

104TH CONGRESS
2D SESSION

H. R. 3084

To provide for the furnishing of medical care and disability benefits for
former civilian prisoners of war.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1996

Mr. GENE GREEN of Texas introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the furnishing of medical care and disability
benefits for former civilian prisoners of war.

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 “Former Civilian Pris-
5 oners of War Benefits Act of 1996”.

6 **SEC. 2. MEDICAL CARE AND DISABILITY BENEFITS.**

7 (a) ELIGIBILITY.—A former civilian prisoner of war
8 is entitled to receive necessary medical care and is entitled
9 to receive disability benefits under this Act for any injury

1 or disability resulting from the period of internment or
2 hiding.

3 (b) PRESUMPTIVE MEDICAL CONDITIONS.—Any pre-
4 sumptive medical or dental condition related to a period
5 of internment that is provided for former military pris-
6 oners of war under section 1112(b) of title 38, United
7 States Code, shall be applicable under this Act to former
8 civilian prisoners of war and shall be considered for such
9 purposes to have been incurred in or aggravated by such
10 period of internment or hiding, without regard to the ab-
11 sence of any record of such injury.

12 (c) PAYMENT OF MEDICAL BENEFITS.—(1) The Sec-
13 retary of Labor shall facilitate the prompt payment or re-
14 imbursement for reasonable and necessary expenditures
15 for all medical treatment, including rehabilitation, mental
16 health services, and dental care, provided under this sec-
17 tion for which a claim and any documentation determined
18 necessary by the Secretary is filed with the Secretary.

19 (2) The rate of payment for such medical treatment
20 shall be as provided in the schedule of payments in effect
21 at the time of such treatment for payments made under
22 workers' compensation programs administered by the Sec-
23 retary of Labor. To the extent a particular treatment is
24 not covered by such schedule, or as otherwise determined
25 necessary by the Secretary, the Secretary may establish

1 a schedule of payments for purposes of this subsection.
2 Any such schedule shall be established in consultation with
3 the Secretary of Veterans Affairs.

4 (d) WAIVER OF LIMITATIONS.—There shall be no
5 limitation on the total medical or disability benefits that
6 a former civilian prisoner of war may receive under this
7 Act for any injury or disability resulting from a period
8 of internment or hiding.

9 (e) RATE OF COMPENSATION.—Compensation for a
10 disability referred to in subsection (a) shall be at the rate
11 equal to the minimum monthly rate of compensation pay-
12 able for a total disability covered by chapter 81 of title
13 5, United States Code, as computed under section 8112(a)
14 of that title.

15 (f) CREDITING BENEFITS UNDER THE SOCIAL SECU-
16 RITY ACT.—The benefits provided by this section to any
17 person shall be reduced to the extent such benefits are
18 provided under title XVIII of the Social Security Act, or
19 any private insurance, for the same medical condition or
20 disability.

21 **SEC. 3. ADVISORY COMMITTEE.**

22 (a) ESTABLISHMENT.—The Secretary of Labor shall
23 establish an advisory committee to be known as the
24 Former Civilian Prisoner of War Advisory Committee.
25 The Secretary shall consult with and seek the advice of

1 the advisory committee with respect to the administration
2 of benefits under this Act.

3 (b) MEMBERS.—The members of the advisory com-
4 mittee shall be appointed by the Secretary from the gen-
5 eral public and shall include appropriate representatives
6 of former civilian prisoners of war and individuals who are
7 recognized authorities in fields pertinent to the injuries
8 and disabilities prevalent among former civilian prisoners
9 of war. The Secretary shall determine the number, terms
10 of service, and pay and allowances of members of the advi-
11 sory committee.

12 **SEC. 4. REPORT TO CONGRESS.**

13 Not later than March 1 of each year, the Secretary
14 of Labor shall submit to Congress a report on the pro-
15 grams and activities of the Department of Labor that per-
16 tain to former civilian prisoners of war. The Secretary
17 shall include in the report—

18 (1) an assessment of the needs of such civilian
19 prisoners of war with respect to health and disability
20 benefits;

21 (2) a review of the programs and activities of
22 the Office of Workers' Compensation Program de-
23 signed to meet such needs; and

24 (3) a summary of recommendations made by
25 the advisory committee under section 3 and a de-

1 scription of actions taken by the Secretary arising
2 from those recommendations.

3 **SEC. 5. INFORMATION ON BENEFITS.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, and at appropriate times thereafter, the
6 Secretary of Labor shall seek out former civilian prisoners
7 of war and provide them with information regarding appli-
8 cable changes in law, regulations, and services to which
9 they are entitled under this Act.

10 **SEC. 6. REGULATIONS.**

11 The Secretary of Labor shall prescribe regulations to
12 ensure that benefits provided to former civilian prisoners
13 of war under this Act are coordinated with, and do not
14 duplicate any benefits provided to such persons under, the
15 War Claims Act of 1948 (50 U.S.C. App. 2001 et seq.).

16 **SEC. 7. DEFINITIONS.**

17 For purposes of this Act:

18 (1)(A) Except as provided in subparagraph (B),
19 the term “former civilian prisoner of war” means a
20 person determined by the Secretary of Labor, in
21 consultation with the Secretary of State and the
22 Secretary of Defense, as being someone who, before
23 the date of enactment of this Act and being then a
24 citizen of the United States, was forcibly interned by
25 an enemy government or its agents, or a hostile

1 force, or went into hiding in order to avoid capture
2 by such government, its agents, or hostile force, dur-
3 ing a period of war, or other period for at least 30
4 days, including those interned or who went into hid-
5 ing—

6 (i) in the Asian-Pacific Theater or the Eu-
7 ropean Theater of World War II during the pe-
8 riod beginning on September 1, 1939, and end-
9 ing on December 31, 1946;

10 (ii) in Korea during the period beginning
11 on June 25, 1950, and ending on July 1, 1955;
12 or

13 (iii) in Vietnam during the period begin-
14 ning on February 28, 1961, and ending on May
15 7, 1975.

16 (B) Such term does not apply to—

17 (i) a person who at any time voluntarily
18 gave aid to, collaborated with, or in any manner
19 served such government, or

20 (ii) a person who at the time of capture or
21 entrance into hiding was—

22 (I) a person within the purview of the
23 Act entitled “An Act to provide compensa-
24 tion for employees of the United States
25 suffering injuries while in the performance

1 of their duties, and for other purposes”,
2 approved September 7, 1916;

3 (II) a person within the purview of
4 the Act entitled “An Act to provide bene-
5 fits for the injury, disability, death, or
6 enemy detention of employees of contrac-
7 tors with the United States, and for other
8 purposes”, approved December 2, 1942; or

9 (III) a regularly appointed, enrolled,
10 enlisted, or inducted member of any mili-
11 tary or naval force.

12 (2) The term “hostile force” means any nation,
13 or any national thereof, or any other person serving
14 a foreign nation—

15 (A) engaged in war against the United
16 States or any of its allies; or

17 (B) engaged in armed conflict, whether or
18 not war has been declared, against the United
19 States or any of its allies.

20 **SEC. 8. EFFECTIVE DATE.**

21 (a) MEDICAL CARE.—This Act shall apply only with
22 respect to medical care provided on or after the date of
23 the enactment of this Act.

1 (b) DISABILITY BENEFITS.—No disability benefits
2 may be paid under this Act with respect to any period
3 before the date of the enactment of this Act.

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