

UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS

JUNE 25 (legislative day, JUNE 21, 1951.— Ordered to be printed

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

REPORT

[To accompany H. R. 315]

The Committee on Finance, to whom was referred the bill (H. R. 315) to liberalize the service pension laws relating to veterans of the war with Spain, the Philippine Insurrection, or the Boxer Rebellion, and their dependents, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

By virtue of this act, the Committee on Finance accepts the report of the Committee on Veterans' Affairs as follows:

EXPLANATION OF THE BILL

Today there are 15 rates of pension (non-service-connected disability) applying to veterans of the Spanish-American War, Philippine Insurrection, and the Boxer Rebellion. This bill would establish, in lieu of those rates, four standard rates—\$60, \$78, \$90, and \$120. The latter rate applies only to those needing aid and attendance. The rates in existence and proposed rates are set forth on the next page:

Spanish-American War, Philippine Insurrection, and Boxer Rebellion

VETERANS

| Law ¹ | H. R. 315 |
|--|---------------------|
| Rates, 90 days or more service or discharge for disability incurred in line of duty: | |
| 1/16 disability..... | \$28.80 |
| 1/8 disability..... | 36.00 |
| 1/4 disability..... | 50.40 |
| 3/8 disability..... | 72.00 |
| Total disability..... | 90.00 |
| Age 62..... | 43.20 |
| Age 65..... | 90.00 |
| Age 68..... | 57.60 |
| Age 72..... | 72.00 |
| Age 75..... | 90.00 |
| Aid and attendance..... | 103.68 ¹ |
| Aid and attendance..... | 120.00 ¹ |

¹ 693 veterans on rolls Dec. 31, 1950, receiving less than \$90 and \$120 rates.

| Law | H. R. 315 |
|---|--------------|
| Rates, 70 days or more service but less than 90 days: | |
| 1/16 disability..... | \$17.28 |
| 1/8 disability..... | 21.60 |
| 1/4 disability..... | 28.92 |
| 3/8 disability..... | 34.56 |
| Total disability..... | 60.00 |
| Age 62..... | 17.28 |
| Age 65..... | 60.00 |
| Age 68..... | 60.00 |
| Age 72..... | 60.00 |
| Age 75..... | 60.00 |
| Aid and attendance..... | 78.00 |

¹ 2 veterans on rolls Dec. 31, 1950, receiving less than \$60 and \$78 rates.

| Law ¹ | H. R. 315 |
|--|--------------|
| Rates, 90 days or more service or discharge for disability incurred in line of duty; inactive service before cessation of hostilities: | |
| Permanent and total..... | \$60 |
| Rated permanent and total for continuous period of 10 years or reach age 65 years..... | 72 |
| Over age 62 or the amount being paid Mar. 20, 1933, if less..... | 15 |
| 50 percent disabled..... | 15 |
| Aid and attendance..... | None |

¹ 302 veterans on rolls Dec. 31, 1950, receiving less than \$90 and \$120 rates.

DEPENDENTS

| Law | H. R. 315 |
|--|--------------|
| Widows and former widows..... | \$48.00 |
| Wife during service..... | 60.00 |
| Additional for each child..... | 7.20 |
| No widow: | |
| 1 child (to age 16)..... | 55.20 |
| Each additional child (to age 16), total equally divided..... | 7.20 |
| 1 child (age 16 or over)..... | 25.92 |
| 2 children (age 16 or over)..... | 38.88 |
| 3 children (age 16 or over)..... | 51.84 |
| Each additional child (age 16 or over), total equally divided..... | 8.76 |

| Law | H. R. 315 |
|-------------------|--------------|
| No provision..... | No provision |

| Law ¹ | H. R. 315 ¹ |
|--|------------------------|
| Widows and former widows..... | |
| Widows..... | \$15 |
| Widow and one child..... | 20 |
| Additional for each child..... | 3 |
| No widow: | |
| 1 child..... | 12 |
| 2 children..... | 15 |
| 3 children..... | 20 |
| Each additional child, total equally divided..... | 2 |
| Widows and former widows..... | |
| Wife during service..... | \$48.00 |
| Additional for each child..... | 60.00 |
| No widow: | |
| 1 child (to age 16)..... | 55.20 |
| Each additional child (to age 16), total equally divided..... | 7.20 |
| 1 child (age 16 or over)..... | 25.92 |
| 2 children (age 16 or over)..... | 38.88 |
| 3 children (age 16 or over)..... | 51.84 |
| Each additional child (age 16 or over), total equally divided..... | 8.76 |

¹ 200 dependents (195 cases) on rolls Dec. 31, 1950, who may be eligible for higher rates in adjoining column.

² Bill does not affect basic rates for dependents; rates listed are existing rates under service pension laws.

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In each of these categories (70-day and 90-day service) almost 99 percent of the veterans of these wars on the rolls are now drawing pension at the rates sought to be provided for the entire group. There were only 997 veterans (December 31, 1950) who were drawing less than the \$90 or \$60 rate sought to be provided in the legislation. The Veterans' Administration estimates there will be approximately 850 in this category during fiscal 1952. Approximately 200 dependents of veterans of this war now on the rolls could receive increases under this bill.

The average age of the Spanish-American War veteran as of June 30, 1950, is estimated at 73.8 years and the death rate is approximately 9,000 per year. Veterans as they become age 65 are today entitled to the \$90 rate or to the \$60 rate, as appropriate for their service.

