

114TH CONGRESS  
2D SESSION

# S. 2888

To amend the Public Health Service Act with respect to the Agency for Toxic Substances and Disease Registry’s review and publication of illness and conditions relating to veterans stationed at Camp Lejeune, North Carolina, and their family members.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2016

Mr. BURR (for himself, Mr. TILLIS, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Veterans’ Affairs

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## A BILL

To amend the Public Health Service Act with respect to the Agency for Toxic Substances and Disease Registry’s review and publication of illness and conditions relating to veterans stationed at Camp Lejeune, North Carolina, and their family members.

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 “Janey Ensminger Act  
5 of 2016”.

1 **SEC. 2. REVIEW OF ILLNESSES AND CONDITIONS RELATING**  
 2 **TO VETERANS STATIONED AT CAMP**  
 3 **LEJEUNE, NORTH CAROLINA, AND THEIR**  
 4 **FAMILY MEMBERS.**

5 (a) REVIEW AND PUBLICATION OF ILLNESS OR CON-  
 6 DITION.—Part P of title III of the Public Health Service  
 7 Act (42 U.S.C. 280g et seq.) is amended by adding at  
 8 the end the following:

9 **“SEC. 399V-6. REVIEW AND PUBLICATION OF ILLNESSES**  
 10 **AND CONDITIONS.**

11 “(a) IN GENERAL.—Consistent with section 104(i) of  
 12 the Comprehensive Environmental Response, Compensa-  
 13 tion, and Liability Act of 1980, not later than 1 year after  
 14 the date of enactment of this section, and not less fre-  
 15 quently than once every 3 years thereafter, the Secretary,  
 16 acting through the Administrator of the Agency for Toxic  
 17 Substances and Disease Registry, shall—

18 “(1)(A) review the scientific literature relevant  
 19 to the relationship between the employment or resi-  
 20 dence of individuals at Camp Lejeune, North Caro-  
 21 lina, for not fewer than 30 days during the period  
 22 beginning on August 1, 1953, and ending on Decem-  
 23 ber 21, 1987, and specific illnesses or conditions in-  
 24 curred by those individuals;

25 “(B) determine each illness or condition for  
 26 which there is evidence that exposure to a toxic sub-

1 stance at Camp Lejeune, North Carolina, during the  
2 period specified in subparagraph (A) may be a cause  
3 of the illness or condition; and

4 “(C) with respect to each illness or condition  
5 for which a determination has been made under sub-  
6 paragraph (B), categorize the evidence of the con-  
7 nection of the illness or condition to exposure de-  
8 scribed in that subparagraph as—

9 “(i) sufficient to conclude with reasonable  
10 confidence that the exposure is a cause of the  
11 illness or condition;

12 “(ii) modest supporting causation, but not  
13 sufficient to conclude with reasonable con-  
14 fidence that exposure is a cause of the illness  
15 or condition; or

16 “(iii) no more than limited supporting cau-  
17 sation;

18 “(2) publish in the Federal Register and on the  
19 Internet website of the Department of Health and  
20 Human Services—

21 “(A) a list of each illness or condition for  
22 which a determination has been made under  
23 paragraph (1)(B), including the categorization  
24 of the evidence of causal connection relating to

1 the illness or condition under paragraph (1)(C);  
 2 and

3 “(B) the bibliographic citations for all lit-  
 4 erature reviewed under paragraph (1) for each  
 5 illness or condition listed under such paragraph;  
 6 and

7 “(3) update the list under paragraph (2), as ap-  
 8 plicable, to add an illness or condition for which a  
 9 determination has been made under paragraph  
 10 (1)(B), including the categorization of the evidence  
 11 of causal connection relating to the illness or condi-  
 12 tion under paragraph (1)(C), since such list was last  
 13 updated consistent with the requirements of this  
 14 subsection.”.

15 (b) ELIGIBILITY FOR HEALTH CARE FROM DEPART-  
 16 MENT OF VETERANS AFFAIRS.—

17 (1) IN GENERAL.—Section 1710(e)(1)(F) of  
 18 title 38, United States Code, is amended—

19 (A) by redesignating clauses (i) through  
 20 (xv) as subclauses (I) through (XV), respec-  
 21 tively;

22 (B) by striking “(F) Subject to” and in-  
 23 serting “(F)(i) Subject to”;

24 (C) by striking “any of the following” and  
 25 inserting “any of the illnesses or conditions for

1           which the evidence of connection of the illness  
2           or condition to exposure to a toxic substance at  
3           Camp Lejeune, North Carolina, during such pe-  
4           riod is categorized as sufficient or modest in the  
5           most recent list published under section 399V-  
6           6(a)(2) of the Public Health Service Act, which  
7           may include any of the following”;

8                         (D) by adding at the end the following new  
9           clause:

10          “(ii) For the purposes of ensuring continuation of  
11         care, any veteran who has been furnished hospital care  
12         or medical services under this subparagraph for an illness  
13         or condition shall remain eligible for hospital care or med-  
14         ical services for such illness or condition notwithstanding  
15         that the evidence of connection of such illness or condition  
16         to exposure to a toxic substance at Camp Lejeune, North  
17         Carolina, during the period described in clause (i) is not  
18         categorized as sufficient or modest in the most recent list  
19         published under section 399V-6(a)(2) of the Public  
20         Health Service Act.”.

21                 (2) FAMILY MEMBERS.—Section 1787 of such  
22         title is amended by adding at the end the following  
23         new subsection:

24          “(c) CONTINUATION OF CARE.—For the purposes of  
25         ensuring continuation of care, any individual who has been

1 furnished hospital care or medical services under this sec-  
2 tion for an illness or condition shall remain eligible for  
3 hospital care or medical services for such illness or condi-  
4 tion notwithstanding that the illness or condition is no  
5 longer described in section 1710(e)(1)(F) of this title.”.

6 (3) TRANSFER OF AMOUNTS FOR PROGRAM.—

7 Notwithstanding any other provision of law, for each  
8 of fiscal years 2017 and 2018, the Secretary of Vet-  
9 erans Affairs shall transfer \$2,000,000 from  
10 amounts made available to the Department of Vet-  
11 erans Affairs for medical support and compliance to  
12 the Chief Business Office and Financial Services  
13 Center of the Department to be used to continue  
14 building and enhancing the claims processing sys-  
15 tem, eligibility system, and web portal for the Camp  
16 Lejeune Family Member Program of the Depart-  
17 ment.

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