

111TH CONGRESS
2D SESSION

S. 3953

To amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2010

Mr. AKAKA 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 benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, 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. BENEFITS FOR CHILDREN WITH SPINA BIFIDA**
4 **OF ALL VETERANS EXPOSED TO HERBICIDES**
5 **DURING VIETNAM ERA.**

6 (a) IN GENERAL.—Section 1821 of title 38, United
7 States Code, is amended—

1 (1) in subsection (a), by striking “in Korea”
2 both places it appears;

3 (2) by striking subsection (c) and inserting the
4 following new subsection (c):

5 “(c) VETERAN OF COVERED SERVICE.—For pur-
6 poses of this section, a veteran of covered service is any
7 individual as follows:

8 “(1) An individual, without regard to the char-
9 acterization of that individual’s service, who—

10 “(A) served in the active military, naval, or
11 air service in or near the Korean demilitarized
12 zone (DMZ), as determined by the Secretary in
13 consultation with the Secretary of Defense, dur-
14 ing the period beginning on September 1, 1967,
15 and ending on August 31, 1971; and

16 “(B) is determined by the Secretary, in
17 consultation with the Secretary of Defense, to
18 have been exposed to a herbicide agent during
19 such service in or near the Korean demilitarized
20 zone.

21 “(2) An individual, without regard to the char-
22 acterization of that individual’s service, who—

23 “(A) served in the active military, naval, or
24 air service during the Vietnam era at a location
25 outside the Republic of Vietnam where exposure

1 to a herbicide agent during such service was
2 likely, as determined by the Secretary in con-
3 sultation with the Secretary of Defense; and

4 “(B) is determined by the Secretary, in
5 consultation with the Secretary of Defense, to
6 have been exposed to a herbicide agent during
7 such service in or near such location.”; and
8 (3) in subsection (d)—

9 (A) by striking “means” and inserting
10 “means the following:

11 “(1) In the case of a veteran of covered service
12 described in subsection (c)(1),”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(2) In the case of a veteran of covered service
16 described in subsection (c)(2), a chemical in a herbi-
17 cide used in support of United States and allied
18 military operations in or near a location outside the
19 Republic of Vietnam where exposure to a herbicide
20 agent was likely, as determined by the Secretary in
21 consultation with the Secretary of Defense, during
22 the period beginning on February 28, 1961, and
23 ending on May 7, 1975.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) DEFINITIONS.—Section 1831 of such title is
2 amended—

3 (A) in paragraph (1)(B)(i), by striking “in
4 Korea”; and

5 (B) in paragraph (3)(B), by striking “sub-
6 chapter II” and inserting “subchapter II or
7 III”

8 (2) SUBCHAPTER HEADING.—The heading for
9 subchapter III of chapter 18 of such title is amend-
10 ed to read as follows: “CHILDREN OF CERTAIN
11 OTHER VETERANS BORN WITH SPINA
12 BIFIDA”.

13 (3) SECTION HEADING.—The heading for sec-
14 tion 1821 of such title is amended to read as fol-
15 lows: “**Benefits for children of veterans of**
16 **certain other service with spina bifida**”.

17 (4) TABLE OF SECTIONS.—The table of sections
18 at the beginning of such chapter 18 is amended—

19 (A) by striking the item relating to sub-
20 chapter III and inserting the following:

“SUBCHAPTER III—CHILDREN OF CERTAIN OTHER VETERANS BORN WITH
SPINA BIFIDA”;

21 and

22 (B) by striking the item relating to section
23 1821 and inserting the following:

“1821. Benefits of children of veterans of certain other service with spina
bifida.”.

