

House File 584 - Introduced

HOUSE FILE 584
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 155)

A BILL FOR

1 An Act concerning the duties of the department of veterans
2 affairs relative to veteran exposure to Agent Orange.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 36.1, subsection 3, Code 2017, is amended
2 by striking the subsection.

3 Sec. 2. REPEAL. Sections 36.2, 36.3, 36.4, 36.6, 36.7,
4 36.8, and 36.9, Code 2017, are repealed.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 Code chapter 36 concerns exposure to chemicals by certain
9 veterans. Specifically, it deals with exposure to Agent Orange
10 by Iowa veterans of the Vietnam Conflict.

11 Code section 36.7 provides that if an agency of the federal
12 government is providing the referral and genetic services
13 required pursuant to Code section 36.6, the department or the
14 general assembly by specific action may discontinue all or part
15 of the services and requirements in the Code chapter.

16 In 1991, the federal Agent Orange Act, Pub. L. No. 102-4,
17 codified at 38 U.S.C. §1116, established a presumption of
18 service connection for diseases associated with herbicide
19 exposure. The federal Act directed the federal Veterans
20 Administration (VA) to "prescribe regulations providing that
21 a presumption of service connection is warranted for [a]
22 disease" when a positive statistical association exists between
23 Agent Orange exposure and the occurrence of that disease in
24 humans. In making this determination, Pub. L. No. 102-4,
25 authorized the VA to contract with the institute of medicine
26 of the national academy of sciences to review and summarize
27 the scientific evidence concerning the association between
28 exposure to herbicides used in support of military operations
29 in Vietnam during the Vietnam era and each disease suspected to
30 be associated with such exposure.

31 This bill repeals those Code sections in Code chapter 36
32 requiring the department of veterans affairs to perform certain
33 duties relative to Iowa veterans' exposure to Agent Orange.
34 Code sections 36.5, concerning attorney general powers, and
35 36.10, concerning veterans' litigation awards, are not repealed

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1 by this bill.