

109TH CONGRESS
1ST SESSION

H. R. 1598

To amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2005

Mr. BILIRAKIS (for himself, Mr. EVANS, Mr. FILNER, Ms. HART, Mr. FOLEY, Mr. FOSSELLA, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide improved benefits for veterans who are former 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 “Prisoner of War Bene-
5 fits Act of 2005”.

6 **SEC. 2. IMPROVED VETERANS' BENEFITS FOR FORMER**
7 **PRISONERS OF WAR.**

8 (a) REPEAL OF MINIMUM PERIOD OF INTERNMENT
9 FOR PRESUMPTION OF SERVICE CONNECTION FOR CER-

1 TAIN DISEASES.—Subsection (b) of section 1112 of title
2 38, United States Code, is amended—

3 (1) in paragraph (1)—

4 (A) by striking “; and” at the end of sub-
5 paragraph (A) and inserting a period;

6 (B) by striking “a former prisoner of
7 war—” and all that follows through “a disease
8 specified in paragraph (2)” and inserting “a
9 former prisoner of war, a disease specified in
10 paragraph (2)”; and

11 (C) by striking subparagraph (B);

12 (2) in paragraph (3), by striking “(3) The dis-
13 eases specified” and all that follows through “the
14 following:”; and

15 (3) by redesignating the subparagraphs (A)
16 through (K) following the matter stricken by para-
17 graph (2) as subparagraphs (F) through (P), respec-
18 tively, of paragraph (2).

19 (b) ADDITIONAL DISEASES PRESUMED TO BE SERV-
20 ICE CONNECTED.—Paragraph (2) of section 1112(b) of
21 such title, as amended by subsection (a)(3), is further
22 amended by adding at the end the following new subpara-
23 graphs:

24 “(Q) Heart disease.

25 “(R) Stroke.

1 “(S) Diabetes (type 2).

2 “(T) Osteoporosis.”.

3 (c) AUTHORITY FOR ADMINISTRATIVE DETERMINA-
4 TION OF PRESUMPTION OF SERVICE CONNECTION FOR
5 ADDITIONAL DISEASES.—

6 (1) ADMINISTRATIVE DETERMINATION.—Sec-
7 tion 1112 of title 38, United States Code, as amend-
8 ed by subsections (a) and (b), is further amended by
9 adding at the end the following new subsection:

10 “(d)(1) Subsection (b) applies with respect to any
11 disease (in addition to those specified in that subsection)
12 that the Secretary determines in regulations prescribed
13 under this subsection warrants a presumption of service-
14 connection by reason of having positive association with
15 the experience of being a prisoner of war.

16 “(2)(A) Whenever the Secretary determines, on the
17 basis of sound medical and scientific evidence, that a posi-
18 tive association exists between (i) the experience of being
19 a prisoner of war, and (ii) the occurrence of a disease in
20 humans, the Secretary shall prescribe regulations pro-
21 viding that a presumption of service connection is war-
22 ranted for that disease for the purposes of this section.

23 “(B) In making determinations for the purpose of
24 this paragraph, the Secretary shall take into account (i)
25 recommendations received by the Secretary from the Advi-

1 sory Committee on Former Prisoners of War established
2 under section 541 of this title, and (ii) all other sound
3 medical and scientific information and analyses available
4 to the Secretary. In evaluating any study for the purpose
5 of making such determinations, the Secretary shall take
6 into consideration whether the results are statistically sig-
7 nificant, are capable of replication, and withstand peer re-
8 view.

9 “(C) An association between the occurrence of a dis-
10 ease in humans and the experience of being a prisoner of
11 war shall be considered to be positive for the purposes of
12 this subsection if the credible evidence for the association
13 is equal to or outweighs the credible evidence against the
14 association.

15 “(3)(A) Not later than 60 days after the date on
16 which the Secretary receives a recommendation from the
17 Advisory Committee on Former Prisoners of War that a
18 presumption of service connection be established under
19 this subsection for any disease, the Secretary shall deter-
20 mine whether a presumption of service connection under
21 this subsection is warranted for that disease. If the Sec-
22 retary determines that such a presumption is warranted,
23 the Secretary, not later than 60 days after making the
24 determination, shall issue proposed regulations setting
25 forth the Secretary’s determination.

1 “(B) If the Secretary determines that a presumption
2 of service connection is not warranted, the Secretary, not
3 later than 60 days after making the determination, shall
4 publish in the Federal Register a notice of that determina-
5 tion. The notice shall include an explanation of the sci-
6 entific basis for that determination. If the disease already
7 is included in regulations providing for a presumption of
8 service connection, the Secretary, not later than 60 days
9 after publication of the notice of a determination that the
10 presumption is not warranted, shall issue proposed regula-
11 tions removing the presumption for the disease.

12 “(C) Not later than 90 days after the date on which
13 the Secretary issues any proposed regulations under this
14 subsection, the Secretary shall issue final regulations.
15 Such regulations shall be effective on the date of issuance.

16 “(4) Whenever a disease is removed from regulations
17 prescribed under this section—

18 “(A) a veteran who was awarded compensation
19 for such disease on the basis of the presumption pro-
20 vided in subsection (a) before the effective date of
21 the removal shall continue to be entitled to receive
22 compensation on that basis; and

23 “(B) a survivor of a veteran who was awarded
24 dependency and indemnity compensation for the
25 death of a veteran resulting from such disease on

1 the basis of such presumption shall continue to be
2 entitled to receive dependency and indemnity com-
3 pensation on such basis.

4 “(5) The Secretary shall carry out this subsection in
5 consultation with, and after taking into consideration the
6 views of, the Advisory Committee on Former Prisoners of
7 War established under section 541 of this title.”.

8 (2) CONFORMING AMENDMENT.—Paragraph (1) of
9 section 1112(b) of such title, as amended by subsection
10 (a), is further amended by inserting “or prescribed under
11 subsection (d)” after “a disease specified in paragraph
12 (2)”.

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