

PERMITTING INDIAN WAR AND SPANISH-AMERICAN WAR VETERANS TO ELECT TO RECEIVE AID AND AT- TENDANCE PENSION AT HIGHER RATES

JUNE 27, 1960.—Ordered to be printed

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

REPORT

[To accompany H.R. 9786]

The Committee on Finance, to whom was referred the bill (H.R. 9786) to amend sections 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

The purpose of this bill is to permit Indian and Spanish-American War veterans to elect to receive pension under the terms of Public Law 86-211, if they so desire. It should be emphasized that this is permissive and not mandatory. A election would be irrevocable.

From a practical standpoint, the only veteran of one of these wars who would wish to avail himself of this provision would be the man who is today entitled to the aid and attendance rate of \$135.45 monthly. This is payable only to those veterans who are helpless or blind, or who are so nearly so as to require the regular aid and attendance of another person. The basic monthly rate for veterans of these wars is \$101.59.

Under the terms of Public Law 86-211, which is effective July 1, 1960, it is possible for veterans of World Wars I, II, and Korea, who are in this pitiful condition, to receive as much as \$170 per month. In the opinion of the committee, equity dictates that this rate should also be available to veterans of the Indian wars and Spanish-American War if they so desire and can meet the eligibility requirements, including income limitations, specified in the law. Of course, veterans of these two wars do not have to meet income limits under existing law. The monthly increases range from a low of \$4.55 to a high of \$34.55.

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Under certain assumptions of the Veterans' Administration which are set forth in the report of that agency, printed below, an additional cost of \$1,154,000 could be expected in the first year which would decrease to approximately \$118,000 in the fifth year.

The Veterans' Administration recommends favorable consideration and the report of that agency follows:

JUNE 17, 1960.

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

DEAR SENATOR BYRD: Reference is made to your request for report on H.R. 9786, 86th Congress, which passed the House of Representatives on June 6, 1960.

The purpose of the bill is to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates and under the conditions (except service requirements) applicable to World War I veterans.

Under existing law, pension is payable to Spanish-American War veterans who were discharged under other than dishonorable conditions after having served 90 days or more, or who, having served less than 90 days, were discharged for service-connected disability. It is also payable to Indian war veterans who were similarly discharged after having served 30 days or more, or for the duration of an Indian war. The basic monthly rate of \$101.59 is increased to \$135.45 if the veteran requires regular aid and attendance. Lower rates are payable to Spanish-American War veterans who served 70 but less than 90 days and were not discharged for service-connected disability. These latter veterans would not be affected by the bill.

Pension is payable to veterans of World War I, World War II, and the Korean conflict who are permanently and totally disabled from non-service-connected causes not the result of willful misconduct or vicious habits. The veteran must have been discharged under other than dishonorable conditions after having served 90 days or more, or, having served less than 90 days, discharged for service-connected disability.

H.R. 9786 would become effective after July 1, 1960, when Public Law 86-211 goes into effect. That act revises the pension program for veterans of World War I and later war periods and establishes a graduated scale of rates related to family status and income. The rates for a single veteran range from \$40 to \$85, and for a veteran who is married or has children, from \$45 to \$100. A veteran who requires regular aid and attendance receives \$70 in addition to the rate otherwise payable.

In view of those rates the right of election contemplated by the bill would as a practical matter be operative only as to veterans of the Indian and Spanish-American Wars who are eligible for an aid and attendance allowance. H.R. 9786 would permit them to receive higher rates based on need of aid and attendance which are available to veterans of later wars, and subject to the same conditions of entitlement.

An election of pension as provided by the bill would be irrevocable. This could result in payment of pension in future years at a lower rate than that now authorized for Indian and Spanish-American War

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veterans, because, for example, of termination of need for regular aid and attendance, change in family status, or increased income. It could also result in discontinuance of pension for similar reasons.

If enacted, the bill would serve to promote uniformity in the pension programs by encompassing an additional, although limited, group in the philosophy of pension based on need which is inherent in Public Law 86-211.

Under the bill, pension under Public Law 86-211 would be elected only by those veterans whose monthly rate would be greater. The monthly increases would range from \$4.55 to \$34.55. Information concerning income and marital status of veterans of the Indian and Spanish-American Wars is not available. Assuming that all veterans have no dependents and an annual income of less than \$600, it is estimated that approximately 4,900 veterans, almost all of whom are Spanish-American War veterans, would be eligible for increases at an additional cost of approximately \$1,154,000 in the first year. The cost would decrease each year to approximately \$118,000 in the fifth year.

For the reasons outlined, I recommend that the bill be favorably considered.

Advice was received from the Bureau of the Budget with respect to a similar report on the bill to the House Committee on Veterans' Affairs that there would be no objection to the submission of the report to that committee.

Sincerely,

SUMNER G. WHITTIER, *Administrator.*

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

SECTIONS 511 AND 512, TITLE 38 UNITED STATES CODE

§ 511. Indian War veterans.

(a) The Administrator shall pay to each veteran of the Indian Wars who meets the service requirements of this section a pension at the following monthly rate:

(1) \$101.59; or

(2) \$135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if he served in one of the Indian Wars—

(1) for thirty days or more; or

(2) for the duration of such Indian War;

in any military organization, whether or not such service was the result of regular muster into the service of the United States, if such service was under the authority or by the approval of the United States or any State.

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(c) *Any veteran eligible for pension under this section shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable.*

§ 512. Spanish-American War veterans

(a) (1) The Administrator shall pay to each veteran of the Spanish-American War who meets the service requirements of this subsection a pension at the following monthly rate:

(A) \$101.59; or

(B) \$135.45 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if he served in the active military or naval service—

(A) for ninety days or more during the Spanish-American War;

(B) during the Spanish-American War and was discharged or released from such service for a service-connected disability; or

(C) for a period of ninety consecutive days or more and such period began or ended during the Spanish-American War.

(3) *Any veteran eligible for pension under this subsection shall, if he so elects, be paid pension at the rates prescribed by section 521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable.*

(b) (1) The Administrator shall pay to each veteran of the Spanish-American War who does not meet the service requirements of subsection (a), but who meets the service requirements of this subsection, a pension at the following monthly rate:

(A) \$67.73; or

(B) \$88.04 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if he served in the active military or naval service—

(A) for seventy days or more during the Spanish-American War; or

(B) for a period of seventy consecutive days or more and such period began or ended during the Spanish-American War.

