

## INCREASE IN VETERANS' DISABILITY COMPENSATION

APRIL 23, 1970.—Ordered to be printed

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

### REPORT

[To accompany S. 3348]

The Committee on Finance, to which was referred the bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

#### SUMMARY OF THE BILL

As reported by the committee, the bill would provide—

(1) A \$50 monthly increase in compensation payments to totally disabled veterans whose disability is service connected (the monthly payment is now \$400, with higher payments to veterans with certain very severe disabilities);

(2) An 11-percent increase in compensation payments to other veterans with service-connected disabilities;

(3) An 11-percent increase in allowances to dependents of disabled veterans (under present law, an allowance is provided for the dependents of veterans whose disability is rated at 50 percent or higher); and

(4) A presumption that a disability suffered by a former prisoner of war of Japan, Korea, or Vietnam (or other countries, if the former prisoner of war suffered from dietary deficiencies, forced labor, or inhumane treatment) is service connected if the disability is related to malnutrition, or if the veteran became psychotic within 2 years of separation from military service.

#### GENERAL STATEMENT

By law, compensation is paid to veterans who suffer disabling conditions as a result of military service. As the name implies, the purpose of the payments is to compensate the veteran for the average

economic loss resulting from the disease or injury sustained during his military service. Thus compensation payments are based not on need, but on the degree of disability of the veteran. Under present law, monthly compensation rates for disabilities incurred in time of war range from \$23 for veterans with a 10-percent disabling condition to \$400 for totally disabled veterans, with higher rates provided for certain very serious disabilities. Veterans whose disabilities were incurred during peacetime receive compensation payments at 80 percent of the wartime rate.

In 1968, when legislation to improve the disability compensation program was last considered, the Veterans' Administration told the committee that they were then undertaking an extensive study to determine whether the compensation payments in the law actually reflect the average economic loss suffered by a veteran as a result of his disability. They stated that they intended also to look into the question of compensation for losses or impairments that cannot be expressed in economic terms. Unfortunately, no information is yet available from this study.

#### INCREASE IN COMPENSATION PAYMENTS TO TOTALLY DISABLED VETERANS

Although compensation payments are not based on need, an earlier study conducted by the Veterans' Administration showed that four-fifths of the totally disabled veterans have no earnings whatever, and that those who do work have only very small earnings.

In 1968, the Congress adopted the policy of setting the monthly rate of compensation to a totally disabled veteran at \$400, an amount equal to the average after-tax earnings of the 46 million production workers in the private sector.

The committee bill would follow this same policy in increasing the monthly benefit to \$450. The committee feels that it is appropriate to link compensation payments to the totally disabled to such a standard which represents the average economic loss suffered by a veteran.

#### INCREASE IN COMPENSATION PAYMENTS TO VETERANS WHOSE DISABILITY IS LESS THAN TOTAL

The committee will be interested in the results of the Veterans' Administration evaluation of the disability compensation. However, in light of cost and earnings increases since January 1969, when the payment levels in present law were set, the committee feels that the Nation's disabled veterans should not have to wait until the study is completed before compensation is adjusted to reflect these increases.

The committee bill accordingly provides about an 11-percent increase in compensation payments to veterans less than totally disabled. This percentage will reflect the increase which has taken place in average earnings since January 1969. The committee feels that this is appropriate in view of the fact that the veteran's disability has limited his earning capacity.

Compensation rates under present law, the committee bill, and the numbers of disabled veterans affected are shown in table 1.

TABLE 1.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3348

Disability	Present law	S. 3348	Number of veterans
(a) Rated at 10 percent.....	\$23	\$25	816, 226
(b) Rated at 20 percent.....	43	48	320, 096
(c) Rated at 30 percent.....	65	72	275, 964
(d) Rated at 40 percent.....	89	99	168, 245
(e) Rated at 50 percent.....	122	135	106, 220
(f) Rated at 60 percent.....	147	163	102, 920
(g) Rated at 70 percent.....	174	193	60, 666
(h) Rated at 80 percent.....	210	223	32, 042
(i) Rated at 90 percent.....	226	250	10, 640
(j) Rated at total.....	400	450	94, 825
Limit for veterans receiving payments under (a) to (j) above.....	500	550	-----
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance.....	500	550	7, 439
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance.....	550	600	5, 299
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes.....	625	675	1, 259
Limit for veterans receiving payments under (l) to (n) above.....	700	750	-----
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less).....	700	750	-----
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed.....	700	750	-----
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p).....	300	300	8, 035
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound.....	450	500	6, 870
Total number of cases affected.....			2, 016, 746

## INCREASE IN MONTHLY DEPENDENTS' ALLOWANCES

Under present law, allowances are provided to dependents of veterans who are rated 50 percent or more disabled. The committee bill would increase these by about 11 percent, as shown in table 2 below.

