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116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 332

[Report No. 116-\_\_\_\_\_] ]

To amend title 38, United States Code, to remove the manifestation period required for the presumptions of service connection for chloracne, porphyria cutanea tarda, and acute and subacute peripheral neuropathy associated with exposure to certain herbicide agents, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2019

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

\_\_\_\_\_ (legislative day, \_\_\_\_\_), \_\_\_\_\_

Reported by Mr. MORAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To amend title 38, United States Code, to remove the manifestation period required for the presumptions of service connection for chloracne, porphyria cutanea tarda, and acute and subacute peripheral neuropathy associated with exposure to certain herbicide agents, 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 “Agent Orange Expo-  
5 sure Fairness Act of 2019”.

6 **SEC. 2. REMOVAL OF MANIFESTATION PERIOD REQUIRED**  
7 **FOR PRESUMPTIONS OF SERVICE CONNEC-**  
8 **TION FOR CERTAIN DISEASES ASSOCIATED**  
9 **WITH EXPOSURE TO CERTAIN HERBICIDE**  
10 **AGENTS.**

11       Section 1116(a)(2) of title 38, United States Code,  
12 is amended—

13           (1) in subparagraph (C), by striking “within  
14 one” and all that follows through “1975”;

15           (2) in subparagraph (E), by striking “within a”  
16 and all that follows through “1975”; and

17           (3) by adding at the end the following new sub-  
18 paragraph:

19           “(I) Acute and subacute peripheral neuropathy  
20 becoming manifest to a degree of disability of 10  
21 percent or more.”.

1 **SECTION 1. COMPTROLLER GENERAL BRIEFING AND RE-**  
2 **PORT ON REPEALING MANIFESTATION PE-**  
3 **RIOD FOR PRESUMPTIONS OF SERVICE CON-**  
4 **NECTION FOR CERTAIN DISEASES ASSOCI-**  
5 **ATED WITH EXPOSURE TO CERTAIN HERBI-**  
6 **CIDE AGENTS.**

7 (a) *IN GENERAL.*—Not later than one year after the  
8 date of the enactment of this Act, the Comptroller General  
9 of the United States shall provide to the Committee on Vet-  
10 erans' Affairs of the Senate and the Committee on Veterans'  
11 Affairs of the House of Representatives a briefing on pre-  
12 liminary observations of the Comptroller General, and not  
13 later than 240 days after the date of such briefing, submit  
14 to such committees a final report, on the efforts of the Sec-  
15 retary of Veterans Affairs to provide benefits, including  
16 compensation and health care, to veterans—

17 (1) *who during active military, naval, or air*  
18 *service, served in the Republic of Vietnam during the*  
19 *period beginning on January 9, 1962, and ending on*  
20 *May 7, 1975; and*

21 (2) *in whom chloracne, porphyria cutanea tarda,*  
22 *or acute or subacute peripheral neuropathy have*  
23 *manifested.*

24 (b) *ELEMENTS.*—The report required by subsection (a)  
25 shall include the following:

1           (1) *A description of how the Secretary establishes*  
2           *a service connection for a diseases described in para-*  
3           *graph (2) of subsection (a) manifesting in veterans,*  
4           *including the number of veterans described in para-*  
5           *graph (1) of such subsection who have filed a claim*  
6           *for a benefit associated with a disease described in*  
7           *paragraph (2) of such subsection.*

8           (2) *A description of how claims adjudicators of*  
9           *the Department of Veterans Affairs determine service*  
10          *connection for a disease described in subparagraph*  
11          *(C) or (E) of section 1116(a)(2) of title 38, United*  
12          *States Code, when documentation proving the pres-*  
13          *ence of the disease during the manifestation period set*  
14          *forth in such subparagraphs for the disease is not*  
15          *available.*

16          (3) *A description of the expected effect of repeal-*  
17          *ing the manifestation period from such subpara-*  
18          *graphs, including the expected effect on the number of*  
19          *claims for benefits the Department will receive.*

20          (4) *A review of all claims submitted to the Sec-*  
21          *retary for compensation under chapter 11 of such title*  
22          *that are associated with a disease described in sub-*  
23          *section (a)(2), including the type of proof presented to*  
24          *establish a service connection for the manifestation of*  
25          *the disease based on exposure to a herbicide agent.*

1           (5) *Recommendations on how the Department*  
2           *can better adjudicate claims for benefits, including*  
3           *compensation, submitted to the Department that are*  
4           *associated with a disease described in paragraph (2)*  
5           *of subsection (a) for veterans described in paragraph*  
6           *(1) of such subsection.*

7           (6) *An assessment of such other areas as the*  
8           *Comptroller General considers appropriate to study.*

9           (c) *ADMINISTRATIVE ACTION.—Not later than 60 days*  
10          *after the date on which the Comptroller General of the*  
11          *United States submits the report required under subsection*  
12          *(a), the Secretary shall commence carrying out the rec-*  
13          *ommendations submitted under subsection (b)(5).*

14          (d) *HERBICIDE AGENT DEFINED.—In this section, the*  
15          *term “herbicide agent” has the meaning given such term*  
16          *in section 1116(a)(3) of title 38, United States Code.*

Amend the title so as to read: “A bill to require the Comptroller General of the United States to submit to Congress a report on repealing the manifestation periods for presumptions of service connection for chloracne and porphyria cutanea tarda associated with exposure to certain herbicide agents, and for other purposes.”.