

Union Calendar No. 36

116TH CONGRESS
1ST SESSION

H. R. 299

[Report No. 116-58]

To amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. TAKANO (for himself, Mr. COURTNEY, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SERRANO, Mr. NEAL, Mr. PETERS, Mrs. DAVIS of California, Mr. McEACHIN, Mrs. DINGELL, Ms. KUSTER of New Hampshire, Mr. BISHOP of Georgia, Ms. NORTON, Ms. GABBARD, Ms. BROWNLEY of California, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. LOEBSACK, Mr. ENGEL, Ms. MENG, Mr. DEFAZIO, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. CONNOLLY, Ms. CLARKE of New York, Mr. TONKO, Mr. BROWN of Maryland, Ms. SCHAKOWSKY, Mr. MASSIE, Mrs. WATSON COLEMAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Miss RICE of New York, Mr. BEYER, Mr. KATKO, Mrs. MURPHY, Mr. SEAN PATRICK MALONEY of New York, Mr. CARBAJAL, Mr. KILDEE, Mr. RYAN, Mr. SABLAN, Ms. STEFANIK, Mr. SIRES, Mr. PALLONE, Ms. VELÁZQUEZ, Mr. LAWSON of Florida, Ms. PINGREE, Mr. POCAN, Mrs. BEATTY, Mr. CISNEROS, Mr. GARAMENDI, Mr. CORREA, Mr. HASTINGS, Mr. ESPAILLAT, Mr. PERLMUTTER, Ms. ADAMS, Mr. RUSH, Ms. TITUS, Mr. THOMPSON of Mississippi, Mr. CARTWRIGHT, Ms. KELLY of Illinois, Mr. SCHNEIDER, Mr. CICILLINE, Mr. AGUILAR, Mr. DUNCAN, Mr. O'HALLERAN, Mr. COHEN, Mr. KHANNA, Mr. FORTENBERRY, Mr. GONZALEZ of Texas, Mr. WELCH, Mr. BOST, Mr. SOTO, Mr. SWALWELL of California, Mr. LYNCH, Mr. FOSTER, Ms. BONAMICI, Mr. PASCRELL, Mr. LAMB, Mr. BARR, Mr. SCOTT of Virginia, Mr. BILIRAKIS, Mr. CÁRDENAS, Mr. COOK, and Mr. PALAZZO) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 10, 2019