TABLE 2.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50-100 PERCENT DISABLED)

	Present law	S. 3348
Wife, no children.....	\$25	\$28
Wife and 1 child.....	43	48
Wife and 2 children.....	55	61
Wife and 3 children.....	68	75
Each additional child.....	13	14
No wife, 1 child.....	17	19
No wife, 2 children.....	30	33
No wife, 3 children.....	43	48
Each additional child.....	13	14
Mother or father, each.....	21	23

TABLE 3.—Dependents receiving allowances as of June 30, 1969

Wives.....	290, 555
Children.....	462, 397
Mothers.....	15, 402
Fathers.....	3, 746
Total.....	772, 100

## PRESUMPTION FOR FORMER PRISONERS OF WAR

Section 3 of the committee bill contains a special provision related to former prisoners of war. Because of the conditions of their captivity and the kinds of long-range harm that may have been caused, it is sometimes difficult for a former prisoner of war to establish, some time after the completion of his military service, that a disability or the aggravation of a previous disability is related to his military service.

In testimony before the committee, Mr. Olney B. Owen, Chief Benefits Director of the Veterans' Administration stated:

Our regulations also attempt to treat former prisoners of war liberally. Physical examinations are particularly thorough, searching for disabilities common to prisoners of war even when they are not complained of, and we assign great weight to imprisonment under unsanitary conditions and to food deprivation in connection with gastrointestinal diseases.

All of these considerations permit the Veterans' Administration to reach an equitable decision on the basis of the facts of each individual case, with any reasonable doubts being resolved in favor of the former prisoner of war.

The Veterans' Administration believes that special consideration should be given to former prisoners of war and strives to assure that they will receive compensation and other benefits in full measure under existing law.

The committee commends the Veterans' Administration for its policies and procedures under the law, but feels that there is justification for modifying the statute itself to establish a presumption of service connection in certain cases.

The provision of the committee bill concerns former prisoners of war who suffered from dietary deficiencies, forced labor, or inhumane treatment. The bill considers any veteran who was a prisoner of war of Japan during World War II, North Korea during the Korean conflict, or North Vietnam or the Vietcong during the Vietnam era, to have suffered from dietary deficiencies, forced labor, or inhumane treatment.

Under the bill, the following diseases would be presumed to be service connected if suffered by a former prisoner of war who meets the criteria discussed above:

- Avitaminosis
- Beriberi (including beriberi heart disease)
- Chronic dysentery
- Helminthous disease
- Malnutrition (including optic atrophy associated with malnutrition)
- Pellagra
- Any other nutritional deficiency

Under present law, a psychosis which became manifest within 1 year of a veteran's separation from military service is presumed to be service connected. The bill extends this period of presumption

of service connection from 1 to 2 years in the case of former prisoners of war who suffered from dietary deficiencies, forced labor, or inhumane treatment.

#### COST OF THE BILL

The Veterans' Administration estimates that the bill will cost an additional \$229 million in its first full year, as shown below:

[In millions]	<i>Additional 1st year cost</i>
1. \$50 increase for totally disabled veterans-----	\$72
2. 11 percent increase for veterans rated less than totally disabled-----	142
3. 11 percent increase in dependents' allowance-----	15
Total-----	229

The detail of the cost estimate on the compensation increase is shown on table 4.

