

106TH CONGRESS
2D SESSION

H. R. 5167

To amend title 38, United States Code, to protect ratings of service-connection for certain presumptive disabilities of Persian Gulf War veterans participating in Department of Veterans Affairs health study.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2000

Mrs. CAPPS introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to protect ratings of service-connection for certain presumptive disabilities of Persian Gulf War veterans participating in Department of Veterans Affairs health study.

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 Healthcare
5 Fairness Act”.

1 **SEC. 2. PROTECTION OF DISABILITY RATINGS FOR CER-**
2 **TAIN PERSIAN GULF WAR VETERANS.**

3 (a) PRESERVATION OF PRESUMPTION OF SERVICE-
4 CONNECTION.—Section 1117 of title 38, United States
5 Code, is amended by adding at the end the following new
6 subsection:

7 “(g) In the case of a veteran in receipt of compensa-
8 tion for an illness that under this section or section
9 1118(c) of this title is presumed to be service-connected,
10 if the veteran voluntarily participates in a health study
11 sponsored by the Secretary and as a result of that partici-
12 pation is diagnosed as having a motor neuron disease and
13 if, as a result of that diagnosis, the Secretary determines
14 that a presumption of service connection for that illness
15 is no longer warranted—

16 “(1) the veteran shall nevertheless continue to
17 be entitled to receive compensation under this sec-
18 tion on the basis of that presumption; and

19 “(2) a survivor of that veteran who was award-
20 ed dependency and indemnity compensation for the
21 death of the veteran resulting from the disease that
22 formed the basis for the presumption shall neverthe-
23 less continue to be entitled to receive dependency
24 and indemnity compensation on that basis.”.

25 (b) RESTORATION OF BENEFITS.—The Secretary of
26 Veterans Affairs shall restore benefits under laws adminis-

1 tered by the Secretary for any veteran or survivor covered
2 by subsection (g) of section 1117 of title 38, United States
3 Code, as added by subsection (a), whose benefits were ter-
4 minated before the date of the enactment of this Act by
5 reason of a diagnosis of a motor neuron disease. Any such
6 restoration of benefits shall be retroactive to the date on
7 which such benefits were terminated.

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