

116TH CONGRESS
1ST SESSION

S. 2810

To amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with tinnitus or hearing loss, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2019

Ms. SMITH (for herself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with tinnitus or hearing loss, 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 “Veterans Hearing Ben-
5 efits Act of 2019”.

1 **SEC. 2. PRESUMPTION OF SERVICE-CONNECTION FOR**
2 **HEARING LOSS AND TINNITUS.**

3 Section 1112 of title 38, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(d)(1) For purposes of section 1110 of this title, and
7 subject to the provisions of section 1113 of this title, diag-
8 nosed hearing loss, tinnitus, or both of a veteran described
9 in paragraph (2) shall be considered to have been incurred
10 in or aggravated by the active military, naval, or air serv-
11 ice of the veteran, notwithstanding that there is no record
12 of evidence of such hearing loss or tinnitus, as the case
13 may be, during the period of such service.

14 “(2) A veteran described in this paragraph is a vet-
15 eran who while on active military, naval, or air service—

16 “(A) was assigned to a military occupational
17 specialty or equivalent described in paragraph (3);
18 or

19 “(B) served in combat.

20 “(3) A military occupational specialty or equivalent
21 referred to in paragraph (2)(A) is a military occupational
22 specialty or equivalent in which individuals assigned to
23 such military occupational specialty or equivalent in the
24 active military, naval, or air service are or were likely to
25 be exposed to a sufficiently high level of acoustic trauma

1 as to result in permanent hearing loss, tinnitus, or both,
2 as determined by the Secretary.”.

3 **SEC. 3. MODIFICATION TO SCHEDULE FOR RATES FOR DIS-**
4 **ABILITY COMPENSATION.**

5 Pursuant to section 1155 of title 38, United States
6 Code, the Secretary of Veterans Affairs shall adjust the
7 schedule of rating disabilities to establish a minimum dis-
8 ability rating for a veteran who requires a hearing aid be-
9 cause of a service-connected disability, including pursuant
10 to section 1112(d) of such title, as amended by section
11 2.

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