

112TH CONGRESS
1ST SESSION

H. R. 1742

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a presumption of service connection for illnesses associated with contaminants in the water supply at Marine Corps Base Camp Lejeune, North Carolina, and to provide health care to family members of veterans who lived at Camp Lejeune while the water was contaminated.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mr. MILLER of North Carolina (for himself, Mr. DINGELL, Mr. COURTNEY, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Ms. BERKLEY, Mr. DONNELLY of Indiana, Mr. MURPHY of Connecticut, Mr. PRICE of North Carolina, Mr. WILSON of South Carolina, Ms. SUTTON, Mr. RIBBLE, Mr. CONYERS, Mrs. MALONEY, and Mr. JONES) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a presumption of service connection for illnesses associated with contaminants in the water supply at Marine Corps Base Camp Lejeune, North Carolina, and to provide health care to family members of veterans who lived at Camp Lejeune while the water was contaminated.

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 “Janey Ensminger
3 Act”.

4 **SEC. 2. PRESUMPTIONS OF SERVICE CONNECTION FOR ILL-**
5 **NESSES ASSOCIATED WITH CONTAMINANTS**
6 **IN THE WATER SUPPLY AT MARINE CORPS**
7 **BASE CAMP LEJEUNE, NORTH CAROLINA.**

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

11 **“§ 1119. Presumptions of service connection for ill-**
12 **nesses associated with contaminants in**
13 **the water supply at Camp Lejeune, North**
14 **Carolina**

15 “(a) PRESUMPTION.—(1) For purposes of section
16 1110 of this title, and subject to section 1113 of this title,
17 each illness, if any, described in paragraph (2) shall be
18 considered to have been incurred in or aggravated by serv-
19 ice referred to in that paragraph, notwithstanding that
20 there is no record of evidence of such illness during the
21 period of such service.

22 “(2) An illness referred to in paragraph (1) is any
23 diagnosed or undiagnosed illness that—

24 “(A) the Secretary determines, in consultation
25 with the Agency for Toxic Substances and Disease
26 Registry, in regulations prescribed under this section

1 to warrant a presumption of service connection by
2 reason of having a positive association with exposure
3 to volatile organic compounds, including known
4 human carcinogens and probable human carcino-
5 gens, known or presumed to be associated with serv-
6 ice in the Armed Forces at Marine Corps Base
7 Camp Lejeune, North Carolina, during a period de-
8 termined by the Secretary in consultation with the
9 Agency for Toxic Substances and Disease Registry;
10 and

11 “(B) becomes manifest within the period, if
12 any, prescribed in such regulations in a veteran who
13 served on active duty at Camp Lejeune, North Caro-
14 lina, and by reason of such service was exposed to
15 such compounds.

16 “(3) For purposes of this subsection, a veteran who
17 served on active duty at Camp Lejeune, North Carolina,
18 during the period referred to in paragraph (2)(A) and who
19 has an illness described in paragraph (2) shall be pre-
20 sumed to have been exposed by reason of such service to
21 the compound associated with the illness in the regulations
22 prescribed under this section unless there is conclusive evi-
23 dence to establish that the veteran was not exposed to the
24 compound by reason of such service.

1 “(b) DETERMINATIONS RELATING TO DISEASES.—

2 (1) Whenever the Secretary determines, in consultation
3 with the Agency for Toxic Substances and Disease Reg-
4 istry, on the basis of sound medical and scientific evidence,
5 that a positive association exists between the exposure of
6 humans to a volatile organic compound known or pre-
7 sumed to be present in the water supply at Camp Lejeune,
8 North Carolina, and the occurrence of a disease in hu-
9 mans, the Secretary shall prescribe regulations providing
10 that a presumption of service connection is warranted for
11 that disease for the purposes of this section.

12 “(2) In making determinations for the purpose of this
13 subsection, the Secretary shall take into account all other
14 sound medical and scientific information and analyses
15 available to the Secretary. In evaluating any study for the
16 purpose of making such determinations, the Secretary
17 shall take into consideration whether the results are statis-
18 tically significant, are capable of replication, and with-
19 stand peer review.

20 “(3) An association between the occurrence of a dis-
21 ease in humans and exposure to a volatile organic com-
22 pound shall be considered to be positive for the purposes
23 of this section if the credible evidence for the association
24 is equal to or outweighs the credible evidence against the
25 association.

1 “(c) REMOVAL OF DISEASES.—Whenever a disease is
2 removed from regulations prescribed under this section—

3 “(1) a veteran who was awarded compensation
4 for such disease on the basis of the presumption pro-
5 vided in subsection (a) before the effective date of
6 the removal shall continue to be entitled to receive
7 compensation on that basis; and

8 “(2) a survivor of a veteran who was awarded
9 dependency and indemnity compensation for the
10 death of a veteran resulting from such disease on
11 the basis of such presumption shall continue to be
12 entitled to receive dependency and indemnity com-
13 pensation on such basis.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by inserting
16 after the item relating to section 1118 the following new
17 item:

“1119. Presumptions of service connection for illnesses associated with contami-
nants in the water supply at Camp Lejeune, North Carolina.”.

18 **SEC. 3. HOSPITAL CARE, MEDICAL SERVICES, AND NURS-**
19 **ING HOME CARE FOR VETERANS STATIONED**
20 **AT CAMP LEJEUNE, NORTH CAROLINA,**
21 **WHILE THE WATER WAS CONTAMINATED AT**
22 **CAMP LEJEUNE.**

23 (a) FAMILY MEMBERS.—

1 (1) IN GENERAL.—Subchapter VIII of chapter
2 17 of title 38, United States Code, is amended by
3 adding at the end the following new section:

4 **“§ 1786. Health care of family members of veterans**
5 **stationed at Camp Lejeune, North Caro-**
6 **lina, while the water was contaminated**
7 **at Camp Lejeune**

8 “(a) IN GENERAL.—A family member of a veteran
9 described in section 1119(a)(3) of this title who resided
10 at Camp Lejeune, North Carolina, during the period de-
11 scribed in such section, or who was in utero during such
12 period while the mother of such family member resided
13 at such location, shall be eligible for hospital care, medical
14 services, and nursing home care furnished by the Sec-
15 retary for any covered condition, or any covered disability
16 that is associated with a condition, that is associated with
17 exposure to the contaminants in the water at Camp
18 Lejeune during such period.

19 “(b) COVERED CONDITIONS AND DISABILITIES.—In
20 this section, covered conditions and disabilities are those
21 conditions and disabilities described in section 1119(a)(2)
22 of this title.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such chapter is amended

- 1 by inserting after the item relating to section 1785
- 2 the following new item:

“1786. Health care of family members of veterans stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.”.