Additional sponsors: Mr. SCHRADER, Mr. LARSON of Connecticut, Ms. MOORE, Mr. CASTRO of Texas, Mr. SMITH of New Jersey, Mr. MOONEY of West Virginia, Mr. MULLIN, Mr. KING of Iowa, Mr. PANETTA, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. KILMER, Mr. KENNEDY, Mr. JOYCE of Ohio, Mr. RUPPERSBERGER, Mr. HILL of Arkansas, Mr. ZELDIN, Mr. MARINO, Ms. SEWELL of Alabama, Mr. CRIST, Mr. RODNEY DAVIS of Illinois, Mr. DELGADO, Mrs. BROOKS of Indiana, Mr. MARSHALL, Mr. RUTHERFORD, Mr. MCGOVERN, Mr. LAHOOD, Mr. PETERSON, Mr. FITZPATRICK, Mr. OLSON, Mr. GROTHMAN, Mr. JONES, Mr. SARBANES, Mr. KELLY of Pennsylvania, Mr. YOUNG, Mr. JOHNSON of Ohio, Mr. VAN DREW, Mrs. LOWEY, Mr. DUFFY, Mr. BYRNE, Mr. BUCHANAN, Mr. BABIN, Mr. PAYNE, Mr. GIBBS, Mr. SENSENBRENNER, Mr. COLE, Mr. GLANFORTE, Mr. THOMPSON of Pennsylvania, Mr. KINZINGER, Mr. QUIGLEY, Ms. WATERS, Mr. THOMPSON of California, Mr. SHERMAN, Mr. WESTERMAN, Mr. POSEY, Mrs. TORRES of California, Mrs. WALORSKI, Mr. KIND, Mr. DESAULNIER, Mr. RESCIENTHALER, Mrs. LESKO, Mr. BERGMAN, Mr. BACON, Mr. TURNER, Mrs. LEE of Nevada, Mr. MAST, Mr. GALLAGHER, Mr. TIPTON, Mr. KEVIN HERN of Oklahoma, Mr. MITCHELL, Mr. LOWENTHAL, Mr. VISCLOSKY, Mr. ROUZER, Mr. SPANO, Mr. DAVID SCOTT of Georgia, Mr. BRINDISI, Mr. CASE, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. MEADOWS, Mrs. BUSTOS, Mr. CROW, Mr. SMITH of Missouri, Mr. KIM, Mr. CRAWFORD, Mr. HURD of Texas, Mr. BURGESS, Mr. MEUSER, Mr. HECK, Mr. PAPPAS, Mr. STEUBE, Mr. LATTA, Ms. WEXTON, Mr. WATKINS, Mr. KING of New York, Mr. ROSE of New York, Mr. MCCLINTOCK, Mr. WEBSTER of Florida, Ms. SHERRILL, Ms. SHALALA, Mr. HORSFORD, Mrs. MILLER, Mrs. KIRKPATRICK, Ms. WILD, Mr. GUTHRIE, Mr. SIMPSON, Ms. HAALAND, Mr. GAETZ, Mr. AMASH, Mr. JOYCE of Pennsylvania, Mr. SUOZZI, Mr. COLLINS of New York, Mr. GOHMERT, Mrs. HARTZLER, Mr. GALLEGRO, Ms. GRANGER, Mr. GRAVES of Missouri, Ms. DEAN, Mr. YARMUTH, Ms. HOULAHAN, Ms. KAPTUR, Mr. MALINOWSKI, Mr. DEUTCH, Mr. HIGGINS of New York, Mr. MCKINLEY, Mrs. CAROLYN B. MALONEY of New York, Mr. MCCAUL, Ms. MATSUI, Ms. HILL of California, Ms. DEGETTE, Mr. LEVIN of California, Mr. RIGGLEMAN, Mr. BAIRD, Mr. PERRY, Ms. GARCIA of Texas, Mr. HUNTER, Mrs. LURIA, Mr. RICHMOND, Mr. WEBER of Texas, Ms. WILSON of Florida, Mr. HIMES, Ms. UNDERWOOD, Mr. WALDEN, Mr. LUJÁN, Mr. CARSON of Indiana, Ms. MUCARSEL-POWELL, Mr. GONZALEZ of Ohio, Mr. AMODEI, Mr. RICE of South Carolina, Mr. BISHOP of Utah, Mr. NORMAN, Ms. KENDRA S. HORN of Oklahoma, Mr. RASKIN, Mr. DOGGETT, Mr. SCHIFF, Mr. LAMALFA, Mr. LEVIN of Michigan, Mr. RUIZ, Mr. WALBERG, Mr. NORCROSS, Ms. PORTER, Mr. TED LIEU of California, Ms. SCANLON, Ms. SLOTKIN, Mr. STAUBER, Ms. OMAR, Ms. HERRERA BEUTLER, Mr. GARCÍA of Illinois, Mr. ALLRED, Mrs. AXNE, Ms. DELBENE, Ms. CASTOR of Florida, Mr. CUNNINGHAM, Mr. HOLDING, Mr. SMITH of Nebraska, Mr. GOTTHEIMER, Ms. BASS, Mr. HUDSON, Mr. LUCAS, Mrs. RADEWAGEN, Mr. NEWHOUSE, Ms. ROYBAL-ALLARD, Mr. CLINE, Ms. FINKENAUER, Mr. GRAVES of Louisiana, Mr. STEIL, Mrs. CRAIG, Mr. HARDER of California, Mr. EMMER, Mr. KRISHNAMOORTHY, Ms. JOHN-

SON of Texas, Mr. VARGAS, Mr. HAGEDORN, Mr. VELA, Ms. LOFGREN, Mr. WITTMAN, Mr. COSTA, Mr. PRICE of North Carolina, Mr. CALVERT, Mr. LONG, Mr. MORELLE, Mr. PHILLIPS, Ms. SPEIER, Mr. REED, Mr. SAN NICOLAS, Mr. BERA, Mr. GRIFFITH, Mr. DANNY K. DAVIS of Illinois, Mr. JOHNSON of Georgia, Mr. MARCHANT, Mr. GOODEN, Ms. JUDY CHU of California, Ms. DELAURO, Ms. TORRES SMALL of New Mexico, Mr. ARMSTRONG, Mr. UPTON, Mr. PENCE, Mr. ABRAHAM, Mr. MOULTON, Ms. SPANBERGER, Ms. ESCOBAR, Mr. ROUDA, Ms. JACKSON LEE, Mr. CUELLAR, Mrs. RODGERS of Washington, Mr. CLEAVER, Mr. COX of California, Mr. WILLIAMS, Mr. STIVERS, Ms. STEVENS, Mr. TAYLOR, Mr. BRADY, Mr. GOLDEN, Mrs. TRAHAN, Mr. CUMMINGS, Mr. VEASEY, Mr. CASTEN of Illinois, Ms. CLARK of Massachusetts, Ms. BLUNT ROCHESTER, Mr. JORDAN, Mr. ARRINGTON, Mr. SHIMKUS, Ms. SCHRIER, Mrs. HAYES, Mr. GREEN of Tennessee, Mr. CLOUD, Mr. TIMMONS, Mr. FLEISCHMANN, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. STANTON, and Ms. PRESSLEY

