

107TH CONGRESS
1ST SESSION

S. 409

To amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2001

Mrs. HUTCHISON (for herself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, 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 “Persian Gulf War Ill-

5 ness Compensation Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

(3) Section 1117 of title 38, United States Code, enacted on November 2, 1994, by the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446), provides for the payment of compensation to Persian Gulf veterans suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that became manifest to a compensable degree within a period prescribed by regulation.

18 SEC. 3. COMPENSATION OF VETERANS OF PERSIAN GULF

19 WAR WHO HAVE CERTAIN ILLNESSES.

20 (a) PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILL-
21 NESSES PROGRAM.—Section 1117 of title 38, United
22 States Code, is amended—

23 (1) in subsection (a)(2), by striking “within the
24 presumptive period prescribed under subsection (b)”
25 and inserting “before December 31, 2011, or such

1 later date as the Secretary may prescribe by regula-
2 tion”; and

3 (2) by striking subsection (b).

4 (b) UNDIAGNOSED ILLNESSES.—Such section, as
5 amended by subsection (a), is further amended by insert-
6 ing after subsection (a) the following new subsection (b):

7 “(b)(1) For purposes of this section, the term
8 ‘undiagnosed illness’ means illness manifested by symp-
9 toms or signs the cause, etiology, or origin of which cannot
10 be specifically and definitely identified, including poorly
11 defined illnesses such as fibromyalgia, chronic fatigue syn-
12 drome, autoimmune disorder, and multiple chemical sensi-
13 tivity. The attribution of one or more of the symptoms
14 to a disability that is not an undiagnosed illness shall not
15 preclude other symptoms from being considered a mani-
16 festation of an undiagnosed illness.

17 “(2) For purposes of paragraph (1), signs or symp-
18 toms that may be a manifestation of an undiagnosed ill-
19 ness include the following:

20 “(A) Fatigue.

21 “(B) Unexplained rashes or other dermatolo-
22 gical signs or symptoms.

23 “(C) Headache.

24 “(D) Muscle pain.

25 “(E) Joint pain.

- 1 “(F) Neurologic signs or symptoms.
- 2 “(G) Neuropsychological signs or symptoms.
- 3 “(H) Signs or symptoms involving the res-
- 4 piratory system (upper or lower).
- 5 “(I) Sleep disturbances.
- 6 “(J) Gastrointestinal signs or symptoms.
- 7 “(K) Cardiovascular signs or symptoms.
- 8 “(L) Abnormal weight loss.
- 9 “(M) Menstrual disorders.”.

10 (c) PRESUMPTION OF SERVICE CONNECTION PRO-
11 GRAM.—Section 1118(a) of such title is amended by add-
12 ing at the end the following new paragraph:

13 “(4) For purposes of this section, the term
14 ‘undiagnosed illness’ has the meaning given that term in
15 section 1117(b) of this title.”.

16 (d) EFFECTIVE DATE.—(1) For purposes of section
17 5110(g) of title 38, United States Code—

18 (A) the amendments to section 1117 of title 38,
19 United States Code, made by subsections (a) and (b)
20 shall take effect as of November 2, 1994; and

21 (B) the amendment to section 1118 of title 38,
22 United States Code, made by subsection (c) shall
23 take effect as of October 21, 1998.

24 (2) The second sentence of section 5110(g) of title
25 38, United States Code, shall not apply in the case of an

1 award, or increased award, of compensation pursuant to
2 the amendments made by this section if the date of appli-
3 cation therefor is not later than one year after the date
4 of the enactment of this Act.

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