

117TH CONGRESS
1ST SESSION

H. R. 5026

To amend title 38, United States Code, to provide for a presumption of service connection for illnesses associated with service in the Armed Forces in the Panama Canal Zone, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2021

Ms. NEWMAN (for herself and Ms. SALAZAR) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for a presumption of service connection for illnesses associated with service in the Armed Forces in the Panama Canal Zone, 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 “Panama Canal Zone
5 Veterans Act of 2021”.

1 **SEC. 2. PRESUMPTION OF SERVICE CONNECTION.**

2 (a) IN GENERAL.—Subchapter II of chapter 11 of
3 title 38, United States Code, is amended by adding at the
4 end the following new section:

5 **“§ 1119. Presumption of service connection for ill-**
6 **nesses associated with service in the Pan-**
7 **ama Canal Zone**

8 “(a) IN GENERAL.—(1) For purposes of section 1110
9 of this title, and subject to section 1113 of this title, each
10 illness, if any, described in paragraph (2) shall be consid-
11 ered to have been incurred in or aggravated by service re-
12 ferred to in that paragraph, notwithstanding that there
13 is no record of evidence of such illness during the period
14 of such service.

15 “(2) An illness referred to in paragraph (1) is any
16 illness—

17 “(A) that—

18 “(i) is described in paragraph (3); or

19 “(ii) the Secretary determines in regula-
20 tions prescribed under this section warrants a
21 presumption of service connection by reason of
22 having a positive association with exposure to
23 an herbicide agent known or presumed to be as-
24 sociated with service in the Armed Forces in or
25 near the Panama Canal Zone during the cov-
26 ered period; and

1 “(B) that becomes manifest within the period,
2 if any, prescribed in such regulations in a veteran
3 who served on active duty in or near the Panama
4 Canal Zone during the covered period and by reason
5 of such service was exposed to such agent.

6 “(3) An illness described in this paragraph is any of
7 the following:

8 “(A) Chronic B-cell leukemia.

9 “(B) Hodgkin’s disease.

10 “(C) Multiple myeloma.

11 “(D) Non-Hodgkin’s lymphoma.

12 “(E) Prostate cancer.

13 “(F) Respiratory cancers (including lung can-
14 cer).

15 “(G) Soft-tissue sarcoma (other than
16 osteosarcoma, chondrosarcoma, Kaposi’s sarcoma, or
17 mesothelioma).

18 “(H) AL amyloidosis.

19 “(I) Chloracne and any other type of acneiform
20 disease the Secretary determines is similar.

21 “(J) Diabetes mellitus type 2.

22 “(K) Ischemic heart disease.

23 “(L) Parkinson’s disease.

24 “(M) Early onset peripheral neuropathy.

25 “(N) Porphyria cutanea tarda.

1 “(O) Bladder cancer.

2 “(P) Hypothyroidism.

3 “(b) REGULATIONS.—(1) Whenever the Secretary
4 makes a determination described in paragraph (2), the
5 Secretary shall prescribe regulations providing that a pre-
6 sumption of service connection is warranted for the illness
7 covered by that determination for purposes of this section.

8 “(2) A determination described in this paragraph is
9 a determination based on sound medical and scientific evi-
10 dence that a positive association exists between—

11 “(A) the exposure of humans to a herbicide
12 agent known or presumed to be associated with serv-
13 ice in or near the Panama Canal Zone; and

14 “(B) the occurrence of a diagnosed or
15 undiagnosed illness in humans.

16 “(3) In making determinations for purposes of para-
17 graph (2), the Secretary shall—

18 “(A) take into account all sound medical and
19 scientific information and analyses available to the
20 Secretary;

21 “(B) in evaluating any report, information, or
22 analysis, take into consideration whether the results
23 are statistically significant, are capable of replica-
24 tion, and withstand peer review; and

1 “(C) consider an association between the occur-
2 rence of an illness in humans and exposure to an
3 herbicide agent to be positive for purposes if the
4 credible evidence for the association is equal to or
5 outweighs the credible evidence against the associa-
6 tion.

7 “(c) DEFINITIONS.—For purposes of this section:

8 “(1) The term ‘covered period’ means the pe-
9 riod beginning on January 1, 1958, and ending on
10 the latter of the following dates, as determined by
11 the Secretary:

12 “(A) December 31, 1999.

13 “(B) The date on which the last member
14 of the Armed Forces departed from official duty
15 in the Panama Canal Zone.

16 “(2) The term ‘herbicide agent’ means a chem-
17 ical in an herbicide, including Agent Purple and
18 Agent Orange.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 1118 the following new
22 item:

 “1119. Presumption of service connection for illnesses associated with service in
 the Panama Canal Zone.”.

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