

## APHONIA

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APRIL 25, 1963.—Ordered to be printed

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

### REPORT

[To accompany H.R. 214]

The Committee on Finance, to whom was referred the bill (H.R. 214) to amend title 38 of the United States Code to provide additional compensation for veterans suffering the loss or loss of use of both vocal cords, with resulting complete aphonia, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

#### PURPOSE

H.R. 214, authorizing the payment of additional compensation of \$47 per month to a veteran who has a service-incurred disability of complete organic aphonia (loss of speech).

#### EXPLANATION OF THE BILL

The current Schedule for Rating Disabilities provides that complete organic aphonia (loss of speech) with constant inability to communicate by speech will be rated as totally disabling with compensation payable in the total amount of \$250 a month. This bill provides that the statutory award rate (\$47) now applicable for other appropriate disabilities for a specific loss shall be added to the total rate. This \$47 a month allowance would mean that the veteran would receive \$297 monthly if this bill is enacted into law.

The Veterans' Administration indicates that there are only 20 known cases involving complete organic aphonia meeting the criteria of this bill, which means that the annual cost would be \$11,280.

The full text of the report from the Veterans' Administration follows:

APRIL 12, 1963.

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

DEAR MR. CHAIRMAN: The following comments are furnished, as requested, on H.R. 199 and H.R. 214, 88th Congress.

H.R. 199 proposes to add "deafness of both ears, having absence of air and bone conduction" to the other types of service-connected disabilities specified in the section quoted below, for which an additional award of disability compensation in the amount of \$47 monthly is provided. H.R. 214, similarly, would add "complete organic aphonia with constant inability to communicate by speech" to the quoted section and thus authorize an additional \$47 monthly award for that disability.

Section 314(k) of title 38, United States Code, provides as follows:

"(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 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 \$525 per month."

Under the current Schedule for Rating Disabilities, total deafness is ratable as 80 percent disabling, for which compensation is payable in wartime cases at \$170 monthly. If a person is unemployable because of such disability, a rating of 100 percent is authorized and compensation is payable at \$250 monthly. No special award is authorized for deafness, except where total deafness is found in combination with total blindness (as provided in sec. 314(o) of title 38, United States Code), in which case the monthly wartime rate of compensation is \$525. The current schedule provides that complete organic aphonia with constant inability to communicate by speech will be rated as 100 percent disabling, with wartime cases thus compensated at \$250 monthly. With respect to both disabilities, comparable peacetime cases are compensated at 80 percent of the wartime rates.

The basic rates of compensation for service-connected disability 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. The degree of disability represents the average impairment in earning capacity resulting from such disability in civil occupations. The instrument used in determining the degree of a given veteran's loss of earning capacity is the Schedule for Rating Disabilities.

Over the years the Veterans' Administration has made adjustments in the rating schedule on numerous occasions based on the cumulative experience of the agency in rating cases; in the light of social, economic, and medical progress; and on the recommendations of eminent medical

consultants. The schedule, however, has never been factually or scientifically validated. Toward that end, the Veterans' Administration, employing the facilities of the Bureau of the Census, has recently begun a pilot study designed to develop techniques for use in a contemplated full-scale study which will test whether the schedule accurately represents the degree of average economic impairment resulting from disability.

The Veterans' Administration, of course, recognizes that human life has values outside the economic sphere, and that an equitable, comprehensive, and well-balanced system of disability compensation should compensate veterans for such noneconomic factors as shortened longevity, loss of physical integrity, and social inadaptability, as well as the loss of earning capacity, the factor of primary importance. When the mentioned economic validation study has been completed and we are thus assured a sound basic schedule to compensate for the average economic loss, the Veterans' Administration plans to undertake an extensive study looking toward the development, for submission to the Congress, of a program to establish supplemental awards which will make equitable provision for noneconomic factors such as those mentioned above. The losses named in H.R. 199 and H.R. 214 (deafness of both ears and complete organic aphonia), all of the losses presently mentioned in 38 U.S.C. 314(k), and other similar losses, would all be encompassed within the "loss of physical integrity" phase of such study. However, the completion of this study and the preliminary economic validation study will require a period of several years.

It is estimated that enactment of H.R. 199 would provide increases for approximately 1,200 cases at a minimum additional cost of \$666,000 the first fiscal year. The additional cost would increase slightly each year for the succeeding 4 years. This estimate is based on the number of veterans shown to have as their major disability maximum impairment of hearing acuity, as classified under the modified 1945 Schedule for Rating Disabilities. It is not known how many additional veterans currently entitled to other statutory awards under 38 U.S.C. 314(l) through (n) would be eligible for an additional allowance under the bill, but it is assumed that the number would be negligible. With respect to H.R. 214, there are currently on the compensation rolls some 20 cases involving complete organic aphonia with constant inability to communicate by speech. It is estimated that the cost of this bill, if enacted, would approximate \$11,000 the first year and remain at about this figure for each of the succeeding 4 years.

Advice was received from the Bureau of the Budget with respect to the submission of a similar report on these bills to the Committee on Veterans' Affairs, House of Representatives, that since these bills involve payment of additional compensation for noneconomic factors, their enactment would be inconsistent with the administration's objectives, pending the completion of the comprehensive review of the appropriateness of noneconomic factors in the veterans disability compensation program.

Sincerely,

J. S. GLEASON, JR., *Administrator.*