MAY 10, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 8, 2019]

A BILL

To amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, 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 “Blue Water Navy Viet-*
5 *nam Veterans Act of 2019”.*

6 **SEC. 2. CLARIFICATION OF PRESUMPTIONS OF EXPOSURE**
7 **FOR VETERANS WHO SERVED IN VICINITY OF**
8 **REPUBLIC OF VIETNAM.**

9 *(a) IN GENERAL.—Chapter 11 of title 38, United*
10 *States Code, is amended by inserting after section 1116 the*
11 *following new section:*

12 **“§ 1116A. Presumptions of service connection for vet-**
13 **erans who served offshore of the Republic**
14 **of Vietnam**

15 *“(a) SERVICE CONNECTION.—For the purposes of sec-*
16 *tion 1110 of this title, and subject to section 1113 of this*
17 *title, a disease covered by section 1116 of this title becoming*
18 *manifest as specified in that section in a veteran who, dur-*
19 *ing active military, naval, or air service, served offshore*
20 *of the Republic of Vietnam during the period beginning on*
21 *January 9, 1962, and ending on May 7, 1975, shall be con-*
22 *sidered to have been incurred in or aggravated by such serv-*
23 *ice, notwithstanding that there is no record of evidence of*
24 *such disease during the period of such service.*

1 “(b) *EXPOSURE.*—A veteran who, during active mili-
2 tary, naval, or air service, served offshore of the Republic
3 of Vietnam during the period beginning on January 9,
4 1962, and ending on May 7, 1975, shall be presumed to
5 have been exposed during such service to an herbicide agent
6 unless there is affirmative evidence to establish that the vet-
7 eran was not exposed to any such agent during that service.

8 “(c) *EFFECTIVE DATE OF AWARD.*—(1) Except as pro-
9 vided by paragraph (2), the effective date of an award
10 under this section shall be determined in accordance with
11 section 5110 of this title.

12 “(2)(A) Notwithstanding subsection (g) of section 5110
13 of this title, the Secretary shall determine the effective date
14 of an award based on a claim under this section for an
15 individual described in subparagraph (B) by treating the
16 date on which the individual filed the prior claim specified
17 in clause (i) of such subparagraph as the date on which
18 the individual filed the claim so awarded under this section.

19 “(B) An individual described in this subparagraph is
20 a veteran, or a survivor of a veteran, who meets the fol-
21 lowing criteria:

22 “(i) The veteran or survivor submitted a claim
23 for disability compensation on or after September 25,
24 1985, and before January 1, 2020, for a disease cov-
25 ered by this section, and the claim was denied by rea-

1 son of the claim not establishing that the disease was
2 incurred or aggravated by the service of the veteran.

3 “(ii) The veteran or survivor submits a claim for
4 disability compensation on or after January 1, 2020,
5 for the same condition covered by the prior claim
6 under clause (i), and the claim is approved pursuant
7 to this section.

8 “(d) *DETERMINATION OF OFFSHORE.*—Notwith-
9 standing any other provision of law, for purposes of this
10 section, the Secretary shall treat a location as being offshore
11 of Vietnam if the location is not more than 12 nautical
12 miles seaward of a line commencing on the southwestern
13 demarcation line of the waters of Vietnam and Cambodia
14 and intersecting the following points:

“Points Geographic Names	Latitude North	Longitude East
<i>At Hon Nhan Island, Tho Chu Archipelago Kien Giang Province</i>	<i>9°15.0′</i>	<i>103°27.0′</i>
<i>At Hon Da Island southeast of Hon Khoai Is- land Minh Hai Province</i>	<i>8°22.8′</i>	<i>104°52.4′</i>
<i>At Tai Lon Islet, Con Dao Islet in Con Dao- Vung Toa Special Sector</i>	<i>8°37.8′</i>	<i>106°37.5′</i>
<i>At Bong Lai Islet, Con Dao Islet</i>	<i>8°38.9′</i>	<i>106°40.3′</i>
<i>At Bay Canh Islet, Con Dao Islet</i>	<i>8°39.7′</i>	<i>106°42.1′</i>
<i>At Hon Hai Islet (Phu Qui group of islands) Thuan Hai Province</i>	<i>9°58.0′</i>	<i>109°5.0′</i>
<i>At Hon Doi Islet, Thuan Hai Province</i>	<i>12°39.0′</i>	<i>109°28.0′</i>
<i>At Dai Lanh point, Phu Khanh Province</i>	<i>12°53.8′</i>	<i>109°27.2′</i>
<i>At Ong Can Islet, Phu Khanh Province</i>	<i>13°54.0′</i>	<i>109°21.0′</i>

“Points Geographic Names	Latitude North	Longitude East
<i>At Ly Son Islet, Nghia Binh Province</i>	<i>15°23.1’</i>	<i>109° 9.0’</i>
<i>At Con Co Island, Binh Tri Thien Province</i>	<i>17°10.0’</i>	<i>107°20.6’</i>

1 “(e) *HERBICIDE AGENT*.—*In this section, the term*
2 *‘herbicide agent’ has the meaning given that term in section*
3 *1116(a)(3) of this title.*”.