TABLE 4.—COST OF COMPENSATION INCREASE IN S. 3348

Degree of disability or paragraph of sec. 314	Cases at wartime rates						Cases of peacetime rates						Total cases	Total additional annual 1st year cost
	Rate increase					Additional annual cost	Rate Increase					Additional annual cost		
	Cases	Present	Proposed	Monthly	Annual		Cases	Present	Proposed	Monthly	Annual			
Less than totally disabled:														
10 percent.....	741,847	\$23	\$25	\$2	\$24	\$17,804,328	74,379	\$18	\$20	\$2	\$24	\$1,785,096	816,226	\$19,589,424
20 percent.....	292,805	43	48	5	60	17,568,300	27,291	34	38	4	48	1,309,968	320,096	18,878,268
30 percent.....	251,619	65	72	7	84	21,139,996	24,345	52	58	6	72	1,752,840	275,964	22,888,836
40 percent.....	156,545	89	99	10	120	18,785,400	11,700	71	79	8	96	1,123,200	168,245	19,908,600
50 percent.....	98,520	122	135	13	156	15,369,120	7,700	98	108	10	120	924,000	106,220	16,293,120
60 percent.....	94,680	147	163	16	192	18,178,560	8,240	118	130	12	144	1,186,560	102,920	19,365,120
70 percent.....	55,636	174	193	19	228	12,685,008	5,030	139	154	15	180	905,400	60,666	13,590,408
80 percent.....	29,962	201	223	22	264	7,909,968	2,080	161	178	17	204	424,320	32,042	8,334,288
90 percent.....	10,040	226	250	24	288	2,891,520	600	181	200	19	228	136,800	10,640	3,028,320
Subtotal.....	1,731,654					132,328,200	161,365					9,548,384	1,893,019	141,876,384
Total disabled:														
100 percent.....	82,715	400	450	50	600	49,629,000	12,110	520	360	40	480	5,812,600	94,825	55,441,800
(L).....	6,662	500	550	50	600	3,997,200	777	400	440	40	480	372,960	7,439	4,370,160
(M).....	4,766	550	600	50	600	2,859,600	533	440	480	40	480	255,840	5,299	3,115,440
(N).....	1,149	625	675	50	600	689,400	110	500	540	40	480	52,800	1,259	742,200
(R).....	6,715	1,000	1,250	50	600	4,029,000	1,320	800	840	40	480	633,600	8,035	4,662,600
(S).....	6,070	450	500	50	600	3,642,000	800	360	400	40	480	384,000	6,870	4,026,000
Subtotal.....	108,077					64,846,200	15,650					7,511,800	123,727	72,358,200
Total.....	1,839,731					197,174,400	177,015					17,060,184	2,016,746	214,234,584

## EFFECTIVE DATE

The increase in compensation payments and dependents' allowances becomes effective January 1, 1971.

## VETERANS' ADMINISTRATION

The Veterans' Administration report on S. 3348 follows:

VETERANS ADMINISTRATION,  
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS,  
*Washington, D.C., March 17, 1970.*

HON. RUSSELL B. LONG,  
*Chairman, Committee on Finance,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further response to your request for a report by the Veterans Administration on S. 3348, 91st Congress.

The bill proposes to increase, in varying amounts, the rates of compensation payable to wartime and peacetime veterans for service-connected disabilities and the additional monetary allowances provided such veterans for their dependents. It would also presume that any disability suffered by a veteran who was held as a prisoner of war or was forcibly detained or interned by a foreign government or power for six months or more after January 31, 1955, is service connected.

The basic purpose of the disability compensation program, throughout its history, has been to provide relief for the impaired earning capacity of veterans disabled as the result of their military service. The amount payable varies according to the degree of disability which in turn is required by the law (38 U.S.C. 355) to represent, to the extent practicable, the average impairment in earning capacity resulting from such disability or combination of disabilities in civil occupations. The degree of a given veteran's loss of earning capacity is determined in accordance with the Veterans Administration's Schedule for Rating Disabilities.

Since the disability compensation program was first established, the Congress has periodically reviewed the rates of compensation provided as to their adequacy, and has made adjustments when such were deemed necessary. The rates of compensation were last increased by Public Law 90-493, effective January 1, 1969. This law provided an across-the-board 8-percent increase for veterans whose disabilities were rated at 10 percent to 90 percent disabling, with a \$100 monthly increase provided for those rated as 100 percent disabled or who were being paid one of the higher statutory rates of compensation. These rather substantial rate increases have now been in effect for slightly more than one year.

The first section of S. 3348 proposes increases of the disability compensation rates ranging from 7.1 percent to 12.5 percent. All of the rates would be increased except those in subsection (k) of 38 U.S.C. 314—(providing an additional \$47 monthly award for the loss or loss of use of certain specified body parts and functions); subsection (q)—(providing a minimum monthly rate of \$67 for veterans whose tuberculosis, determined to be service connected on or before August 19, 1968, had reached a condition of complete arrest); and subsection (r)—

(providing an additional \$300 monthly award for certain seriously disabled veterans in need of regular aid and attendance). These three rates would remain unchanged. The average, unweighted rate increase provided by the bill is 10.5 percent. Since January 1969, when the compensation rates were last increased, through the end of 1969, the cost of living (as reflected in the Consumer Price Index of the Bureau of Labor Statistics) has increased 6.1 percent. Since then, the rise in the cost of living appears to have slowed somewhat and, as you know, strenuous efforts towards stabilization of the economy have been made.

