

SOCIAL SECURITY BENEFITS FOR ALIEN SURVIVORS OF CERTAIN MEMBERS OF THE ARMED FORCES

August 14, 1957.—Ordered to be printed

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

R E P O R T

[To accompany H. R. 1944]

The Committee on Finance, to whom was referred the bill (H. R. 1944) to amend title II of the Social Security Act so as to make inapplicable, in the case of the survivors of certain members of the Armed Forces, the provisions which presently prevent the payment of benefits to aliens who are outside the United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL EXPLANATION

The Committee on Finance amended the Social Security Amendments of 1956 (Public Law 880, 84th Cong.) to include a provision which suspends the payments of old-age and survivors insurance benefits to any individual not a citizen or national of the United States who first becomes eligible for benefits after December 1956 if such an individual remains out of the country for 6 consecutive months. The payments would be resumed if he returns and remains in this country. However, payment of benefits to such an individual would not be suspended if either (1) he is a citizen of a foreign country which has in effect a social insurance or pension system of general application which would permit benefit payments to United States citizens in the event they left such foreign country without regard to the duration of their absence; or (2) he has 40 quarters of coverage (10 years); or (3) he has resided in the United States for 10 years; or (4) he is serving outside the country in the Armed Forces of the United States; or (5) application of the provision would violate a treaty obligation of the United States.

The committee later approved the Servicemens and Veterans Survivor Benefits Act (Public Law 881, 84th Cong.) bringing under social security on a contributory basis members of the uniformed

services; that is, members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

This Act established a survivor benefit system for members of the uniformed services who die of service-connected disabilities consisting of three elements: Dependency and indemnity compensation administered by the Veterans' Administration; 6 months' death gratuity paid by the service concerned; and social security survivor payments based on the individual's accrued wage credits.

The provision contained in the 1956 amendments to the Social Security Act would deprive a large proportion of the alien survivors of members of the uniformed services who are living outside the United States of the social-security element of this benefit.

At the present time, there are approximately 20,000 aliens enlisted in the Armed Forces, many of whose families reside outside the United States. Of these aliens, the largest single group consists of Philippine nationals, with 5,600 serving in the Navy, primarily as messmen, and approximately 600 in the Coast Guard serving in like capacity. These Philippine nationals were recruited in the Philippine Islands and enlisted with the understanding that they would be entitled to all the rights and benefits that accrue to members in the Armed Forces, yet, under present law, since the families of practically all of these Filipinos reside in the Philippine Islands, they would be deprived of social-security benefits in the event of the death of the serviceman. It should also be observed that these aliens have no alternative but to make contributions to the social-security system.

H. R. 1944 would add a provision to section 202 of the Social Security Act which would allow the benefits of that act to be paid to the survivors of individuals who die while on active duty or inactive duty training as members of a uniformed service, as the result of a disease or injury which the Administrator of Veterans' Affairs determines was incurred or aggravated in line of duty while on active duty, or an injury which he determines was incurred or aggravated in line of duty while on inactive duty training, if the Administrator determines that such individual was discharged or released from the period of such active duty or inactive duty training under conditions other than dishonorable. The provision which would be added to section 202 of the Social Security Act would be retroactive to January 1, 1957, the date on which members of the uniformed services were brought under social security on a contributory basis.

The Department of Defense, in urging the enactment of H. R. 1944, has pointed out that to deny aliens now serving in the Armed Forces a portion of the survivor protection granted to other members would have the effect of breaking faith with them. The Department of Health, Education, and Welfare also favors the enactment of your committee's bill.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

SECTION 202 (t) (4) OF THE SOCIAL SECURITY ACT

OLD-AGE INSURANCE BENEFITS

SEC. 202. (a) * * *

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SUSPENSION OF BENEFITS OF ALIENS WHO ARE OUTSIDE THE UNITED STATES

(t) (1) Notwithstanding any other provision of this title, no monthly benefits shall be paid under this section or under section 223 to any individual who is not a citizen or national of the United States for any month which is—

(A) after the sixth consecutive calendar month during all of which the Secretary finds, on the basis of information furnished to him by the Attorney General or information which otherwise comes to his attention, that such individual is outside the United States, and

(B) prior to the first month thereafter for all of which such individual has been in the United States.

* * * * *

(4) Paragraph (1) shall not apply to any benefit for any month if—

(A) not less than forty of the quarters elapsing before such month are quarters of coverage for the individual on whose wages and self-employment income such benefit is based, or

(B) the individual on whose wages and self-employment income such benefit is based has, before such month, resided in the United States for a period or periods aggregating ten years or more, or

(C) the individual entitled to such benefit is outside the United States while in the active military or naval service of the United States [], or

(D) *the individual on whose wages and self-employment income such benefit is based died, before such month, either (i) while on active duty or inactive duty training (as those terms are defined in section 210 (m) (2) and (3)) as a member of a uniformed service (as defined in section 210 (n)), or (ii) as the result of a disease or injury which the Administrator of Veterans' Affairs determines was incurred or aggravated in line of duty while on active duty (as defined in section 210 (m) (2)), or an injury which he determines was incurred or aggravated in line of duty while on inactive duty training (as defined in section 210 (m) (3)), as a member of a uniformed service (as defined in section 210 (n)), if the Administrator determines that such individual was discharged or released from the period of such active duty or inactive duty training under conditions other than dishonorable, and if the Administrator certifies to the Secretary his determinations with respect to such individual under this clause.*