

Calendar No. 459

87TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 490

COUNTING SERVICE TIME IN MORE THAN ONE PERIOD OF WAR

JUNE 29, 1961.—Ordered to be printed

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

REPORT

[To accompany H.R. 2953]

The Committee on Finance, to whom was referred the bill (H.R. 2953) to amend section 521 of title 38, United States Code, to provide that certain service shall be creditable for pension purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL STATEMENT

The purpose of this bill is to authorize the tacking of two or more separate periods of service during more than one period of war. For example, World War I, and World War II, or during World War II and the Korean conflict in order to qualify under the 90-day-service requirement for non-service-connected pension.

The Veterans' Administration has reported:

In meeting the days-of-service requirement, two or more periods of service separated by as much as several years during the same period of war may be tacked; but the combining of separate periods of service in different periods of war is not authorized, even though the interval might be shorter. We see no basis for this distinction, and accordingly favor enactment of H.R. 2953 * * *.

The Veterans' Administration advises that this bill would be negligible as to cost.

DEPARTMENTAL REPORTS

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
April 3, 1961.

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

DEAR SENATOR BYRD: This report on H.R. 2953, 87th Congress, as passed by the House of Representatives on March 6, 1961, is furnished in response to your request.

The purpose of the bill is to authorize tacking of two or more separate periods of service during more than one period of war in satisfying the 90 days' service requirement for payment of non-service-connected disability pension to veterans of World War I, World War II, and the Korean conflict. Tacking would also be authorized in determining the eligibility of their widows and children for non-service-connected death pension.

The bill is substantially the same as H.R. 8098, 86th Congress, as passed by the House of Representatives on May 2, 1960. The bill was pending before your committee at the close of that Congress.

Where other requirements are met, pension is authorized for veterans of World War I, World War II, or the Korean conflict, who served (1) 90 days or more during one of those periods, or less if discharged for a service-connected disability, or (2) 90 consecutive days or more ending during World War I, or beginning or ending during World War II or the Korean conflict. These service requirements also serve as a basis for payment of death pension benefits to the widows and children of these veterans.

In meeting the days-of-service requirement, two or more periods of service separated by as much as several years during the same period of war may be tacked; but the combining of separate periods of service in different periods of war is not authorized, even though the interval might be shorter. We see no basis for this distinction, and accordingly favor enactment of H.R. 2953.

It is not possible to furnish an estimate of the cost of H.R. 2953 if enacted. However, it is believed that the cost would be negligible.

Advice has been received from the Bureau of the Budget with respect to a similar report of February 20, 1961, on the bill to the chairman, House Committee on Veterans' Affairs, that there was no objection to the presentation of that report from the standpoint of the administration's program.

Sincerely,

J. S. GLEASON, Jr., *Administrator.*

THE GENERAL COUNSEL OF THE TREASURY,
Washington, May 10, 1961.

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

MY DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 2953, to amend section 521 of title 38, United States Code, to provide that certain service shall be creditable for pension purposes.

The proposed legislation would authorize the tacking of two or more separate periods of service in order to qualify under the 90-day-service requirement for non-service-connected pension.

Since the proposed legislation relates to matters primarily within the jurisdiction of the Veterans' Administration, the Treasury Department has no comment to make on the bill.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Very truly yours,

ROBERT H. KNIGHT,
General Counsel.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 23, 1961.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance, U.S. Senate, Senate Office Building,
Washington, D.C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of March 8, 1961, requesting a report from the Bureau of the Budget on H.R. 2953, a bill to amend section 521 of title 38, United States Code, to provide that certain service shall be creditable for pension purposes.

The bill would authorize the tacking of two or more terms of service during two or more periods of war for the purpose of meeting the 90-day-service requirement.

The Bureau of the Budget has no objection to the enactment of this measure.

Sincerely yours,

(Signed) PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

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):

SECTION 521 OF TITLE 38, UNITED STATES CODE

NON-SERVICE-CONNECTED DISABILITY PENSION

§ 521. Veterans of World War I, World War II, or the Korean conflict

(a) The Administrator shall pay to each veteran of World War I, World War II, or the Korean conflict, who meets the service requirements of this section, and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct or vicious habits, pension at the rate prescribed by this section.

(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and

4 SERVICE TIME IN MORE THAN ONE PERIOD OF WAR

has no child, pension shall be paid at the monthly rate set forth in column II of the following table opposite the veteran's annual income as shown in column I:

| Column I | | Column II |
|---------------|----------------------------|-----------|
| Annual income | | |
| More than— | Equal to or but less than— | |
| \$600 | \$600 | \$85 |
| 1,200 | 1,200 | 70 |
| | 1,800 | 40 |

(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid at the monthly rate set forth in columns II, III, or IV of the following table opposite the veteran's annual income as shown in column I:

| Column I | | Column II One depend- ent | Column III Two depend- ents | Column IV Three or more de- pendents |
|---------------|----------------------------|---------------------------------|-----------------------------------|---|
| Annual income | | | | |
| More than— | Equal to but or less than— | | | |
| \$1,000 | \$1,000 | \$90 | \$95 | \$100 |
| 2,000 | 2,000 | 75 | 75 | 75 |
| | 3,000 | 45 | 45 | 45 |

(d) If the veteran is in need of regular aid and attendance, the monthly rate payable to him under subsection (b) or (c) shall be increased by \$70.

(e) For the purposes of this section—

(1) in determining annual income, where a veteran is living with his spouse, all income of the spouse which is reasonably available to or for the veteran except \$1,200 of such income shall be considered as the income of the veteran, unless in the judgment of the Administrator to do so would work a hardship upon the veteran;

(2) a veteran shall be considered as living with a spouse, even though they reside apart, unless they are estranged.

(f) A veteran meets the service requirements of this section if he served in the active military, naval, or air service—

(1) for ninety days or more during either World War I, World War II, or the Korean conflict;

(2) during World War I, World War II, or the Korean conflict, and was discharged or released from such service for a service-connected disability; **[or]**

(3) for a period of ninety consecutive days or more and such period ended during World War I, or began or ended during World War II or the Korean **[conflict.]** *conflict*; or

(4) *for an aggregate of ninety days in two or more separate periods of service during more than one period of war.*

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