

103^D CONGRESS
2^D SESSION

S. 2330

To amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 20), 1994

Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, Mr. THURMOND, Mr. SIMPSON, Mr. SPECTER, and Mr. JEFFORDS) 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 that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLARIFICATION OF RELATIONSHIP BETWEEN**
2 **UNDIAGNOSED ILLNESS AND DISEASE FOR**
3 **PURPOSES OF ENTITLEMENT TO DISABILITY**
4 **COMPENSATION.**

5 (a) WARTIME DISABILITY COMPENSATION.—Section
6 1110 of title 38, United States Code, is amended—

7 (1) by inserting “(a)” before “For disability”;

8 and

9 (2) by adding at the end the following:

10 “(b) For the purposes of this section, the term ‘dis-
11 ease’, in the case of an individual, means any deviation
12 from or interruption of the normal structure or function
13 of any part, organ, or system of the body of the individual
14 that is manifested by a symptom or sign (or symptoms
15 or signs) the etiology, pathology, and prognosis for which
16 is known or unknown.”.

17 (b) PEACETIME DISABILITY COMPENSATION.—Sec-
18 tion 1131 of such title is amended—

19 (1) by inserting “(a)” before “For disability”;

20 and

21 (2) by adding at the end the following:

22 “(b) For the purposes of this section, the term ‘dis-
23 ease’, in the case of an individual, means any deviation
24 from or interruption of the normal structure or function
25 of any part, organ, or system of the body of the individual
26 that is manifested by a symptom or sign (or symptoms

1 or signs) the etiology, pathology, and prognosis for which
2 is known or unknown.”.

3 (c) CONSIDERATION OF CIRCUMSTANCES OF SERV-
4 ICE.—Subsection (a) of section 1154 of such title is
5 amended to read as follows:

6 “(a) The Secretary shall include in the regulations
7 pertaining to service-connection of disabilities the follow-
8 ing provisions:

9 “(1) Additional provisions requiring that due
10 consideration be given in each case where a veteran
11 is seeking service-connection for a disability and
12 where such consideration might materially assist the
13 veteran in establishing such service-connection to—

14 “(A) the places, types, and circumstances
15 of such veteran’s service as shown by such vet-
16 eran’s service record, the official history of each
17 organization in which the veteran served, such
18 veteran’s medical records, and all pertinent
19 medical and lay evidence; and

20 “(B) the common or shared experiences,
21 medical symptoms or signs, or both, of other
22 veterans (including groups of veterans) who—

23 “(i) were engaged in service similar to
24 the service of such veteran; and

1 “(ii) exhibit, or have exhibited since
2 such service, medical symptoms or signs
3 similar to the medical symptoms or signs
4 of such veteran.

5 “(2) The provisions required by section 5 of the
6 Veterans’ Dioxin and Radiation Exposure Com-
7 pensation Standards Act (38 U.S.C. 1154 note).”.

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