

115TH CONGRESS
2D SESSION

S. 3528

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 SENATE OF THE UNITED STATES

SEPTEMBER 28, 2018

Ms. STABENOW introduced the following bill; which was read twice and 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, 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.

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 determined by the Secretary, in consultation with
24 the Agency for Toxic Substances and Disease Registry of
25 the Department of Health and Human Services, and was
26 exposed to a substance specified in clause (ii) is eligible

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

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

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

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

21 (b) FAMILY MEMBERS.—

22 (1) IN GENERAL.—Subchapter VIII of chapter
 23 17 of title 38, United States Code, is amended by
 24 inserting after section 1787 the following new sec-
 25 tion:

1 **“§ 1787A. Health care of family members of individ-**
2 **uals stationed at Wurtsmith Air Force**
3 **Base in Oscoda, Michigan, who were ex-**
4 **posed to volatile organic compounds**

5 “(a) IN GENERAL.—Beginning on the date that is 90
6 days after the date of the enactment of this section, sub-
7 ject to subsection (b), a family member of a veteran de-
8 scribed in clause (i) of section 1710(e)(1)(G) of this title
9 (or who would be so described but for the condition by
10 which the individual was discharged or released from the
11 Armed Forces), or a family member of a member of the
12 reserve components of the Armed Forces described in such
13 clause, who resided at Wurtsmith Air Force Base in
14 Oscoda, Michigan, during the period determined under
15 such clause and was exposed to a substance specified in
16 clause (ii) of such section or who was in utero while the
17 mother of such family member resided at such location
18 during such period and was exposed to such a substance
19 shall be eligible for hospital care and medical services fur-
20 nished by the Secretary for any disease, illness, or condi-
21 tion for which an individual may receive hospital care and
22 medical services under clause (iii) of such section, notwith-
23 standing that there is insufficient medical evidence to con-
24 clude that such disease, illness, or condition is attributable
25 to such residence.

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

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

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

20 (2) CLERICAL AMENDMENT.—The table of sec-
 21 tions at the beginning of such chapter is amended
 22 by inserting after the item relating to section 1787
 23 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 vola-
 tile organic compounds.”.

24 (c) ANNUAL REPORTS.—

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

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

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

18 (B) The illnesses, conditions, and disabil-
19 ities for which care and services have been pro-
20 vided such veterans, members of the reserve
21 components, and family members under such
22 provisions of law during that period.

23 (C) The number of veterans, members of
24 the reserve components, and family members
25 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, members of the reserve components, 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.

SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN INDIVIDUALS STATIONED AT WURTSMITH AIR FORCE BASE IN OSCODA, MICHIGAN, WHO WERE EXPOSED TO VOLATILE ORGANIC COMPOUNDS.

(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 individuals stationed at Wurtsmith Air Force Base in Oscoda, Michigan, who were exposed to volatile organic compounds

“(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, illness, or condi-

1 tion specified in subsection (b) that becomes manifest in
2 an individual described in paragraph (2) shall be consid-
3 ered to have been incurred or aggravated in the line of
4 duty in the active military, naval, or air service, notwith-
5 standing that there is no record of evidence of such dis-
6 ease, illness, or condition during the period of such service.

7 “(2) An individual described in this paragraph is a
8 veteran who, during active military, naval, or air service,
9 served at Wurtsmith Air Force Base in Oscoda, Michigan,
10 or a member of the reserve components of the Armed
11 Forces who served at such base, during the period deter-
12 mined under section 1710(e)(1)(G)(i) of this title and was
13 exposed to a volatile organic compound, including tri-
14 chloroethylene or benzene.

15 “(b) DISEASES, ILLNESSES, AND CONDITIONS SPECI-
16 FIED.—The diseases, illnesses, and conditions specified in
17 this clause are the diseases, illnesses, and conditions deter-
18 mined by the Secretary, in consultation with the Agency
19 for Toxic Substances and Disease Registry of the Depart-
20 ment of Health and Human Services, to have resulted
21 from exposure to volatile organic compounds pursuant to
22 the health consultation conducted by the Agency for Toxic
23 Substances and Disease Registry dated July 27, 2018, or
24 any other research conducted by a Federal agency.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 1116 the following new
4 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.”.

