S. 576

To amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

IN THE SENATE OF THE UNITED STATES

February 27, 2019

Mr. Moran (for himself, Mr. Tester, Mr. Blunt, Ms. Warren, Mr. Cramer, Mr. Blumenthal, Mr. Brown, Ms. Collins, Mr. Menendez, Mr. Merkley, Mr. King, Ms. Baldwin, and Mr. Wyden) 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 provide for a presumption of herbicide exposure for certain veterans who served in Korea, 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 "Fairness for Korean
- 5 DMZ Veterans Act of 2019".

2 SEC. 2. PRESUMPTION OF HERBICIDE EXPOSURE FOR CER-2 TAIN VETERANS WHO SERVED IN KOREA. 3 (a) In General.—Chapter 11 of title 38, United States Code, is amended by inserting after section 1116 4 5 the following new section: "§ 1116A. Presumption of herbicide exposure for cer-6 7 tain veterans who served in Korea "(a) Presumption of Service-Connection.—(1) 8 For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in sub-10 11 section (b) that becomes manifest as specified in that subsection in a veteran described in paragraph (2) shall be 13 considered to have been incurred or aggravated in the line of duty in the active military, naval, or air service, notwithstanding that there is no record of evidence of such disease during the period of such service. 17 "(2) A veteran described in this paragraph is a veteran who, during active military, naval, or air service, 18 19 served in or near the Korean demilitarized zone (DMZ), 20 during the period beginning on September 1, 1967, and 21 ending on August 31, 1971. 22 "(b) DISEASES.—A disease specified in this sub-

23 section is—
24 "(1) a disease specified in paragraph (2) of
25 subsection (a) of section 1116 of this title that be-

1	"(2) any additional disease that—
2	"(A) the Secretary determines in regula-
3	tions warrants a presumption of service-connec-
4	tion by reason of having positive association
5	with exposure to an herbicide agent; and
6	"(B) becomes manifest within any period
7	prescribed in such regulations.
8	"(c) Herbicide Agent.—For purposes of this sec-
9	tion, the term 'herbicide agent' has the meaning given
10	such term in section 1821(d) of this title.".
11	(b) Clerical Amendment.—The table of sections
12	at the beginning of such chapter is amended by inserting
13	after the item relating to section 1116 the following new
14	item:
	"1116A. Presumption of herbicide exposure for certain veterans who served in

Korea.".

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