

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Janey Ensminger Act'.

SEC. 2. PRESUMPTIONS OF SERVICE CONNECTION FOR ILLNESSES ASSOCIATED WITH CONTAMINANTS IN THE WATER SUPPLY AT MARINE CORPS BASE CAMP LEJEUNE, NORTH CAROLINA.

(a) In General- Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

`Sec. 1119. Presumptions of service connection for illnesses associated with contaminants in the water supply at Camp Lejeune, North Carolina

`(a) Presumption- (1) For purposes of section 1110 of this title, and subject to section 1113 of this title, each illness, if any, described in paragraph (2) shall be considered to have been incurred in or aggravated by service referred to in that paragraph, notwithstanding that there is no record of evidence of such illness during the period of such service.

`(2) An illness referred to in paragraph (1) is any diagnosed or undiagnosed illness that--

`(A) the Secretary determines, in consultation with the Agency for Toxic Substances and Disease Registry, in regulations prescribed under this section to warrant a presumption of service connection by reason of having a positive association with exposure to volatile organic compounds, including known human carcinogens and probable human carcinogens, known or presumed to be associated with service in the Armed Forces at Marine Corps Base Camp Lejeune, North Carolina, during a period determined by the Secretary in consultation with the Agency for Toxic Substances and Disease Registry; and

`(B) becomes manifest within the period, if any, prescribed in such regulations in a veteran who served on active duty at Camp Lejeune, North Carolina, and by reason of such service was exposed to such compounds.

`(3) For purposes of this subsection, a veteran who served on active duty at Camp Lejeune, North Carolina, during the period referred to in paragraph (2)(A) and who has an illness described in paragraph (2) shall be presumed to have been exposed by reason of such service to the compound associated with the illness in the regulations prescribed under this section unless there is conclusive evidence to establish that the veteran was not exposed to the compound by reason of such service.

`(b) Determinations Relating to Diseases- (1) Whenever the Secretary determines, in consultation with the Agency for Toxic Substances and Disease Registry, on the basis of sound medical and scientific evidence, that a positive association exists between the exposure of humans to a volatile organic compound known or presumed to be present in the water supply at Camp Lejeune, North Carolina, and the occurrence of a disease in humans, the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for that disease for the purposes of this section.

`(2) In making determinations for the purpose of this subsection, the Secretary shall take into account all other sound medical and scientific information and analyses available to the Secretary. In evaluating any study for the purpose of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

`(3) An association between the occurrence of a disease in humans and exposure to a volatile organic compound shall be considered to be positive for the purposes of this section if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

`(c) Removal of Diseases- Whenever a disease is removed from regulations prescribed under this section--

`(1) a veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) before the effective date of the removal shall continue to be entitled to receive compensation on that basis; and

`(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.'

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1118 the following new item:

`1119. Presumptions of service connection for illnesses associated with contaminants in the water supply at Camp Lejeune, North Carolina.'

SEC. 3. HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE FOR VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA, WHILE THE WATER WAS CONTAMINATED AT CAMP LEJEUNE.

(a) Family Members-

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

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

`(a) In General- A family member of a veteran described in section 1119(a)(3) of this title who resided at Camp Lejeune, North Carolina, during the period described in such section, or who was in utero during such period while the mother of such family member resided at such location, shall be eligible for hospital care, medical services, and nursing home care furnished by the Secretary for any covered condition, or any covered disability that is associated with a condition, that is associated with exposure to the contaminants in the water at Camp Lejeune during such period.

`(b) Covered Conditions and Disabilities- In this section, covered conditions and disabilities are those conditions and disabilities described in section 1119(a)(2) of this title.'

(2) CLERICAL AMENDMENT- The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1785 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.'

END