

116th CONGRESS
1st Session

S. / H. R. _____

To amend title 38, United States Code, to clarify presumptions of service-connection relating to the exposure to herbicides of certain veterans who served in the Armed Forces during the Vietnam Era, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

_____ introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify presumptions of service-connection relating to the exposure to herbicides of certain veterans who served in the Armed Forces during the Vietnam Era, 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 “Lonnie Kilpatrick Central Pacific Herbicide Relief Act.”

SEC. 2. Clarification of presumptions of service-connection for veterans exposed to certain herbicides while serving in the Armed Forces during the Vietnam Era.

(a) Compensation.—Section 1116 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(g) Notwithstanding any other provision of law, veterans who have developed a covered disease or disability:

(1) during active military, naval, or air service, served on the islands of Guam, Samoa or the Northern Mariana Islands, or within the harbors and territorial seas of those islands during the period beginning on January 9, 1962, and ending on July 31, 1980, shall be presumed to have been exposed during such service to a herbicide agent, within the scope of this Part, unless there

is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

(2) during active military, naval, or air service, served on Johnston atoll or on a ship that called at that atoll during the period beginning on January 1, 1972, and ending on September 30, 1977, shall be presumed to have been exposed during such service to a herbicide agent, within the scope of this Part, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

(b) Health care.—Section 1710(e)(4) of such title is amended—

(1) by adding “subsection—” and inserting “subsection:”; and

(2) by adding at the end the following new subparagraph:

“(C) veterans who have developed a covered disease or disability:

(I) during active military, naval, or air service, served on the islands of Guam, Samoa or the Northern Mariana Islands, or within the harbors and territorial seas of those islands during the period beginning on January 9, 1962, and ending on July 31, 1980, shall be presumed to have been exposed during such service to a herbicide agent, within the scope of this Part, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

(ii) during active military, naval, or air service, served on Johnston atoll or on a ship that called at that atoll during the period beginning on January 1, 1972, and ending on September 30, 1977, shall be presumed to have been exposed during such service to a herbicide agent, within the scope of this Part, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.