COST

The committee believes the first-year cost will total approximately \$326,000—\$254,000 attributable to this increase for veterans, and \$72,000 for dependents of deceased veterans. This should be the peak cost due to the advanced age and high death rate of over 9,000 per year. In this connection, it is interesting to note that the estimate for the first-year cost on H. R. 6374, Eighty-first Congress, was \$581,000. The present estimate, therefore, shows a drop of some \$250,000. This clearly indicates that the total cost of this legislation will be very small. The number of new claims filed by Spanish War veterans and their death rate for 1945-50 is indicated by the table below:

Number of veterans of the war with Spain, Philippine Insurrection, or the Boxer Rebellion who applied for pension during the year and the number of veterans of such war who died during the year.

| | Original claims filed | Previously disallowed claims reopened | Total applications | Estimated number of veterans who died |
|------|-----------------------|---------------------------------------|--------------------|---------------------------------------|
| 1945 | 608 | 1,146 | 1,754 | 9,000 |
| 1946 | 1,016 | 640 | 1,656 | 9,000 |
| 1947 | 928 | 287 | 1,215 | 8,700 |
| 1948 | 701 | 136 | 837 | 9,800 |
| 1949 | 712 | 93 | 805 | 9,300 |
| 1950 | 505 | 170 | 675 | 9,300 |

The report of the Veterans' Administration follows:

VETERANS' ADMINISTRATION,
Washington 25, D. C., February 16, 1951.

HON. JOHN E. RANKIN,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington 25, D. C.

DEAR MR. RANKIN: Reference is made to your request for a report by the Veterans' Administration on H. R. 315, Eighty-second Congress, a bill to liberalize the service-pension laws relating to veterans of the war with Spain, the Philippine Insurrection, or the Boxer Rebellion, and their dependents.

The general purpose of the bill is to liberalize the service-pension laws relating to veterans of the war with Spain, the Philippine Insurrection, or the Boxer Rebellion, or their dependents. This general purpose would be accomplished by liberalizing the eligibility criteria relating to the period and character of creditable service and by increasing certain rates through the establishment of minimum rates of pension for veterans.

This bill is identical with H. R. 6374, Eighty-first Congress, which, after hearings by a subcommittee, was favorably reported by your committee (H. Rept. No. 1719, 81st Cong.). H. R. 6374 passed the House of Representatives on March 6, 1950, and thereafter was referred to the Committee on Finance, United States Senate, where it was pending at the close of the Eighty-first Congress.

Under existing law the eligibility of veterans of the war with Spain, the Philippine Insurrection, or the Boxer Rebellion, or their dependents to service-pension benefits is determined in accordance with one or the other of two bodies of laws. One of such bodies is comprised of the laws reenacted by the act of August 13, 1935 (49 Stat. 614; 28 U. S. C. 368, 369), and acts amendatory of or supplemental to such laws. The second is comprised of part III of Veterans Regulation No. 1

4. UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS

(a) (originally promulgated by the President pursuant to the act of March 20, 1933 (48 Stat. 8-12)), as amended (38 U. S. C., ch. 12), by later acts of Congress. For the convenience of the committee in studying this legislative proposal, there is enclosed a photostat copy of an abstract of House Committee Print No. 173, Eighty-first Congress, which summarizes the salient points of the existing law and from which the two lines of statutory authority, as they affect such veterans and their dependents, may be compared. The principal reasons why some persons are receiving benefits under part III, Veterans Regulation No. 1 (a), as amended, rather than the more liberal benefits provided by the service-pension laws as reenacted and supplemented, are requirements with respect to (1) the character of discharge or release from active service, (2) the delimiting dates of the war periods, and (3) the counting of continuous active service which commenced prior to and extended into the applicable period or which commenced within the applicable period.

Except for those veterans receiving \$90 or more per month and for the widows and children receiving benefits under the reenacted service-pension laws, the enactment of H. R. 315 would so liberalize the service-pension laws as to render eligible for greater benefits most of those Spanish-American War beneficiaries on the rolls. This would result from enactment of the three rules embodied in section 1 of the bill, which rules state the most liberal provisions of the existing law, and the minimum rates provided in section 2. In this connection it may be noted that enactment of the bill would tend generally toward uniformity in the laws pertaining to pension for the Spanish-American War group.

Pursuant to section 4, the greater benefits payable by virtue of the enactment of this bill would be paid to all persons receiving pension under the laws referred to in sections 1 and 5 on the day prior to the effective date of the act without the necessity of filing a claim therefor. In other cases (e. g., persons not now on the rolls or veterans receiving the \$60 or \$72 rate provided by par. 1 (f), pt. III, Veterans Regulation No. 1 (a), as amended) the pension or increase of pension payable under the bill would be payable from the date of claim or the effective date of the act, whichever is later, as provided in section 3. The enactment of the bill would not adversely affect the interest of any person receiving pension on the day prior to the effective date of the act, in view of the protective provisions of section 5.

The enactment of H. R. 315 would render eligible for service pension certain persons not now entitled under any pension law. One such group would be those veterans having between 70 and 89 days of service, but not entitled under existing law because they do not have an honorable discharge from all periods of service in the particular war concerned or because the entire period of service was not within the required war period. For the information of the committee, hypothetical examples are given in another enclosure to show how this group and others would become eligible to pension, if this bill is enacted.

Attention is invited to the effect of the bill, if enacted, as regards widows whose pension may be discontinued under the act of August 7, 1882 (22 Stat. 345; 38 U. S. C. 199), because of their "open and notorious adulterous cohabitation." Under existing law a widow, if otherwise entitled, whose pension under the reenacted pensions laws as supplemented is discontinued because of her "open and notorious adulterous cohabitation" may receive the pension benefits provided by subparagraph III (a), part III, Veterans Regulation No. 1 (a) as amended, because the 1882 act is not applicable thereto. Section 5 of H. R. 315, if enacted, would protect any such award in existence on the day prior to the effective date of the act; however, any widow whose service pension is discontinued for this reason after the effective date of the act would have no other entitlement inasmuch as such subparagraph III (a) would be repealed.

