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104TH CONGRESS

2D SESSION H. R. 4007 To amend title 38, United States Code, to provide a presumption of service

connection for injuries classified as cold weather injuries which occur

in veterans who while engaged in military operations had sustained
exposure to cold weather.

IN THE HOUSE OF REPRESENTATIVES AUGUST 2, 1996 Mr. SMITH of New Jersey introduced the following bill; which was referred

to the Committee on Veterans’ Affairs

A BILL To amend title 38, United States Code, to provide a pre-

sumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure
to cold weather.

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 ‘‘Veterans Cold Weather

5 Injury Compensation Act’’.

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1 SEC. 2. COLD WEATHER INJURY REGISTRY.

2 The Secretary of Veterans Affairs shall establish and
3 maintain a registry of veterans who while in active mili-

4 tary, naval, or air service were exposed for a significant
5 period of time to sustained periods of extremely cold
6 weather. The Secretary shall use the registry to compile

7 and analyze, on a continuing basis, all clinical data that 8 is obtained by the Department of Veterans Affairs in con-

9 nection with examinations and treatment furnished to vet-

10 erans and that is likely to be scientifically useful in deter-
11 mining the association, if any, between the disabilities of

12 such veterans and sustained exposure to cold weather dur-13 ing military operations.

14 SEC. 3. PRESUMPTION OF SERVICE CONNECTION.

15 (a) IN GENERAL.—(1) Chapter 11 of title 38, United
16 States Code, is amended by adding at the end of sub-

17 chapter II the following new section:
18 ‘‘§ 318. Presumptions of service connection for inju-

19 ries and diseases associated with sus-

20 tained exposure to cold weather
21 ‘‘(a) For the purposes of section 310 of this title, and

22 subject to section 313 of this title, a cold-weather injury 23 becoming manifest in a veteran who during active military,

24 naval, or air service and while engaged in a military oper-
25 ation in the field was exposed to a period of qualifying
26 cold weather shall be considered to have been incurred in

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1 or aggravated by such service, notwithstanding that there
2 is no record of evidence of such disease during the period
3 of such service.

4 ‘‘(b) For purposes of this section, a cold-weather in-
5 jury is any injury or disease that the Secretary determines

6 in regulations prescribed under this section has a positive
7 association with sustained exposure to cold weather.

8 ‘‘(c) For purposes of this section, the term ‘qualifying
9 cold weather’ means a period of 15 consecutive days or

10 more during which the mean average temperature was 32
11 degrees or lower.’’.
12 (2) The table of sections at the beginning of such

13 chapter is amended by inserting after the item relating 14 to section 317 the following new item:

‘‘318. Presumptions of service connection for injuries and diseases associated with sustained exposure to cold weather.’’.
15 (b) DEADLINE FOR INITIAL REGULATIONS.—The
16 Secretary of Veterans Affairs shall prescribe the initial

17 regulations for purposes of subsection (b) of section 318
18 of title 38, United States Code, as added by subsection

19 (a), not later than 90 days after the date of the enactment

20 of this Act.
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