

116TH CONGRESS
1ST SESSION

S. 1381

To modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2019

Mr. BOOZMAN (for himself and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, 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,*

1 **SECTION 1. MODIFICATION OF PRESUMPTION OF SERVICE**
2 **CONNECTION FOR VETERANS WHO WERE EX-**
3 **POSED TO HERBICIDE AGENTS WHILE SERV-**
4 **ING IN THE ARMED FORCES IN THAILAND**
5 **DURING THE VIETNAM ERA.**

6 (a) IN GENERAL.—The Secretary of Veterans Affairs
7 shall ensure that if the Secretary creates a presumption
8 of service connection between the occurrence of a disease
9 and exposure to a herbicide agent while serving in the
10 Armed Forces during the Vietnam era at a military base
11 in Thailand, such presumption also applies to exposure to
12 a herbicide agent while serving in the Armed Forces dur-
13 ing the Vietnam era at any military base located in Thai-
14 land without regard to where on the base the veteran was
15 located or what military job specialty the veteran per-
16 formed.

17 (b) DEFINITIONS.—In this section:

18 (1) HERBICIDE AGENT.—The term “herbicide
19 agent” has the meaning given such term in section
20 1116(a) of title 38, United States Code.

21 (2) VETERAN AND VIETNAM ERA.—The terms
22 “veteran” and “Vietnam era” have the meaning
23 given such terms in section 101 of title 38, United
24 States Code.

1 **SEC. 2. BENEFITS FOR CHILDREN OF CERTAIN THAILAND**
 2 **SERVICE VETERANS BORN WITH SPINA**
 3 **BIFIDA.**

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

7 **“§ 1822. Benefits for children of certain Thailand**
 8 **service veterans born with spina bifida**

9 “(a) BENEFITS AUTHORIZED.—The Secretary may
 10 provide to any child of a veteran of covered service in
 11 Thailand who is suffering from spina bifida the health
 12 care, vocational training and rehabilitation, and monetary
 13 allowance required to be paid to a child of a Vietnam vet-
 14 eran who is suffering from spina bifida under subchapter
 15 I of this chapter as if such child of a veteran of covered
 16 service in Thailand were a child of a Vietnam veteran who
 17 is suffering from spina bifida under such subchapter.

18 “(b) SPINA BIFIDA CONDITIONS COVERED.—This
 19 section applies with respect to all forms and manifesta-
 20 tions of spina bifida, except spina bifida occulta.

21 “(c) VETERAN OF COVERED SERVICE IN THAI-
 22 LAND.—For purposes of this section, a veteran of covered
 23 service in Thailand is any individual, without regard to
 24 the characterization of that individual’s service, who—

25 “(1) served in the active military, naval, or air
 26 service in Thailand, as determined by the Secretary

1 in consultation with the Secretary of Defense, dur-
2 ing the period beginning on January 9, 1962, and
3 ending on May 7, 1975; and

4 “(2) is determined by the Secretary, in con-
5 sultation with the Secretary of Defense, to have been
6 exposed to a herbicide agent during such service in
7 Thailand.

8 “(d) HERBICIDE AGENT.—For purposes of this sec-
9 tion, the term ‘herbicide agent’ means a chemical in a her-
10 bicide used in support of United States and allied military
11 operations in Thailand, as determined by the Secretary in
12 consultation with the Secretary of Defense, during the pe-
13 riod beginning on January 9, 1962, and ending on May
14 7, 1975.”.

15 (b) CLERICAL AMENDMENTS.—

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

20 (2) TABLE OF SECTIONS.—The table of sections
21 at the beginning of chapter 18 of such title is
22 amended—

23 (A) by striking the item relating to sub-
24 chapter III and inserting the following new
25 item:

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

1 and

2 (B) by inserting after the item relating to

3 section 1821 the following new item:

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

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