Defense, may add under paragraph (2).

23           “(2) In accordance with subsection (e), the Secretary  
24           may add to or remove toxins, chemicals, and airborne haz-



1 ards from the list under paragraph (1) as the Secretary  
2 determines appropriate.

3 “(d) MEDICAL EXAMINATIONS AND MEDICAL OPIN-  
4 IONS FOR EMERGING DISEASES.—(1) If a veteran de-  
5 scribed in subsection (a) submits to the Secretary a claim  
6 for compensation for a service-connected disability with  
7 evidence of an emerging disability described in paragraph  
8 (2) and service in a covered location and corresponding  
9 period set forth under subsection (b) and such evidence  
10 is not sufficient to establish a service connection for the  
11 emerging disability, the Secretary shall provide the vet-  
12 eran with a medical examination and the Secretary shall  
13 request a medical opinion as to any limited or suggestive  
14 evidence of an association between the emerging disability  
15 and a toxin, chemical, or hazard covered by subsection (c).

16 “(2) An emerging disability described in this para-  
17 graph is any of the following:

18 “(A) Bronchial asthma.

19 “(B) Chronic bronchitis.

20 “(C) Sinusitis.

21 “(D) Constrictive bronchiolitis.

22 “(E) In accordance with subsection (e), any  
23 other disability or disease that the Secretary deter-  
24 mines is emerging in the medical and scientific com-  
25 munity as a condition increasingly linked to the ad-

1       verse effects of exposure to airborne hazards or tox-  
2       ins from burn pits in a covered location and cor-  
3       responding period set forth under subsection (b).

4       “(3) When providing the Secretary with a medical  
5       opinion requested under paragraph (1), the medical pro-  
6       vider shall—

7               “(A) consider the total potential exposure  
8       through all applicable military deployments, and the  
9       synergistic effect of all combined toxins through in-  
10      halation, dermal exposure, and ingestion; and

11              “(B) make a decision regarding whether a pre-  
12      ponderance of the evidence exists to establish an as-  
13      sociation between such exposure and the emerging  
14      disability, based upon the medical evidence and sci-  
15      entific reporting available at the time of the decision.

16      “(e) BIENNIAL REPORTS.—Not later than January  
17      1, 2023, and biennially thereafter, the Secretary shall  
18      submit to the Committees on Veterans’ Affairs of the  
19      House of Representatives and the Senate a report con-  
20      taining, with respect to the period covered by the report,  
21      the following:

22              “(1) Any location and corresponding period the  
23      Secretary has determined appropriate to be covered  
24      under subsection (b)(1)(F).

1           “(2) Any toxin, chemical, or airborne hazard  
2           added or removed to the list under paragraph (1) of  
3           subsection (c) pursuant to paragraph (2) of such  
4           subsection.

5           “(3) Any emerging disability the Secretary has  
6           determined appropriate to be covered under sub-  
7           section (d)(2).

8           “(f) BURN PIT DEFINED.—In this section, the term  
9           ‘burn pit’ means an area of land that is used for disposal  
10          of solid waste by burning in the outdoor air.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12          at the beginning of chapter 11 of such title is amended  
13          by inserting after the item relating to section 1118 the  
14          following new item:

          “1119. Concession of exposure to airborne hazards and toxins from burn pits.”.