4 (b) *CLERICAL AMENDMENT*.—*The table of sections at*
5 *the beginning of such chapter is amended by inserting after*
6 *the item relating to section 1116 the following new item:*

“1116A. Presumptions of service connection for veterans who served offshore of the Republic of Vietnam.”.

7 (c) *IMPLEMENTATION*.—

8 (1) *GUIDANCE*.—*Notwithstanding section 501 of*
9 *such title, the Secretary of Veterans Affairs may issue*
10 *guidance to implement section 1116A of title 38,*
11 *United States Code, as added by subsection (a), before*
12 *prescribing new regulations under such section.*

13 (2) *UPDATES*.—(A) *Not later than 120 days*
14 *after the date of the enactment of this Act, the Sec-*
15 *retary shall submit a report to the Committees on*
16 *Veterans’ Affairs of the House of Representatives and*
17 *the Senate regarding the plans of the Secretary—*

18 (i) *to conduct outreach under subsection (d);*

19 *and*

20 (ii) *to respond to inquiries from veterans*
21 *regarding claims for disability compensation*

1 *under section 1116A of title 38, United States*
2 *Code, as added by subsection (a) of this section.*

3 *(B) On a quarterly basis during the period be-*
4 *ginning on the date of the enactment of this Act and*
5 *ending on the date on which regulations are pre-*
6 *scribed to carry out such section 1116A, the Secretary*
7 *shall submit to the Committees on Veterans' Affairs of*
8 *the House of Representatives and the Senate updates*
9 *on the status of such regulations.*

10 *(3) PENDING CASES.—*

11 *(A) AUTHORITY TO STAY.—The Secretary*
12 *may stay a claim described in subparagraph (B)*
13 *until the date on which the Secretary commences*
14 *the implementation of such section 1116A.*

15 *(B) CLAIMS DESCRIBED.—A claim de-*
16 *scribed in this subparagraph is a claim for dis-*
17 *ability compensation—*

18 *(i) relating to the service and diseases*
19 *covered by such section 1116A; and*

20 *(ii) that is pending at the Veterans*
21 *Benefits Administration or the Board of*
22 *Veterans' Appeals on or after the date of the*
23 *enactment of this Act and before the date on*
24 *which the Secretary commences the imple-*
25 *mentation of such section 1116A.*

1 (d) *OUTREACH.*—

2 (1) *REQUIREMENT.*—*The Secretary of Veterans*
3 *Affairs shall conduct outreach to inform veterans de-*
4 *scribed in paragraph (2) of the ability to submit a*
5 *claim for disability compensation under section*
6 *1116A of title 38, United States Code, as added by*
7 *subsection (a). Such outreach shall include the fol-*
8 *lowing:*

9 (A) *The Secretary shall publish on the*
10 *website of the Department a notice that a vet-*
11 *erans described in paragraph (2) may submit or*
12 *resubmit a claim for disability compensation*
13 *under such section 1116A.*

14 (B) *The Secretary shall notify in writing*
15 *the veteran service organization community of*
16 *the ability of veterans described in paragraph*
17 *(2) to submit or resubmit claims for disability*
18 *compensation under such section 1116A.*

19 (2) *VETERAN DESCRIBED.*—*A veteran described*
20 *in this paragraph is a veteran who, during active*
21 *military, naval, or air service, served offshore of the*
22 *Republic of Vietnam during the period beginning on*
23 *January 9, 1962, and ending on May 7, 1975.*

24 (e) *REPORTS.*—*Not later than January 1, 2021, and*
25 *annually thereafter for two years, the Secretary of Veterans*

1 *Affairs shall submit to the Committees on Veterans' Affairs*
2 *of the House of Representatives and the Senate a report re-*
3 *garding claims for disability compensation under section*
4 *1116A of title 38, United States Code, as added by sub-*
5 *section (a). Each report shall include, with respect to the*
6 *calendar year preceding the report, disaggregated by the re-*
7 *gional offices of the Department of Veterans Affairs, the fol-*
8 *lowing:*

9 (1) *The number of claims filed under such sec-*
10 *tion.*

11 (2) *The number of such claims granted.*

12 (3) *The number of such claims denied.*

13 (f) *HEALTH CARE.—Section 1710(e)(4) of title 38,*
14 *United States Code, is amended by inserting “(including*
15 *offshore of such Republic as described in section 1116A(d)*
16 *of this title)” after “served on active duty in the Republic*
17 *of Vietnam”.*

