

## STATUTORY AWARD FOR LOSS OF BUTTOCKS

JULY 25 (legislative day, JULY 16), 1956.—Ordered to be printed

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

### REPORT

[To accompany H. R. 2845]

The Committee on Finance, to whom was referred the bill (H. R. 2845) to amend veterans' regulations to provide additional compensation for veterans having the service-incurred disability of loss or loss of use of both buttocks, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

By virtue of this act, the Committee on Finance accepts the report of the Committee on Veterans' Affairs.

#### EXPLANATION OF THE BILL

The purpose of this bill is to authorize a special monthly allowance (statutory award) of \$47 for the loss or loss of the use of both buttocks.

Recognition of certain specific disabilities in the form of special statutory awards is well established in veterans' laws. One of such awards applies presently to the loss or loss of use of a creative organ, a foot, a hand, or blindness in one eye. This \$47 monthly rate is in addition to any other compensation to which the veteran may be entitled. In view of the severity of the type of disability contemplated by this bill and the unusualness of its occurrence, the committee feels fully warranted in providing this special rate and believes that it should be enacted into law.

There are not statistics available on which to show the number of veterans who might qualify for the additional compensation sought to be provided by this bill. It is believed to be comparatively small, however.

The report of the Veterans' Administration follows:

# 1885. STATUTORY AWARD FOR LOSS OF BUTTOCKS

VETERANS' ADMINISTRATION  
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS  
Washington, D. C., February 25, 1955.

HON. OLIN E. TEAGUE,  
Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington 25, D. C.

DEAR MR. TEAGUE: Reference is made to your request for a report by the Veterans' Administration on H. R. 2845, 84th Congress, a bill to amend the Veterans Regulations to provide additional compensation for veterans having the service-incurred disability of loss or loss of use of both buttocks.

The purpose of the bill is to amend the present law governing the payment of added compensation for certain specific disabilities (subpar. (k) of par. II, pt. I, Veterans Regulation No. 1 (a), as amended) to authorize a special monthly allowance of \$47 for the loss or loss of use of both buttocks. In the event of enactment, the bill would be effective the first day of the second month following the date of enactment.

H. R. 2845 is identical with H. R. 7851, 83d Congress, on which the Veterans' Administration submitted a report to your committee under date of March 29, 1954.

Subparagraph (k), paragraph II, part I, Veterans Regulation No. 1 (a), as amended, provides as follows:

"(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of a creative organ, or one foot, or one hand, 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 part I, paragraph II, subparagraphs (a) to (j); and in the event of anatomical loss or loss of use of a creative organ, or one foot, or one hand, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subparagraphs (l) to (n), inclusive, of part I, paragraph II, 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 \$420 per month."

The above rates and all other rates of disability compensation authorized under Public, No. 2, 73d Congress, and the Veterans Regulations, are applicable to veterans of the Spanish-American War group, World War I, World War II, and veterans of service on or after June 27, 1950, and prior to February 1, 1955. Such rates are also payable if the specific disabilities were incurred in line of duty as the direct result of armed conflict or while engaged in extrahazardous service, including service under conditions simulating war. The rates of compensation for disability incurred in service other than in a period of war or on or after June 27, 1950, and prior to February 1, 1955, are 80 percent of the wartime rates.

H. R. 2845 would not authorize the additional allowance of \$47 for loss or loss of use of both buttocks in the case of World War I veterans who receive compensation under the provisions of the World War Veterans' Act, 1924, as restored with limitations by Public, No. 141; 73d Congress, March 28, 1934, and as amended.

It should be observed that if the disability resulting from the loss or loss of use of both buttocks were of sufficient severity as to preclude the use of one leg, it would qualify for the additional statutory award

of \$47 under the present law. Further, if the severity of the condition is such as to preclude the use of both legs or renders the person "permanently bedridden or so helpless as to be in need of regular aid and attendance," the disability would qualify for the statutory award of \$279 under subparagraph (1), paragraph II, part I of the mentioned statutory regulations.

The basic rates of compensation for service-connected disability under the act of March 20, 1933, and the Veterans Regulations issued pursuant thereto, are based generally on the theory that the amount of compensation payable should be proportionate to the degree of disability resulting from injury or disease. In making exceptions to this principle the Congress for many years restricted its special consideration in the form of additional allowances to cases of loss or loss of use of one or more of the extremities, blindness, and for helplessness or a bedridden condition requiring aid and attendance. The loss or loss of use of a creative organ was placed in this category in 1924 for World War I veterans and included in the law applicable to veterans of World War II and the Korean conflict by Public Law 427, 82d Congress, June 30, 1952.

The authorizing of special rates of compensation in excess of those prescribed according to the degree of disability involves a policy which is primarily for determination by the Congress. But it must be recognized that in the absence of a medical or other sound basis for such special awards they create inequities and are difficult to justify. Singling out the loss or loss of use of both buttocks for a special allowance, as proposed by the bill, would be discriminatory and no doubt lead to requests for special consideration and additional allowances in cases of numerous serious disabilities in other categories, many of which may have equal, if not greater, merit.

It is believed that the basic principle that the amount of compensation payable should be proportionate to the degree of disability is sound and that legislative proposals to make additional exceptions, if favorably acted upon, may contribute to adverse criticism and possible impairment of the compensation program.

Statistics are not available to show the number of veterans who might qualify for the additional compensation as provided in the bill since it is not possible to identify those on the rolls whose disability meets the condition specified. Therefore, no estimate of cost is submitted, but it is believed the cost would be negligible.

Advice has been received from the Bureau of the Budget that there is no objection to the presentation of this unfavorable report on H. R. 2845 to the committee.

Sincerely yours,

H. V. HIGLEY, *Administrator.*

#### CHANGED 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 (new matter is printed in italics; existing law in which no change is proposed is shown in roman):

SUBPARAGRAPH (k) OF PARAGRAPH II, PART I, VETERANS  
REGULATION NUMBERED 1 (a)

(k) If the disabled person, as the result of service-incurred 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 part I, paragraph II, subparagraphs (a) to (j); 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 subparagraphs (l) to (n), inclusive, of part I, paragraph II, 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 \$400 per month.

