

109TH CONGRESS
1ST SESSION

H. R. 591

To amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. REYNOLDS (for himself, Mrs. MALONEY, Mr. FOLEY, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service.

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. SWORN AFFIDAVIT OF KOREAN CONFLICT AND**
2 **EARLIER COMBAT VETERANS TO BE ACCEPT-**
3 **ED AS PROOF OF SERVICE-CONNECTION OF**
4 **DISEASE OR INJURY ALLEGED TO HAVE**
5 **BEEN INCURRED OR AGGRAVATED DURING**
6 **COMBAT.**

7 (a) IN GENERAL.—Section 1154(b) of title 38,
8 United States Code, is amended—

9 (1) by inserting “(1)” after “(b)”;

10 (2) by inserting “after July 27, 1953,” after
11 “in active service”;

12 (3) by designating the third sentence as para-
13 graph (3) and in that paragraph inserting “under
14 paragraph (1) or (2)” after “in each case”; and

15 (4) by inserting after paragraph (1), as des-
16 ignated by paragraph (1) of this subsection, the fol-
17 lowing new paragraph:

18 “(2) In the case of any veteran who engaged in com-
19 bat with the enemy in active service on or before July 27,
20 1953, with a military, naval, or air organization of the
21 United States during a period of war, campaign, or expe-
22 dition, if there is no clear and convincing evidence to the
23 contrary the Secretary shall accept as sufficient proof of
24 service-connection of any disease or injury alleged to have
25 been incurred in or aggravated by such service the sworn
26 affidavit of the veteran attesting to the service-connection

1 of such disease or injury, notwithstanding the fact that
2 there is no official record of such incurrence or aggrava-
3 tion in such service.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall apply with respect to affidavits sub-
6 mitted after the date of the enactment of this Act.

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