

PRESUMPTION OF SERVICE CONNECTION IN CASE OF  
HANSEN'S DISEASE

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

REPORT

[To accompany H.R. 271]

The Committee on Finance, to whom was referred the bill H.R. 271, to amend title 38 of the United States Code to provide a further period for presuming service connection in the case of veterans suffering from Hansen's disease (leprosy), having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

EXPLANATION OF THE BILL

The purpose of this legislation is to extend from 1 to 3 years the time during which a veteran suffering from Hansen's disease, commonly known as leprosy, shall be presumed to have incurred the disease in active service.

Although the presumptive period of 1 year is not restrictive in the case of Hansen's disease by reason of the incubation period provisions, the 3-year presumption will give the veteran priority in admission to a Veterans' Administration hospital ahead of a veteran who suffers this disease after the presumptive period.

Excerpt from report of the U.S. Public Health Service:

The presumptive period in leprosy might be extended to 5 years or longer in order to give individuals who had been stationed in areas of the world where the disease is known to exist a reasonable period in which the disease process may manifest itself clinically or be amenable to clinical diagnostic procedures.

Excerpt from report of Veterans' Administration:

The Veterans' Administration does not have sufficient data upon which to base an accurate estimate of the cost of the bill if enacted. However, in view of the fact that direct

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service connection is usually granted in leprosy cases, independent of the statutory presumptive period, where the evidence discloses that the veteran's military service was in an area where the disease is endemic, it is believed that the cost would be relatively small. From a medical viewpoint, present provisions of the law and regulations on this subject are considered quite liberal and ample provision is made for those diseases, including leprosy, that have a long incubation period. Accordingly, the Veterans' Administration does not recommend favorable consideration of H.R. 271 by the committee.

The records of the Veterans' Administration show that as of September 20, 1958, there were only 165 leprosy cases (service connected and nonservice connected) for all wars and the regular establishment, as follows:

War	Service connected	Nonservice connected	Total
World War II.....	79	20	99
World War I.....	6	28	34
Korean.....	10	4	14
Regular establishment.....	18		18
Total (none for other wars).....	113	52	165

The minimum incubation period of Hansen's disease has not been definitely established. It is known to vary from several months to several years. In view of this, the Committee on Finance feels justified in increasing the period for presumption of service connection therefor to 3 years, which will correspond with the existing law provision relating to service-connected tuberculosis and the 3-year presumption for service-connected multiple sclerosis proposed in the bill H.R. 267, simultaneously approved by the committee and reported favorably to the Senate.

### 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 312, TITLE 38, UNITED STATES CODE

##### § 312. Presumptions relating to certain diseases

For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during a period of war—

(1) a chronic disease becoming manifest to a degree of 10 per centum or more within one year from the date of separation from such service;

(2) a tropical disease, and the resultant disorders or disease originating because of therapy, administered in connection with

such diseases, or as a preventative thereof, becoming manifest to a degree of 10 per centum or more within one year from the date of separation from such service, or at a time when standard or accepted treatises indicate that the incubation period thereof commenced during such service;

(3) active tuberculous disease developing a 10 per centum degree of disability or more within three years from the date of separation from such service;

(4) multiple sclerosis developing a 10 per centum degree of disability or more within two years from the date of separation from such service;

(5) *Hansen's disease developing a 10 per centum degree of disability or more within three years from the date of separation from such service;*

shall be considered to have been incurred in or aggravated by such service, notwithstanding there is no record of evidence of such disease during the period of service.

