

117TH CONGRESS
2D SESSION

S. 3851

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 those veterans and dependents were exposed to perfluorooctanoic acid or other perfluoroalkyl and polyfluoroalkyl substances, to provide for a presumption of service connection for certain veterans who were stationed at military installations at which those veterans were exposed to such substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2022

Ms. STABENOW (for herself and Mr. PETERS) 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 and dependents who were stationed at military installations at which those veterans and dependents were exposed to perfluorooctanoic acid or other perfluoroalkyl and polyfluoroalkyl substances, to provide for a presumption of service connection for certain veterans who were stationed at military installations at which those 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,*

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 **PERFLUOROALKYL AND POLYFLUOROALKYL**
8 **SUBSTANCES.**

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

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

15 “(G)(i) Beginning on the date that is 90 days after
16 the date of the enactment of this subparagraph, subject
17 to paragraph (2), a veteran who served on active duty in
18 the Armed Forces at a covered military installation at
19 which individuals were exposed to substances specified in
20 clause (ii) is eligible for hospital care and medical services
21 under subsection (a)(2)(F) for the diseases, illnesses, or
22 conditions as specified in such clause, notwithstanding
23 that there is insufficient medical evidence to conclude that
24 such disease, illness, or condition is attributable to such
25 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 perfluoroalkyl
12 and polyfluoroalkyl substances not specified in sub-
13 clause (I), any disease, illness, or condition that the
14 Secretary, in consultation with the Administrator of
15 the Agency for Toxic Substances and Disease Reg-
16 istry of the Department of Health and Human Serv-
17 ices, determines pursuant to the study conducted
18 under section 316(a) of the National Defense Au-
19 thorization Act for Fiscal Year 2018 (Public Law
20 115–91; 131 Stat. 1350) that a positive association
21 exists between exposure to perfluoroalkyl and
22 polyfluoroalkyl substances and such disease, illness,
23 or condition.

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

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

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

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

14 (b) FAMILY MEMBERS.—

15 (1) IN GENERAL.—Subchapter VIII of chapter
 16 17 of title 38, United States Code, is amended by
 17 inserting after section 1787 the following new sec-
 18 tion:

19 **“§ 1787A. Health care of family members of veterans**
 20 **stationed at certain military installations**
 21 **with PFAS contamination**

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 covered military installa-
4 tion (as defined in clause (iv) of such section) or who was
5 in utero while the mother of such family member resided
6 at such location shall be eligible for hospital care and med-
7 ical services furnished by the Secretary for any disease,
8 illness, or condition for which a veteran may receive hos-
9 pital care and medical services under clause (ii) of such
10 section, notwithstanding that there is insufficient medical
11 evidence to conclude that such disease, illness, or condition
12 is attributable to such 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 subchapter is amend-
 9 ed by inserting after the item relating to section
 10 1787 the following new item:

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

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; 131 Stat. 1350) is submitted to Congress, the
 17 Secretary of Veterans Affairs shall submit to the
 18 Committee on Veterans’ Affairs of the Senate and
 19 the Committee on Veterans’ Affairs of the House of
 20 Representatives an annual report on the care and
 21 services provided under sections 1710(e)(1)(G) and
 22 1787A of title 38, United States Code (as added by
 23 subsections (a)(1) and (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
25 reserve components of the Armed Forces covered by

1 section 1710(e)(1)(G) of title 38, United States
2 Code.

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

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

11 **“§ 1116C. Presumption of service connection for cer-**
12 **tain veterans exposed to**
13 **perfluorooctanoic acid or other**
14 **perfluoroalkyl and polyfluoroalkyl sub-**
15 **stances**

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

1 “(2) A veteran described in this paragraph is a vet-
2 eran who, during active military, naval, air, or space serv-
3 ice, served at a military installation at which individuals
4 were exposed to perfluorooctanoic acid or other
5 perfluoroalkyl and polyfluoroalkyl substances, including
6 exposure through a well that provides water for human
7 consumption that is contaminated with such substances.

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

10 “(1) With respect to exposure to
11 perfluorooctanoic 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 Administrator of the
22 Agency for Toxic Substances and Disease Registry
23 of the Department of Health and Human Services,
24 determines pursuant to the study conducted under
25 section 316 of the National Defense Authorization

1 Act for Fiscal Year 2018 (Public Law 115–91; 131
2 Stat. 1350) that a positive association exists be-
3 tween exposure to perfluoroalkyl and polyfluoroalkyl
4 substances and such disease or illness.

5 “(c) ACTIVE MILITARY, NAVAL, AIR, OR SPACE
6 SERVICE.—For purposes of this section, any service by a
7 member of the reserve components for a period specified
8 by the Secretary at a military installation described in
9 subsection (a)(2) shall be treated as active military, naval,
10 air, or space service, notwithstanding section 101(24) of
11 this title.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 1116B the following new
15 item:

“1116C. Presumption of service connection for certain veterans exposed to
perfluorooctanoic acid or other perfluoroalkyl and
polyfluoroalkyl substances.”.