In all of the compensation rate increases provided since 1952, the Congress has authorized greater assistance, by providing proportionately higher rate increases, to the more seriously disabled veterans than to those with less serious disabilities. We believe that this approach—based on the ability of the less seriously disabled to make better economic adjustments than can those with greater disabilities—is sound.

In this connection, the Veterans Administration, as you know, is now engaged in a study designed to factually and scientifically validate the accuracy of our Schedule for Rating Disabilities, used in determining the degree of a given veteran's disability. Our extensive economic validation study is designed for the specific purpose of revealing whether the economic impairment of each of the several thousand specific disabilities is correctly reflected in our Rating Schedule. Data obtained from our validation study may form a basis for reaching some reasonable conclusions with respect to the need for increased compensation rates. This should enable us to furnish, at a later date, more intelligent advice as to the soundness of the various rates for all categories of disability, accompanied by recommendations for such changes as may be justified. Absent supportive statistical data, we cannot at this time affirm that the increases proposed in the bill reflect, in terms of the increase in average earnings, the economic loss suffered by disabled veterans.

It should be noted that the percentage increases proposed in S. 3348 are in conflict with the concept of proportionately higher rates for the more seriously disabled. For example, the bill would increase the wartime compensation for a veteran 20 percent disabled from \$43 to \$48—an increase of 11.6 percent, while the increase for a 90-percent disabled veteran would be from \$226 to \$250—a 10.6 percent increase, and the percentage increases for those entitled to the highest statutory rates (under section 314 (n), (o), and (p)) would be only 8.0 percent, 7.1 percent, and 7.1 percent, respectively.

In light of the foregoing, the Veterans Administration is unable to endorse the rate increases proposed by the bill's first section and we urge that the Committee defer consideration of this portion of the bill until more definitive information is available as to the soundness of the various rates for the several categories of disabilities, as well as the adequacy of the existing rate structure generally.

Section 2 of S. 3348 proposes to increase the additional rates of compensation payable to veterans, pursuant to 38 U.S.C. 315, for their dependents (i.e., wife, children, and dependent parents). These additional allowances are payable to those veterans having a disability evaluated as 50 percent or more disabling. The rates were last increased, by Public Law 89-311, effective December 1, 1965, by approximately



8.7 percent. The increases proposed by the bill range from around 8 percent to 12 percent, with an unweighted average of 8.2 percent. Since the amount of the additional allowances provided for a veteran's dependents varies in proportion with the degree of his disability, as well as the number and relationship of his dependents, it is apparent that they have a direct relationship with the extent of his economic loss. Since our study concerning the economic validity of the rating schedule is not complete, we do not feel that the adequacy or inadequacy of the proposed increases of allowances for dependents can properly be evaluated at this time. We, therefore, again suggest that the increases proposed by section 2 of the bill be deferred pending the assembly of supportive data from our study.

Section 3 of S. 3348 would, if enacted, presume service connection for any disability that is ever suffered by a veteran who, for a period of not less than 180 days, was a prisoner of war or forceably detained or interned by a foreign government or power subsequent to January 31, 1955.

Under existing law, service connection may be granted for disabilities which are first evidenced after discharge from service, where the evidence is deemed adequate to warrant a finding, based on the application of sound medical principles, that the condition had its inception during the period of the veteran's active service. In addition, 38 U.S.C. 312 provides, with respect to veterans who have served at least 90 days during a period of war, or after January 31, 1955, that a chronic disease (other than active tuberculosis, multiple sclerosis and Hansen's disease) or a tropical disease (as those terms are defined in 38 U.S.C. 301) becoming manifest to a degree of 10 percent or more within one year from the date of separation from active service shall, subject to rebuttal, be considered to have been incurred in or aggravated by such service. With respect to all types of active tuberculosis and Hansen's disease, a three-year presumptive period is provided and for multiple sclerosis the period is seven years.

