

116TH CONGRESS  
2D SESSION

# S. 3868

To require the Secretary of Defense and the Secretary of Veterans Affairs to evaluate members of the Armed Forces and veterans who have tested positive for a virus certified as a pandemic for potential exposure to open burn pits and toxic airborne chemicals or other airborne contaminants, to conduct a study on the impact of such a pandemic on members and veterans with such exposure, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 2, 2020

Ms. KLOBUCHAR (for herself, Mr. ROUNDS, Ms. DUCKWORTH, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To require the Secretary of Defense and the Secretary of Veterans Affairs to evaluate members of the Armed Forces and veterans who have tested positive for a virus certified as a pandemic for potential exposure to open burn pits and toxic airborne chemicals or other airborne contaminants, to conduct a study on the impact of such a pandemic on members and veterans with such exposure, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pandemic Care for  
3 Burn Pits Exposure Act of 2020”.

4 **SEC. 2. EXPOSURE TO OPEN BURN PITS AND TOXIC AIR-**  
5 **BORNE CHEMICALS OR OTHER AIRBORNE**  
6 **CONTAMINANTS AS PART OF HEALTH AS-**  
7 **SESSMENTS FOR MEMBERS OF THE ARMED**  
8 **FORCES AND VETERANS DURING A PAN-**  
9 **DEMIC AND INCLUSION OF INFORMATION IN**  
10 **REGISTRY.**

11 (a) **HEALTH ASSESSMENT.**—The Secretary of De-  
12 fense and Secretary of Veterans Affairs shall ensure that  
13 the first health assessment conducted for a member of the  
14 Armed Forces or veteran after the individual tested posi-  
15 tive for a virus certified by the Federal government as a  
16 pandemic includes an evaluation of whether the individual  
17 has been—

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

20 (2) exposed to toxic airborne chemicals or other  
21 airborne contaminants relating to service in the  
22 Armed Forces, including an evaluation of any infor-  
23 mation recorded as part of the Airborne Hazards  
24 and Open Burn Pit Registry.

25 (b) **INCLUSION OF INDIVIDUALS IN REGISTRY.**—If an  
26 evaluation conducted under subsection (a) with respect to

1 an individual establishes that the individual was based or  
2 stationed at a location where an open burn pit was used,  
3 or that the individual was exposed to toxic airborne chemi-  
4 cals or other airborne contaminants, the individual shall  
5 be enrolled in the Airborne Hazards and Open Burn Pit  
6 Registry unless the member elects to not enroll in such  
7 registry.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion may be construed to preclude eligibility of a veteran  
10 for benefits under the laws administered by the Secretary  
11 of Veterans Affairs by reason of the history of exposure  
12 of the veteran to an open burn pit not being recorded in  
13 an evaluation conducted under subsection (a).

14 (d) DEFINITIONS.—In this section:

15 (1) AIRBORNE HAZARDS AND OPEN BURN PIT  
16 REGISTRY.—The term “Airborne Hazards and Open  
17 Burn Pit Registry” means the registry established  
18 by the Secretary of Veterans Affairs under section  
19 201 of the Dignified Burial and Other Veterans’  
20 Benefits Improvement Act of 2012 (Public Law  
21 112–260; 38 U.S.C. 527 note).

22 (2) OPEN BURN PIT.—The term “open burn  
23 pit” has the meaning given that term in section  
24 201(c) of the Dignified Burial and Other Veterans’

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

3 **SEC. 3. STUDY ON IMPACT OF VIRAL PANDEMICS ON MEM-**  
4 **BERS OF ARMED FORCES AND VETERANS**  
5 **WHO HAVE EXPERIENCED TOXIC EXPOSURE.**

6 (a) IN GENERAL.—The Secretary of Veterans Affairs  
7 shall conduct a study, through the Airborne Hazards and  
8 Burn Pits Center of Excellence (in this section referred  
9 to as the “Center”), on the health impacts of infection  
10 with a virus designated as a global pandemic, including  
11 a coronavirus, to members of the Armed Forces and vet-  
12 erans who have been exposed to open burn pits and other  
13 toxic exposures for the purposes of understanding the  
14 health impacts of the virus and whether individuals in-  
15 fected with the virus are at increased risk of severe symp-  
16 toms due to previous conditions linked to toxic exposure.

17 (b) PREPARATION FOR FUTURE PANDEMIC.—The  
18 Secretary, through the Center, shall analyze potential les-  
19 sons learned through the study conducted under sub-  
20 section (a) to assist in preparing the Department of Vet-  
21 erans Affairs for potential future pandemics.

22 (c) DEFINITIONS.—In this section:

23 (1) CORONAVIRUS.—The term “coronavirus”  
24 has the meaning given that term in section 506 of  
25 the Coronavirus Preparedness and Response Supple-

1       mental Appropriations Act, 2020 (Public Law 116–  
2       123).

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

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