

**NINETY-SIXTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Charlotte, North Carolina
August 26, 27, 28, 2014**

Resolution No. 17: Amend Title 38, United States Code, to Increase the Special Monthly Compensation (K) Award

Origin: Georgia

**Submitted by: Convention Committee on Veterans Affairs & Rehabilitation
(Consolidated with Resolutions No. 258 (IL) and No. 260 (IL))**

WHEREAS, The American Legion is a national organization of veterans who have dedicated themselves to the service of the community, state and nation; and

WHEREAS, Title 38, United States Code (USC), section 1114, provides for the payment of disability compensation for a service-connected disability, which is rated from ten percent to one hundred percent under the Department of Veterans Affairs' (VA) Schedule for Rating Disabilities for the particular disability; and

WHEREAS, An additional \$99 in Special Monthly Compensation (SMC) is payable, under title 38, USC, section 1114 (k), where a veteran, as the result of a service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, both buttocks, or blindness in one eye and having only light perception in the other eye, or rendered unable to speak, or deafness in both ears, or in the case of a female veteran, suffered the anatomical loss of one or both breasts, including by mastectomy; and

WHEREAS, The SMC (k) award, which is paid over and above the amount of compensation authorized under title 38, USC, section 1114, for these losses or loss-of-use disabilities, is intended to recognize the lifelong physical limitations and psychological trauma associated with such loss or loss of use of the veterans' limbs or other body parts; and

WHEREAS, In contrast to regular increases in the rates of disability compensation through the years, the SMC (k) award, which was initially authorized in 1939, has been increased infrequently; and

WHEREAS, In 1939, the SMC (k) award was originally \$18.75 when the rate of compensation for being totally or one-hundred percent disabled was \$75; and

WHEREAS, To restore the original twenty-five percent (25%) differential that existed in 1939 between the amount of the (k) award and the compensation rate for being totally or one-hundred percent disabled, the SMC (k) award should be increased to \$692; and

WHEREAS, A male veteran may suffer from erectile dysfunction (E.D.) due to an injury they receive while on active duty; and

WHEREAS, Male veterans may also suffer from E.D. due to a service-connected medical condition such as diabetes or hypertension and/or due to a side effect of medication(s) prescribed for a service-connected condition; and

WHEREAS, Male veterans may also suffer from E.D. due to a side effect of medication prescribed for a service-connected illness; and

WHEREAS, Male veterans may resort to prescription drugs such as Viagra and Cialis to address this problem; and

WHEREAS, Under the current Schedule of Rating Decisions that the VA uses, a male veteran who suffers from E. D. due to a service-related injury or due to medication prescribed for a service-related condition becomes eligible for Special Monthly Compensation K; and

WHEREAS, Females now make up close to 20% of the military services and they too will suffer injuries or illnesses which will result in painful or difficult sexual intercourse; and

WHEREAS, This sexual dysfunction in females may include insufficient vaginal lubrication due to depression, pregnancy, stress and fatigue, painful intercourse due to endometriosis, pelvic mass, ovarian cysts, and scarring from surgery, to name a few; and

WHEREAS, Female veterans can sometimes treat these problems with medication, counseling and hormone therapy; and

WHEREAS, There is no corresponding SMC (k) provision for veterans who suffer from female sexual dysfunction and they can only receive this SMC (k) rate if they actually lose their creative organs or a portion of their breast; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Charlotte, North Carolina, August 26, 27, 28, 2014, That The American Legion urge the Department of Veterans Affairs (VA) to amend its current regulation for Special Monthly Compensation (SMC) (k) to include females who suffer sexual dysfunction to be able to obtain this SMC (k) rate similar to that awarded male veterans; and, be it further

RESOLVED, That The American Legion support an increase in the SMC (k) award, under title 38, USC, section 1114(k) to at least \$692; and, be it finally

RESOLVED, That The American Legion urge the evaluation of all SMC awards under Title 38 USC, Section 1114 to ensure that veterans are being fairly compensated for their sacrifices.