Where a veteran is seeking service connection for any disability, the law (38 U.S.C. 354(a)) requires that due consideration be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all pertinent medical and lay evidence. The law (38 U.S.C. 354(b)) further provides:

"In the case of any veteran who engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition, the Administrator shall accept as sufficient proof of service-connection of any disease or injury alleged to have been incurred in or aggravated by such service satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. \* \* \*

Veterans Administration regulations emphasizing the liberality which is accorded prisoner of war cases include, for example, a provision that the development of symptomatic manifestations of a pre-existing injury or disease during or closely following a status as a prisoner of war will establish aggravation. Physical examinations of former prisoners of war are conducted with particular thoroughness and all disabilities common to prisoners of war are searched for even when they are not complained of. Further, existing instructions provide that in the evaluation of disabilities resulting from or incident to military service, great weight must be assigned to imprisonment or internment under unsanitary conditions or to food deprivation in the service connection of dysentery or other gastrointestinal diseases. All of these considerations permit the Veterans Administration to reach an equitable decision on the basis of the facts of each individual case, with any reasonable doubts being resolved in favor of the former prisoner of war.

Section 3 of S. 3348 would be discriminatory against those veterans who were prisoners of war for less than 180 days but whose sufferings and deprivations were equal to or greater than those of the veterans coming within its purview. Moreover, since the bill does not define "interned," it would be necessary to include an aviator who bailed out over a neutral country and was interned or a serviceman who, while in combat, inadvertently crossed the border of a foreign neutral power and was interned. In neither instance would the serviceman have suffered any deprivation or hardship; yet he would receive the full benefit of the presumption.

The Veterans Administration believes the special considerations should be given former prisoners of war and strives to assure that they will receive compensation and other benefits in full measure under existing law. However, we do not think that the fact that a veteran was a prisoner of war for 180 days or more, standing alone, justifies a presumption that any disability the veteran may acquire at any time during the balance of his life is service connected, and requiring that the Veterans Administration rebut that presumption with "clear and convincing evidence". The Veterans Administration, accordingly, recommends that section 3 of this bill be not favorably considered by your Committee.

An estimate of the first year's additional cost resulting from the enactment of the first two sections of the bill follows:

<i>Cases affected</i>		<i>Estimated additional annual cost</i>
Section 1.....	(323, 600).....	14, 506, 000
Section 2.....	2, 016, 700.....	\$214, 235, 000
Totals	2, 016, 700	\$228, 741, 000

These figures should increase slightly each year thereafter to an estimated 2,036,000 cases affected with additional costs of approximately \$230,934,000 during the fifth year. We do not have adequate information upon which to predicate an estimate of the additional cost of section 3, if enacted.

The foregoing may also be considered as our report on S. 3341, a bill which is identical with sections 1 and 3 of S. 3348.

Advice has been received from the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

DONALD E. JOHNSON, *Administrator.*

## CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

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 *italic*, existing law in which no change is proposed is shown in roman):

# TITLE 38, UNITED STATES CODE

\* \* \* \* \*

## PART II. GENERAL BENEFITS

\* \* \* \* \*

### CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

\* \* \* \* \*

#### SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

- 310. Basic entitlement.
- 311. Presumption of sound condition.
- 312. Presumptions relating to certain diseases *and disabilities*.
- 313. Presumptions rebuttable.
- 314. Rates of wartime disability compensation.
- 315. Additional compensation for dependents.

\* \* \* \* \*

#### Subchapter II—Wartime Disability Compensation

##### § 310. Basic entitlement

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred or preexisting injury or disease was aggravated compensation as provided in this subchapter, but no compensation shall be paid if the disability is the result of the veteran's own willful misconduct.

##### § 311. Presumption of sound condition

For the purposes of section 310 of this title, every veteran shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infirmities or disorders

noted at the time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed before acceptance and enrollment and was not aggravated by such service.

**§ 312. Presumptions relating to certain diseases and disabilities**

(a) 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 services;

(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 seven 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.

(b) *For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war by the Imperial Japanese Government during World War II, by the Government of North Korea during the Korean conflict, or the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Convention of July 27, 1929.*

(c) *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, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Convention of July 27, 1929), the disease of—*

- (1) *Avitaminosis,  
Beriberi (including beriberi heart disease),  
Chronic dysentery,  
Helminthous disease,*

*Malnutrition (including optic atrophy associated with malnutrition),  
Pellagra, or  
Any other nutritional deficiency,  
which became manifest to a degree of 10 percent or more after such service;  
or*

*(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;  
shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.*

### § 313. Presumptions rebuttable

(a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases within the purview of section 312 of this title, has been suffered between the date of separation from service and the onset of any such diseases, or the disability is due to the veteran's own willful misconduct, service-connection pursuant to section 312 of this title will not be in order.

