

Calendar No. 123112TH CONGRESS
1ST SESSION**S. 277****[Report No. 112-42]**

To amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2011

Mr. BURR (for himself, Mrs. HAGAN, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. JOHANNES, Mr. HARKIN, Mr. BLUMENTHAL, Mr. GRAHAM, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

AUGUST 1, 2011

Reported by Mrs. MURRAY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, 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 “Caring for Camp
 5 Lejeune Veterans Act of 2011”.

6 **SEC. 2. HOSPITAL CARE, MEDICAL SERVICES, AND NURS-**
 7 **ING HOME CARE FOR VETERANS STATIONED**
 8 **AT CAMP LEJEUNE, NORTH CAROLINA,**
 9 **WHILE THE WATER WAS CONTAMINATED AT**
 10 **CAMP LEJEUNE.**

11 (a) IN GENERAL.—Section 1710(e)(1) of title 38,
 12 United States Code, is amended by adding at the end the
 13 following new subparagraph:

14 “(F) Subject to paragraph (2), a veteran who, as a
 15 member of the Armed Forces, was stationed at Camp
 16 Lejeune, North Carolina, during a period, determined by
 17 the Secretary in consultation with the Agency for Toxic
 18 Substances and Disease Registry, in which the water at
 19 Camp Lejeune was contaminated by volatile organic com-
 20 pounds, including known human carcinogens and probable
 21 human carcinogens, is eligible for hospital care, medical
 22 services, and nursing home care under subsection
 23 (a)(2)(F) for any illness, notwithstanding that there is in-
 24 sufficient medical evidence to conclude that such illness
 25 is attributable to such contamination.”

1 (b) FAMILY MEMBERS.—

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

5 **“§ 1787. Health care of family members of veterans**
6 **stationed at Camp Lejeune, North Caro-**
7 **lina, while the water was contaminated**
8 **at Camp Lejeune**

9 “(a) IN GENERAL.—A family member of a veteran
10 described in subparagraph (F) of section 1710(e)(1) of
11 this title who resided at Camp Lejeune during the period
12 described in such subparagraph or who was in utero dur-
13 ing such period while the mother of such family member
14 resided at such location shall be eligible for hospital care,
15 medical services, and nursing home care furnished by the
16 Secretary for any condition, or any disability that is asso-
17 ciated with such condition, that is associated with expo-
18 sure to the contaminants in the water at Camp Lejeune
19 during such period.

20 “(b) REGULATIONS.—The Secretary shall prescribe
21 regulations that specify which—

22 “(1) conditions are associated with exposure to
23 the contaminants described in subsection (a); and

24 “(2) disabilities are associated with such condi-
25 tions.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of such chapter is amended
 3 by inserting after the item relating to section 1786
 4 the following new item:

“1787. Health care of family members of veterans stationed at Camp Lejeune,
 North Carolina, while the water was contaminated at Camp
 Lejeune.”.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the Caring for Camp Lejeune*
 7 *Veterans Act of 2011.*

8 **SEC. 2. HOSPITAL CARE, MEDICAL SERVICES, AND NURSING**

9 **HOME CARE FOR VETERANS STATIONED AT**
 10 **CAMP LEJEUNE, NORTH CAROLINA, WHILE**
 11 **THE WATER WAS CONTAMINATED AT CAMP**
 12 **LEJEUNE.**

13 (a) *IN GENERAL.*—Section 1710(e)(1) is amended by
 14 *adding at the end the following new subparagraph:*

15 “(F) *Subject to paragraph (2), a veteran who, as a*
 16 *member of the Armed Forces, was stationed at Camp*
 17 *Lejeune, North Carolina, during a period, determined by*
 18 *the Secretary in consultation with the Agency for Toxic*
 19 *Substances and Disease Registry, in which the water at*
 20 *Camp Lejeune was contaminated by volatile organic com-*
 21 *pounds, including known human carcinogens and probable*
 22 *human carcinogens, is eligible for hospital care, medical*
 23 *services, and nursing home care under subsection (a)(2)(F)*
 24 *for any illness, notwithstanding that there is insufficient*

1 *medical evidence to conclude that such illness is attributable*
2 *to such contamination.”.*

