

115TH CONGRESS
2D SESSION

H. R. 6994

To amend title 38, United States Code, to furnish hospital care and medical services to veterans, members of the reserve components of the Armed Forces, and dependents who were stationed at Wurtsmith Air Force Base in Oscoda, Michigan, and were exposed to volatile organic compounds, to provide for a presumption of service connection for those veterans and members of the reserve components, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2018

Mr. KILDEE (for himself and Mr. BRENDAN F. BOYLE of Pennsylvania) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Care for Veterans Act
3 of 2018”.

4 **SEC. 2. HOSPITAL CARE AND MEDICAL SERVICES FOR VET-**
5 **ERANS, MEMBERS OF THE RESERVE COMPO-**
6 **NENTS, AND DEPENDENTS STATIONED AT**
7 **WURTSMITH AIR FORCE BASE IN OSCODA,**
8 **MICHIGAN, WHO WERE EXPOSED TO VOLA-**
9 **TILE ORGANIC COMPOUNDS.**

10 (a) HOSPITAL CARE AND MEDICAL SERVICES FOR
11 VETERANS AND MEMBERS OF THE RESERVE COMPO-
12 NENTS.—

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

17 “(G)(i) Beginning on the date that is 90 days after
18 the date of the enactment of this subparagraph, subject
19 to paragraph (2), a veteran who served on active duty in
20 the Armed Forces, or an individual who served as a mem-
21 ber of the reserve components of the Armed Forces, at
22 Wurtsmith Air Force Base in Oscoda, Michigan, during
23 a period specified by the Secretary, in consultation with
24 the Administrator of the Agency for Toxic Substances and
25 Disease Registry of the Department of Health and Human
26 Services, for purposes of this subparagraph and was ex-

1 posed to a substance specified in clause (ii) is eligible for
2 hospital care and medical services under subsection
3 (a)(2)(F) for the diseases, illnesses, or conditions specified
4 in clause (iii), notwithstanding that there is insufficient
5 medical evidence to conclude that such disease, illness, or
6 condition is attributable to such service.

7 “(ii) The substances specified in this clause are vola-
8 tile organic compounds, including trichloroethylene and
9 benzene.

10 “(iii) The diseases, illnesses, and conditions specified
11 in this clause are the diseases, illnesses, and conditions
12 determined by the Secretary, in consultation with the Ad-
13 ministrator of the Agency for Toxic Substances and Dis-
14 ease Registry of the Department of Health and Human
15 Services, to have resulted from exposure to volatile organic
16 compounds pursuant to the health consultation conducted
17 by the Agency for Toxic Substances and Disease Registry
18 of the Department of Health and Human Services dated
19 July 27, 2018, or any other research conducted by a Fed-
20 eral agency.”.

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

24 (b) FAMILY MEMBERS.—

1 (1) IN GENERAL.—Subchapter VIII of chapter
2 17 of title 38, United States Code, is amended by
3 inserting after section 1787 the following new sec-
4 tion:

5 **“§ 1787A. Health care of family members of individ-**
6 **uals stationed at Wurtsmith Air Force**
7 **Base in Oscoda, Michigan, who were ex-**
8 **posed to volatile organic compounds**

9 “(a) IN GENERAL.—Beginning on the date that is 90
10 days after the date of the enactment of this section, sub-
11 ject to subsection (b), a family member of a veteran de-
12 scribed in clause (i) of section 1710(e)(1)(G) of this title
13 (or who would be so described but for the condition by
14 which the individual was discharged or released from the
15 Armed Forces), or a family member of a member of the
16 reserve components of the Armed Forces described in such
17 clause, who resided at Wurtsmith Air Force Base in
18 Oscoda, Michigan, during a period specified by the Sec-
19 retary pursuant to such clause and was exposed to a sub-
20 stance specified in clause (ii) of such section or who was
21 in utero while the mother of such family member resided
22 at such location during such period and was exposed to
23 such a substance shall be eligible for hospital care and
24 medical services furnished by the Secretary for any dis-
25 ease, illness, or condition for which an individual may re-

1 ceive hospital care and medical services under clause (iii)
2 of such section, notwithstanding that there is insufficient
3 medical evidence to conclude that such disease, illness, or
4 condition is attributable to such residence.