(b) Nothing in section 312 of this title or subsection (a) of this section shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

### § 314. Rates of wartime disability compensation

For the purpose of section 310 of this title—

(a) if and while the disability is rated 10 per centum the monthly compensation shall be ~~[\$23]~~ \$25;

(b) if and while the disability is rated 20 per centum the monthly compensation shall be ~~[\$43]~~ \$48;

(c) if and while the disability is rated 30 per centum the monthly compensation shall be ~~[\$65]~~ \$72;

(d) if and while the disability is rated 40 per centum the monthly compensation shall be ~~[\$89]~~ \$99;

(e) if and while the disability is rated 50 per centum the monthly compensation shall be ~~[\$122]~~ \$135;

(f) if and while the disability is rated 60 per centum the monthly compensation shall be ~~[\$147]~~ \$163;

(g) if and while the disability is rated 70 per centum the monthly compensation shall be ~~[\$174]~~ \$193;

(h) if and while the disability is rated 80 per centum the monthly compensation shall be ~~[\$201]~~ \$223;

(i) if and while the disability is rated 90 per centum the monthly compensation shall be ~~[\$226]~~ \$250;

(j) if and while the disability is rated as total the monthly compensation shall be ~~[\$400]~~ \$450;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate

by speech, or deafness of both ears, having absence of air and bone conduction, the rate of compensation therefor shall be \$47 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed ~~[\$500]~~ \$550 per month: and in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection, 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 ~~[\$700]~~ \$750 per month;

(l) if the veteran, as the result of service-connected 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 ~~[\$500]~~ \$550;

(m) if the veteran as the result of service-connected 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 having only light perception 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 ~~[\$550]~~ \$600;

(n) if the veteran as the result of service-connected 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 ~~[\$625]~~ \$675;

(o) if the veteran, as the result of service-connected 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 if the veteran has suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 60 per centum or more disabling and the veteran has also suffered service-connected total blindness with 5/200 visual acuity or less, in combination with total blindness with 5/200 visual acuity or less, the monthly compensation shall be ~~[\$700]~~ \$750;

(p) in the event the veterans' service-connected 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 ~~[\$700]~~ \$750. In the event the veteran has suffered service-connected blindness with 5/200 visual acuity or less and (1) has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at no less than 40 per centum disabling, the Administrator shall allow the next higher rate, or (2) has also suffered service-connected total deafness in one ear, the Administrator shall allow the next intermediate rate, but in no event in excess of ~~[\$700]~~ \$750;

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(s) If the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 per centum or more, or, (2) by reason of his service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be **[\$450]** \$500. For the purposes of this subsection, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to his home (ward or clinical areas, institutionalized) or immediate premises due to a service-connected disability or disabilities which it is reasonably certain will remain throughout this lifetime.

### § 315 Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 314 of this title, and whose disability is rated not less than 50 per centum, shall be entitled to additional compensation for dependents in the following monthly amounts:

(1) If and while rated totally disabled and—

(A) has a wife but no child living, **[\$25]** \$28;

(B) has a wife and one child living, **[\$43]** \$48;

(C) has a wife and two children living, **[\$55]** \$61,

(D) has a wife and three or more children living, **[\$68]** \$75  
(plus **[\$13]** \$14 for each living child in excess of three);

(E) has no wife but one child living, **[\$17]** \$19;

(F) has no wife but two children living, **[\$30]** \$33;

(G) has no wife but three or more children living, **[\$43]** \$48  
plus **[\$13]** \$14 for each living child in excess of three);

(H) has a mother or father, either or both dependent upon him for support, then, in addition to the above amounts, **[\$21]** \$23 for each parent so dependent; and

(I) notwithstanding the other provisions of this subsection, the monthly amount payable on account of each child who has attained the age of eighteen years and who is pursuing a course of instruction at an approved educational institution shall be **[\$40]** \$44 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this subsection.

(2) If and while rated partially disabled, but not less than 50 per centum, in an amount having the same ratio to the amount specified in paragraph (1) as the degree of his disability bears to total disability. The amounts payable under this paragraph shall be adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

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