

# Calendar No. 2215

85TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 2166

AMENDING THE VETERANS' PREFERENCE ACT OF 1957 TO PROVIDE THAT AN ADDITIONAL AID AND ATTENDANCE ALLOWANCE OF \$100 PER MONTH SHALL BE PAID TO CERTAIN SEVERE SERVICE-CONNECTED DISABLED VETERANS DURING PERIODS IN WHICH THEY ARE NOT HOSPITALIZED AT GOVERNMENT EXPENSE

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AUGUST 4, 1958.—Ordered to be printed

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

## REPORT

[To accompany H. R. 3630]

The Committee on Finance, to whom was referred the bill (H. R. 3630) to amend the Veterans' Benefits Act of 1957 to provide that an aid and attendance allowance of \$200 per month shall be paid to certain paraplegic veterans during periods in which they are not hospitalized at Government expense, having considered the same, report favorably thereon with amendments, and recommend that the bill, as amended, do pass.

The amendments are as follows:

Amend the title of the bill to read:

An Act to amend the Veterans' Benefits Act of 1957 to provide that an additional aid and attendance allowance of \$100 per month shall be paid to certain severe service-connected disabled veterans during periods in which they are not hospitalized at Government expense.

On page 1, strike out the language in lines 6 to 9, and on page 2 strike out the language in lines 1 to 6, inclusive, and insert the following:

(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 \$100 for all periods during which he is not hospitalized at Government expense. For the purposes of section 335, such allowance shall be considered as additional compensation payable for disability.

## GENERAL STATEMENT

The bill as passed by the House of Representatives would provide that if a disabled person, as the result of service-incurred disability, has suffered the anatomical loss or permanent loss of use of both hands and one or both of his feet, or of both feet and one or both of his hands, and is in need of regular aid and attendance, he shall be paid, in addition to any other compensation authorized, a monthly aid and attendance allowance at the rate of \$200 except for such time as he may be hospitalized at Government expense.

The allowance proposed in the House-passed bill would be paid to all persons whose disabilities involve permanent loss of use of 3 or 4 extremities, as well as those involving actual loss. The bill would therefore provide the additional allowance for a number of other groups of disabilities in addition to triple or quadruple amputations. Such other disabilities include spinal-cord injuries, anterior poliomyelitis, brain tumors, multiple sclerosis, other chronic neurological diseases, multiple arthritis, orthopedic conditions involving ankylosis, etc., and various combinations of disabilities.

The additional allowance, however, would be payable to these veterans only for periods during which the veteran is not hospitalized at Government expense. The veterans covered by this bill are entitled under existing law to continue to receive their compensation whether or not they are hospitalized, the only general exception being in the case of single veterans who have a portion of their compensation withheld at the expiration of 6 months' hospitalization. This amount is later given to them upon discharge from the hospital. There is no such provision for these veterans who have dependents.

The Committee on Finance has liberalized the House bill to extend the proposed additional benefits to other similarly disabled veterans. The cost element involved in covering a greater group of deserving cases merits the reduction of the proposed monthly allowance from \$200 to \$100. The bill as reported by the Committee on Finance proposes the payment of this additional benefit to any veteran who as a result of a service-connected disability has suffered total deafness in combination with total blindness or who by such disability is entitled to two or more of the rates provided in the following statutory award categories (l) through (n):

(l) if the veteran, as the result of service-incurred 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, \* \* \*;

(m) if the veteran, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid \* \* \*;

(n) if the veteran, as the result of service-incurred 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 report of the Veterans' Administration is as follows:

VETERANS' ADMINISTRATION,  
July 17, 1958.

HON. HARRY F. BYRD,  
*Chairman, Committee on Finance,*  
*United States Senate, Washington, D. C.*

DEAR SENATOR BYRD: This report is submitted, at your request, on H. R. 3630, 85th Congress, an act to amend the Veterans' Benefits Act of 1957 to provide that an aid and attendance allowance of \$200 per month shall be paid to certain paraplegic veterans during periods in which they are not hospitalized at Government expense.

The bill provides that if a disabled person, as the result of service-incurred disability, has suffered the anatomical loss or permanent loss of use of both hands and 1 or both of his feet, or of both feet and 1 or both of his hands, and is in need of regular aid and attendance, he shall be paid, in addition to any other compensation authorized, a monthly aid and attendance allowance at the rate of \$200 except for such time as he may be hospitalized at Government expense.

The proposed allowance would be paid to all persons whose disabilities involve permanent loss of use of 3 or 4 extremities, as well as those involving actual loss. The bill would therefore provide the additional allowance for a number of other groups of disabilities in addition to triple or quadruple amputations. Such other disabilities include spinal-cord injuries, anterior poliomyelitis, brain tumors, multiple sclerosis, other chronic neurological diseases, multiple arthritis, orthopedic conditions involving ankylosis, etc., and various combinations of disabilities. It must also be recognized that certain veterans who do not presently have service-connected loss or loss of use of 3 or 4 extremities will sooner or later manifest such loss or loss of use in the usual course of progress of their respective disabilities.

Service-connected disabilities are rated under a schedule which is designed to reflect the average impairment in earning capacity brought about by such disabilities. Disabilities rated as 100 percent, or totally disabling, warrant the payment of compensation in the amount of \$225 monthly (in wartime cases). However, by specific statutory provisions the Congress has authorized substantially higher amounts of monthly compensation for disabilities, such as contemplated by the bill, involving the loss or loss of use of two or more of the extremities, blindness, and other conditions which render a person so helpless as to be in need of regular aid and attendance. These higher rates range from \$309 to \$450 per month, according to the severity of the condition. The need for regular aid and attendance has been taken into consideration by the Congress in establishing, and from time to time increasing, the mentioned special rates which are substantially higher than the basic rate for total disability. Such rates were last increased by the first session of the Congress under Public Law 85-168. The \$200 additional allowance proposed by the bill, also for the purpose of providing regular aid and attendance, would, during the period a veteran was not hospitalized by the Government, result in a pyramiding of benefits for the same losses.

In view of the indeterminate factors involved, the Veterans' Administration is unable to submit an estimate of the cost of the bill, if enacted.

As indicated above, the Congress has provided liberal rates of monthly compensation substantially higher than the basic rate for total disability in consideration of certain severe types of disabilities which by their nature may require regular aid and attendance. The additional allowance proposed by the bill, which is based on the same factor of need for aid and attendance, does not appear to be justified. Accordingly, the Veterans' Administration is unable to recommend favorable consideration of H. R. 3630 by your committee.

The Veterans' Administration has been advised by 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, and that the Bureau strongly recommends against enactment of the proposed legislation.

Sincerely yours,

SUMNER G. WHITTIER, *Administrator.*

#### 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, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### SECTION 315 OF THE VETERANS' BENEFITS ACT OF 1957 (38 U. S. C. 2315)

##### RATES OF WARTIME DISABILITY COMPENSATION

SEC. 315. For the purposes of section 310—

(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-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 compensa-

tion 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-incurred 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-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, 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-incurred 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-incurred 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  $5/200$  visual acuity or less, the monthly compensation shall be \$450;

(p) in the event the veteran's service-incurred 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-incurred 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 \$100 for all periods during which he is not hospitalized at Government expense. For the purposes of section 335, such allowance shall be considered as additional compensation payable for disability.*