

107TH CONGRESS  
1ST SESSION

# S. 1091

To amend section 1116 of title 38, United States Code, to modify and extend authorities on the presumption of service-connection for herbicide-related disabilities of Vietnam era veterans, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 22, 2001

Mr. ROCKEFELLER (for himself, Mr. DASCHLE, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend section 1116 of title 38, United States Code, to modify and extend authorities on the presumption of service-connection for herbicide-related disabilities of Vietnam era veterans, 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. MODIFICATION AND EXTENSION OF AUTHORI-**  
4                       **TIES ON THE PRESUMPTION OF SERVICE-**  
5                       **CONNECTION FOR HERBICIDE-RELATED DIS-**  
6                       **ABILITIES OF VIETNAM ERA VETERANS.**

7       (a) REPEAL OF 30-YEAR LIMITATION ON MANI-  
8       FESTATION OF RESPIRATORY CANCERS.—Subsection

1 (a)(2)(F) of section 1116 of title 38, United States Code,  
 2 is amended by striking “within 30 years” and all that fol-  
 3 lows through “May 7, 1975”.

4 (b) TREATMENT OF CLAIMS DENIED UNDER LIMITA-  
 5 TION ON MANIFESTATION.—(1) The Secretary of Vet-  
 6 erans Affairs shall treat each claim for disability com-  
 7 pensation under section 1116 of title 38, United States  
 8 Code, for a disease covered by subsection (a)(2)(F) of that  
 9 section that was denied by reason of the 30-year limitation  
 10 on manifestation specified in that subsection (as that sub-  
 11 section was in effect on the day before the date of the  
 12 enactment of this Act) as having been submitted under  
 13 that section as amended by subsection (a).

14 (2) In the case of an award of compensation with re-  
 15 spect to a claim described in paragraph (1)—

16 (A) the effective date of the award shall be the  
 17 date on which the claim would otherwise have been  
 18 granted had the limitation referred to in that para-  
 19 graph not applied to the claim when originally sub-  
 20 mitted; and

21 (B) the amount of compensation payable for the  
 22 claim for any month before the date of the enact-  
 23 ment of this Act shall be the amount of disability  
 24 compensation provided for under chapter 11 of title  
 25 38, United States Code, for that month.

1       (c) PRESUMPTION OF EXPOSURE TO HERBICIDE  
2 AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Sec-  
3 tion 1116 of title 38, United States Code, is further  
4 amended—

5           (A) by transferring paragraph (3) of subsection  
6       (a) to the end of the section and redesignating such  
7       paragraph, as so transferred, as subsection (f); and  
8           (B) in subsection (f), as so transferred and  
9       redesignated—

10           (i) by striking “For the purposes of this  
11       subsection, a veteran” and inserting “For pur-  
12       poses of establishing a service connection for a  
13       disability resulting from exposure to a herbicide  
14       agent, including a presumption of service-con-  
15       nection under this section, a veteran”; and

16           (ii) by striking “and has a disease referred  
17       to in paragraph (1)(B) of this subsection”.

18       (2)(A) The section heading of that section is amended  
19 to read as follows:

1 **“§ 1116. Presumptions of service connection for dis-**  
 2 **eases associated with exposure to certain**  
 3 **herbicide agents; presumption of expo-**  
 4 **sure”.**

5 (B) The table of section at the beginning of chapter  
 6 11 of that title is amended by striking the item relating  
 7 to section 1116 and inserting the following new item:

“1116. Presumptions of service connection for diseases associated with exposure  
 to certain herbicide agents; presumption of exposure.”.

8 (d) EXTENSION OF AUTHORITY TO PRESUME SERV-  
 9 ICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Sub-  
 10 section (e) of section 1116 of title 38, United States Code,  
 11 is amended by striking “10 years” and inserting “20  
 12 years”.

13 (2) Section 3(i) of the Agent Orange Act of 1991 (38  
 14 U.S.C. 1116 note) is amended by striking “10 years” and  
 15 inserting “20 years”.

16 (e) TECHNICAL AMENDMENT.—Subsection (a)(2)(F)  
 17 of section 1116 of title 38, United States Code, as amend-  
 18 ed by subsection (a) of this section, is further amended  
 19 by inserting “of disability” after “manifest to a degree”.

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