

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1961

To provide for necessary medical care for former civilian prisoners of war.

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## IN THE SENATE OF THE UNITED STATES

MARCH 22 (legislative day, FEBRUARY 22), 1994

Mr. KENNEDY (for himself, Mr. DODD, Mr. DECONCINI, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To provide for necessary medical care for former civilian 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 “Civilian Ex-Prisoner  
5 of War Health and Disability Benefits Act of 1994”.

6 **SEC. 2. MEDICAL CARE AND DISABILITY BENEFITS.**

7 (a) ELIGIBILITY.—A former civilian prisoner of war  
8 is entitled to receive necessary medical care and disability  
9 benefits for any injury or disability resulting from the pe-  
10 riod of internment or hiding. Any presumptive medical

1 and dental condition related to a period of internment pro-  
2 vided for former military prisoners of war under section  
3 1112(b) of title 38, United States Code, shall be extended  
4 to former civilian prisoners of war and shall be considered  
5 to have been incurred in or aggravated by such period of  
6 internment or hiding without regard to the absence of any  
7 record of such injury.

8 (b) PAYMENT OF BENEFITS.—Prompt monetary pay-  
9 ment or reimbursement shall be facilitated for reasonable  
10 and necessary expenditures for all medical treatment, in-  
11 cluding rehabilitation, mental health services, and dental  
12 care, provided for under this section for which a claim and  
13 any documentation determined necessary by the Secretary  
14 of Labor has been filed with the Secretary of Labor.

15 (c) WAIVER OF LIMITATIONS.—There shall be no lim-  
16 itation on the total medical or disability benefits which a  
17 person may receive for any injury or disability resulting  
18 from the period of internment or hiding.

19 (d) RATE OF COMPENSATION.—Compensation for  
20 disability shall be equal to the weekly equivalent of the  
21 minimum monthly rate of compensation payable for a total  
22 disability covered by chapter 81 of title 5, United States  
23 Code, as computed under section 8112(a) of such title.

24 (e) CREDITING BENEFITS UNDER THE SOCIAL SE-  
25 CURITY ACT.—The benefits provided by this section to any

1 individual shall be reduced to the extent such benefits are  
2 provided under title XVIII of the Social Security Act, or  
3 any private insurance, for the same medical condition or  
4 disability.

5 **SEC. 3. ADVISORY COMMITTEE.**

6 (a) ESTABLISHMENT.—The Secretary of Labor shall  
7 establish an advisory committee to be known as the  
8 Former Civilian Prisoner of War Committee (hereafter in  
9 this section referred to as the “advisory committee”). The  
10 members of the advisory committee shall be appointed by  
11 the Secretary of Labor from the general public and shall  
12 include appropriate representatives of former civilian pris-  
13 oners of war and individuals who are recognized authori-  
14 ties in fields pertinent to the injuries and disabilities prev-  
15 alent among former civilian prisoners of war.

16 (b) AUTHORITY OF THE SECRETARY OF LABOR.—  
17 The Secretary of Labor shall determine the number, terms  
18 of service, and pay and allowances of members of the advi-  
19 sory committee. The Secretary of Labor shall consult with  
20 and seek the advice of the advisory committee with respect  
21 to the administration of benefits under this Act.

22 (c) REPORT.—Not later than January 1, 1996, the  
23 Secretary of Labor shall submit to Congress a report on  
24 the programs and activities of the Department of Labor

1 that pertain to those former civilian prisoners of war. The  
2 Secretary of Labor shall include in the report—

3 (A) an assessment of the needs of such civilian  
4 prisoners of war with respect to health and disability  
5 benefits;

6 (B) a review of the programs and activities of  
7 the Office of Workers' Compensation Program de-  
8 signed to meet such needs; and

9 (C) such recommendations as the advisory com-  
10 mittee considers to be appropriate.

11 (d) INFORMATION ON BENEFITS.—Not later than 90  
12 days after the date of enactment of this Act, and at appro-  
13 priate times thereafter, the Secretary of Labor shall seek  
14 out former civilian prisoners of war and provide them with  
15 information regarding applicable changes in law, regula-  
16 tions, and services to which such citizens are entitled by  
17 virtue of this Act.

18 **SEC. 4. REGULATIONS.**

19 The Secretary of Labor shall prescribe regulations as  
20 may be necessary to ensure that benefits provided to  
21 former civilian prisoners of war under this Act are coordi-  
22 nated with and do not duplicate any benefits provided such  
23 persons under the War Claims Act.

24 **SEC. 5. DEFINITIONS.**

25 For purposes of this Act—

1           (1) the term “former civilian prisoner of war”  
2 means a person determined by the Department of  
3 Labor, in consultation with the Department of State  
4 and the Department of Defense, as being someone  
5 who, being then a citizen of the United States was  
6 forcibly interned by an enemy government or its  
7 agents, or a hostile force, or who went into hiding  
8 in order to avoid capture by such government, its  
9 agents, or hostile force, during a period of war, or  
10 other period for at least 30 days, including those in-  
11 terned or who went into hiding during the Asian-Pa-  
12 cific Theater or in the European Theater of World  
13 War II during the period beginning September 1,  
14 1939, and ending December 31, 1946, in Korea dur-  
15 ing the period beginning June 25, 1950, and ending  
16 July 1, 1955, or in Vietnam during the period begin-  
17 ning February 28, 1961, and ending on the date  
18 designated by the President by Executive order as  
19 the date of termination of the Vietnam conflict, ex-  
20 cept—

21                   (A) a person who at any time voluntarily  
22 gave aid to, collaborated with, or in any manner  
23 served such government, or

24                   (B) a person who at the time of his cap-  
25 ture or entrance into hiding was—

1 (i) a person within the purview of the  
2 Act entitled “An Act to provide compensa-  
3 tion for employees of the United States  
4 suffering injuries while in the performance  
5 of their duties, and for other purposes”,  
6 approved September 7, 1916, as amended,  
7 and as extended;

8 (ii) a person within the purview of the  
9 Act entitled “An Act to provide benefits  
10 for the injury, disability, death, or enemy  
11 detention of employees of contractors with  
12 the United States, and for other pur-  
13 poses”, approved December 2, 1942, as  
14 amended; or

15 (iii) a regularly appointed, enrolled,  
16 enlisted, or inducted member of any mili-  
17 tary or naval force; and

18 (2) the term “hostile force” means any nation,  
19 or any national thereof, or any other person serving  
20 a foreign nation—

21 (A) engaged in war against the United  
22 States or any of its allies; or

23 (B) engaged in armed conflict, whether or  
24 not war has been declared, against the United  
25 States or any of its allies.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this Act, such sums as may be necessary for each of the  
4 fiscal years 1995 through 2000.

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