18 (g) *EFFECTIVE DATE.—The amendments made by this*
19 *section shall take effect on January 1, 2020.*

20 **SEC. 3. PRESUMPTION OF HERBICIDE EXPOSURE FOR CER-**
21 **TAIN VETERANS WHO SERVED IN KOREA.**

22 (a) *IN GENERAL.—Chapter 11 of title 38, United*
23 *States Code, is amended by inserting after section 1116A,*
24 *as added by section 2, the following new section:*

1 **“§ 1116B. Presumption of herbicide exposure for cer-**
2 **tain veterans who served in Korea**

3 “(a) *PRESUMPTION OF SERVICE-CONNECTION.—(1)*
4 *For the purposes of section 1110 of this title, and subject*
5 *to section 1113 of this title, a disease specified in subsection*
6 *(b) that becomes manifest as specified in that subsection in*
7 *a veteran described in paragraph (2) shall be considered*
8 *to have been incurred or aggravated in the line of duty in*
9 *the active military, naval, or air service, notwithstanding*
10 *that there is no record of evidence of such disease during*
11 *the period of such service.*

12 “(2) *A veteran described in this paragraph is a veteran*
13 *who, during active military, naval, or air service, served*
14 *in or near the Korean Demilitarized Zone (DMZ), during*
15 *the period beginning on September 1, 1967, and ending on*
16 *August 31, 1971.*

17 “(b) *DISEASES.—A disease specified in this subsection*
18 *is—*

19 “(1) *a disease specified in paragraph (2) of sub-*
20 *section (a) of section 1116 of this title that becomes*
21 *manifest as specified in that paragraph; or*

22 “(2) *any additional disease that—*

23 “(A) *the Secretary determines in regula-*
24 *tions warrants a presumption of service-connec-*
25 *tion by reason of having positive association*
26 *with exposure to an herbicide agent; and*

1 “(B) becomes manifest within any period
2 prescribed in such regulations.

3 “(c) *HERBICIDE AGENT*.—For purposes of this section,
4 the term ‘herbicide agent’ has the meaning given such term
5 in section 1821(d) of this title.”.

6 (b) *CLERICAL AMENDMENT*.—The table of sections at
7 the beginning of such chapter is amended by inserting after
8 the item relating to section 1116A, as added by section 2,
9 the following new item:

 “1116B. Presumption of herbicide exposure for certain veterans who served in
 Korea.”.

10 (c) *IMPLEMENTATION*.—

11 (1) *GUIDANCE*.—Notwithstanding section 501 of
12 such title, the Secretary of Veterans Affairs may issue
13 guidance to implement section 1116B of title 38,
14 United States Code, as added by subsection (a), before
15 prescribing new regulations under such section.

16 (2) *UPDATES*.—(A) Not later than 120 days
17 after the date of the enactment of this Act, the Sec-
18 retary shall submit a report to the Committees on
19 Veterans’ Affairs of the House of Representatives and
20 the Senate regarding the plans of the Secretary to re-
21 spond to inquiries from veterans regarding claims for
22 disability compensation under section 1116B of title
23 38, United States Code, as added by subsection (a) of
24 this section.

1 (B) *On a quarterly basis during the period be-*
2 *ginning on the date of the enactment of this Act and*
3 *ending on the date on which regulations are pre-*
4 *scribed to carry out such section 1116B, the Secretary*
5 *shall submit to the Committees on Veterans' Affairs of*
6 *the House of Representatives and the Senate updates*
7 *on the status of such regulations.*

8 (3) *PENDING CASES.—*

9 (A) *AUTHORITY TO STAY.—The Secretary*
10 *may stay a claim described in subparagraph (B)*
11 *until the date on which the Secretary commences*
12 *the implementation of section 1116B of title 38,*
13 *United States Code, as added by subsection (a).*

14 (B) *CLAIMS DESCRIBED.—A claim de-*
15 *scribed in this subparagraph is a claim for dis-*
16 *ability compensation—*

17 (i) *relating to the service and diseases*
18 *covered by such section 1116B; and*

19 (ii) *that is pending at the Veterans*
20 *Benefits Administration or the Board of*
21 *Veterans' Appeals on or after the date of the*
22 *enactment of this Act and before the date on*
23 *which the Secretary commences the imple-*
24 *mentation of such section 1116B.*

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect on January 1, 2020.*

3 **SEC. 4. BENEFITS FOR CHILDREN OF CERTAIN THAILAND**
 4 **SERVICE VETERANS BORN WITH SPINA**
 5 **BIFIDA.**

6 (a) *IN GENERAL.*—*Subchapter III of chapter 18 of*
 7 *title 38, United States Code, is amended by adding at the*
 8 *end the following new section:*