Section 2 of the bill, if enacted, would establish a "floor" under the monthly rates of pension payable to eligible veterans under the service-pension laws as follows: (a) \$90 for veterans having 90 days or more of service, or if less than 90 days were discharged for disability, and \$120 in such cases where there is need for regular aid and attendance, (b) \$60 for veterans having 70 days or more of service and \$78 in such cases where there is need for regular aid and attendance. It will be observed from the enclosed photostat that under existing law not all such veterans are entitled to \$90 a month or \$60 a month, as the case may be, because of age or of deficiencies of service. In this connection, reference is made to the enclosed tabulation showing the number of such veterans receiving, as of December 31, 1950, the various rates of pension under \$90 or \$60, as the case may be, per month. It is further noted that no additional pension is payable under part III, Veterans Regulation No. 1 (a), as amended, to those veterans in

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need of regular aid and attendance. For the information of the committee, the tabulation also shows the number of dependents who were receiving as of December 31, 1950, the lesser rates authorized by subparagraph III (a), part III, Veterans Regulation No. 1 (a), as amended, and who, by reason of the provisions of section 1 of the bill, would become potentially entitled to the higher rates under the service-pension laws as set forth in the enclosed photostat.

The matter of establishing the basis upon which service pension shall be paid and the rate of such pension present questions of broad public policy. The view of the Veterans' Administration is that any revision of that policy is primarily for the consideration of and determination by the Congress. It should be observed, however, that to liberalize the existing service-pension laws relating to the Spanish-American War group might serve as a precedent for requests for certain liberalizations of the law with respect to veterans of World War I and World War II and their dependents. It is deemed appropriate in this connection to note a portion of the President's budget message for fiscal year 1952. In his message at page M57 the President, in discussing the veterans' services and benefits, stated:

"In the fiscal year 1952 expenditures for veterans' services and benefits will be under \$5,000,000,000 for the first time in 6 years. This results from a further decline in requirements for the readjustment of veterans of World War II.

"During the coming years, because we shall need to maintain larger Armed Forces, virtually all our able-bodied young men may be required to serve their country in its military forces. Before many years, nearly all the population may be veterans or the dependents of veterans.

"This means a profound change in the social and economic import of Government programs which affect veterans. It requires a clear recognition that many of the needs of our veterans and their dependents can be met best through the general programs serving the whole population. Therefore, in legislation directed particularly to the problems of servicemen and their dependents, we should provide only for those special and unique needs which arise directly from military service. We should meet their other needs through general programs of the Government."

No worth-while estimate of the cost of the bill, if enacted, can be made because of the unknown factors involved, such as the effect of the liberalizations proposed in section 1 upon the estimated 25,000 living Spanish-American War veterans and upon the unknown number of widows and children of such veterans, none of whom are now on the rolls under any pension law. For the information of the committee in this connection, it is estimated that there were 114,000 Spanish-American War veterans as of December 31, 1950, 88,820 of whom were on our rolls.

Advice has been received from the Bureau of the Budget that enactment of the proposed legislation would not be in accord with the program of the President.

Sincerely yours,

CARL R. GRAY, Jr., *Administrator.*

Pensions of less than \$90 or \$60 monthly paid as of Dec. 31, 1950, to Spanish-American War veterans

90 DAYS' SERVICE

| Monthly rate | Total number of veterans | Number of veterans (service pension laws) | Number of veterans (Public, No. 2, 73d Cong.) |
|-------------------|--------------------------|---|---|
| \$15..... | 35 | ----- | 35 |
| \$28.80..... | 2 | 2 | ----- |
| \$36..... | 7 | 7 | ----- |
| \$43.20..... | 52 | 52 | ----- |
| \$50.40..... | 80 | 80 | ----- |
| \$57.60..... | 35 | 35 | ----- |
| \$72..... | 784 | 517 | 267 |
| Total..... | 995 | 693 | 302 |

70 DAYS' SERVICE

| | | | |
|-------------------|-------|----------|-------|
| \$25.92..... | ----- | 1 | ----- |
| \$34.66..... | ----- | 1 | ----- |
| Total..... | ----- | 2 | ----- |

6 UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS

Pensions paid as of Dec. 31, 1950, to dependents of deceased Spanish-American War veterans under subpar. IIIa, pt. III, Veterans' Regulation No. 1 (a), as amended

| Beneficiary | Monthly rate | Dec. 31, 1950 |
|---------------------------|--------------|---------------|
| Widow only..... | \$15 | 187 |
| Widow and 1 child..... | 20 | 2 |
| Widow and 2 children..... | 23 | 1 |
| 1 child alone..... | 12 | 4 |
| 2 children..... | 16 | 1 |
| Total cases..... | | 195 |

EXAMPLES OF PERSONS NOT PRESENTLY ELIGIBLE TO PENSION UNDER EXISTING LAW, WHO WOULD BECOME ELIGIBLE TO PENSION IF H. R. 315, EIGHTY-SECOND CONGRESS, IS ENACTED

1. Veteran enlisted June 4, 1902, served in United States to August 24, 1902, honorably discharged:

(a) Not entitled under part III, Veterans Regulation 1 (a), as amended, because he served less than 90 days.

(b) Not entitled under laws reenacted by the act of August 13, 1935, as amended and supplemented, because he served 30 days only during the Philippine Insurrection and was not engaged in the hostilities in the Moro Province.

(c) Entitled under H. R. 315 upon application to 70-day rates because military service was entered into during the period of hostilities and extended for more than 70 days.

2. Veteran enlisted April 21, 1898, served in United States to April 4, 1902, dishonorably discharged. He reenlisted June 4, 1902, served in United States to August 24, 1902, honorably discharged:

(a) Not entitled under part III, Veterans Regulation 1 (a), as amended, because his creditable period (second) of service less than 90 days.

(b) Not entitled under laws reenacted by the act of August 13, 1935, as amended and supplemented, because not all discharges from the Philippine Insurrection were honorable.

(c) Entitled under H. R. 315 upon application to 70-day rates because his creditable period (second) of service was more than 70 days.

3. Veteran enlisted June 4, 1902, served in the United States to October 4, 1902, honorably discharged:

(a) Not entitled under part III, Veterans Regulation 1 (a), as amended, because he did not "actually participate" in the Philippine Insurrection or the Boxer Rebellion.

(b) Not entitled under laws reenacted by the act of August 13, 1935, as amended and supplemented, because whole 90 days' period was not served before July 4, 1902, and he did not engage in hostilities in the Moro Province.

