

107TH CONGRESS
1ST SESSION

H. R. 1541

To amend title 38, United States Code, to provide the Secretary of Veterans Affairs authority to furnish certain benefits for certain diseases occurring in children of Vietnam-era veterans upon a determination that such diseases have a positive association with parental exposure to a herbicide agent.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2001

Mr. EVANS (for himself, Mr. REYES, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide the Secretary of Veterans Affairs authority to furnish certain benefits for certain diseases occurring in children of Vietnam-era veterans upon a determination that such diseases have a positive association with parental exposure to a herbicide agent.

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 “Vietnam Veterans
5 Children’s Disability Act”.

1 **SEC. 2. AUTHORITY TO PROVIDE BENEFITS FOR CHILDREN**
2 **OF VIETNAM VETERANS WITH CERTAIN DIS-**
3 **EASES ASSOCIATED WITH PARENTAL EXPO-**
4 **SURE TO HERBICIDE AGENTS.**

5 (a) AMENDMENTS TO NEW CHAPTER 18.—The
6 amendments made by this section are made to chapter 18
7 of title 38, United States Code, as amended by section
8 401 of the Veterans Benefits and Health Care Improve-
9 ment Act of 2000 (Public Law 106–419; 114 Stat. 1857),
10 and take effect on—

11 (1) December 1, 2001 (the effective date of
12 those amendments); or

13 (2) if later, the date of the enactment of this
14 Act.

15 (b) BENEFITS FOR CERTAIN CHILDREN.—(1) Chap-
16 ter 18 of title 38, United States Code, is amended by add-
17 ing at the end the following new subchapter:

18 “SUBCHAPTER IV—CHILDREN OF VIETNAM
19 VETERANS WITH DISEASES ASSOCIATED
20 WITH PARENTAL EXPOSURE TO HERBICIDE
21 AGENTS

22 **“§ 1831. Definitions**

23 In this subchapter:

24 “(1) The term ‘eligible child’ means an indi-
25 vidual, regardless of age or marital status, who—

26 “(A) is the natural child of—

1 “(i) a Vietnam veteran; or

2 “(ii) a veteran other than a Vietnam
3 veteran who, as determined under regula-
4 tions prescribed by the Secretary, was ex-
5 posed before the child was conceived to
6 herbicides during active military, naval, or
7 air service; and

8 “(B) has one or more covered diseases.

9 “(2) The term ‘covered disease’ means a disease
10 identified by the Secretary under section 1832 of
11 this title.

12 **“§ 1832. Covered diseases**

13 “(a) IDENTIFICATION.—The Secretary shall by regu-
14 lation identify diseases occurring in children that have a
15 positive association with parental exposure to an herbicide
16 agent before the date on which the child was conceived.

17 “(b) DISEASES TO BE INCLUDED.—The Secretary
18 shall include acute myelogenous leukemia in the diseases
19 identified under subsection (a).

20 **“§ 1833. Health care**

21 “(a) NEEDED CARE.—The Secretary shall provide an
22 eligible child such health care as the Secretary determines
23 is needed by the child for that child’s covered diseases or
24 any disability that is associated with those diseases.

1 “(b) AUTHORITY FOR CARE TO BE PROVIDED DI-
2 RECTLY OR BY CONTRACT.—The Secretary may provide
3 health care under this section directly or by contract or
4 other arrangement with a health care provider.

5 “(c) DEFINITIONS.—For purposes of this section, the
6 definitions in section 1803(c) of this title shall apply with
7 respect to the provision of health care under this section,
8 except that for such purposes—

9 “(1) the reference to ‘specialized spina bifida
10 clinic’ in paragraph (2) of that section shall be treat-
11 ed as a reference to a specialized clinic treating the
12 disease concerned under this section; and

13 “(2) the reference to ‘vocational training under
14 section 1804 of this title’ in paragraph (8) of that
15 section shall be treated as a reference to vocational
16 training under section 1834 of this title.

17 **“§ 1834. Vocational training**

18 “(a) AUTHORITY.—The Secretary may provide a pro-
19 gram of vocational training to an eligible child if the Sec-
20 retary determines that the achievement of a vocational
21 goal by the child is reasonably feasible.

22 “(b) APPLICABLE PROVISIONS.—Subsections (b)
23 through (e) of section 1804 of this title shall apply with
24 respect to any program of vocational training provided
25 under subsection (a).

1 **“§ 1835. Monetary allowance**

2 “(a) MONETARY ALLOWANCE.—The Secretary shall
3 pay a monthly allowance to an eligible child for any dis-
4 ability resulting from a covered disease.

5 “(b) SCHEDULE FOR RATING DISABILITIES.—(1)
6 The amount of the monthly allowance paid under this sec-
7 tion shall be based on the degree of disability suffered by
8 the child concerned, as determined in accordance with a
9 schedule for rating disabilities resulting from covered dis-
10 eases that is prescribed by the Secretary.

11 “(2) In prescribing a schedule for rating disabilities
12 for the purposes of this section, the Secretary shall estab-
13 lish the levels of disability upon which the amount of the
14 allowance provided by this section shall be based. The lev-
15 els of disability established may take into account func-
16 tional limitations, including limitations on cognition, com-
17 munication, motor abilities, activities of daily living, and
18 employability.

19 “(c) AMOUNT OF MONTHLY ALLOWANCE.—(1) The
20 Secretary shall prescribe the amount of the monthly allow-
21 ance paid under this section for each level of disability
22 established in the schedule of rating disabilities prescribed
23 under subsection (b), except that an allowance under this
24 section—

25 “(A) may not be less than the amount in effect
26 under section 1815(c)(1) of this title; and

1 “(B) may not be greater than the amount in ef-
2 fect under section 1815(c)(4) of this title.

3 “(2)(A) Benefits under this subchapter may be dis-
4 continued six months after the child has recovered fully
5 from the disability.

6 “(B) For purposes of this paragraph, the term
7 ‘fully recovered from the disability’ means that no
8 signs or symptoms of disability are present and no
9 treatment for the disability is warranted.

10 “(3) Benefits under this subchapter may be
11 paid for any secondary disability which results from
12 any disability associated with exposure to a herbicide
13 or any disability resulting from treatment for such
14 disability.

15 “(d) INDEXING TO SOCIAL SECURITY BENEFIT IN-
16 CREASES.—Amounts paid under subsection (c) shall be
17 subject to adjustment from time to time under section
18 5312 of this title.”.

19 (2) The table of sections at the beginning of such
20 chapter is amended by adding at the end the following:

“SUBCHAPTER IV—CHILDREN OF VIETNAM VETERANS WITH DISEASES
ASSOCIATED WITH PARENTAL EXPOSURE TO HERBICIDE AGENTS

- “1831. Definitions.
- “1832. Covered diseases.
- “1833. Health care.
- “1834. Vocational training.
- “1835. Monetary allowance.”.

1 (c) DEFINITION OF VIETNAM VETERAN.—Section
2 1821(3)(A) of such title is amended by striking “sub-
3 chapter I” and inserting “subchapters I and IV”.

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