

PRESUMPTION OF SERVICE CONNECTION OF MULTIPLE SCLEROSIS

August 11, 1959.—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. 267]

The Committee on Finance to whom was referred the bill (H.R. 267) to amend title 38 of the United States Code to provide that multiple sclerosis developing a 10 percent or more degree of disability within 3 years after separation from active service shall be presumed to be service connected, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL STATEMENT

This bill increases the presumptive period for service connection of multiple sclerosis developing to a 10 percent or more degree, from the present 2 years to 3 years.

Multiple sclerosis, according to testimony obtained by the House Veterans' Affairs Committee, is still very difficult to diagnose in its early stages. This is due primarily to the fact that specialists in the medical profession, mainly neurologists, are the only individuals likely to detect the early symptoms of the disease. The average individual would not be inclined to consult a neurologist for the original symptoms.

In view of this, the Committee on Finance feels justified in increasing the period of presumption for 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 leprosy (Hansen's disease) proposed in the bill, H.R. 271, simultaneously approved by the committee and reported favorably to the Senate.

The Veterans' Administration report, in part, is as follows:

It is not possible to furnish an estimate of the cost of the bill, if enacted, in view of the unknown factors involved.

2 PRESUMPTION OF SERVICE CONNECTION OF MULTIPLE SCLEROSIS

The Veterans' Administration has been engaged for some time with the National Research Council and the National Institutes of Health in a research project on the natural history of multiple sclerosis. However, no data have as yet been obtained which would form a sound medical basis for extending the existing statutory presumptive period for this disease. Accordingly, the Veterans' Administration does not recommend favorable consideration of H.R. 267 by your committee.

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 italics; existing law in which no change is proposed is shown in roman):

SECTION 312(4), TITLE 38, UNITED STATES CODE

SEC. 312. PRESUMPTIONS RELATING TO CERTAIN DISEASES.—For the purposes of section 310, and subject to the provisions of section 313, 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] *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.

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