(c) Entitled under H. R. 315 upon application to 90-day rates because "actual participation" in the Philippine Insurrection or Boxer Rebellion is not a requirement and military service was entered into during the period of hostilities and extended for more than 90 days.

4. Veteran enlisted June 4, 1902, served in the United States to October 4, 1902, honorably discharged. Veteran married August 23, 1918; died July 3, 1948:

(a) Widow not entitled under part III, Veterans Regulation 1 (a), as amended, because veteran did not "actually participate" in the Philippine Insurrection or the Boxer Rebellion.

(b) Widow not entitled under laws reenacted by the act of August 13, 1935, as amended and supplemented, because veteran did not serve 90 days before July 4, 1902.

(c) Widow entitled (\$48 monthly) upon application under H. R. 315 because "actual participation" in the Philippine Insurrection or the Boxer Rebellion is not a requirement and military service was entered into during the period of hostilities and extended for more than 90 days.

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Abstract of House Committee Print No. 175, 81st Cong.

VETERANS

| Subject | War with Spain, Philippine Insurrection, and Boxer Rebellion | | | | | | | | | | | | | | | | | | | | |
|--|--|--------------------------|---|--------------------------|---------|---------|---------|---------|--------|-------|---------|--------------|-------|---------|------------|-------|---------|------------|-------|--|--|
| Statute | Service pension laws in effect Mar. 19, 1933, reenacted by Public Law 269, 74th Cong., Aug. 13, 1935, as modified or amended; Public Law 144, 78th Cong., July 13, 1943; Public Law 242, 78th Cong., Mar. 1, 1944; act June 2, 1930; Public Law 541, 75th Cong., May 24, 1938; Public Law 611, 79th Cong., Aug. 7, 1946; Public Law 270, 80th Cong., July 30, 1947. | | | | | | | | | | | | | | | | | | | | |
| Rates based on service or non-service-connected disability. | 90 days' or more service, or less 90 days if discharged surgeon's certificate of disability..... \$28.80-\$90 70 days' or more service... \$17.28-\$70 (June 2, 1930; Public Law 269, 74th Cong., Aug. 13, 1935; sec. 1, Public Law 144, 78th Cong., July 13, 1943; 38 U. S. C. 365, 365b, 368, 727; Public Law 242, 78th Cong., Mar. 1, 1944; Public Law 611, 79th Cong., Aug. 7, 1946; Public Law 270, 80th Cong., July 30, 1947.) | | | | | | | | | | | | | | | | | | | | |
| Rates based on age | <table border="1"> <thead> <tr> <th>Age</th> <th>90 days' or more service, or less if discharged surgeon's certificate of disability</th> <th>70 days' or more service</th> </tr> </thead> <tbody> <tr> <td>62.....</td> <td>\$43.20</td> <td>\$17.28</td> </tr> <tr> <td>65.....</td> <td>90.00*</td> <td>60.00</td> </tr> <tr> <td>68.....</td> <td>\$57.60-600*</td> <td>60.00</td> </tr> <tr> <td>72.....</td> <td>72.00- 90*</td> <td>60.00</td> </tr> <tr> <td>75.....</td> <td>90.00- 90*</td> <td>60.00</td> </tr> </tbody> </table> | Age | 90 days' or more service, or less if discharged surgeon's certificate of disability | 70 days' or more service | 62..... | \$43.20 | \$17.28 | 65..... | 90.00* | 60.00 | 68..... | \$57.60-600* | 60.00 | 72..... | 72.00- 90* | 60.00 | 75..... | 90.00- 90* | 60.00 | Public Law 2, 73d Cong., Mar. 20, 1933, Veterans Regulations and amendments thereto; Public Law 313, 78th Cong., May 27, 1944; Public Law 345, 78th Cong., June 22, 1944; sec. 603, Public Law 106, 79th Cong., June 30, 1945; Public Law 662, 79th Cong., Aug. 8, 1946. | |
| Age | 90 days' or more service, or less if discharged surgeon's certificate of disability | 70 days' or more service | | | | | | | | | | | | | | | | | | | |
| 62..... | \$43.20 | \$17.28 | | | | | | | | | | | | | | | | | | | |
| 65..... | 90.00* | 60.00 | | | | | | | | | | | | | | | | | | | |
| 68..... | \$57.60-600* | 60.00 | | | | | | | | | | | | | | | | | | | |
| 72..... | 72.00- 90* | 60.00 | | | | | | | | | | | | | | | | | | | |
| 75..... | 90.00- 90* | 60.00 | | | | | | | | | | | | | | | | | | | |
| Rates for— | (June 2, 1930; Public Law 269, 74th Cong., Aug. 13, 1935; Public Law 541, 75th Cong., May 24, 1938; sec. 1, Public Law 144, 78th Cong., July 13, 1943; Public Law 242, 78th Cong., Mar. 1, 1944; 38 U. S. C. 365, 365b, 369, 370, 727; Public Law 611, 79th Cong., Aug. 7, 1946; Public Law 270, 80th Cong., July 30, 1947.) | | | | | | | | | | | | | | | | | | | | |
| A. Regular aid and attendance. | A..... | \$103.68-\$120* | \$78 | | | | | | | | | | | | | | | | | | |
| B. Helpless or blind. | B..... | 103.68-\$120* | 78 | | | | | | | | | | | | | | | | | | |
| | Permanent total disability, and age 65..... \$72 (Public Law 313, 78th Cong., May 27, 1944; Public Law 662, 79th Cong., Aug. 8, 1946.) | | | | | | | | | | | | | | | | | | | | |
| | Partial disability, 50 percent disabled..... \$15 (Par. 1 (h) pt. III, Veterans Regulation 1 (c), 38 U. S. C., ch. 12, Veterans Regulations.) | | | | | | | | | | | | | | | | | | | | |
| | Permanent total disability..... \$60 (Par. 1 (f) pt. III, Veterans Regulation 1 (a); Public Law 313, 78th Cong., May 27, 1944; 38 U. S. C., ch. 12, Veterans Regulations; Public Law 662, 79th Cong., Aug. 8, 1946.) | | | | | | | | | | | | | | | | | | | | |
| | Permanent total disability continuous for 10 years..... \$72 (Public Law 313, 78th Cong., May 27, 1944; Public Law 662, 79th Cong., Aug. 8, 1946.) | | | | | | | | | | | | | | | | | | | | |
| | Age 62..... \$15 (Unless receiving less than \$15 on Mar. 19, 1933. If so, rate then being paid continued.) (Par. 1 (g) pt. III, Veterans Regulation 1 (a); 38 U. S. C., ch. 12, Veterans Regulations.) | | | | | | | | | | | | | | | | | | | | |
| | A. No provision. B. No provision. | | | | | | | | | | | | | | | | | | | | |

See * on p. 8.

