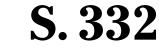
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## Calendar No.



116TH CONGRESS 2D Session

[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.

### 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]

# 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. 2

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 eited 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, is amended-12 13 (1) in subparagraph (C), by striking "within 14 one" and all that follows through "1975"; (2) in subparagraph (E), by striking "within a" 15 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.".

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1SECTION 1. COMPTROLLER GENERAL BRIEFING AND RE-2PORT ON REPEALING MANIFESTATION PE-3RIOD FOR PRESUMPTIONS OF SERVICE CON-4NECTION FOR CERTAIN DISEASES ASSOCI-5ATED WITH EXPOSURE TO CERTAIN HERBI-6CIDE 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 Veterans' Affairs of the Senate and the Committee on Veterans' 10 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 to such committees a final report, on the efforts of the Sec-14 retary of Veterans Affairs to provide benefits, including 15 16 compensation and health care, to veterans—

(1) who during active military, naval, or air
service, served in the Republic of Vietnam during the
period beginning on January 9, 1962, and ending on
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:

### **Committee Print**

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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 available. 15 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.

#### **Committee Print**

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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 (a), the Secretary shall commence carrying out the rec-12 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.".