

111TH CONGRESS
1ST SESSION

H. R. 944

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2009

Mr. BILIRAKIS 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 2009”.

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 (M) following the matter stricken by para-
17 graph (2) as subparagraphs (F) through (R), 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—

23 (1) in subparagraph (F), by striking “, if the
24 Secretary determines that the veteran has post-trau-
25 matic stress disorder (PTSD)”; and

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

3 “(S) Diabetes (type 2).”.

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

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

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

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

24 “(B) In making determinations for the purpose of
25 this paragraph, the Secretary shall take into account (i)

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

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

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

1 determination, shall issue proposed regulations setting
2 forth the Secretary's determination.

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

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

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

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

1 “(B) a survivor of a veteran who was awarded
2 dependency and indemnity compensation for the
3 death of a veteran resulting from such disease on
4 the basis of such presumption shall continue to be
5 entitled to receive dependency and indemnity com-
6 pensation on such basis.

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

11 (2) CONFORMING AMENDMENT.—Paragraph (1)
12 of section 1112(b) of such title, as amended by sub-
13 section (a), is further amended by inserting “or pre-
14 scribed under subsection (d)” after “a disease speci-
15 fied in paragraph (2)”.

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