

116TH CONGRESS
1ST SESSION

H. R. 2102

To amend title 38, United States Code, to furnish hospital care and medical services to veterans and dependents who were stationed at military installations at which the veterans and dependents were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, to provide for a presumption of service connection for certain veterans who were stationed at military installations at which the veterans were exposed to such substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2019

Mr. KILDEE (for himself, Mrs. DINGELL, Ms. SLOTKIN, Mr. LEVIN of Michigan, Ms. TLAIB, Mr. KHANNA, Mr. DELGADO, Ms. TORRES SMALL of New Mexico, Mr. PAPPAS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SEAN PATRICK MALONEY of New York, Ms. DEAN, Mr. COHEN, Ms. KUSTER of New Hampshire, Mrs. LAWRENCE, Ms. STEVENS, Mrs. TRAHAN, and Mr. KIM) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to furnish hospital care and medical services to veterans and dependents who were stationed at military installations at which the veterans and dependents were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, to provide for a presumption of service connection for certain veterans who were stationed at military installations at which the veterans were exposed to such substances, 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 Exposed to
5 Toxic PFAS Act” or the “VET PFAS Act”.

6 **SEC. 2. HOSPITAL CARE AND MEDICAL SERVICES FOR VET-**
7 **ERANS AND DEPENDENTS EXPOSED TO**
8 **PERFLUOROOCTANOIC ACID AND OTHER**
9 **PER- AND POLYFLUOROALKYL SUBSTANCES.**

10 (a) HOSPITAL CARE AND MEDICAL SERVICES FOR
11 VETERANS.—

12 (1) IN GENERAL.—Paragraph (1) of section
13 1710(e) of title 38, United States Code, is amended
14 by adding at the end the following new subpara-
15 graph:

16 “(G)(i) Beginning on the date that is 90 days
17 after the date of the enactment of this subpara-
18 graph, subject to paragraph (2), a veteran who
19 served on active duty in the Armed Forces at a cov-
20 ered military installation at which individuals were
21 exposed to substances specified in clause (ii) is eligi-
22 ble for hospital care and medical services under sub-
23 section (a)(2)(F) for the diseases, illnesses, or condi-
24 tions as specified in such clause, notwithstanding
25 that there is insufficient medical evidence to con-

1 clude that such illness or condition is attributable to
2 such service.

3 “(ii) The substances and diseases, illnesses, or
4 conditions specified in this clause are the following:

5 “(I) With respect to exposure to perfluoro-
6 octanoic acid—

7 “(aa) diagnosed high cholesterol;

8 “(bb) ulcerative colitis;

9 “(cc) thyroid disease;

10 “(dd) testicular cancer;

11 “(ee) kidney cancer; and

12 “(ff) pregnancy-induced hypertension.

13 “(II) With respect to exposure to other
14 per- and polyfluoroalkyl substances, any dis-
15 ease, illness, or condition that the Secretary of
16 Veterans Affairs, in consultation with the Ad-
17 ministrator of the Agency for Toxic Substances
18 and Disease Registry of the Department of
19 Health and Human Services, determines pursu-
20 ant to the study conducted under section 316 of
21 the National Defense Authorization Act for Fis-
22 cal Year 2018 (Public Law 115–91) that a
23 positive association exists between exposure to
24 per- and polyfluoroalkyl substances and such
25 disease, illness, or condition.

1 “(iii) For purposes of this subparagraph, any
 2 service by a member of the reserve components for
 3 a period specified by the Secretary at a covered mili-
 4 tary installation at which individuals were exposed to
 5 substances specified in clause (ii) shall be treated as
 6 active duty service, notwithstanding section 101(21)
 7 of this title.

8 “(iv) In this subparagraph, the term ‘covered
 9 military installation’ means a military installation at
 10 which individuals were exposed to perfluorooctanoic
 11 acid or other per- and polyfluoroalkyl substances, in-
 12 cluding exposure through a well that provides water
 13 for human consumption that is contaminated with
 14 such substances.”.

15 (2) LIMITATION.—Paragraph (2)(B) of such
 16 section is amended by striking “or (F)” and insert-
 17 ing “(F), or (G)”.

18 (b) FAMILY MEMBERS.—

19 (1) IN GENERAL.—Subchapter VIII of chapter
 20 17 is amended by adding at the end the following
 21 new section:

22 **“§ 1787A. Health care of family members of veterans**
 23 **stationed at certain military installations**

24 “(a) IN GENERAL.—Beginning on the date that is 90
 25 days after the date of the enactment of this section, sub-

ject to subsection (b), a family member of a veteran described in clause (i) of section 1710(e)(1)(G) of this title (or who would be so described but for the condition by which the individual was discharged or released from the Armed Forces) who resided at a military installation covered by such clause or who was in utero while the mother of such family member resided at such location shall be eligible for hospital care and medical services furnished by the Secretary for any disease, illness, or condition for which a veteran may receive hospital care and medical services under clause (ii) of such section, notwithstanding that there is insufficient medical evidence to conclude that such disease, illness, or condition is attributable to such residence.

“(b) LIMITATIONS.—(1) The Secretary may only furnish hospital care and medical services under subsection (a) to the extent and in the amount provided in advance in appropriations Acts for such purpose.