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

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

15 “(3) The Secretary may provide reimbursement for
16 hospital care or medical services provided to a family
17 member under this section only after the family member
18 or the provider of such care or services has exhausted
19 without success all claims and remedies reasonably avail-
20 able to the family member or provider against a third
21 party (as defined in section 1725(f) of this title) for pay-
22 ment of such care or services, including with respect to
23 health-plan contracts (as defined in such section).”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 1787
2 the following new item:

“1787A. Health care of family members of individuals stationed at Wurtsmith
Air Force Base in Oscoda, Michigan, who were exposed to volatile organic compounds.”.

3 (c) ANNUAL REPORTS.—

4 (1) IN GENERAL.—During the three-year period
5 beginning on the date of the enactment of this Act,
6 the Secretary of Veterans Affairs shall submit to the
7 Committee on Veterans’ Affairs of the Senate and
8 the Committee on Veterans’ Affairs of the House of
9 Representatives an annual report on the care and
10 services provided under sections 1710(e)(1)(G) and
11 1787A of title 38, United States Code (as added by
12 subsections (a) and (b)(1), respectively).

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

15 (A) The number of veterans, members of
16 the reserve components of the Armed Forces,
17 and family members provided hospital care and
18 medical services under the provisions of law
19 specified in paragraph (1) during the period
20 covered by the report.

21 (B) The illnesses, conditions, and disabili-
22 ties for which care and services have been pro-
23 vided such veterans, members of the reserve

1 components, and family members under such
2 provisions of law during that period.

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

9 (D) The number of veterans, members of
10 the reserve components, and family members
11 who applied for care and services under such
12 provisions of law and are awaiting a decision
13 from the Secretary on eligibility for such care
14 and services as of the date of such report.

15 **SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CER-**
16 **TAIN INDIVIDUALS STATIONED AT WURT-**
17 **SMITH AIR FORCE BASE IN OSCODA, MICH-**
18 **IGAN, WHO WERE EXPOSED TO VOLATILE OR-**
19 **GANIC COMPOUNDS.**

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

1 **“§ 1116A. Presumption of service connection for cer-**
2 **tain individuals stationed at Wurtsmith**
3 **Air Force Base in Oscoda, Michigan, who**
4 **were exposed to volatile organic com-**
5 **pounds**

6 “(a) PRESUMPTION OF SERVICE CONNECTION.—(1)
7 For the purposes of section 1110 of this title, and subject
8 to section 1113 of this title, each disease, illness, or condi-
9 tion specified in subsection (b) that becomes manifest in
10 an individual described in paragraph (2) shall be consid-
11 ered to have been incurred or aggravated in the line of
12 duty in the active military, naval, or air service, notwith-
13 standing that there is no record of evidence of such dis-
14 ease, illness, or condition during the period of such service.

15 “(2) An individual described in this paragraph is a
16 veteran who, during active military, naval, or air service,
17 served at Wurtsmith Air Force Base in Oscoda, Michigan,
18 or a member of the reserve components of the Armed
19 Forces who served at such base, during a period specified
20 by the Secretary pursuant to section 1710(e)(1)(G)(i) of
21 this title and was exposed to a volatile organic compound,
22 including trichloroethylene or benzene.

23 “(b) DISEASES, ILLNESSES, AND CONDITIONS SPECI-
24 FIED.—The diseases, illnesses, and conditions specified in
25 this clause are the diseases, illnesses, and conditions deter-
26 mined by the Secretary, in consultation with the Adminis-

1 trator of the Agency for Toxic Substances and Disease
2 Registry of the Department of Health and Human Serv-
3 ices, to have resulted from exposure to volatile organic
4 compounds pursuant to the health consultation conducted
5 by the Agency for Toxic Substances and Disease Registry
6 of the Department of Health and Human Services dated
7 July 27, 2018, or any other research conducted by a Fed-
8 eral agency.”.

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

“1116A. Presumption of service connection for certain individuals stationed at
Wurtsmith Air Force Base in Oscoda, Michigan, who were ex-
posed to volatile organic compounds.”.

