

116TH CONGRESS  
1ST SESSION

# H. R. 4574

To amend title 38, United States Code, to provide for a presumption of service connection for certain diseases in veterans who were exposed to burn pits.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2019

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

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## A BILL

To amend title 38, United States Code, to provide for a presumption of service connection for certain diseases in veterans who were exposed to burn pits.

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’ Right to  
5 Breathe Act”.

1 **SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CER-**  
2 **TAIN DISEASES IN VETERANS WHO WERE EX-**  
3 **POSED TO BURN PITS.**

4 (a) IN GENERAL.—Section 1112 of title 38, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new subsection:

7 “(d)(1) For the purposes of section 1110 of this title,  
8 and subject to the provisions of section 1113 of this title,  
9 a disease specified in paragraph (2) of this subsection be-  
10 coming manifest in a burn pit-exposed veteran shall be  
11 considered to have been incurred in or aggravated during  
12 active military, naval, or air service, notwithstanding that  
13 there is no record of evidence of such disease during a  
14 period of such service.

15 “(2) The diseases referred to in paragraph (1) of this  
16 subsection are the following:

17 “(A) Asthma.

18 “(B) Chronic bronchitis.

19 “(C) Chronic obstructive pulmonary disease.

20 “(D) Constrictive bronchiolitis.

21 “(E) Emphysema.

22 “(F) Granulomatous disease.

23 “(G) Interstitial lung disease.

24 “(H) Lung cancer.

25 “(I) Pneumonia.

26 “(3) For purposes of this subsection:

1           “(A) The term ‘burn pit-exposed veteran’  
2 means a veteran who, on or after January 1, 1990,  
3 served as a member of the Armed Forces in support  
4 of a contingency operation and was based or sta-  
5 tioned at a location where an open air burn pit was  
6 in use.

7           “(B) The term ‘open burn pit’ means an area  
8 of land located that—

9                 “(i) is designated by the Secretary of De-  
10 fense to be used for disposing solid waste by  
11 burning in the outdoor air; and

12                 “(ii) does not contain a commercially man-  
13 ufactured incinerator or other equipment spe-  
14 cifically designed and manufactured for the  
15 burning of solid waste.

16           “(C) The term ‘contingency operation’ has the  
17 meaning given that term in section 101(a)(13) of  
18 title 10.

19           “(D) The term ‘solid waste’ has the meaning  
20 given such term in section 1004(27) of the Solid  
21 Waste Disposal Act (42 U.S.C. 6903(27)).”.

22         (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect on the date that is 180  
24 days after the date of the enactment of this Act.

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