See footnotes at end of table, p. 11.

8 UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS

Abstract of House Committee Print No. 173, 81st Cong.—Continued

VETERANS—Continued

| Subject..... | War with Spain, Philippine Insurrection, and Boxer Rebellion 1 | |
|--|--|---|
| Income restrictions..... | None..... *Service in Moro Province after July 4, 1902, may not be considered in determining eligibility for the \$90 rate at age 65 or \$120 rate, under Public Law 541, 75th Cong., May 24, 1938, as amended by Public Law 242, 78th Cong., Mar. 1, 1944. | Except as to veterans aged 62 receiving \$15 or less, no payment if income exceeds \$1,000, if single, or \$2,500 if married or if person has minor children. In determining annual income, payments of war risk insurance, U. S. Government life (converted) insurance, national service life insurance, payments under World War Adjusted Compensation Act, Adjusted Compensation Payment Act, 1936, and compensation for overtime in Federal Government or municipal government, District of Columbia employment, not considered. See Regulations and Procedure, Regulation 1228 (B). (Par. IIa, pt. III, Veterans Regulation 1 (a), sec. 403, Public Law 844, 74th Cong., June 29, 1936, Public Law 667, 77th Cong., July 11, 1942; sec. 606, Public Law 106, 79th Cong., June 30, 1945; 38 U. S. C., ch. 12, Veterans Regulations.) |
| Misconduct..... | Misconduct does not bar pension.... (June 2, 1930, Public Law 269, 74th Cong., Aug. 13, 1935; Public Law 541, 75th Cong., May 24, 1938; sec. 1, Public Law 144, 78th Cong., July 13, 1943, Public Law 242, 78th Cong., Mar. 1, 1944, 38 U. S. C. 365, 368, 370, 727.) | Willful misconduct or vicious habits bar pension. (Public Law 439, 78th Cong., Sept. 27, 1944; 38 U. S. C., ch. 12, Veterans Regulations.) |
| Length of service required. | 90 days' service or more; or less if discharged surgeon's certificate of disability for higher rates; 70 days' service or more for lower rates. (June 2, 1930; Public Law 269, 74th Cong., Aug. 13, 1935; Public Law 541, 75th Cong., May 24, 1938; sec. 1, Public Law 144, 78th Cong., July 13, 1943, Public Law 242, 78th Cong., Mar. 1, 1944; 38 U. S. C. 365, 365a, 365b, 365c, 368, 370a, 727.) | 90 days' service or more; discharge under conditions other than dishonorable less 90 days' service if discharged surgeon's certificate of disability and had active service before cessation of hostilities. (Par. 1 (a), pt. III, Veterans Regulation 1 (c), (sec. 1503, Public Law 346, 78th Cong., June 22, 1944) 38 U. S. C. 697c, ch. 12, Veterans Regulations.) |
| Limitations as to date of service. | War with Spain, Apr. 21, 1898, to Apr. 11, 1899. Philippine Insurrection, Apr. 12, 1899, to July 4, 1902. As to veterans only, service in Moro Province to July 15, 1903. Boxer Rebellion, June 16, 1900, to May 12, 1901. Continuous service in Spanish-American War, Philippine Insurrection or China Relief Expedition included although part thereof extended into Philippine Insurrection or China Relief Expedition. (June 2, 1930; Public Law 541, 75th Cong., May 24, 1938; Public Law 269, 74th Cong., Aug. 13, 1935; Public Law 242, 78th Cong., Mar. 1, 1944; Public Law 594, 76th Cong., June 11, 1940; sec. 1, Public Law 144, 78th Cong., July 13, 1943; 38 U. S. C. 368, 351a, 727, Regulations and Procedure. Regulation 2000 (B), 2001 (B), 2002 (B).) | War with Spain, Apr. 21 to Aug. 12, 1898. Philippine Insurrection, Aug. 13, 1898, to July 4, 1902. Service in Moro Province to July 15, 1903. Boxer Rebellion, June 20, 1900, to May 12, 1901. Must have had actual participation in Philippine Insurrection or Boxer Rebellion. (Pt. III, Veterans Regulation 1 (a), 38 U. S. C., ch. 12, Veterans Regulations.) |
| Requirements re discharge. See footnote. | Honorable discharge. ³ The honorable discharge must be from all periods of service in the particular war concerned. (June 2, 1930, Public Law 269, 74th Cong., Aug. 13, 1935; Public Law 541, 75th Cong., May 24, 1938; Public Law 242, 78th Cong., Mar. 1, 1944, sec. 1, Public Law 144, 78th Cong., July 13, 1943, 38 U. S. C. 351a, 365, 365b, 368, 727.) | Discharge under conditions other than dishonorable. ³ (Par. 1 (a), pt. III, Veterans Regulation 1 (a), 1 (c), (sec. 1503, Public Law 346, 78th Cong., June 22, 1944) 38 U. S. C. 697c, ch. 12, Veterans Regulations.) |

See footnotes at end of table, p. 11.

UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS 9

Abstract of House Committee Print No. 173, 81st Cong.—Continued

WIDOWS AND CHILDREN

| Subject..... | War with Spain, Philippine Insurrection, and Boxer Rebellion ¹ | |
|--------------------------|---|---|
| Statute..... | Service pension laws in effect Mar. 10, 1933, reenacted by Public Law 269, 74th Cong., Aug. 13, 1935, as modified or amended; Public Law 144, 78th Cong., July 13, 1943; Public Law 242, 78th Cong., Mar. 1, 1944; Public Law 280, 78th Cong., Apr. 1, 1944; Public Law 611, 79th Cong., Aug. 7, 1946; Public Law 662, 79th Cong., Aug. 8, 1946; Public Law 673, 79th Cong., Aug. 8, 1946; Public Law 270, 80th Cong., July 30, 1947. | Public Law 2, 73d Cong., Mar. 20, 1933, and Veterans Regulations, as modified or amended; Public Law 144, 78th Cong., July 13, 1943; Public Law 346, 78th Cong., June 22, 1944; Public Law 242, 78th Cong., Mar. 1, 1944; sec. 608, Public Law 106, 79th Cong., June 30, 1945; Public Law 673, 79th Cong., Aug. 8, 1946. |
| Rates: | | |
| Widow only..... | Widow, under age 65, no child... \$48 65 years or over..... \$48 Wife during service..... \$60 | Widow, no child..... \$15 |
| Widow with children..... | Widow, 1 child, widow's rate plus \$7.20..... \$55.20; \$55.20; \$67.20 Each additional child..... \$7.20 (May 1, 1926, Public Law 269, 74th Cong., Aug. 13, 1935; Public Law 144, 78th Cong., July 13, 1943, 38 U. S. C. 364a, 368, 727; Public Law 242, 78th Cong., Mar. 1, 1944; Public Law 611, 79th Cong., Aug. 7, 1946; Public Law 270, 80th Cong., July 30, 1947.) | Widow, 1 child..... \$20 Each additional child..... \$3 (Pt. III, Veterans Regulation 1 (a), as amended; 38 U. S. C. ch. 12, Veterans Regulations; Public Law 673, 79th Cong., Aug. 8, 1946.) |
| Children's rate..... | No widow, 1 child (to age 16) ² \$55.20 Each additional child (to age 16)..... 7.20 1 child (age 16 or over)..... 25.92 2 children (age 16 or over).... 38.88 3 children (age 16 or over).... 51.84 Each additional child (age 16 or over)..... 5.76 (May 1, 1926; Public Law 269, 74th Cong., Aug. 13, 1935; sec. 1, Public Law 144, 78th Cong., July 13, 1943; Public Law 483, 78th Cong., Dec. 14, 1944; 38 U. S. C. 364a, 368, 504, 727; Public Law 611, 79th Cong., Aug. 7, 1946; Public Law 662, 79th Cong., Aug. 8, 1946; Public Law 673, 79th Cong., Aug. 8, 1946; Public Law 270, 80th Cong., July 30, 1947.) | No widow— 1 child..... \$12 2 children..... 15 3 children..... 20 Each additional child..... 2 (Pt. III, Veterans Regulation 1 (a), as amended; 38 U. S. C. ch. 12, Veterans Regulations; Public Law 673, 79th Cong., Aug. 8, 1946.) |
| Veteran's service..... | 90 days or more, honorable discharge ³ less 90 days, if discharged surgeon's certificate of disability; Spanish-American War, dates, Apr. 21, 1898, to Apr. 11, 1899, Philippine Insurrection, Apr. 12, 1899, to July 4, 1902; Boxer Rebellion, June 16, 1900, to May 12, 1901. Continuous service in Spanish-American War, Philippine Insurrection and Boxer Rebellion, included although part thereof extended into Philippine Insurrection or Boxer Rebellion. (May 1, 1926; Public Law 269, 74th Cong., Aug. 13, 1935, Public Law 594, 76th Cong., June 11, 1940; sec. 1, Public Law 144, 78th Cong., July 13, 1943; 38 U. S. C. 364a, 368, 351a, 727.) | 90 days or more, discharge under conditions other than dishonorable ³ less 90 days' service, if discharged surgeon's certificate of disability, in active service before cessation of hostilities; Spanish-American War dates Apr. 21, 1898, to Aug. 12, 1898; actual participation in Philippine Insurrection, Aug. 13, 1898, to July 4, 1902, or to July 15, 1903, in Moro Province, or in Boxer Rebellion, June 20, 1900, to May 12, 1901. (Pts. I, III, Veterans Regulation 1 (a), as amended; sec. 1503, Public Law 346, 78th Cong., June 22, 1944; 38 U. S. C. 697c, ch. 12, Veterans Regulations.) |

See footnotes at end of table, p. 11.