9 **“§1822. Benefits for children of certain Thailand**
 10 **service veterans born with spina bifida**

11 “(a) *BENEFITS AUTHORIZED.*—*The Secretary may*
 12 *provide to any child of a veteran of covered service in Thai-*
 13 *land who is suffering from spina bifida the health care, vo-*
 14 *cational training and rehabilitation, and monetary allow-*
 15 *ance required to be paid to a child of a Vietnam veteran*
 16 *who is suffering from spina bifida under subchapter I of*
 17 *this chapter as if such child of a veteran of covered service*
 18 *in Thailand were a child of a Vietnam veteran who is suf-*
 19 *fering from spina bifida under such subchapter.*

20 “(b) *SPINA BIFIDA CONDITIONS COVERED.*—*This sec-*
 21 *tion applies with respect to all forms and manifestations*
 22 *of spina bifida, except spina bifida occulta.*

23 “(c) *VETERAN OF COVERED SERVICE IN THAILAND.*—
 24 *For purposes of this section, a veteran of covered service*

1 *in Thailand is any individual, without regard to the char-*
2 *acterization of that individual's service, who—*

3 “(1) *served in the active military, naval, or air*
4 *service in Thailand, as determined by the Secretary*
5 *in consultation with the Secretary of Defense, during*
6 *the period beginning on January 9, 1962, and ending*
7 *on May 7, 1975; and*

8 “(2) *is determined by the Secretary, in consulta-*
9 *tion with the Secretary of Defense, to have been ex-*
10 *posed to a herbicide agent during such service in*
11 *Thailand.*

12 “(d) *HERBICIDE AGENT.—For purposes of this section,*
13 *the term ‘herbicide agent’ means a chemical in a herbicide*
14 *used in support of United States and allied military oper-*
15 *ations in Thailand, as determined by the Secretary in con-*
16 *sultation with the Secretary of Defense, during the period*
17 *beginning on January 9, 1962, and ending on May 7,*
18 *1975.”.*

19 “(b) *CONFORMING AMENDMENT TO DEFINITION OF*
20 *“CHILD”.—Section 1831(1) of such title is amended—*

21 “(1) *in subparagraph (B)—*

22 “(A) *by striking “subchapter III of this*
23 *chapter” and inserting “section 1821 of this*
24 *title”; and*

1 (B) in clause (i), by striking “section 1821
2 of this title” and inserting “that section”; and
3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(C) For purposes of section 1822 of this
6 title, an individual, regardless of age or marital
7 status, who—

8 “(i) is the natural child of a veteran of
9 covered service in Thailand (as determined
10 for purposes of that section); and

11 “(ii) was conceived after the date on
12 which that veteran first entered service de-
13 scribed in subsection (c) of that section.”.

14 (c) CLERICAL AMENDMENTS.—

15 (1) SUBCHAPTER HEADING.—The heading for
16 subchapter III of chapter 18 of such title is amended
17 by inserting “AND THAILAND” after “KOREA”.

18 (2) TABLE OF SECTIONS.—The table of sections
19 at the beginning of chapter 18 of such title is amend-
20 ed—

21 (A) by striking the item relating to sub-
22 chapter III and inserting the following new item:

“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA AND THAILAND SERVICE
VETERANS BORN WITH SPINA BIFIDA”;

23 and

1 (B) by inserting after the item relating to
2 section 1821 the following new item:

“1822. Benefits for children of certain Thailand service veterans born with spina
bifida.”.

3 (d) IMPLEMENTATION.—

4 (1) GUIDANCE.—Notwithstanding section 501 of
5 such title, the Secretary of Veterans Affairs may issue
6 guidance to implement section 1822 of title 38,
7 United States Code, as added by subsection (a), before
8 prescribing new regulations under such section.

9 (2) UPDATES.—(A) Not later than 120 days
10 after the date of the enactment of this Act, the Sec-
11 retary shall submit a report to the Committees on
12 Veterans’ Affairs of the House of Representatives and
13 the Senate regarding the plans of the Secretary to re-
14 spond to inquiries from veterans regarding claims for
15 disability compensation under section 1822 of title
16 38, United States Code, as added by subsection (a) of
17 this section.

18 (B) On a quarterly basis during the period be-
19 ginning on the date of the enactment of this Act and
20 ending on the date on which regulations are pre-
21 scribed to carry out such section 1822, the Secretary
22 shall submit to the Committees on Veterans’ Affairs of
23 the House of Representatives and the Senate updates
24 on the status of such regulations.

