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(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

# H. R.

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To amend title 38, United States Code, to establish a presumption of service connection for certain cancers occurring in veterans who served in the Republic of Vietnam and were exposed to certain herbicide agents, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. KAGEN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title 38, United States Code, to establish a presumption of service connection for certain cancers occurring in veterans who served in the Republic of Vietnam and were exposed 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. FINDINGS.**

4 Congress makes the following findings:

5 (1) Between 1962 and 1971, the Air Force  
6 sprayed approximately 107 million pounds of herbi-

1       icides in South Vietnam for the purpose of defolia-  
2       tion and crop destruction.

3           (2) It has been incontrovertibly established that  
4       exposure to Agent Orange leads to long term, sys-  
5       temic health problems that can occur years after the  
6       exposure.

7           (3) The amendments to title 38, United States  
8       Code, enacted by the Veterans' Health Care Eligi-  
9       bility Reform Act of 1996 (Public Law 104-262)  
10      provide that a veteran does not have to demonstrate  
11      a link between a certain health condition and expo-  
12      sure to Agent Orange and other toxic substances  
13      used during the Vietnam War in order to receive  
14      certain medical care provided by the Secretary of  
15      Veterans Affairs.

16          (4) Instead medical care is provided unless the  
17      Secretary of Veterans Affairs has determined that  
18      the condition did not result from exposure to Agent  
19      Orange.

20          (5) The Veterans' Health Care Eligibility Re-  
21      form Act of 1996 (Public Law 104-262) recognizes  
22      the Institute of Medicine as a resource by which the  
23      Secretary of Veterans Affairs should determine the  
24      association between the occurrence of a disease and  
25      Agent Orange.

1           (6) One established standard for the Secretary  
2 of Veterans Affairs to deny a presumption of service  
3 connection for a disability is that a disease shall be  
4 established by the Institute of Medicine to have lim-  
5 ited or suggestive evidence of no association between  
6 the occurrence of the disease and exposure to herbi-  
7 cide.

8           (7) Cancers of the gastro-intestinal tract are  
9 recognized by the Institute of Medicine to exceed the  
10 statutory threshold for a presumption of service-con-  
11 nection.

12 **SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CER-**  
13 **TAIN CANCERS ASSOCIATED WITH EXPOSURE**  
14 **TO HERBICIDES DURING THE VIETNAM ERA.**

15       Section 1116(a)(2) of title 38, United States Code,  
16 is amended by adding at the end the following new sub-  
17 paragraph:

18           “(I) Cancers of any tissues through the opening  
19 of the gastro-intestinal tract to the end, including  
20 any and all carcinomas arising from tissues of endo-  
21 dermal origin, beginning in the oral pharynx, extend-  
22 ing through the esophagus, duodenum, cecum, trans-  
23 verse and descending colon, as well as biliary and  
24 pancreatic tissues, not to exclude the rectum, becom-

1       ing manifest to a degree of disability of 10 percent  
2       or more.”.