

SPECIAL COMPENSATION RATE FOR HOUSEBOUND SERVICE-CONNECTED DISABLED VETERANS

JUNE 27, 1960.—Ordered to be printed

Mr. BYRD of Virginia, from the Committee on Finance, submitted the following

R E P O R T

[To accompany H.R. 7211]

The Committee on Finance, to whom was referred the bill (H.R. 7211) to provide additional disability compensation for certain seriously disabled veterans, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

This bill establishes a new statutory rate of disability compensation for certain service-connected disabled veterans. It would provide a new rate of \$265 monthly for any service-connected disabled veteran who is rated as totally disabled and (1) has additional service-connected disability or disabilities which are ratable at 60 percent or more, or (2) by reason of the service-connected disability or disabilities is permanently housebound.

The current total disability rating is \$225 monthly. For the most seriously disabled the maximum rate is \$450 with \$150 additional if the individual is not being hospitalized at Government expense; thus the top rating today is \$600 monthly. This new rate of \$265 is an intermediate rate and applies to a veteran who is totally disabled and whose activities are so restricted as to make him permanently housebound. This does not mean that he is permanently bedridden or so helpless as to be in need of regular aid and attendance of another person. The terms of the legislation would be met if the veteran is substantially confined to his house or the ward and clinical areas, if he is in a hospital, and is reasonably certain to so remain during the balance of his lifetime.

The Veterans' Administration estimates that this bill would cost approximately \$7,200,000 for each of the first 5 years following its enactment.

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The bill is favored by the Veterans' Administration and has been described by that agency as both a "reasonable and equitable approach to providing relief" for this group of veterans.

The report of the Veterans' Administration follows:

JUNE 23, 1960.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.*

DEAR SENATOR BYRD: The following report on H.R. 7211, 86th Congress, is submitted as requested.

The purpose of the bill is to establish a new statutory rate of disability compensation for certain service-connected seriously disabled veterans. A monthly rate of \$265 would be authorized for a veteran who has a service-connected disability rated as total and (1) has additional service-connected disability or disabilities independently ratable at 60 percent or more, or (2) by reason of his service-connected disability or disabilities is "permanently housebound."

Currently, a wartime totally disabled veteran is entitled to basic compensation of \$225 monthly. If he is suffering from a double loss of limbs or eyes, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, a rate of \$309 monthly is authorized. There is no intermediate rate, however, for the veteran who is totally disabled (from other than the mentioned specific losses) and whose activities are greatly restricted, but who is not permanently bedridden or so helpless as to be in need of regular aid and attendance. The bill would provide such an intermediate rate—\$265 monthly—for those who meet the stated criteria.

Under the bill, the condition of "permanently housebound" would be considered to have been met—

when the veteran is substantially confined to his house (ward or clinical areas, if institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout his lifetime.

It is estimated that the cost of H.R. 7211 would be approximately \$7,200,000 for each of the first 5 years following its enactment.

As the committee is aware, the rating in degree of a given disability is based (pursuant to 38 U.S.C. 355) as far as practicable upon the average impairment of earning capacity resulting from such disability in civil occupations and a veteran is not penalized for partially overcoming his individual handicaps. Accordingly, many veterans rated as totally disabled are able to supplement their disability benefits through income from work. Others, however, having the same total rating are by the nature of their particular condition so "permanently housebound" that they are unable to earn any outside income and yet they are not able to qualify for one of the higher statutory awards. H.R. 7211 is a reasonable and equitable approach to providing relief for the latter group and the Veterans' Administration favors its enactment.

Advice was received from the Bureau of the Budget that there was no objection to the submission of a similar report on this bill to the Committee on Veterans' Affairs, House of Representatives.

Sincerely,

SUMNER G. WHITTIER, *Administrator.*

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CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman):

SECTION 314, TITLE 38, UNITED STATES CODE

§ 314. Rates of wartime disability compensation

For the purposes of section 310 of this title—

(a) if and while the disability is rated 10 per centum the monthly compensation shall be \$19;

(b) if and while the disability is rated 20 per centum the monthly compensation shall be \$36;

(c) if and while the disability is rated 30 per centum the monthly compensation shall be \$55;

(d) if and while the disability is rated 40 per centum the monthly compensation shall be \$73;

(e) if and while the disability is rated 50 per centum the monthly compensation shall be \$100;

(f) if and while the disability is rated 60 per centum the monthly compensation shall be \$120;

(g) if and while the disability is rated 70 per centum the monthly compensation shall be \$140;

(h) if and while the disability is rated 80 per centum the monthly compensation shall be \$160;

(i) if and while the disability is rated 90 per centum the monthly compensation shall be \$179;

(j) if and while the disability is rated as total the monthly compensation shall be \$225;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, the rate of compensation therefor shall be \$47 per month independent of any other compensation provided in subsections (a) through (j) of this section; and in the event of anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by \$47 per month for each such loss or loss of use, but in no event to exceed \$450 per month;

(l) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$309;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or

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knee action with prosthesis in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$359;

(n) if the veteran, as the result of service-connected disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly compensation shall be \$401;

(o) if the veteran, as the result of service-connected disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more subsections (l) through (n) of this section, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with $\frac{5}{200}$ visual acuity or less, the monthly compensation shall be \$450;

(p) in the event the veteran's service-connected disabilities exceed the requirements for any of the rates prescribed in this section, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of \$450; and -

(q) if the veteran is shown to have had a service-connected disability resulting from an active tuberculous disease, which disease in the judgment of the Administrator has reached a condition of complete arrest, the monthly compensation shall be not less than \$67.

(r) If any veteran, otherwise entitled to the compensation authorized under subsection (o), or the maximum rate authorized under subsection (p), is in need of regular aid and attendance, he shall be paid, in addition to such compensation, a monthly aid and attendance allowance at the rate of \$150 per month for all periods during which he is not hospitalized at Government expense. For the purposes of section 334 of this title, such allowance shall be considered as additional compensation payable for disability.

(s) If the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 per centum or more, or, (2) by reason of his service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be \$265. For the purpose of this subsection, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to his house (ward or clinical areas, if institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout his lifetime.

