

105TH CONGRESS
1ST SESSION

H. R. 1426

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

APRIL 23, 1997

Mr. SMITH of New Jersey (for himself and Mr. SAXTON) 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 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.

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”.

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 **“§ 1119. 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 1110 of this title,
22 and subject to section 1113 of this title, a cold-weather
23 injury becoming manifest in a veteran who during active
24 military, naval, or air service and while engaged in a mili-
25 tary operation in the field was exposed to a period of quali-
26 fying cold weather shall be considered to have been in-

1 curred in or aggravated by such service, notwithstanding
 2 that there is no record of evidence of such disease during
 3 the period 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 seven consecutive days
 10 or more during which the mean average temperature was
 11 32 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 1118 the following new item:

“1119. 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 1119
 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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