

117TH CONGRESS
2D SESSION

H. R. 7089

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

MARCH 15, 2022

Mr. KILDEE (for himself, Mrs. DINGELL, Ms. TLAIB, Mrs. LAWRENCE, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. DEAN, Mr. LEVIN of Michigan, Mr. KHANNA, Ms. STEVENS, Ms. SLOTKIN, and Mr. DELGADO) introduced the following bill; which was 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 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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Exposed to
5 Toxic PFAS Act” or the “VET PFAS Act”.

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

10 (a) HOSPITAL CARE AND MEDICAL SERVICES FOR
11 VETERANS.—

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 at a covered military installation at
20 which individuals were exposed to substances specified in
21 clause (ii) is eligible for hospital care and medical services
22 under subsection (a)(2)(F) for the diseases, illnesses, or
23 conditions as specified in such clause, notwithstanding
24 that there is insufficient medical evidence to conclude that
25 such illness or condition is attributable to such service.

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

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

23 “(iii) For purposes of this subparagraph, any service
24 by a member of the reserve components for a period speci-
25 fied by the Secretary at a covered military installation at

1 which individuals were exposed to substances specified in
 2 clause (ii) shall be treated as active duty service, notwith-
 3 standing section 101(21) of this title.

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

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

13 (b) FAMILY MEMBERS.—

14 (1) IN GENERAL.—Subchapter VIII of chapter
 15 17 is amended by adding at the end the following
 16 new section:

17 **“§ 1787A. Health care of family members of veterans**
 18 **stationed at certain military installations**

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

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

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

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

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

1 party (as defined in section 1725(f) of this title) for pay-
 2 ment of such care or services, including with respect to
 3 health-plan contracts (as defined in such section).”.

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

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

8 (c) ANNUAL REPORTS.—

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

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

23 (A) The number of veterans and family
 24 members provided hospital care and medical

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

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

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

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

19 (3) VETERAN DEFINED.—In this subsection,
20 the term “veteran” includes a former member of the
21 reserve components of the Armed Forces covered by
22 such section 1710(e)(1)(G).

1 **SEC. 3. PRESUMPTION OF SERVICE CONNECTION FOR CER-**
 2 **TAIN VETERANS 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 1116B
 7 the following new section:

8 **“§ 1116C. Presumption of service connection for cer-**
 9 **tain veterans 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 a veteran
 16 described in paragraph (2) shall be considered to have
 17 been incurred or aggravated in the line of duty in the ac-
 18 tive military, naval, or air service, notwithstanding that
 19 there is no record of evidence of such disease or illness
 20 during the period of such service.

21 “(2) A veteran described in this paragraph is a vet-
 22 eran who, during active military, naval, or air service,
 23 served at a military installation at which individuals were
 24 exposed to perfluorooctanoic acid or other per- and
 25 polyfluoroalkyl substances, including exposure through a

1 well that provides water for human consumption that is
2 contaminated with such substances.

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

5 “(1) With respect to exposure to
6 perfluorooctanoic acid—

7 “(A) diagnosed high cholesterol;

8 “(B) ulcerative colitis;

9 “(C) thyroid disease;

10 “(D) testicular cancer;

11 “(E) kidney cancer; and

12 “(F) pregnancy-induced hypertension.

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

1 “(c) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—
2 For purposes of this section, any service by a member of
3 the reserve components for a period specified by the Sec-
4 retary at a military installation described in subsection
5 (a)(2) shall be treated as active military, naval, or air serv-
6 ice, notwithstanding section 101(24) of this title.”.

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

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