3 *(b) FAMILY MEMBERS.—*

4 *(1) IN GENERAL.—Subchapter VIII of chapter 17*
5 *is amended by adding at the end the following new*
6 *section:*

7 **“§1787. Health care of family members of veterans**
8 **stationed at Camp Lejeune, North Caro-**
9 **lina, while the water was contaminated at**
10 **Camp Lejeune**

11 *“(a) IN GENERAL.—A family member of a veteran de-*
12 *scribed in subparagraph (F) of section 1710(e)(1) of this*
13 *title who resided at Camp Lejeune during the period de-*
14 *scribed in such subparagraph or who was in utero during*
15 *such period while the mother of such family member resided*
16 *at such location shall be eligible for hospital care, medical*
17 *services, and nursing home care furnished by the Secretary*
18 *for any condition, or any disability that is associated with*
19 *such condition, that is associated with exposure to the con-*
20 *taminants in the water at Camp Lejeune during such pe-*
21 *riod.*

22 *“(b) LIMITATION.—The Secretary may only furnish*
23 *hospital care, medical services, and nursing home care*
24 *under subsection (a) to the extent and in the amount pro-*
25 *vided in advance in appropriations Acts for such purpose.*

1 “(c) *REGULATIONS.*—*The Secretary shall prescribe*
2 *regulations that specify which—*

3 “(1) *conditions are associated with exposure to*
4 *the contaminants described in subsection (a); and*

5 “(2) *disabilities are associated with such condi-*
6 *tions.*”.

7 “(2) *CLERICAL AMENDMENT.*—*The table of sec-*
8 *tions at the beginning of such chapter is amended by*
9 *inserting after the item relating to section 1786 the*
10 *following new item:*

“1787. *Health care of family members of veterans stationed at Camp Lejeune,*
North Carolina, while the water was contaminated at Camp
Lejeune.”.

11 “(c) *REIMBURSEMENT BY SECRETARY OF DEFENSE.*—
12 *Section 8111 is amended—*

13 “(1) *by redesignating subsections (f) and (g) as*
14 *subsections (g) and (h), respectively; and*

15 “(2) *by inserting after subsection (e) the following*
16 *new subsection (f):*

17 “(f) *CAMP LEJEUNE.*—(1) *The Secretary of Defense*
18 *shall enter into an agreement with the Secretary of Veterans*
19 *Affairs under subsection (a) to reimburse the Secretary of*
20 *Veterans Affairs, from amounts appropriated to the Sec-*
21 *retary of Defense, for the costs of all hospital care, medical*
22 *services, and nursing home care provided under sections*
23 *1710(e)(1)(F) and 1787 of this title.*

1 “(2) Costs described in paragraph (1) shall include
 2 reasonable and customary charges associated with oversight
 3 and administration of the care and services described in
 4 such paragraph.

5 “(3) The Secretary of Veterans Affairs may use the au-
 6 thority provided under section 1781 of this title, or such
 7 other existing discretionary authorities as the Secretary
 8 considers appropriate, to arrange for care and services de-
 9 scribed in paragraph (1).”.

10 (d) *EFFECTIVE DATE.*—

11 (1) *IN GENERAL.*—The provisions of this section
 12 and the amendments made by this section shall take
 13 effect on October 1, 2012.

14 (2) *APPLICABILITY.*—Subparagraph (F) of sec-
 15 tion 1710(e)(1) of such title, as added by subsection
 16 (a), and section 1787 of such title, as added by sub-
 17 section (b), shall apply with respect to hospital care,
 18 medical services, and nursing home care provided on
 19 or after October 1, 2012.

