

112TH CONGRESS  
1ST SESSION

# S. 1798

To direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2011

Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, Mr. SCHUMER, Mr. NELSON of Florida, Mr. UDALL of Colorado, and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Open Burn Pit Reg-  
5 istry Act of 2011”.

1 **SEC. 2. ESTABLISHMENT OF REGISTRY.**

2 Not later than 180 days after the date of the enact-  
3 ment of this Act, the Secretary of Veterans Affairs shall—

4 (1) establish and maintain an open burn pit  
5 registry for eligible individuals who may have been  
6 exposed to toxic chemicals and fumes caused by open  
7 burn pits;

8 (2) include any information in such registry  
9 that the Secretary of Veterans Affairs determines  
10 necessary to ascertain and monitor the health effects  
11 of the exposure of members of the Armed Forces to  
12 toxic chemicals and fumes caused by open burn pits;

13 (3) develop a public information campaign to  
14 inform eligible individuals about the open burn pit  
15 registry, including how to register and the benefits  
16 of registering; and

17 (4) periodically notify eligible individuals of sig-  
18 nificant developments in the study and treatment of  
19 conditions associated with exposure to toxic chemi-  
20 cals and fumes caused by open burn pits.

21 **SEC. 3. REPORT TO CONGRESS.**

22 (a) **REPORT BY INDEPENDENT SCIENTIFIC ORGANI-**  
23 **ZATION.**—The Secretary of Veterans Affairs shall enter  
24 into an agreement with an independent scientific organiza-  
25 tion to develop a report containing the following:

1           (1) An assessment of the effectiveness of ac-  
2           tions taken by the Secretaries to collect and main-  
3           tain information on the health effects of exposure to  
4           toxic chemicals and fumes caused by open burn pits.

5           (2) Recommendations to improve the collection  
6           and maintenance of such information.

7           (3) Using established and previously published  
8           epidemiological studies, recommendations regarding  
9           the most effective and prudent means of addressing  
10          the medical needs of eligible individuals with respect  
11          to conditions that are likely to result from exposure  
12          to open burn pits.

13          (b) **SUBMITTAL TO CONGRESS.**—Not later than 18  
14          months after the date on which the registry under section  
15          2 is established, the Secretary of Veterans Affairs shall  
16          submit to Congress the report developed under subsection  
17          (a).

18          **SEC. 4. DEFINITIONS.**

19          In this Act:

20                 (1) The term “open burn pit” means an area  
21                 of land located in Afghanistan or Iraq that—

22                         (A) is designated by the Secretary of De-  
23                         fense to be used for disposing solid waste by  
24                         burning in the outdoor air; and

1           (B) does not contain a commercially manu-  
2           factured incinerator or other equipment specifi-  
3           cally designed and manufactured for the burn-  
4           ing of solid waste.

5           (2) The term “eligible individual” means any  
6           individual who, on or after September 11, 2001—

7           (A) was deployed in support of a contin-  
8           gency operation while serving in the Armed  
9           Forces; and

10           (B) during such deployment, was based or  
11           stationed at a location where an open burn pit  
12           was used.

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