

116TH CONGRESS
1ST SESSION

S. 1023

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 military installations at which they were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, 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

APRIL 3, 2019

Ms. STABENOW (for herself, Mr. PETERS, and Mr. CASEY) 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 military installations at which they were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, 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 “Veterans Exposed to
3 Toxic PFAS Act” or the “VET PFAS Act”.

4 **SEC. 2. HOSPITAL CARE AND MEDICAL SERVICES FOR VET-**
5 **ERANS, MEMBERS OF THE RESERVE COMPO-**
6 **NENTS, AND DEPENDENTS EXPOSED TO**
7 **PERFLUOROOCTANOIC ACID AND OTHER**
8 **PER- AND POLYFLUOROALKYL SUBSTANCES.**

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

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 after
17 the date of the enactment of this subparagraph, subject
18 to paragraph (2), a veteran who served on active duty in
19 the Armed Forces, or an individual who served as a mem-
20 ber of the reserve components of the Armed Forces, at
21 a covered military installation at which individuals were
22 exposed to substances specified in clause (ii) is eligible for
23 hospital care and medical services under subsection
24 (a)(2)(F) for the diseases, illnesses, or conditions as speci-
25 fied in such clause, notwithstanding that there is insuffi-

1 cient medical evidence to conclude that such illness or con-
2 dition is attributable to such service.

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

5 “(I) With respect to exposure to per-
6 fluorooctanoic 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 perfluoroalkyl and polyfluoroalkyl substances, any
15 disease, illness, or condition that the Secretary, in
16 consultation with the Agency for Toxic Substances
17 and Disease Registry of the Department of Health
18 and Human Services, determines pursuant to the
19 study conducted under section 316 of the National
20 Defense Authorization Act for Fiscal Year 2018
21 (Public Law 115–91; 131 Stat. 1350) that a positive
22 association exists between exposure to perfluoroalkyl
23 and polyfluoroalkyl substances and such disease, ill-
24 ness, or condition.

1 “(iii) In this subparagraph, the term ‘covered mili-
 2 tary installation’ means a military installation at which
 3 individuals were exposed to perfluorooctanoic acid or other
 4 perfluoroalkyl and polyfluoroalkyl substances, including
 5 exposure through a well that provides water for human
 6 consumption that is contaminated with such substances.”.

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

10 (b) FAMILY MEMBERS.—

11 (1) IN GENERAL.—Subchapter VIII of chapter
 12 17 of title 38, United States Code, is amended by
 13 inserting after section 1787 the following new sec-
 14 tion:

15 **“§ 1787A. Health care of family members of individ-**
 16 **uals stationed at certain military installa-**
 17 **tions**

18 “(a) IN GENERAL.—Beginning on the date that is 90
 19 days after the date of the enactment of this section, sub-
 20 ject to subsection (b), a family member of a veteran de-
 21 scribed in clause (i) of section 1710(e)(1)(G) of this title
 22 (or who would be so described but for the condition by
 23 which the individual was discharged or released from the
 24 Armed Forces), or a family member of a member of the
 25 reserve components of the Armed Forces described in such

1 clause, who resided at a military installation covered by
2 such clause or who was in utero while the mother of such
3 family member resided at such location shall be eligible
4 for hospital care and medical services furnished by the
5 Secretary for any disease, illness, or condition for which
6 an individual may receive hospital care and medical serv-
7 ices under clause (ii) of such section, notwithstanding that
8 there is insufficient medical evidence to conclude that such
9 disease, illness, or condition is attributable to such resi-
10 dence.

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

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

21 “(3) The Secretary may provide reimbursement for
22 hospital care or medical services provided to a family
23 member under this section only after the family member
24 or the provider of such care or services has exhausted
25 without success all claims and remedies reasonably avail-

1 able to the family member or provider against a third
 2 party (as defined in section 1725(f) of this title) for pay-
 3 ment of such care or services, including with respect to
 4 health-plan contracts (as defined in such section).”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
 6 tions at the beginning of such chapter is amended
 7 by inserting after the item relating to section 1787
 8 the following new item:

“1787A. Health care of family members of individuals stationed at certain mili-
 tary installations.”.

9 (c) ANNUAL REPORTS.—

10 (1) IN GENERAL.—During the three-year period
 11 beginning on the date on which the study conducted
 12 under section 316 of the National Defense Author-
 13 ization Act for Fiscal Year 2018 (Public Law 115–
 14 91; 131 Stat. 1350) is submitted to Congress, the
 15 Secretary of Veterans Affairs shall submit to the
 16 Committee on Veterans’ Affairs of the Senate and
 17 the Committee on Veterans’ Affairs of the House of
 18 Representatives an annual report on the care and
 19 services provided under sections 1710(e)(1)(G) and
 20 1787A of title 38, United States Code (as added by
 21 subsections (a) and (b)(1), respectively).

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

1 (A) The number of veterans, members of
2 the reserve components of the Armed Forces,
3 and family members provided hospital care and
4 medical services under the provisions of law
5 specified in paragraph (1) during the period
6 covered by the report.

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

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

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

1 **SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CER-**
 2 **TAIN INDIVIDUALS EXPOSED TO PER-**
 3 **FLUOROOCTANOIC ACID OR OTHER PER- AND**
 4 **POLYFLUOROALKYL SUBSTANCES.**

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

8 **“§ 1116A. Presumption of service connection for cer-**
 9 **tain individuals exposed to per-**
 10 **fluorooctanoic acid or other per- and**
 11 **polyfluoroalkyl substances**

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

21 “(2) An individual described in this paragraph is—

22 “(A) a veteran who, during active military,
 23 naval, or air service, served at a military installation
 24 at which individuals were exposed to
 25 perfluorooctanoic acid or other perfluoroalkyl and
 26 polyfluoroalkyl substances, including exposure

1 through a well that provides water for human con-
2 sumption that is contaminated with such substances;
3 or

4 “(B) a member of the reserve components of
5 the Armed Forces who served at a military installa-
6 tion described in subparagraph (A).

7 “(b) DISEASES OR ILLNESSES.—A disease, illness, or
8 condition specified in this subsection is any of the fol-
9 lowing:

10 “(1) With respect to exposure to per-
11 fluorooctanoic 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
19 perfluoroalkyl and polyfluoroalkyl substances, any
20 other disease, illness, or condition that the Sec-
21 retary, in consultation with the Agency for Toxic
22 Substances and Disease Registry of the Department
23 of Health and Human Services, determines pursuant
24 to the study conducted under section 316 of the Na-
25 tional Defense Authorization Act for Fiscal Year

1 2018 (Public Law 115–91) that a positive associa-
2 tion exists between exposure to perfluoroalkyl and
3 polyfluoroalkyl substances and such disease, illness,
4 or condition.”.

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

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

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