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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Exposed to
Toxic PFAS Act” or the “VET PFAS Act”.

SEC. 2. HOSPITAL CARE AND MEDICAL SERVICES FOR VET-
ERANS AND DEPENDENTS EXPOSED TO
PERFLUORO OCTANOIC ACID AND OTHER
PER- AND POLYFLUOROALKYL SUBSTANCES.

(a) Hospital Care and Medical Services for
Veterans.—

(1) In general.—Paragraph (1) of section
1710(e) of title 38, United States Code, is amended
by adding at the end the following new subpara-
graph:

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

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

“(I) With respect to exposure to perfluorooctanoic acid—

“(aa) diagnosed high cholesterol;
“(bb) ulcerative colitis;
“(cc) thyroid disease;
“(dd) testicular cancer;
“(ee) kidney cancer; and
“(ff) pregnancy-induced hypertension.

“(II) With respect to exposure to other per- and polyfluoroalkyl substances, any disease, illness, or condition that the Secretary of Veterans Affairs, in consultation with the Administrator of the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services, determines pursuant to the study conducted under section 316 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) that a positive association exists between exposure to per- and polyfluoroalkyl substances and such disease, illness, or condition.
“(iii) For purposes of this subparagraph, any service by a member of the reserve components for a period specified by the Secretary at a covered military installation at which individuals were exposed to substances specified in clause (ii) shall be treated as active duty service, notwithstanding section 101(21) of this title.

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

(2) LIMITATION.—Paragraph (2)(B) of such section is amended by striking “or (F)” and inserting “(F), or (G)”.

(b) FAMILY MEMBERS.—

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

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

“(a) IN GENERAL.—Beginning on the date that is 90 days after the date of the enactment of this section, sub-
ject to subsection (b), a family member of a veteran de-
scribed 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 cov-
ered 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 fur-
nish 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.
“(3) The Secretary may provide reimbursement for hospital care or medical services provided to a family member under this section only after the family member or the provider of such care or services has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party (as defined in section 1725(f) of this title) for payment of such care or services, including with respect to health-plan contracts (as defined in such section).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1787 the following new item:

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

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—During the three-year period beginning in the year in which the study conducted under section 316 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) is submitted to Congress, the Secretary of Veterans Affairs shall submit to the Committee on Veterans Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives an annual report on the care and services provided under sections 1710(e)(1)(G) and 1787A of title 38,
United States Code (as added by subsections (a) and (b)(1), respectively).

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

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

(B) The illnesses, conditions, and disabilities for which care and services have been provided such veterans and family members under such provisions of law during that period.

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

(D) The number of veterans and family members who applied for care and services under such provisions of law and are awaiting a decision from the Secretary on eligibility for such care and services as of the date of such report.
(3) VETERAN DEFINED.—In this subsection, the term “veteran” includes a former member of the reserve components of the Armed Forces covered by such section 1710(e)(1)(G).

SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN VETERANS EXPOSED TO PERFLUORO-OCTANOIC ACID OR OTHER PER- AND POLYFLUOROALKYL SUBSTANCES.

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

“§ 1116A. Presumption of service connection for certain veterans exposed to perfluoro-octanoic acid or other per- and polyfluoroalkyl substances

“(a) PRESUMPTION OF SERVICE CONNECTION.—(1) For the purposes of section 1110 of this title, and subject to section 1113 of this title, each disease or illness specified in subsection (b) that becomes manifest in a veteran described in paragraph (2) shall be considered to have been incurred or aggravated in the line of duty in the active military, naval, or air service, notwithstanding that there is no record of evidence of such disease or illness during the period of such service.
“(2) A veteran described in this paragraph is a veteran who, during active military, naval, or air service, served at a military installation at which individuals were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, including exposure through a well that provides water for human consumption that is contaminated with such substances.

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

“(1) With respect to exposure to perfluorooctanoic acid—

“(A) diagnosed high cholesterol;

“(B) ulcerative colitis;

“(C) thyroid disease;

“(D) testicular cancer;

“(E) kidney cancer; and

“(F) pregnancy-induced hypertension.

“(2) With respect to exposure to other per- and polyfluoroalkyl substances, any other disease, illness, or condition that the Secretary of Veterans Affairs, in consultation with the Administrator of the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services, determines pursuant to the study conducted under section 316 of the National Defense Authorization Act for
Fiscal Year 2018 (Public Law 115–91) that a positive association exists between exposure to per- and polyfluoroalkyl substances and such disease or illness.

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

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

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