“(2) Hospital care and medical services may not be furnished under subsection (a) for a disease, illness, or condition of a family member that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the residence of the family member described in that subsection.

1 “(3) The Secretary may provide reimbursement for
 2 hospital care or medical services provided to a family
 3 member under this section only after the family member
 4 or the provider of such care or services has exhausted
 5 without success all claims and remedies reasonably avail-
 6 able to the family member or provider against a third
 7 party (as defined in section 1725(f) of this title) for pay-
 8 ment of such care or services, including with respect to
 9 health-plan contracts (as defined in such section).”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of such chapter is amended
 12 by inserting after the item relating to section 1787
 13 the following new item:

“1787A. Health care of family members of veterans stationed at certain military
 installations.”.

14 (c) ANNUAL REPORTS.—

15 (1) IN GENERAL.—During the three-year period
 16 beginning in the year in which the study conducted
 17 under section 316 of the National Defense Author-
 18 ization Act for Fiscal Year 2018 (Public Law 115–
 19 91) is submitted to Congress, the Secretary of Vet-
 20 erans Affairs shall submit to the Committee on Vet-
 21 erans’ Affairs of the Senate and the Committee on
 22 Veterans’ Affairs of the House of Representatives an
 23 annual report on the care and services provided
 24 under sections 1710(e)(1)(G) and 1787A of title 38,

1 United States Code (as added by subsections (a) and
2 (b)(1), respectively).

3 (2) ELEMENTS.—Each report under paragraph
4 (1) shall set forth the following:

5 (A) The number of veterans and family
6 members provided hospital care and medical
7 services under the provisions of law specified in
8 paragraph (1) during the period covered by the
9 report.

10 (B) The illnesses, conditions, and disabil-
11 ities for which care and services have been pro-
12 vided such veterans and family members under
13 such provisions of law during that period.

14 (C) The number of veterans and family
15 members who applied for care and services
16 under such provisions of law during that period
17 but were denied, including information on the
18 reasons for such denials.

19 (D) The number of veterans and family
20 members who applied for care and services
21 under such provisions of law and are awaiting
22 a decision from the Secretary on eligibility for
23 such care and services as of the date of such re-
24 port.

1 (3) VETERAN DEFINED.—In this subsection,
 2 the term “veteran” includes a former member of the
 3 reserve components of the Armed Forces covered by
 4 such section 1710(e)(1)(G).

5 **SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CER-**
 6 **TAIN VETERANS EXPOSED TO PERFLUORO-**
 7 **OCTANOIC ACID OR OTHER PER- AND**
 8 **POLYFLUOROALKYL SUBSTANCES.**

9 (a) IN GENERAL.—Chapter 11 of title 38, United
 10 States Code, is amended by inserting after section 1116
 11 the following new section:

12 **“§ 1116A. Presumption of service connection for cer-**
 13 **tain veterans exposed to perfluoro-**
 14 **octanoic acid or other per- and poly-**
 15 **fluoroalkyl substances**

16 “(a) PRESUMPTION OF SERVICE CONNECTION.—(1)
 17 For the purposes of section 1110 of this title, and subject
 18 to section 1113 of this title, each disease or illness speci-
 19 fied in subsection (b) that becomes manifest in a veteran
 20 described in paragraph (2) shall be considered to have
 21 been incurred or aggravated in the line of duty in the ac-
 22 tive military, naval, or air service, notwithstanding that
 23 there is no record of evidence of such disease or illness
 24 during the period of such service.

1 “(2) A veteran described in this paragraph is a vet-
2 eran who, during active military, naval, or air service,
3 served at a military installation at which individuals were
4 exposed to perfluorooctanoic acid or other per- and
5 polyfluoroalkyl substances, including exposure through a
6 well that provides water for human consumption that is
7 contaminated with such substances.

8 “(b) DISEASES OR ILLNESSES.—A disease or illness
9 specified in this subsection is any of the following:

10 “(1) With respect to exposure to perfluoro-
11 octanoic acid—

12 “(A) diagnosed high cholesterol;

13 “(B) ulcerative colitis;

14 “(C) thyroid disease;

15 “(D) testicular cancer;

16 “(E) kidney cancer; and

17 “(F) pregnancy-induced hypertension.

18 “(2) With respect to exposure to other per- and
19 polyfluoroalkyl substances, any other disease, illness,
20 or condition that the Secretary of Veterans Affairs,
21 in consultation with the Administrator of the Agency
22 for Toxic Substances and Disease Registry of the
23 Department of Health and Human Services, deter-
24 mines pursuant to the study conducted under section
25 316 of the National Defense Authorization Act for

1 Fiscal Year 2018 (Public Law 115–91) that a posi-
2 tive association exists between exposure to per- and
3 polyfluoroalkyl substances and such disease or ill-
4 ness.

5 “(c) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—
6 For purposes of this section, any service by a member of
7 the reserve components for a period specified by the Sec-
8 retary at a military installation described in subsection
9 (a)(2) shall be treated as active military, naval, or air serv-
10 ice, notwithstanding section 101(24) of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 1116 the following new
14 item:

“1116A. Presumption of service connection for certain veterans exposed to
perfluorooctanoic acid or other per- and polyfluoroalkyl sub-
stances.”.

