

109TH CONGRESS
1ST SESSION

S. 1271

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

JUNE 20, 2005

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 “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 INTERNMENT PERIOD FOR
9 PRESUMPTION OF SERVICE CONNECTION; ADDITIONAL

1 SERVICE CONNECTED DISEASES.—Section 1112(b) of
2 title 38, United States Code, is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (A), by striking “;
5 and” 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) or prescribed by the Secretary
11 under subsection (d)”; and

12 (C) by striking subparagraph (B); and

13 (2) in paragraph (3)—

14 (A) by striking the matter preceding sub-
15 paragraph (A);

16 (B) by redesignating subparagraphs (A)
17 through (K) as subparagraphs (F) through (P),
18 respectively, of paragraph (2); and

19 (C) by adding after subparagraph (P), as
20 redesignated, the following:

21 “(Q) Heart disease.

22 “(R) Stroke.

23 “(S) Diabetes (type 2).

24 “(T) Osteoporosis.”.

1 (b) AUTHORITY FOR ADMINISTRATIVE DETERMINA-
2 TION OF PRESUMPTION OF SERVICE CONNECTION FOR
3 ADDITIONAL DISEASES.—Section 1112 of title 38, United
4 States Code, as amended by subsection (a), is further
5 amended by adding at the end the following:

6 “(d)(1) Subsection (b) applies with respect to any
7 disease (in addition to those specified in that subsection)
8 that the Secretary determines, in regulations prescribed
9 under this subsection, warrants a presumption of service
10 connection because of a positive association with the expe-
11 rience of being a prisoner of war.

12 “(2)(A) If the Secretary determines, on the basis of
13 sound medical and scientific evidence, that a positive asso-
14 ciation exists between the experience of being a prisoner
15 of war and the occurrence of a disease in humans, the
16 Secretary shall issue regulations providing that a pre-
17 sumption of service connection is warranted for that dis-
18 ease for the purposes of this section.

19 “(B) In making determinations under subparagraph
20 (A), the Secretary shall consider—

21 “(i) recommendations received from the Advi-
22 sory Committee on Former Prisoners of War, estab-
23 lished under section 541 of this title; and

24 “(ii) any other relevant medical and scientific
25 information and analyses resulting from studies that

1 are statistically significant, capable of replication,
2 and able to withstand peer review.

3 “(C) For purposes of this subsection, a positive asso-
4 ciation exists between the occurrence of a disease in hu-
5 mans and the experience of being a prisoner of war if the
6 credible evidence for the association is equal to or out-
7 weighs the credible evidence against the association.

8 “(3)(A) Not later than 60 days after the date on
9 which the Secretary receives a recommendation from the
10 Advisory Committee on Former Prisoners of War that a
11 presumption of service connection be established under
12 this subsection for any disease, the Secretary shall deter-
13 mine whether a presumption of service connection under
14 this subsection is warranted for that disease.

15 “(B) Not later than 60 days after determining that
16 a presumption of service connection is warranted, the Sec-
17 retary shall issue proposed regulations setting forth the
18 Secretary’s determination.

19 “(C) Not later than 60 days after determining that
20 a presumption of service connection is not warranted, the
21 Secretary shall publish notice of that determination in the
22 Federal Register. The notice shall include an explanation
23 of the scientific basis for that determination. If the disease
24 is already included in regulations providing for a presump-
25 tion of service connection, the Secretary, not later than

1 60 days after publication of such notice, shall issue pro-
2 posed regulations removing the presumption for the dis-
3 ease.

4 “(D) Not later than 90 days after the date on which
5 the Secretary issues proposed regulations under this sub-
6 section, the Secretary shall issue final regulations, which
7 shall be effective as of the date of issuance.

8 “(4) If a disease is removed from regulations pre-
9 scribed under this section—

10 “(A) a veteran who was awarded compensation
11 for such disease on the basis of a presumption under
12 subsection (a) before the effective date of the re-
13 moval shall continue to receive compensation on that
14 basis; and

15 “(B) a survivor of a veteran who was awarded
16 dependency and indemnity compensation for the
17 death of the veteran resulting from such disease on
18 the basis of such presumption shall continue to re-
19 ceive dependency and indemnity compensation on
20 such basis.

21 “(5) In carrying out this subsection, the Secretary
22 shall consult with, and consider the views of, the Advisory
23 Committee on Former Prisoners of War.”.

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