10 UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS

Abstract of House Committee Print No. 173, 81st Cong.—Continued

WIDOWS AND CHILDREN—Continued

| Subject..... | War with Spain, Philippine Insurrection, and Boxer Rebellion | |
|-------------------------------|---|---|
| Marriage date of veteran..... | <p>Prior to Jan. 1, 1938. No pension or increase of pension hereafter allowed unless there was continuous cohabitation from date of marriage to date of veteran's death except where there was a separation due to misconduct of or procured by veteran without fault of widow. Dependent unremarried widow, married to veteran subsequent to Dec. 31, 1937, age 60 years or over, if married to veteran 10 or more years prior to his death, lived with him continuously from date of marriage to date of death except where there was a separation due to misconduct of or procured by veteran without fault of widow.</p> <p>(May 1, 1926, Public Law 269, 74th Cong., Aug. 13, 1935, sec. 1, Public Law 144, 78th Cong., July 13, 1943; Public Law 242, 78th Cong., Mar. 1, 1944; 38 U. S. C. 364a, 368, 364h, 727; Public Law 762, 80th Cong., June 24, 1948.)</p> | <p>Prior to Sept. 1, 1922. No pension or increase of pension hereafter allowed unless there was continuous cohabitation from date of marriage to date of veteran's death except where there was a separation due to misconduct of or procured by veteran without fault of widow.</p> <p>(Par. V, Veterans Regulation 10, as amended; Public Law 242, 78th Cong., Mar. 1, 1944; 38 U. S. C. 364h, ch. 12, Veterans Regulations.)</p> |
| Income restrictions..... | None..... | <p>Payment may not be made to any unmarried person whose annual income exceeds \$1,000, or to any married person or any person with minor children whose annual income exceeds \$2,500. In determining annual income, payments of war-risk term insurance, U. S. Government life (converted) insurance, national service life insurance, payments under World War Adjusted Compensation Act, as amended, Adjusted Compensation Payment Act, 1936, as amended, and compensation for overtime in Federal Government, or municipal government, District of Columbia, employment may not be considered.</p> <p>(Par. II (a), pt. III, Veterans Regulation 1 (a); sec. 403, Public Law 844, 74th Cong., June 29, 1936; sec. 603, Public Law 106, 79th Cong., June 30, 1945; 38 U. S. C. ch. 12, Veterans Regulations.)</p> |
| Remarried widows..... | <p>Remarried widow (married to veteran prior to Jan. 1, 1938) restored to roll upon termination of marriage by death, or divorce on any ground except adultery on part of wife. Pension not payable to widow (married to veteran after Dec. 31, 1937, and for 10 or more years) who has remarried either once or more than once since the death of the veteran, and upon remarriage of such widow her pension terminates.</p> <p>(May 1, 1926, 38 U. S. C. 364a, Public Law 762, 80th Cong., June 24, 1948.)</p> | <p>Right of widow terminated upon her remarriage and such right may not be revived.</p> <p>(Par. IV (a), pt. I, Veterans Regulation 2 (a); 38 U. S. C., ch. 12, Veterans Regulations.)</p> |
| Misconduct of widows.... | <p>If pension granted to child under 16, or helpless, same may not be resumed to widow until pension to child terminates unless child is member of her family and cared for by her.</p> <p>(May 1, 1926, Public Law 269, 74th Cong., Aug. 13, 1935, Public Law 242, 78th Cong., Mar. 1, 1944, 38 U. S. C. 364a, 368.)</p> <p>The open and notorious adulterous cohabitation of a widow operates to terminate her pension from the commencement of such cohabitation.</p> <p>(Aug. 7, 1882, Public Law 280, 74th Cong.; Aug. 13, 1935, 38 U. S. C. 199, 368.)</p> | <p>No provision. However, if offense committed prior to enactment of Public Law 2, 73d Cong., Mar. 20, 1933, no benefits payable thereunder.</p> <p>(Sec. 11, Public Law 2, 73d Cong., Mar. 20, 1933, 38 U. S. C. 711, note 717.)</p> |

See footnotes at end of table, p. 11.

UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS 11

Abstract of House Committee Print No. 173, 81st Cong.—Continued

WIDOWS AND CHILDREN—Continued

| Subject | War with Spain, Philippine Insurrection, and Boxer Rebellion ¹ | |
|-------------------------|---|--|
| Eligibility of children | <p>Legitimate child of veteran, under age 18. Children born before marriage of their parents, if acknowledged by father before or after marriage, deemed legitimate. Pension payable to child 16 years or over if child was insane, idiotic, or otherwise physically or mentally helpless at age 16 and helpless condition exists at date of filing claim. Pension continues while helpless during life of child, but discontinued on marriage of helpless child (Public Law 280, 76th Cong., Apr. 1, 1944); (Rev. Stat. 4704, 38 U. S. C. 37, 202, Regulations and Procedure, Regulation 2512 (C), 2502 (B).)</p> <p>From July 13, 1943, pension payable to a person unmarried and under age 18, unless prior to age 18 such person has become permanently incapable of self-support by reason of mental or physical defect; or if over 18 while pursuing a course of instruction in an approved educational institution, but not beyond age 21. Includes legitimate child; child legally adopted; stepchild, if member of man's household; illegitimate child, as to father only, if acknowledged by father in writing or if he has been judicially ordered or decreed to contribute to child's support or has been, prior to his death, judicially decreed to be the father of the child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of the child. (Secs. 1, 7, Public Law 144, 78th Cong., July 13, 1943; 38 U. S. C. 727, ch. 12, Veterans Regulations.)</p> | <p>Pension payable to a person unmarried and under age 18, unless prior to age 18, such person has become permanently incapable of self-support by reason of mental or physical defect; or if over 18, while pursuing a course of instruction in an approved educational institution, but not beyond age 21. Includes legitimate child; child legally adopted; stepchild, if member of man's household; illegitimate child, as to father only, if acknowledged by father in writing or if he has been judicially ordered or decreed to contribute to child's support or has been, prior to his death, judicially decreed to be the father of the child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of the child. (Par. VI, Veterans Regulation 10 (a), as amended by sec. 7, Public Law 144, 78th Cong., July 13, 1943; 38 U. S. C. ch. 12, Veterans Regulations.)</p> |
| Apportionment | <p>As prescribed by Administrator, where child or children not in custody of widow. (Sec. 3, Public Law 866, 76th Cong., Oct. 17, 1940; 38 U. S. C. 49a.)</p> | <p>As prescribed by Administrator, where child or children not in custody of widow. (Sec. 3, Public Law 866, 76th Cong., Oct. 17, 1940; 38 U. S. C. 49a.)</p> |

¹ Sec. 1, Public Law 662, 79th Cong., Aug. 8, 1946, provides, with certain exceptions, that the pension of single veterans without dependents, being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration, shall continue without reduction until the first day of the seventh month. If treatment extends beyond that period the pension, if less than \$30, shall continue without reduction, but if greater than \$30 per month shall not exceed 60 per centum of the amount payable or \$30 per month, whichever ever is greater. Amounts withheld are payable upon termination of treatment subject to certain conditions. Rates for condition of helplessness or blindness or a condition requiring regular aid and attendance is not payable, even though veteran has dependents, while he is maintained in a Veterans' Administration facility and receives such aid and attendance in kind. (Regulations and Procedure, Regulations (2110, 2112 (A), 2108).)

