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Calendar No. 123

112TH 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. JOHANNS, 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 italic]

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.

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 "Caring for Camp Lejeune Veterans Act of 2011".~~

~~SEC. 2. 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) IN GENERAL.—Section 1710(e)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:~~

~~"(F) Subject to paragraph (2), a veteran who, as a member of the Armed Forces, was stationed at Camp Lejeune, North Carolina, during a period, determined by the Secretary in consultation with the Agency for Toxic Substances and Disease Registry, in which the water at Camp Lejeune was contaminated by volatile organic compounds, including known human carcinogens and probable human carcinogens, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such contamination.".~~

~~(b) 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:~~

~~"§ 1787. 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 subparagraph (F) of section 1710(e)(1) of this title who resided at Camp Lejeune during the period described in such subparagraph 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 condition, or any disability that is associated with such condition, that is associated with exposure to the contaminants in the water at Camp Lejeune during such period.~~

~~"(b) REGULATIONS.—The Secretary shall prescribe regulations that specify which—~~

~~"(1) conditions are associated with exposure to the contaminants described in subsection (a); and~~

~~"(2) disabilities are associated with such conditions.".~~

~~(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1786 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.".~~

SECTION 1. SHORT TITLE.

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

SEC. 2. 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) IN GENERAL.—Section 1710(e)(1) is amended by adding at the end the following new subparagraph:

"(F) Subject to paragraph (2), a veteran who, as a member of the Armed Forces, was stationed at Camp Lejeune, North Carolina, during a period, determined by the Secretary in consultation with the Agency for Toxic Substances and Disease Registry, in which the water at Camp Lejeune was contaminated by volatile organic compounds, including known human carcinogens and probable human carcinogens, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient

medical evidence to conclude that such illness is attributable to such contamination.".

(b) FAMILY MEMBERS.—

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

"§ 1787. 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 subparagraph (F) of section 1710(e)(1) of this title who resided at Camp Lejeune during the period described in such subparagraph 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 condition, or any disability that is associated with such condition, that is associated with exposure to the contaminants in the water at Camp Lejeune during such period.

"(b) LIMITATION.—The Secretary may only furnish hospital care, medical services, and nursing home care under subsection (a) to the extent and in the amount provided in advance in appropriations Acts for such purpose.

"(c) REGULATIONS.—The Secretary shall prescribe regulations that specify which—

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

"(2) disabilities are associated with such conditions.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1786 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.".

(c) REIMBURSEMENT BY SECRETARY OF DEFENSE.—Section 8111 is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) CAMP LEJEUNE.—(1) The Secretary of Defense shall enter into an agreement with the Secretary of Veterans Affairs under subsection (a) to reimburse the Secretary of Veterans Affairs, from amounts appropriated to the Secretary of Defense, for the costs of all hospital care, medical services, and nursing home care provided under sections 1710(e)(1)(F) and 1787 of this title.

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

"(3) The Secretary of Veterans Affairs may use the authority provided under section 1781 of this title, or such other existing discretionary authorities as the Secretary considers appropriate, to arrange for care and services described in paragraph (1).".

(d) EFFECTIVE DATE.—

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

(2) APPLICABILITY.—Subparagraph (F) of section 1710(e)(1) of such title, as added by subsection (a), and section 1787 of such title, as added by subsection (b), shall apply with respect to hospital care, medical services, and nursing home care provided on or after October 1, 2012.

SEC. 3. MERGER AND CONSOLIDATION OF DEFENSE COMMISSARY AND EXCHANGE SYSTEMS.

(a) MERGER AND CONSOLIDATION.—

(1) IN GENERAL.—Commencing in fiscal year 2012, the Secretary of Defense shall merge and consolidate the system of commissary stores and the sys-

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

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

(A) in subsection (a)—

(i) by striking "SEPARATE SYSTEMS.—" and inserting "IN GENERAL.—"; and

(ii) by striking "a world-wide system" and all that follows through "The stores of each system" and inserting "a single world-wide system of commissary stores and exchanges stores. The stores of such system";

(B) in subsection (b)—

(i) by striking "PURPOSE OF SYSTEMS.—" and inserting "PURPOSE OF SYSTEM.—"; and

(ii) by striking "commissary system and the exchange system" and inserting "commissary and exchange system";

(C) in subsection (c)—

(i) in paragraph (1), by striking "both the defense commissary system and the exchange system" and inserting "the commissary and exchange system"; and

(ii) in paragraph (2), by striking "exchange systems" and all that follows and inserting "exchange system.";

(D) by redesignating subsection (d) as subsection (e); and

(E) by inserting after subsection (c) the following new subsection (d):

"(d) CONSTRUCTION OF REFERENCES.—Any reference in this subchapter to a commissary store shall be deemed to be a reference to a store operated under the single system of commissary stores and exchange stores required by subsection (a). Any reference in this subchapter to the defense commissary system shall be deemed to be a reference to such system of commissary stores and exchange stores.".

(3) CONSTRUCTION OF PROVISIONS.—This subsection and the amendments made by this subsection are intended as a specific authorization by Act of Congress for the consolidation and merger of the system of commissary stores and the system of exchange stores operated and maintained by the Department of

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

(4) PROHIBITION ON USE OF APPROPRIATED FUNDS AFTER FISCAL YEAR 2015.—Notwithstanding any provision of chapter 147 of title 10, United States Code, or any other provision of law, funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for or in connection with the system of commissary stores and exchange stores operated by the Department of Defense under that chapter on or after October 1, 2015.

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

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 2481 of such title is amended to read as follows:

"§ 2481. Commissary and exchange system: existence and purpose".

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

"2481. Commissary and exchange system: existence and purpose.".

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

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October, 1, 2012.

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