

115TH CONGRESS
2D SESSION

H. R. 6993

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

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 “Veterans Exposed to
3 Toxic PFAS Act” or the “VET PFAS Act”.

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

8 (a) HOSPITAL CARE AND MEDICAL SERVICES FOR
9 VETERANS.—

10 (1) IN GENERAL.—Paragraph (1) of section
11 1710(e) of title 38, United States Code, is amended
12 by adding at the end the following new subpara-
13 graph:

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

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

3 “(I) With respect to exposure to perfluoro-
4 octanoic acid—

5 “(aa) diagnosed high cholesterol;

6 “(bb) ulcerative colitis;

7 “(cc) thyroid disease;

8 “(dd) testicular cancer;

9 “(ee) kidney cancer; and

10 “(ff) pregnancy-induced hypertension.

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

24 “(iii) For purposes of this subparagraph, any
25 service by a member of the reserve components for

1 a period specified by the Secretary at a covered mili-
 2 tary installation at which individuals were exposed to
 3 substances specified in clause (ii) shall be treated as
 4 active duty service, notwithstanding section 101(21)
 5 of this title.

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

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

16 (b) FAMILY MEMBERS.—

17 (1) IN GENERAL.—Subchapter VIII of chapter
 18 17 is amended by adding at the end the following
 19 new section:

20 **“§ 1787A. Health care of family members of veterans**
 21 **stationed at certain military installations**

22 “(a) IN GENERAL.—Beginning on the date that is 90
 23 days after the date of the enactment of this section, sub-
 24 ject to subsection (b), a family member of a veteran de-
 25 scribed in clause (i) of section 1710(e)(1)(G) of this title

1 (or who would be so described but for the condition by
2 which the individual was discharged or released from the
3 Armed Forces) who resided at a military installation cov-
4 ered by such clause or who was in utero while the mother
5 of such family member resided at such location shall be
6 eligible for hospital care and medical services furnished
7 by the Secretary for any disease, illness, or condition for
8 which a veteran may receive hospital care and medical
9 services under clause (ii) of such section, notwithstanding
10 that there is insufficient medical evidence to conclude that
11 such disease, illness, or condition is attributable to such
12 residence.

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

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

23 “(3) The Secretary may provide reimbursement for
24 hospital care or medical services provided to a family
25 member under this section only after the family member

1 or the provider of such care or services has exhausted
 2 without success all claims and remedies reasonably avail-
 3 able to the family member or provider against a third
 4 party (as defined in section 1725(f) of this title) for pay-
 5 ment of such care or services, including with respect to
 6 health-plan contracts (as defined in such section).”.

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

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

11 (c) ANNUAL REPORTS.—

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

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

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

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

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

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

23 (3) VETERAN DEFINED.—In this subsection,
24 the term “veteran” includes a former member of the

1 reserve components of the Armed Forces covered by
 2 such section 1710(e)(1)(G).

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

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

10 **“§ 1116A. Presumption of service connection for cer-**
 11 **tain veterans exposed to perfluoro-**
 12 **octanoic acid or other per- and poly-**
 13 **fluoroalkyl substances**

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

23 “(2) A veteran described in this paragraph is a vet-
 24 eran who, during active military, naval, or air service,
 25 served at a military installation at which individuals were

1 exposed to perfluorooctanoic acid or other per- and
2 polyfluoroalkyl substances, including exposure through a
3 well that provides water for human consumption that is
4 contaminated with such substances.

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

7 “(1) With respect to exposure to perfluoro-
8 octanoic acid—

9 “(A) diagnosed high cholesterol;

10 “(B) ulcerative colitis;

11 “(C) thyroid disease;

12 “(D) testicular cancer;

13 “(E) kidney cancer; and

14 “(F) pregnancy-induced hypertension.

15 “(2) With respect to exposure to other per- and
16 polyfluoroalkyl substances, any other disease, illness,
17 or condition that the Secretary of Veterans Affairs,
18 in consultation with the Administrator of the Agency
19 for Toxic Substances and Disease Registry of the
20 Department of Health and Human Services, deter-
21 mines pursuant to the study conducted under section
22 316 of the National Defense Authorization Act for
23 Fiscal Year 2018 (Public Law 115–91) that a posi-
24 tive association exists between exposure to per- and

1 polyfluoroalkyl substances and such disease or ill-
2 ness.

3 “(c) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—

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

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 veterans exposed to
perfluorooctanoic acid or other per- and polyfluoroalkyl sub-
stances.”.

