

115TH CONGRESS
1ST SESSION

S. 2038

To amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2017

Mr. MORAN (for himself, Mr. TESTER, Mr. BLUMENTHAL, Mr. BROWN, Mr. WYDEN, and Ms. COLLINS) 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 for a presumption of herbicide exposure for certain veterans who served in Korea, 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 “Fairness for Korean
5 DMZ Veterans Act of 2017”.

1 **SEC. 2. PRESUMPTION OF HERBICIDE EXPOSURE FOR CER-**
2 **TAIN VETERANS WHO SERVED IN KOREA.**

3 (a) IN GENERAL.—Chapter 11 of title 38, United
4 States Code, is amended by inserting after section 1116
5 the following new section:

6 **“§ 1116A. Presumption of herbicide exposure for cer-**
7 **tain veterans who served in Korea**

8 “(a) PRESUMPTION OF SERVICE-CONNECTION.—(1)
9 For the purposes of section 1110 of this title, and subject
10 to section 1113 of this title, a disease specified in sub-
11 section (b) that becomes manifest as specified in that sub-
12 section in a veteran described in paragraph (2) shall be
13 considered to have been incurred or aggravated in the line
14 of duty in the active military, naval, or air service, not-
15 withstanding that there is no record of evidence of such
16 disease during the period of such service.

17 “(2) A veteran described in this paragraph is a vet-
18 eran who, during active military, naval, or air service,
19 served in or near the Korean demilitarized zone (DMZ),
20 during the period beginning on September 1, 1967, and
21 ending on August 31, 1971.

22 “(b) DISEASES.—A disease specified in this sub-
23 section is—

24 “(1) a disease specified in paragraph (2) of
25 subsection (a) of section 1116 of this title that be-
26 comes manifest as specified in that paragraph; or

1 “(2) any additional disease that—

2 “(A) the Secretary determines in regula-
3 tions warrants a presumption of service-connek-
4 tion by reason of having positive association
5 with exposure to an herbicide agent; and

6 “(B) becomes manifest within any period
7 prescribed in such regulations.

8 “(c) HERBICIDE AGENT.—For purposes of this sec-
9 tion, the term ‘herbicide agent’ has the meaning given
10 such term in section 1821(d) of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 1116 the following new
14 item:

 “1116A. Presumption of herbicide exposure for certain veterans who served in
 Korea.”.

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