² Under sec. 1, Public Law 144, 78th Cong., July 13, 1943, the administrative, definitive, and regulatory provisions of Public Law 2, 73d Cong., Mar. 20, 1933, and Veterans Regulations, as now or hereafter amended made applicable to benefits provided under service pension laws as reenacted by Public Law 269, 74th Cong., Aug. 13, 1935, as amended (38 U. S. C. 368, 727).

³ With certain exceptions, discharge or dismissal of any person by reason of sentence of general court martial from military or naval forces or discharge on ground he was a conscientious objector who refused to perform military duty or refused to wear uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or of an officer by acceptance of his resignation for the good of the service, bars all rights of such person based upon period of service from which he is so discharged or dismissed under any laws administered by the Veterans' Administration. This provision is not applicable to war risk, Government (converted), or national service life insurance policies (see 300, Public Law 346, 75th Cong., June 22, 1944, 38 U. S. C. 494).

⁴ Under sec. 1, Public Law 144, 78th Cong., July 13, 1943 (38 U. S. C. 727), the administrative, definitive, and regulatory provisions of Public Law 2, 73d Cong., Mar. 20, 1933, and Veterans Regulations as now or hereafter amended made applicable to benefits provided by service pension laws reenacted by Public Law 269, 74th Cong., Aug. 13, 1935 (38 U. S. C. 368). Where solely as result of definition of term "child" contained in par. VI, Veterans Regulation No. 10 series, as amended by sec. 7, Public Law 144, 78th Cong., July 13, 1943, the child of a deceased veteran, Spanish-American War, Philippine Insurrection, or Boxer Rebellion, entitled to benefits under service pension acts reenacted by Public Law 269, 74th Cong., Aug. 13, 1935, service pension at rates provided in Public Law 484, 73d Cong., June 23, 1934, as now or hereafter amended, payable. These rates as set forth in Public Law 483, 73d Cong., Dec. 14, 1944, were increased 20 percent by Public Law 662, 79th Cong., Aug. 8, 1946; and a further 20 percent by Public Law 270, 80th Cong., July 30, 1947.

12 UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS

FEBRUARY 14, 1951.

To: Assistant Administrator for Legislation.
From: Assistant Administrator for Claims.
Subject: H. R. 315, Eighty-second Congress.

1. Reference is made to the informal request from your office for an estimate of cost of H. R. 315, Eighty-second Congress which is identical with H. R. 6374, Eighty-first Congress.

2. Widows and children of deceased veterans of the war with Spain, the Philippine Insurrection, or the Boxer Rebellion, who are currently receiving the rates authorized by subparagraph III (a), part III, Veterans Regulation No. 1 (a), as amended, would be entitled to higher rates of pension provided they could meet the conditions outlined in section 1 of this proposal. It is estimated the dependents of approximately 180 deceased veterans would be eligible to the higher benefits during the fiscal year 1952 at an approximated cost of \$72,000. This must be considered a minimum cost for dependents inasmuch as the estimate does not include widows or children presently barred by income from receiving a pension, nor any widow who might otherwise be entitled to pension under part III but who married the veteran after September 1, 1922.

3. Under current laws entitling veterans of the Spanish-American War, the Philippine Insurrection, or the Boxer Rebellion to pensions, there will be an approximate average during the fiscal year 1952 of 850 veterans on the rolls who had 90 days' or more service and will be receiving less than \$90 monthly. Based upon the assumption that all of these veterans will receive increases in pensions to the \$90 minimum rate proposed in section 2 of H. R. 315, Eighty-second Congress, the first years' cost would approximate \$254,000. It is not expected that there will be any veterans who had 70 days' but less than 90 days' service who, under existing legislation, will be receiving less than \$60 in the fiscal year 1952.

4. The amounts quoted in paragraphs 2 and 3 of this memorandum cannot be considered as a representative cost of the bill since it does not include pensions for any veterans or dependents of deceased veterans who presently have no entitlement under any law. Inasmuch as there are approximately 25,000 living veterans and unknown numbers of dependents of deceased veterans of the Spanish-American War, the Philippine Insurrection, or the Boxer Rebellion who are not currently receiving compensation or pension, it is believed the liberalizing proposals set forth in section 1 of this bill might result in a cost many times greater than the additional cost quoted for beneficiaries presently entitled to pensions.

WILLIS HOWARD.

For the convenience of the Members the following is the text of the law which would be repealed by section 5 of the bill:

SUBPARAGRAPH I (g) OF PART III, VETERANS REGULATION NUMBERED 1 (a)

Any veteran of the Spanish-American War over sixty-two years of age, (1) who meets the other requirements of part III, or (2) who was on the pension rolls March 20, 1933, shall be entitled to receive a pension in the amount of \$15 monthly, except that under (2) the pension being paid to the veteran on March 20, 1933, shall be continued in the same amount if it was less than \$15 per month.

SUBPARAGRAPH I (h) OF PART III, VETERANS REGULATION NUMBERED 1 (a)

Any veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection who is 50 per centum disabled, and who meets the other requirements of part III, shall be paid a pension of not less than \$15 per month.

SUBPARAGRAPH III (a) OF PART III, VETERANS REGULATION NUMBERED 1 (a)

The surviving widow and/or child or children of any deceased person who served in the active military or naval service during either the Spanish-American War, the Boxer Rebellion, or the Philippine Insurrection, and whose service therein

UNIFORM PENSIONS FOR SPANISH-AMERICAN WAR VETERANS 13

was as defined by part III, paragraph I hereof, shall be entitled to receive a pension at the monthly rates specified next below:

| | |
|--|------|
| Widow but no child..... | \$15 |
| Widow and one child..... (With \$3 monthly for each additional child.) | 20 |
| No widow but one child..... | 12 |
| No widow but two children..... (Equally divided.) | 15 |
| No widow but three children..... (Equally divided; with \$2 monthly for each additional child; total amount to be equally divided.) | 20. |

