

108TH CONGRESS
1ST SESSION

S. 517

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

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mrs. MURRAY 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 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 “Francis W. Agnes
5 Prisoner of War Benefits Act of 2003”.

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

8 (a) REPEAL OF REQUIREMENT FOR MINIMUM PE-
9 RIOD OF INTERNMENT FOR PRESUMPTION OF SERVICE
10 CONNECTION FOR CERTAIN DISEASES.—Section 1112(b)

1 of title 38, United States Code, is amended by striking
 2 “and who was detained or interned for not less than thirty
 3 days” in the matter preceding paragraph (1).

4 (b) REPEAL OF REQUIREMENT FOR MINIMUM PE-
 5 RIOD OF INTERNMENT FOR PRESUMPTION OF SERVICE
 6 CONNECTION FOR DENTAL CARE.—Section
 7 1712(a)(1)(F) of such title is amended by striking “and
 8 who was detained or interned for a period of not less than
 9 90 days”.

10 (c) ADDITIONAL DISEASES PRESUMED TO BE SERV-
 11 ICE CONNECTED.—Section 1112 of such title is further
 12 amended—

13 (1) in subsection (b)—

14 (A) by striking “the disease” and inserting
 15 “a disease specified under subsection (d) or the
 16 disease”;

17 (B) by striking “or” at the end of para-
 18 graph (14); and

19 (C) by inserting after paragraph (15) the
 20 following new paragraphs:

21 “(16) heart disease,

22 “(17) stroke,

23 “(18) liver disease,

24 “(19) diabetes (type 2), or

25 “(20) osteoporosis,”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(d)(1) Subsection (b) applies with respect to any
4 disease (in addition to those specified in that subsection)
5 that the Secretary determines in regulations prescribed
6 under this subsection warrants a presumption of service-
7 connection by reason of having positive association with
8 the experience of being a prisoner of war.

9 “(2)(A) Whenever the Secretary determines, on the
10 basis of sound medical and scientific evidence, that a posi-
11 tive association exists between (i) the experience of being
12 a prisoner of war, and (ii) the occurrence of a disease in
13 humans, the Secretary shall prescribe regulations pro-
14 viding that a presumption of service connection is war-
15 ranted for that disease for the purposes of subsection (b).

16 “(B) In making determinations for the purpose of
17 this paragraph, the Secretary shall take into account (i)
18 recommendations received by the Secretary from the Advi-
19 sory Committee on Former Prisoners of War established
20 under section 541 of this title, and (ii) all other sound
21 medical and scientific information and analyses available
22 to the Secretary. In evaluating any study for the purpose
23 of making such determinations, the Secretary shall take
24 into consideration whether the results are statistically sig-

1 nificant, are capable of replication, and withstand peer re-
2 view.

3 “(C) An association between the occurrence of a dis-
4 ease in humans and the experience of being a prisoner of
5 war shall be considered to be positive for the purposes of
6 this subsection if the credible evidence for the association
7 is equal to or outweighs the credible evidence against the
8 association.

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

20 “(B) If the Secretary determines that a presumption
21 of service connection is not warranted, the Secretary, not
22 later than 60 days after making the determination, shall
23 publish in the Federal Register a notice of that determina-
24 tion. The notice shall include an explanation of the sci-
25 entific basis for that determination. If the disease already

1 is included in regulations providing for a presumption of
2 service connection, the Secretary, not later than 60 days
3 after publication of the notice of a determination that the
4 presumption is not warranted, shall issue proposed regula-
5 tions removing the presumption for the disease.

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

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

12 “(A) a veteran who was awarded compensation
13 for such disease on the basis of the presumption pro-
14 vided in subsection (b) before the effective date of
15 the removal shall continue to be entitled to receive
16 compensation on that basis; and

17 “(B) a survivor of a veteran who was awarded
18 dependency and indemnity compensation for the
19 death of a veteran resulting from such disease on
20 the basis of such presumption shall continue to be
21 entitled to receive dependency and indemnity com-
22 pensation on such basis.

23 “(5) The Secretary shall carry out this subsection in
24 consultation with, and after taking into consideration the

- 1 views of, the Advisory Committee on Former Prisoners of
- 2 War established under section 541 of this title.”.