20 **SEC. 3. MERGER AND CONSOLIDATION OF DEFENSE COM-**
 21 **MISSARY AND EXCHANGE SYSTEMS.**

22 (a) *MERGER AND CONSOLIDATION.*—

23 (1) *IN GENERAL.*—Commencing in fiscal year
 24 2012, the Secretary of Defense shall merge and con-
 25 solidate the system of commissary stores and the sys-

1 *tem of exchange stores operated under chapter 147 of*
 2 *title 10, United States Code, into a single world-wide*
 3 *system of commissary stores and exchange stores in*
 4 *order to achieve a single system of stores that operates*
 5 *on a self-sufficient basis without the need for finan-*
 6 *cial support through appropriated funds by not later*
 7 *than September 30, 2015.*

8 (2) *CONFORMING AMENDMENTS.—Section 2481*
 9 *of title 10, United States Code, is amended—*

10 (A) *in subsection (a)—*

11 (i) *by striking “SEPARATE SYS-*
 12 *TEMS.—” and inserting “IN GENERAL.—”;*

13 *and*

14 (ii) *by striking “a world-wide system”*
 15 *and all that follows through “The stores of*
 16 *each system” and inserting “a single world-*
 17 *wide system of commissary stores and ex-*
 18 *changes stores. The stores of such system”;*

19 (B) *in subsection (b)—*

20 (i) *by striking “PURPOSE OF SYS-*
 21 *TEMS.—” and inserting “PURPOSE OF SYS-*

22 *TEM.—”; and*

23 (ii) *by striking “commissary system*
 24 *and the exchange system” and inserting*
 25 *“commissary and exchange system”;*

1 (C) in subsection (c)—

2 (i) in paragraph (1), by striking “both
3 the defense commissary system and the ex-
4 change system” and inserting “the com-
5 missary and exchange system”; and

6 (ii) in paragraph (2), by striking “ex-
7 change systems” and all that follows and
8 inserting “exchange system.”;

9 (D) by redesignating subsection (d) as sub-
10 section (e); and

11 (E) by inserting after subsection (c) the fol-
12 lowing new subsection (d):

13 “(d) *CONSTRUCTION OF REFERENCES.*—Any reference
14 in this subchapter to a commissary store shall be deemed
15 to be a reference to a store operated under the single system
16 of commissary stores and exchange stores required by sub-
17 section (a). Any reference in this subchapter to the defense
18 commissary system shall be deemed to be a reference to such
19 system of commissary stores and exchange stores.”.

20 (3) *CONSTRUCTION OF PROVISIONS.*—This sub-
21 section and the amendments made by this subsection
22 are intended as a specific authorization by Act of
23 Congress for the consolidation and merger of the sys-
24 tem of commissary stores and the system of exchange
25 stores operated and maintained by the Department of

1 *Defense under chapter 147 of title 10, United States*
 2 *Code, within the meaning of section 2487(b) of such*
 3 *title.*

4 (4) *PROHIBITION ON USE OF APPROPRIATED*
 5 *FUNDS AFTER FISCAL YEAR 2015.*—*Notwithstanding*
 6 *any provision of chapter 147 of title 10, United*
 7 *States Code, or any other provision of law, funds ap-*
 8 *propriated or otherwise made available for the De-*
 9 *partment of Defense may not be obligated or expended*
 10 *for or in connection with the system of commissary*
 11 *stores and exchange stores operated by the Depart-*
 12 *ment of Defense under that chapter on or after Octo-*
 13 *ber 1, 2015.*

14 (b) *CONFORMING REPEALS.*—*Sections 2487 and 2488*
 15 *of title 10, United States Code, are repealed.*

16 (c) *CLERICAL AMENDMENTS.*—

17 (1) *HEADING AMENDMENT.*—*The heading of sec-*
 18 *tion 2481 of such title is amended to read as follows:*

19 **“§2481. Commissary and exchange system: existence**
 20 **and purpose”.**

21 (2) *SUBCHAPTER I.*—*The table of sections at the*
 22 *beginning of subchapter I of chapter 147 of such title*
 23 *is amended by striking the item relating to section*
 24 *2481 and inserting the following new item:*

“2481. Commissary and exchange system: existence and purpose.”.

1 (3) *SUBCHAPTER II.*—*The table of sections at the*
2 *beginning of subchapter II of such chapter 147 is*
3 *amended by striking the items relating to sections*
4 *2486 and 2487.*

5 (d) *EFFECTIVE DATE.*—*This section and the amend-*
6 *ments made by this section shall take effect on October, 1,*
7 *2012.*

Calendar No. 123

112TH CONGRESS
1ST Session

S. 277

[Report No. 112-42]

A BILL

To amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes.

August 1, 2011

Reported with an amendment