

107TH CONGRESS
2D SESSION

H. R. 5235

To amend title 38, United States Code, to provide special compensation for former prisoners of war, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2002

Mr. SIMPSON (for himself, Mr. COX, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide special compensation for former prisoners of war, 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 “Former Prisoners of
5 War Special Compensation Act of 2002”.

6 **SEC. 2. SPECIAL COMPENSATION FOR FORMER PRISONERS**
7 **OF WAR.**

8 (a) IN GENERAL.—Chapter 11 of title 38, United
9 States Code, is amended by adding at the end the fol-
10 lowing new subchapter:

1 “SUBCHAPTER VII—FORMER PRISONERS OF
2 WAR

3 **“§ 1181. Special compensation: former prisoners of**
4 **war**

5 “(a)(1) The Secretary shall pay monthly to each vet-
6 eran who is a former prisoner of war and who while a
7 prisoner of war was detained or interned for not less than
8 30 days special compensation at the rate specified in sub-
9 section (b).

10 “(2) For the purposes of this section, the term ‘vet-
11 eran’ includes an individual serving on active duty.

12 “(b) The rate of special compensation for purposes
13 of this section shall be as follows:

14 “(1) If the former prisoner of war was detained
15 or interned for a period of not more than 120 days,
16 the monthly amount of special compensation payable
17 shall be \$150.

18 “(2) If the former prisoner of war was detained
19 or interned for a period of more than 120 days and
20 not more than 540 days, the monthly amount of spe-
21 cial compensation payable shall be \$300.

22 “(3) If the former prisoner of war was detained
23 or interned for a period of more than 540 days, the
24 monthly amount of special compensation payable
25 shall be \$450.

1 “(c) If a former prisoner of war was detained or in-
2 terned on two or more separate occasions, the cumulative
3 length of all occasions of confinement or internment as
4 a prisoner of war shall determine the monthly compensa-
5 tion rate payable under subsection (b).

6 **“§ 1182. Provisions relating to special compensation**
7 **for former prisoners of war**

8 “(a) Special compensation payable under this sub-
9 chapter shall be paid in addition to any other payment
10 under the laws of the United States. Amounts paid to an
11 individual under this subchapter shall not be considered
12 to be income or resources for purposes of determining eli-
13 gibility to receive benefits under any Federal or federally
14 assisted program.

15 “(b) Special compensation payable under this sub-
16 chapter shall not be considered to be compensation within
17 the meaning of that term in section 101(13) of this title.

18 “(c) The provisions of subsection (c) of section 1562
19 of this title shall apply to special compensation under this
20 subchapter in the same manner as to special pension
21 under that section.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by adding
24 at the end the following new items:

“SUBCHAPTER VII—FORMER PRISONERS OF WAR

“1181. Special compensation: former prisoners of war.

“1182. Provisions relating to special compensation for former prisoners of war.”.

1 **SEC. 3. CLARIFICATION OF PROHIBITION ON PAYMENT OF**
2 **COMPENSATION FOR ALCOHOL OR DRUG-RE-**
3 **LATED DISABILITY.**

4 (a) CLARIFICATION.—Sections 1110 and 1131 of title
5 38, United States Code, are each amended by inserting
6 “, even if the abuse is secondary to a service-connected
7 disability” before the period at the end.

8 (b) APPLICABILITY.—The amendments made by sub-
9 section (a) apply to any claim—

10 (1) filed on or after the date of the enactment
11 of this Act; or

12 (2) filed before the date of the enactment of
13 this Act and not finally decided as of that date.

○