AMENDMENT TO RULES COMMITTEE PRINT 115–70

OFFERED BY MS. GABBARD OF HAWAII

At the end of subtitle C of title VII, add the following new section:

1 **SEC. 7___. EXPOSURE TO OPEN BURN PITS AND TOXIC AIR-**
2 **BORNE CHEMICALS AS PART OF PERIODIC**
3 **HEALTH ASSESSMENTS AND OTHER PHYS-**
4 **ICAL EXAMINATIONS.**

5 (a) PERIODIC HEALTH ASSESSMENT.—The Sec-
6 retary of Defense shall ensure that any periodic health as-
7 sessment provided to members of the Armed Forces in-
8 cludes an evaluation of whether the member has been—

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

11 (2) exposed to toxic airborne chemicals, includ-
12 ing any information recorded as part of the Airborne
13 Hazards and Open Burn Pit Registry.

14 (b) SEPARATION HISTORY AND PHYSICAL EXAMINA-
15 TIONS.—Section 1145(a)(5) of title 10, United States
16 Code, is amended by adding at the end the following new
17 subparagraph:

1   "(C) The Secretary concerned shall ensure that each

2 physical examination of a member under subparagraph

3 (A) includes an assessment of whether the member was—

4   "(i) based or stationed at a location where an

5 open burn pit was used; or

6   "(ii) exposed to toxic airborne chemicals, in-

7 cluding any information recorded as part of the reg-

8 istry established by the Secretary of Veterans Af-

9 fairs under section 201 of the Dignified Burial and

10 Other Veterans' Benefits Improvement Act of 2012

11 (Public Law 112–260; 38 U.S.C. 527 note).".

12   (c) DEPLOYMENT ASSESSMENTS.—Section

13 1074f(b)(2) of title 10, United States Code, is amended

14 by adding at the end the following new subparagraph:

15   "(D) An assessment of whether the member

16 was—

17   "(i) based or stationed at a location where

18 an open burn pit was used; or

19   "(ii) exposed to toxic airborne chemicals,

20 including any information recorded as part of

21 the registry established by the Secretary of Vet-

22 erans Affairs under section 201 of the Dignified

23 Burial and Other Veterans' Benefits Improve-

24 ment Act of 2012 (Public Law 112–260; 38

25 U.S.C. 527 note).".

1   (d) SHARING OF INFORMATION.—

2   (1) DOD-VA.—The Secretary of Defense and

3   the Secretary of Veterans Affairs shall jointly enter

4   into a memorandum of understanding providing for

5   the sharing by the Department of Defense with the

6   Department of Veterans Affairs of the results of

7   covered evaluations regarding the exposure by a

8   member of the Armed Forces to toxic airborne

9   chemicals.

10   (2) REGISTRY.—If a covered evaluation of a

11   member of the Armed Forces establishes that the

12   member was based or stationed at a location where

13   an open burn pit was used, or the member was ex-

14   posed to toxic airborne chemicals, the member shall

15   be enrolled in the Airborne Hazards and Open Burn

16   Pit Registry, unless the member elects to not so en-

17   roll.

18   (e) RULE OF CONSTRUCTION.—Nothing in this sec-

19 tion may be construed to preclude eligibility for benefits

20 under the laws administered by the Secretary of Veterans

21 Affairs by reason of the open burn pit exposure history

22 of a veteran not being recorded in a covered evaluation.

23   (f) DEFINITIONS.—In this section:

24   (1) The term "Airborne Hazards and Open

25   Burn Pit Registry" means the registry established

1   by the Secretary of Veterans Affairs under section

2   201 of the Dignified Burial and Other Veterans'

3   Benefits Improvement Act of 2012 (Public Law

4   112–260; 38 U.S.C. 527 note).

5   (2) The term "covered evaluation" means—

6   (A) a periodic health assessment conducted

7   in accordance with subsection (a);

8   (B) a separation history and physical ex-

9   amination conducted under section 1145(a)(5)

10   of title 10, United States Code, as amended by

11   this section; and

12   (C) a deployment assessment conducted

13   under section 1074f(b)(2) of title 10, United

14   States Code, as amended by this section.

15   (3) The term "open burn pit" has the meaning

16   given that term in section 201(c) of the Dignified

17   Burial and Other Veterans' Benefits Improvement

18   Act of 2012 (Public Law 112–260; 38 U.S.C. 527

19   note).

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