

115TH CONGRESS
2D SESSION

S. 3529

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

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

24 “(iii) In this subparagraph, the term ‘covered mili-
25 tary installation’ means a military installation at which

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

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

8 (b) FAMILY MEMBERS.—

9 (1) IN GENERAL.—Subchapter VIII of chapter
 10 17 of title 38, United States Code, is amended by
 11 adding at the end the following new section:

12 **“§ 1787A. Health care of family members of individ-**
 13 **uals stationed at certain military installa-**
 14 **tions**

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

1 for hospital care and medical services furnished by the
2 Secretary for any disease, illness, or condition for which
3 an individual may receive hospital care and medical serv-
4 ices under clause (ii) of such section, notwithstanding that
5 there is insufficient medical evidence to conclude that such
6 disease, illness, or condition is attributable to such resi-
7 dence.

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

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

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

1 ment of such care or services, including with respect to
 2 health-plan contracts (as defined in such section).”.

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

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

7 (c) ANNUAL REPORTS.—

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

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

22 (A) The number of veterans, members of
 23 the reserve components of the Armed Forces,
 24 and family members provided hospital care and

1 medical services under the provisions of law
2 specified in paragraph (1) during the period
3 covered by the report.

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

9 (C) 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 during that period but were
13 denied, including information on the reasons for
14 such denials.

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

1 **SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CER-**
 2 **TAIN INDIVIDUALS EXPOSED TO**
 3 **PERFLUOROOCTANOIC ACID OR OTHER PER-**
 4 **AND 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**
 10 **perfluorooctanoic 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 or illness speci-
 15 fied in subsection (b) that becomes manifest in an indi-
 16 vidual described in paragraph (2) shall be considered to
 17 have been incurred or aggravated in the line of duty in
 18 the active military, naval, or air service, notwithstanding
 19 that there is no record of evidence of such disease or ill-
 20 ness 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 per- 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 or illness
8 specified in this subsection is any of the following:

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

11 “(A) diagnosed high cholesterol;

12 “(B) ulcerative colitis;

13 “(C) thyroid disease;

14 “(D) testicular cancer;

15 “(E) kidney cancer; and

16 “(F) pregnancy-induced hypertension.

17 “(2) With respect to exposure to other per- and
18 polyfluoroalkyl substances, any other disease, illness,
19 or condition that the Secretary, in consultation with
20 the Agency for Toxic Substances and Disease Reg-
21 istry of the Department of Health and Human Serv-
22 ices, determines pursuant to the study conducted
23 under section 316 of the National Defense Author-
24 ization Act for Fiscal Year 2018 (Public Law 115–
25 91) that a positive association exists between expo-

1 sure to per- and polyfluoroalkyl substances and such
2 disease or illness.”.

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

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

