

110TH CONGRESS
1ST SESSION

S. 848

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 13, 2007

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 2007”.

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 by adding at the end the following new subpara-
23 graphs:

24 “(S) Diabetes (type 2).

25 “(T) Osteoporosis.”.

1 (c) AUTHORITY FOR ADMINISTRATIVE DETERMINA-
2 TION OF PRESUMPTION OF SERVICE CONNECTION FOR
3 ADDITIONAL DISEASES.—

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

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

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

21 “(B) In making determinations for the purpose of
22 this paragraph, the Secretary shall take into account (i)
23 recommendations received by the Secretary from the Advi-
24 sory Committee on Former Prisoners of War established
25 under section 541 of this title, and (ii) all other sound

1 medical and scientific information and analyses available
2 to the Secretary. In evaluating any study for the purpose
3 of making such determinations, the Secretary shall take
4 into consideration whether the results are statistically sig-
5 nificant, are capable of replication, and withstand peer re-
6 view.

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

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

24 “(B) If the Secretary determines that a presumption
25 of service connection is not warranted, the Secretary, not

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

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

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

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

21 “(B) a survivor of a veteran who was awarded
22 dependency and indemnity compensation for the
23 death of a veteran resulting from such disease on
24 the basis of such presumption shall continue to be

1 entitled to receive dependency and indemnity com-
2 pensation on such basis.

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

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

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