1 (3) *PENDING CASES.*—

2 (A) *AUTHORITY TO STAY.*—*The Secretary*
3 *may stay a claim described in subparagraph (B)*
4 *until the date on which the Secretary commences*
5 *the implementation of section 1822 of title 38,*
6 *United States Code, as added by subsection (a).*

7 (B) *CLAIMS DESCRIBED.*—*A claim de-*
8 *scribed in this subparagraph is a claim for bene-*
9 *fits—*

10 (i) *relating to the spina bifida and*
11 *service covered by such section 1822; and*

12 (ii) *that is pending at the Veterans*
13 *Benefits Administration or the Board of*
14 *Veterans' Appeals on or after the date of the*
15 *enactment of this Act and before the date on*
16 *which the Secretary commences the imple-*
17 *mentation of such section 1822.*

18 (e) *REPORT.*—*Not later than 180 days after the date*
19 *of the enactment of this Act, the Secretary of Veterans Af-*
20 *fairs, in consultation with the Secretary of Defense, shall*
21 *submit to the Committees on Veterans' Affairs of the House*
22 *of Representatives and the Senate a report identifying—*

23 (1) *the military installations of the United*
24 *States located in Thailand during the period begin-*
25 *ning on January 9, 1962, and ending on May 7,*

1 1975, at which an herbicide agent (as defined in sec-
2 tion 1822 of title 38, United States Code, as added
3 by subsection (a)) was actively used; and

4 (2) the period of such use.

5 (f) *EFFECTIVE DATE.*—The amendments made by this
6 section shall take effect on January 1, 2020.

7 **SEC. 5. UPDATED REPORT ON CERTAIN GULF WAR ILLNESS**
8 **STUDY.**

9 Not later than 180 days after the date of the enactment
10 of this Act, the Secretary of Veterans Affairs shall submit
11 to the Committees on Veterans' Affairs of the House of Rep-
12 resentatives and the Senate an updated report on the find-
13 ings, as of the date of the updated report, of the Follow-
14 up Study of a National Cohort of Gulf War and Gulf Era
15 Veterans under the epidemiology program of the Depart-
16 ment of Veterans Affairs.

17 **SEC. 6. LOANS GUARANTEED UNDER HOME LOAN PROGRAM**
18 **OF DEPARTMENT OF VETERANS AFFAIRS.**

19 (a) *ADJUSTMENT OF LOAN LIMIT.*—

20 (1) *IN GENERAL.*—Section 3703(a)(1) of title 38,
21 United States Code, is amended—

22 (A) in subparagraph (A)—

23 (i) in clause (i)(IV), by striking “the
24 lesser of the maximum guaranty amount
25 (as defined in subparagraph (C)) or”;

1 (ii) in clause (ii), by striking “sub-
2 paragraph (B) of this paragraph” and in-
3 serting “subparagraph (B) or (C)”;

4 (B) in subparagraph (B)—

5 (i) by striking “The maximum” and
6 inserting “With respect to loans described
7 in subclauses (I), (II), or (III) of subpara-
8 graph (A)(i), the maximum”; and

9 (ii) by striking “or in the case” and
10 all that follows through “subparagraph
11 (C),”; and

12 (C) by striking subparagraph (C) and in-
13 serting the following new subparagraph (C):

14 “(C)(i) With respect to loans described in subclause
15 (IV) of subparagraph (A)(i) made to a veteran not covered
16 by clause (ii), the maximum amount of guaranty entitle-
17 ment available to the veteran shall be 25 percent of the loan.

18 “(ii) With respect to loans described in subclause (IV)
19 of subparagraph (A)(i) made to a covered veteran, the max-
20 imum amount of guaranty entitlement available to the vet-
21 eran shall be 25 percent of the Freddie Mac conforming loan
22 limit, reduced by the amount of entitlement previously used
23 by the veteran under this chapter and not restored as a re-
24 sult of the exclusion in section 3702(b) of this title.

25 “(iii) In this subparagraph:

1 “(I) The term ‘covered veteran’ means a veteran
2 who has previously used entitlement under this chap-
3 ter and for whom the full amount of entitlement so
4 used has not been restored as a result of the exclusion
5 in section 3702(b) of this title.

6 “(II) The term ‘Freddie Mac conforming loan
7 limit’ means the limit determined under section
8 305(a)(2) of the Federal Home Loan Mortgage Cor-
9 poration Act (12 U.S.C. 1454(a)(2)) for a single-fam-
10 ily residence, as adjusted for the year involved.”.

11 (2) LOANS TO NATIVE AMERICAN VETERANS.—
12 Section 3762(c) of such title is amended—

13 (A) by striking paragraph (1); and

14 (B) by redesignating paragraphs (2) and
15 (3) as paragraphs (1) and (2), respectively.

16 (3) CONFORMING AMENDMENT.—Section
17 3710(d)(4) of such title is amended by striking “sec-
18 tion 3703(a)(1)(B) of this title” and inserting “sub-
19 paragraph (B) or (C) of section 3703(a)(1) of this
20 title”.

21 (b) ADJUSTMENT OF LOAN FEES.—Section 3729(b)(2)
22 of title 38, United States Code, is amended by striking the
23 loan fee table and inserting the following:

<i>“Type of loan</i>	<i>Active duty veteran</i>	<i>Reservist</i>	<i>Other obligor</i>
<i>(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2004, and before January 1, 2020)</i>	2.15	2.40	NA
<i>(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2020, and before January 1, 2022)</i>	2.30	2.30	NA
<i>(A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2022, and before October 1, 2029)</i>	2.15	2.15	NA
<i>(A)(iv) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2029)</i>	1.40	1.40	NA
<i>(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2004, and before January 1, 2020)</i>	3.30	3.30	NA
<i>(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2020, and before January 1, 2022)</i>	3.60	3.60	NA
<i>(B)(iii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2022, and before October 1, 2029)</i>	3.30	3.30	NA

<i>“Type of loan</i>	<i>Active duty veteran</i>	<i>Reservist</i>	<i>Other obligor</i>
<i>(B)(iv) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2029)</i>	1.25	1.25	NA
<i>(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before January 1, 2020)</i>	1.50	1.75	NA
<i>(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after January 1, 2020, and before January 1, 2022)</i>	1.65	1.65	NA
<i>(C)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after January 1, 2022, and before October 1, 2029)</i>	1.50	1.50	NA
<i>(C)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2029)</i>	0.75	0.75	NA
<i>(D)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before January 1, 2020)</i>	1.25	1.50	NA
<i>(D)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after January 1, 2020, and before January 1, 2022)</i>	1.40	1.40	NA
<i>(D)(iii) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after January 1, 2022, and before October 1, 2029)</i>	1.25	1.25	NA
<i>(D)(iv) Loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2029)</i>	0.50	0.50	NA
<i>(E) Interest rate reduction refinancing loan</i>	0.50	0.50	NA
<i>(F) Direct loan under section 3711</i>	1.00	1.00	NA
<i>(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)</i>	1.00	1.00	NA
<i>(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)</i>	1.25	1.25	NA

<i>“Type of loan</i>	<i>Active duty veteran</i>	<i>Reservist</i>	<i>Other obligor</i>
<i>(I) Loan assumption under section 3714</i>	<i>0.50</i>	<i>0.50</i>	<i>0.50</i>
<i>(J) Loan under section 3733(a)</i>	<i>2.25</i>	<i>2.25</i>	<i>2.25”.</i>

1 (c) *WAIVER OF FEES FOR PURPLE HEART RECIPI-*
2 *ENTS.—Section 3729(c)(1) of such title is amended—*

3 (1) *by striking “or from a surviving spouse” and*
4 *inserting “, from a surviving spouse”; and*

5 (2) *by inserting before the period at the end the*
6 *following: “, or from a member of the Armed Forces*
7 *who is serving on active duty and who provides, on*
8 *or before the date of loan closing, evidence of having*
9 *been awarded the Purple Heart”.*

10 (d) *EFFECTIVE DATE.—The amendments made by this*
11 *section shall apply with respect to a loan guaranteed under*
12 *section 3710 of title 38, United States Code, on or after*
13 *January 1, 2020.*

14 (e) *GUIDANCE.—Notwithstanding section 501 of title*
15 *38, United States Code, the Secretary of Veterans Affairs*
16 *may issue guidance to implement this section before pre-*
17 *scribing new regulations under sections 3703, 3729, and*
18 *3762 of such title, as amended by this section.*

1 **SEC. 7. INFORMATION GATHERING FOR DEPARTMENT OF**
2 **VETERANS AFFAIRS HOME LOAN APPRAISALS.**

3 (a) *IN GENERAL.*—Section 3731(b) of title 38, United
4 States Code, is amended by adding at the end the following
5 new paragraph:

6 “(3) The Secretary shall permit an appraiser on a list
7 developed and maintained under subsection (a)(3) to make
8 an appraisal for the purposes of this chapter based solely
9 on information gathered by a person with whom the ap-
10 praiser has entered into an agreement for such services.”.

11 (b) *EFFECTIVE DATE.*—The amendments made by this
12 section shall apply with respect to an appraisal under sec-
13 tion 3731 of such title, on or after January 1, 2020.

14 (c) *GUIDANCE.*—Notwithstanding section 501 of such
15 title, the Secretary of Veterans Affairs may issue guidance
16 to implement this section before prescribing new regulations
17 under sections 3731 of such title, as amended by subsection
18 (a).

Union Calendar No. 36

116TH CONGRESS
1ST Session

H. R. 299

[Report No. 116-58]

A BILL

To amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

MAY 10, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed