

VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT

OCTOBER 18, 1966.—Ordered to be printed

Mr. LONG of Louisiana, from the Committee on Finance, submitted
the following

R E P O R T

[To accompany S. 3580]

The Committee on Finance, to which was referred the bill (S. 3580) to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

I. PURPOSE

S. 3580 is designed to provide additional benefits to veterans who have served in the Armed Forces, during the "Vietnam era," comparable to those benefits provided by Congress for veterans of World War I, World War II, and the Korean conflict. Specifically, the bill would extend to Vietnam era veterans the following benefits not now available to them:

- (1) Disability compensation at wartime rates under all circumstances;
- (2) Pensions for non-service-connected disabilities and deaths;
- (3) Burial allowance for expenses of burial;
- (4) Certain medical care benefits such as drugs and therapeutic devices; and
- (5) Automobile allowance for the seriously disabled veteran.

Under the bill, the Vietnam era is considered to have begun August 5, 1964, the day of the Gulf of Tonkin incident.

II. SUMMARY OF COMMITTEE AMENDMENTS

The Committee on Finance added a number of amendments to the bill. The two most important of these amendments would (1) remove the time limitations upon applications by eligible disabled veterans

to apply for an automobile allowance, and (2) add two new sections to the bill which set forth the effective dates of the particular provisions.

III. REASONS FOR THE BILL

The Committee on Finance held hearings which demonstrated that since August 5, 1964, a significant change in basic military operations had occurred in Vietnam. It was on that date that the first retaliatory military action to preserve democracy in South Vietnam was undertaken in response to the attack of the Gulf of Tonkin.

Since that time the status of our Armed Forces personnel changed from an advisory capacity. Accelerated training, increased armed strength, and the prolonged existence of warlike conditions have raised this conflict above a limited campaign. Because of the degree of commitment, the members of our Armed Forces are today subject to exposure to maximum risk of life and limb.

The buildup of our Armed Forces together with the increase in deaths of our servicemen in Vietnam illustrate the increased activity of our military operations in that area.

	Total Armed Forces strength	Number of service personnel in Vietnam (precise figures classified)	Total deaths in Vietnam (by calendar year)		
			Hostile action	Other	Total
Jan. 1, 1961	2,494,136	900	1	2	3
Jan. 1, 1962	2,811,031	3,200	31	18	49
Jan. 1, 1963	2,667,546	11,300	77	36	113
Jan. 1, 1964	2,676,101	16,300	146	48	194
Jan. 1, 1965	2,682,894	23,300	1,365	359	1,724
Jan. 1, 1966	2,857,279	184,300			
July 1, 1966	3,136,259	288,600	2,932	515	3,447
Total			4,552	978	5,530

Source: Office of the Assistant Secretary of Defense Controller, Directorate of Statistical Services.

Recently, Public Law 89-550 was enacted to extend the privilege of membership in the American Legion to those who served in the military, naval, or air services of the United States at some time between the period of August 5, 1964, and the date of cessation of hostilities as determined by the Government of the United States. This reflects the recognition given to the status into which our Armed Forces personnel have been placed subsequent to August 4, 1964.

Further, by this action Congress, as well as the American Legion, has expressed conviction that the circumstances and nature of service performed by our Armed Forces since August 4, 1964, warrant the recognition traditionally expressed by the Nation to those who served during a period of war. When signing Public Law 89-550, the President of the United States said:

I think, if there is any question in anyone's mind how we feel about our fighting men, and of our determination to see this (Vietnam) struggle through to a successful conclusion---that this emphatic action by the Congress with the support of the American Legion---has answered these questions and made our stand of unity completely clear.

We know of the sacrifices, and we know of the deeds of valor, and we know the devotion of our servicemen. We also know the necessity for the conflict in Vietnam. We have not sought this conflict. We have not forced our will upon anyone. But in our earnest desire for peace, we have chosen the path of firm resolve.

We have come to the defense of other human beings threatened with the loss of their basic human rights. That is really the same battle for which the Legionnaires have fought three times before in this century. So I think it is quite appropriate that they should open their rolls to those who carry our flag today.

In view of the foregoing circumstances, the Committee on Finance has concluded that now is the time to assure our servicemen who are serving during a period which, for purposes of veterans benefits, should be considered a time of war that they will receive benefits commensurate with their service.

IV. GENERAL EXPLANATION OF THE BILL

Under the bill, military service of 90 days or more beginning August 5, 1964 (date of Tonkin Gulf crisis) and ending on a date determined by Presidential proclamation or concurrent resolution of Congress would be considered service during wartime. Thus, eligible servicemen could receive the following additional benefits (presently available only to veterans of wars):

A. WARTIME RATES OF DISABILITY COMPENSATION

The inclusion of the "Vietnam era" within the term "period of war," would result in the payment of wartime rates of disability compensation and additional compensation for dependents to all veterans who are suffering from disabilities incurred in or aggravated by such service.

Under existing law, the monthly rates of compensation for disabilities resulting from military service during peacetime are generally 80 percent of those authorized for comparable wartime service. One exception to this is if the disability is found to have resulted from an injury or disease received in line of duty "as a direct result of armed conflict" or "while engaged in extrahazardous service including such service under conditions simulating war." Thus disabilities suffered as a result of service in Vietnam are held to qualify for wartime rates under the mentioned criteria. However, service-connected disabilities suffered in the United States and other parts of the world do not ordinarily receive wartime rates.

The compensation rate differential has existed since 1917 when it was decided by Congress that war veterans should be accorded preferential treatment as compared to peaco-time veterans. Since the basic objective of the bill is to equate "Vietnam era" service with wartime service generally, the Committee on Finance believes it is appropriate that provision should be made to pay the same rates of disability compensation.

Removal of such rate differential for these veterans will affect about 33,000 cases at an additional first year cost of \$7,365,000.

B. PENSION

Pension for non-service-connected disability and death would be extended by the bill to veterans of the "Vietnam era" and their widows and children on the same basis as is now provided to veterans of World War I, World War II, or the Korean conflict and their widows and children.

For the reasons heretofore indicated the committee believes it is proper to equate service since the Gulf of Tonkin incident with service during previously recognized war periods. Thus, the proposed extension of pension benefits to those who served during this period and their dependents is assuredly warranted as well as timely.

Pension for World War II veterans was provided by Public Law 313 of the 78th Congress on May 27, 1944, while that war was in progress. Following this precedent, pension for veterans of the Korean conflict was provided by Public Law 28, 82d Congress, on May 11, 1951, less than 1 year after the Korean conflict started. While there will be few individuals with service during the "Vietnam era" who will have immediate need for this benefit, legislation authorizing it at this time would be a proper means of recognizing the sacrifices of those serving in this period.

C. BURIAL ALLOWANCES

The law currently provides for payment of an allowance not to exceed \$250 to cover the burial and funeral expenses of a deceased veteran who (1) died of a service-connected disability, or (2) was a veteran of any war, was discharged for a service-connected disability, or was in receipt of disability compensation at the time of his death. By redefining the term "period of war" to include veterans of the "Vietnam era," the committee bill would make this benefit payable to Vietnam veterans.

D. MEDICAL BENEFITS

Several special medical benefits not now available to veterans of current service, but which were provided for veterans of World War II and the Korean conflict, would be granted by the committee bill.

(1) Psychosis as service connected

The "Vietnam era" group would be accorded the conclusive presumption now provided for World War II and Korean conflict veterans, for purposes of establishing eligibility for hospital and medical care, that an active psychosis which develops within 2 years after discharge and before the expiration of 2 years from the end of the war period will be deemed to have been incurred in service.

(2) Drugs

Section 4 would include the "Vietnam era" group within the program of furnishing drugs and medicines for non-service-connected conditions which now applies to World War I, World War II, and Korean conflict veterans receiving increased rate of pension under the new pension program because of the need of regular aid and attendance.

(3) *Miscellaneous medical benefits*

The committee bill would provide other medical benefits. This is true because certain medical programs cover "veterans of any war," a group now defined as those who served during a "period of war." Included are:

(1) Payments to State homes for part of the cost of hospitalization, domiciliary care, or nursing home care of "each veteran of any war";

(2) The correlative program of grants to States to construct nursing home facilities for the care of war veterans;

(3) Authority to use private contract beds for the hospital care of "veterans of any war" in a Commonwealth or possession for non-service-connected conditions;

(4) Contract hospital care in the Veterans' Memorial Hospital, Republic of the Philippines, for a "veteran of any war" for non-service-connected disability if he is unable to pay.

The Committee on Finance finds sound justification for granting these enumerated benefits resting on war veteran status. Public Law 89-358 provided hospital and domiciliary care to veterans serving since the end of the Korean conflict for non-service-connected conditions where there is inability to defray the cost of care. The committee is of the opinion that the additional medical coverage for the "Vietnam era" group set forth in the four categories just described is warranted to perfect and extend medical protection for them on the same basis heretofore given to veterans of the other conflict periods.

Permanent outpatient care is provided following extended VA hospitalization for veterans who are receiving pension at the increased rate based on need of regular aid and attendance if they are suffering from specified chronic diseases, even though not service connected. Invalid lifts and other appliances and devices, including medical supplies, are also furnished to veterans who are so seriously disabled as to be medically eligible for an invalid lift and who are receiving increased pension based on the need for regular aid and attendance.

The bill will extend these benefits to veterans of the Vietnam era.

E. AUTOMOBILES FOR CERTAIN DISABLED VETERANS

Section 5 of the bill would extend to seriously disabled veterans of the "Vietnam era", assistance in the purchase of an automobile or other conveyance. Under present law there is authorized a payment of not to exceed \$1,600 toward the purchase of an automobile by World War II and Korean conflict veterans who have suffered, as the result of service during such periods, the loss or permanent loss of use of one or both hands or feet or permanent visual impairment to a prescribed degree.

This provision of the bill was amended by the committee in accordance with recommendations of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare (see part F of the report). Under present law, a disabled veteran must apply for the \$1,600 automobile allowance within 5 years after the date of discharge or within 3 years after he sustains the loss of sight or a limb regardless of when he was discharged. In any event, he may apply within one year from the date his entitlement to compensation for the disability is determined. Under the amendment, these time limita-

tions would be removed in order to make this modest benefit more readily available to a serviceman who suffers the required service-connected disability. Further, this liberalization will permit some disabled servicemen, not previously eligible for the automobile benefit because of these time limitations, to reapply for this assistance.

F. VIEWS OF SENATE SUBCOMMITTEE ON VETERANS' AFFAIRS
CONCERNING CERTAIN PROVISIONS OF S. 3580

OCTOBER 10, 1966.

HON. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Committee on Finance is considering S. 3580, the Vietnam Era Veterans' Readjustment Assistance Act. Generally speaking, the purpose of this measure is to extend to veterans of the Vietnam era the benefits already afforded to veterans of other war periods.

Certain provisions of the bill are of interest to the Subcommittee on Veterans' Affairs, especially those sections relating to—

- (1) a presumption clause for a psychosis developing as a result of service;
- (2) the furnishing of drugs and medicines to certain veterans who require constant aid and attendance;
- (3) automobile grants; and,
- (4) certain other modifications of existing law flowing from the change of the definition of "war period" to include the Vietnam era.

Members of the subcommittee on Veterans' Affairs have discussed these portions of S. 3580 in executive session. The sole recommendation for change is in section 5, dealing with automobile grants. It is suggested that the bill be amended so as to remove the governing time limitations upon applications set forth in 38 U.S.C. 1905. This would be helpful in cases where a veteran does not take advantage of benefits because of a reluctance to admit having a disability. It would also make the provision consistent with S. 1199, a bill considered and reported by this subcommittee, passed by the Senate on June 9, 1966, and presently pending before the Committee on Veterans' Affairs, U.S. House of Representatives.

With appreciation for your cooperation in this matter, and with kind regards, I am,

Very truly,

JENNINGS RANDOLPH,
Chairman, Subcommittee on Veterans' Affairs.

V. EFFECTIVE DATES

The committee added effective dates for the new benefits provided by the bill. Section 6 provides that sections 2 and 3 as they relate to the pension and disability compensation programs, as well as certain medical programs, would become effective on January 1, 1967. Section 6 also provides an immediate effective date for sections 4 and 5 relating to the psychosis presumption, furnishing medications, and the automobile allowance. Section 7 makes the burial allowance benefit available immediately and extends the 2-year period for application for this benefit in cases of prior deaths.

VI. Costs

The Veterans' Administration estimates that the first-year cost will be \$9.7 million, increasing to \$22.6 million in the fifth year, for a total first 5 years of \$79.9 million. These estimates do not include the cost of the medical provisions.

Estimated cost

[In thousands]

	Funeral expense	Disability compensation	Pensions		Autos	Total
			Disability	Death		
1st year.....	\$657	\$7,365	\$924	\$47	\$720	\$9,713
2d year.....	868	10,065	1,188	94	360	12,575
3d year.....	1,078	12,765	1,462	187	360	15,842
4th year.....	1,316	15,465	1,716	374	360	19,230
5th year.....	1,525	18,165	1,980	502	360	22,592
Total.....	5,443	63,825	7,260	1,264	2,160	79,952

As to the medical provisions, the VA is presently unable to submit an estimate of the cost involved. However, they feel that the first-year cost of these provisions would be quite small.

The following statement of the Administrator of Veterans' Affairs in support of the bill was made during public hearings on the bill:

Mr. Chairman and members of the committee:

I appreciate the opportunity to appear today and discuss the position of the Veterans' Administration on the bill you are now considering.

The basic intent of this bill is to eliminate all distinctions, insofar as eligibility to receive veterans benefits is concerned, between veterans who serve during the "Vietnam era" and veterans who serve during other periods heretofore considered as wartime service. Specifically, its enactment would extend to these veterans the following benefits not now available to them:

- (1) the entitlement to disability compensation at the wartime rates under all circumstances;
- (2) disability pension for veterans and death pension for widows and children with the same criteria as now in effect for war veterans and their widows and children;
- (3) eligibility for the \$250 burial allowance to assist the meeting of expenses of burial;
- (4) several medical care benefits, which I will describe in more detail later;
- (5) \$1,600 toward the purchase of an automobile by certain disabled veterans.

The benefits I have just listed, together with those previously provided by the Veterans Readjustment Benefits Act of 1966 and similar benefit bills, would, in fact, afford veterans of the "Vietnam era" the complete range of veterans benefits which have heretofore been authorized for veterans of the Korean conflict.

The basic question presented by this bill is whether service in the Armed Forces since the Bay of Tonkin incident, on August 5, 1964, may be properly equated with service during periods which have previously been recognized to be periods of war.

We believe the answer to this question must be in the affirmative.

It has generally been recognized that August 5, 1964, marked a significant change in basic military operations in Vietnam. It was on that date that the first retaliatory military action, to preserve democracy in South Vietnam, through the attack of the Bay of Tonkin, was undertaken.

Furthermore, just last week Congress recognized this to be a fact by enacting what is now Public Law 89-550, amending the charter of the American Legion to authorize the membership of these veterans in this organization. I think it is very pertinent to refer to our President's statement in signing H. R. 17419, which authorized this extension and which pointed out that the struggle in Vietnam today is as important as any conflict in which our countrymen have ever engaged.

He pointed out that this is the third time in history that the American Legion has asked for an amendment extending its eligibility criteria. Our President then made the following statement which I believe properly conveys the feelings of all Americans concerning our servicemen who are serving in Vietnam. He stated:

"We know of the sacrifices—and we know of the deeds of valor and devotion of our servicemen. We also know the necessity for the conflict in Vietnam. We have not sought this conflict. We have not forced our will upon anyone. But in our earnest desire for peace, we have chosen the path of firm resolve. We have come to the defense of other human beings threatened with loss of their basic human rights. That is really the same battle for which Legionnaires have fought three times before in this century. So it is appropriate that they should open their rolls to those who carry our flag today."

For these and various other reasons, the Veterans' Administration supports the enactment of S. 3580. I will briefly discuss the specific extensions which would be made by this measure.

WARTIME RATES OF DISABILITY COMPENSATION

The inclusion of the "Vietnam era" within the term "period of war," as defined in 38 U.S.C. 101(11), would result in the payment of wartime rates of disability compensation and additional compensation for dependents under chapter 11 of title 38, United States Code, to all veterans who are suffering from disabilities incurred in or aggravated by such service.

Under existing law, the monthly rates of compensation for disabilities resulting from military service during peacetime are generally 80 percent of those authorized for comparable wartime service. One exception to this, reflected in

38 U.S.C. 336, authorizes wartime rates if the disability is found to have resulted from an injury or disease received in line of duty "as a direct result of armed conflict" or "while engaged in extrahazardous service including such service under conditions simulating war." Disabilities suffered as a result of Vietnam service are held to qualify for wartime rates under the mentioned criteria.

The compensation rate differential has existed since 1917. It has apparently been maintained in view of the historical policy running through several benefit programs that war veterans should be accorded preferential treatment. Since the basic objective of the bill is to equate "Vietnam era" service with wartime service generally, it is appropriate that provision should be made to pay the same rates of disability compensation.

Removal of such rate differential for these veterans will affect about 33,000 cases at an additional cost of \$7,365,000 the first year.

PENSION

Pension for non-service-connected disability and death would be extended by this bill to veterans of the "Vietnam era" and their widows and children on the same basis as is now provided to veterans of World War I, World War II, or the Korean conflict and their widows and children.

For the reasons heretofore indicated, I believe it is proper to equate service since the Bay of Tonkin incident with service during previously recognized war periods. Thus, the proposed extension of pension benefits to those who served during this period and their dependents appears to be warranted.

Moreover, I believe it is timely.

Pension for World War II veterans was provided by Public Law 313 of the 78th Congress on May 27, 1944, while that war was in progress. Following this precedent, pension for veterans of the Korean conflict was provided by Public Law 28, 82d Congress, on May 11, 1951, less than 1 year after the Korean conflict started. While there will be few individuals with service during the "Vietnam era" who will have immediate need for this benefit, legislation authorizing it at this time would appear to be a proper means of recognizing the sacrifices of those serving in this period, and their assistance to all of us in the defense of our democratic ideals.

BURIAL ALLOWANCES

Section 902 of title 38, United States Code, authorizes the payment of an allowance not to exceed \$250 to cover the burial and funeral expenses of a deceased veteran who (1) died of a service-connected disability; or (2) was a veteran of any war, was discharged for a service-connected disability or was in receipt of disability compensation at the time of his death. By redefining the term "period of war" to include veterans of the "Vietnam era," S. 3580 would have the effect

of making all burial benefits now authorized by chapter 23 of title 38 payable to these veterans since burial flags authorized by section 901 were extended to these veterans by the enactment of Public Law 89-358.

The same considerations which I have previously mentioned as warranting the equating of service during the period since the Bay of Tonkin incident with service during World War II and the Korean conflict dictate the extension of these benefits to veterans of the "Vietnam era," and I would favor such action.

MEDICAL BENEFITS PROVIDED BY THE BILL

Several special medical benefits not now available to veterans of current service, but which were provided for veterans of World War II and the Korean conflict, would be granted by this bill. Two of them are covered by specific provisions in section 4.

One is the extension to the "Vietnam era" group of the conclusive presumption now provided for World War II and Korean conflict veterans, for purposes of establishing eligibility for hospital and medical care, that an active psychosis which develops within 2 years after discharge and before the expiration of 2 years from the end of the war period will be deemed to have been incurred in service. This is a conclusive presumption which does not admit of rebuttal.

We realize that this provision was apparently intended by the Congress to grant special recognition to the fact that war veterans suffering from this serious condition should be given medical care on the priority basis accorded to all service-connected cases but without any of the uncertainties or delays incident to an evaluation of the evidence concerning service relationship. We question whether this conclusive and artificial presumption should be further extended. It is the position of the Veterans' Administration that the provisions of existing law and regulations are adequate to permit a finding of service connection in any meritorious case.

If the pension provisions of the bill are adopted, section 4 would also include the "Vietnam era" group within the program of furnishing drugs and medicines for non-service-connected conditions which now applies to World War I, World War II, and Korean conflict veterans receiving the increased rate of pension under the new program because of the need of regular aid and attendance. Because of the interrelationship with the pension provisions, this amendment in section 4(b) should follow the disposition of those provisions.

The bill would produce other effects in the medical area flowing from the definition of the term "period of war" to include the "Vietnam era." This is true because certain medical programs cover "veterans of any war," a group now defined as those who served during a "period of war." Included are—

(1) Payments to State homes for part of the cost of hospitalization, domiciliary care, or nursing home care of "each veteran of any war" under 38 U.S.C. 641;

(2) The correlative program of grants to States to construct nursing home facilities for the care of war veterans (38 U.S.C. 5032);

(3) Authority to use private contract beds for the hospital care of "veterans of any war" in a Commonwealth or possession for non-service-connected conditions (38 U.S.C. 601(4)(C)(iii));

(4) Contract hospital care in the Veterans Memorial Hospital, Republic of the Philippines, for a "veteran of any war" for non-service-connected disability if he is unable to pay (38 U.S.C. 624).

We think there is sound justification for granting these enumerated benefits resting on war veteran status. Public Law 89-358 provided hospital and domiciliary care to veterans serving since the end of the Korean conflict for non-service-connected conditions where there is inability to defray the cost of care. We think the additional medical coverage for the "Vietnam era" group set forth in the four categories just described is a warranted preference to that group to perfect and extend medical protection for them on a basis heretofore given to veterans of the other conflict periods.

Two other medical items should be mentioned. Permanent outpatient care is provided for by 38 U.S.C. 612(g) following extended VA hospitalization for veterans who are receiving pension at the increased rate based on need of regular aid and attendance if they are suffering from specified chronic diseases, even though not service connected. Pursuant to 38 U.S.C. 617, invalid lifts and other appliances and devices, including medical supplies, are furnished to veterans who are so seriously disabled as to be medically eligible for an invalid lift and who are receiving increased pension based on the need of regular aid and attendance. Both of these provisions are dependent on receipt of pension at the aid and attendance rate, and the determination of whether they should cover the "Vietnam era" group should properly depend on the action taken with respect to pension benefits for this group.

ASSISTANCE IN PURCHASE OF AUTOMOBILES FOR CERTAIN DISABLED VETERANS

Section 5 of S. 3580 proposes to extend to veterans of the "Vietnam era" who meet the other criteria of existing law, assistance in the purchase of an automobile or other conveyance. Chapter 39 of title 38, United States Code, currently authorizes a payment of not to exceed \$1,600 toward the purchase of an automobile by World War II and Korean conflict veterans who have suffered, as the result of service during such periods, the loss or permanent loss of use of one or both hands or feet or permanent visual impairment to a prescribed degree.

In the light of present conditions of military service, the Veterans' Administration, by letter of April 29, 1965, submitted a draft of legislation to the President of the Senate and the Speaker of the House of Representatives proposing to authorize the program of assistance in the purchase of an automobile or other conveyance to those "induction period veterans" (those who served between January 31, 1955, and the end of the Universal Military Training and Service Act) (1) who have suffered severe impairment of mobility, which results from the amputation or loss of use of one or both feet and for whom an automobile can be considered as constituting, in effect, an additional prosthetic appliance, and (2) whose disability or disabilities were the direct result of hazardous service (including such service under conditions simulating war).

Under date of June 10, 1965, in reporting to the Senate Committee on Labor and Public Welfare on S. 1199, 89th Congress, which proposed to extend the automobile assistance program to certain members of the "induction period" group, the Veterans' Administration recommended the substitution therefor of our proposal of April 29, 1965. Notwithstanding that recommendation, the Committee on Labor and Public Welfare reported the bill on June 8, 1966, with broadening amendments. As reported (and as the bill passed the Senate on June 9, 1966), it authorized the assistance for those veterans who have suffered the loss or loss of use of one or both hands or feet or permanent visual impairment of a prescribed degree; deleted the requirement that the disability have been incurred as a direct result of armed conflict or while engaged in extrahazardous service (including such service under conditions simulating war); required that the disability have been incurred during service after January 31, 1955, rather than during the "induction period"; and removed the governing time limitations upon applications set forth in 38 U.S.C. 1905. That bill is currently pending before the Committee on Veterans' Affairs, House of Representatives.

To summarize the overall cost of the bill, we estimate that, as introduced, the first-year cost will be \$9.7 million, increasing to \$22.6 million in the fifth year, for a total first 5 years of \$79.9 million. These figures do not, of course, include the cost of the medical provisions.

Estimated cost

[In thousands]

Funeral expense	Disability compensation	Pensions		Autos	Total
		Disability	Death		
\$657	\$7,363	\$924	\$47	\$720	\$9,713
868	10,035	1,188	94	360	12,575
1,078	12,765	1,452	187	360	15,842
1,315	15,465	1,716	374	360	19,230
1,525	18,165	1,980	582	360	22,592

As to the medical provisions, we are unable at this time to submit an estimate of the cost involved. It is clear, however, that the first-year cost of these provisions would be quite small.

This concludes my formal statement of these measures, Mr. Chairman. I would be pleased to answer any questions which members of the committee may wish to ask.

VII. 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, as reported, 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):

TITLE 38, UNITED STATES CODE

* * * * *
 § 101. Definitions

For purposes of this title—

* * * * *

(11) The term "period of war" means the Spanish-American War, World War I, World War II, the Korean conflict, *the Vietnam era*, and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

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(29) *The term "Vietnam era" means the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress.*

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CHAPTER 15—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH OR FOR SERVICE

Sec. Subchapter I—General

- 501. Definitions.
- 502. Determinations with respect to disability.
- 503. Determinations with respect to annual income.
- 504. Persons heretofore having a pensionable status.
- 505. Payment of pension during confinement in penal institutions.
- 506. Resource reports and overpayment adjustments.
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SERVICE PENSION

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NON-SERVICE-CONNECTED DISABILITY PENSION

- 521. Veterans of World War I, World War II, [or] the Korean conflict *or the Vietnam era*.
- 522. Net worth limitation.
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Subchapter III—Pensions to Widows and Children

WARS BEFORE WORLD WAR I

- 531. Widows of Mexican War veterans.
- 532. Widows of Civil War veterans.
- 533. Children of Civil War veterans.
- 534. Widows of Indian War veterans.
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- 536. Widows of Spanish-American War veterans.
- 537. Children of Spanish-American War veterans.

WORLD WAR I, WORLD WAR II, [AND] THE KOREAN CONFLICT, AND THE VIETNAM ERA

- 541. Widows of World War I, World War II, [or] Korean conflict, or Vietnam era veterans.
- 542. Children of World War I, World War II, [or] Korean conflict, or Vietnam era veterans.
- 543. Net worth limitation.

Subchapter IV—Army, Navy, Air Force, and Coast Guard Medal of Honor Roll

- 560. Medal of honor roll; persons eligible.
- 561. Certificate.
- 562. Special provisions relating to pension.

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NON-SERVICE-CONNECTED DISABILITY PENSION

§ 521. Veterans of World War I, World War II, [or] the Korean conflict, or the Vietnam era

(a) The Administrator shall pay to each veteran of World War I, World War II, [or] the Korean conflict, or the Vietnam era 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 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—	but Equal to or less than—	
\$600	\$600	\$100
1,200	1,200	75
	1,800	43

(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	Column III	Column IV
Annual income				
More than—	Equal to or less than—	One dependent	Two dependents	Three or more dependents
\$1,000	\$1,000	\$105	\$110	\$115
2,000	2,000	80	80	80
	3,000	48	48	48

(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 \$100.

(e) If the veteran has a disability rated as permanent and total, and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or, (2) by reason of his disability or disabilities, is permanently housebound but does not qualify for the aid and attendance rate under subsection (d) of this section, the monthly rate payable to him under subsection (b) or (c) shall be increased by \$35.

(f) 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 in excess of whichever is the greater, \$1,200 or the total earned income of the spouse, 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.

(g) 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, or the Vietnam era;

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

(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, or the Vietnam era; or

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

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WORLD WAR I, WORLD WAR II, [AND] THE KOREAN CONFLICT, AND THE VIETNAM ERA

§ 541. Widows of World War I, World War II [or] Korean conflict, or Vietnam era veterans

(a) The Administrator shall pay to the widow of each veteran of World War I, World War II, [or] the Korean conflict, or the Vietnam era who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive)

compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section.

(b) If there is no child, pension shall be paid at the monthly rate set forth in column II of the following table opposite the widow's annual income as shown in column I:

Column I		Column II
Annual income		
More than—	but	Equal to or less than—
\$600		\$64
1,200	\$600	48
	1,200	27
	1,800	

(c) If there is a widow and one child, pension shall be paid at the monthly rate set forth in column II of the following table opposite the widow's annual income as shown in column I:

Column I		Column II
Annual income		
More than—	but	Equal to or less than—
\$1,000		\$80
2,000	\$1,000	64
	2,000	43
	3,000	

(d) If there is a widow and more than one child, the monthly rate payable under subsection (c) shall be increased by \$15 for each additional child.

(e) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

(1) before (A) December 14, 1944, in the case of a widow of a World War I veteran, or (B) January 1, 1957, in the case of a widow of a World War II veteran, or (C) February 1, 1965, in the case of a widow of a Korean conflict veteran, or (D) before the expiration of ten years following termination of the Vietnam era in the case of a widow of a Vietnam era veteran; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

§ 542. Children of World War I, World War II, [or] Korean conflict, or Vietnam era veterans

(a) Whenever there is no widow entitled to pension under section 541 of this title, the Administrator shall pay to the child or children of each veteran of World War I, World War II, [or] the Korean conflict, or the Vietnam era who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the monthly rate of \$38 for one child, and \$15 for each additional child.

(b) Pension prescribed by this section shall be paid to eligible children in equal shares.

(c) No pension shall be paid under this section to a child whose annual income, excluding earned income, exceeds \$1,800.

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CHAPTER 17—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

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§ 602. Presumption relating to psychosis

For the purposes of this chapter, any veteran of [World War II or of] *World War II*, the Korean conflict, or the *Vietnam era* who developed an active psychosis (1) within two years after his discharge or release from the active military, naval, or air service, and (2) before July 26, 1949, in the case of a veteran of World War II, or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of two years following termination of the *Vietnam era* in the case of a *Vietnam era* veteran, shall be deemed to have incurred such disability in the active military, naval, or air service.

* * * * *

(h) Any veteran who as a veteran of World War I, World War II, [or] the Korean conflict, or the *Vietnam era* is receiving increased pension under section 521(d) of this title based on need of regular aid and attendance may be furnished drugs or medicines ordered on prescription of a duly licensed physician as specific therapy in the treatment of an illness or injury suffered by the veteran.

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CHAPTER 39—AUTOMOBILES FOR DISABLED VETERANS

Sec.

1901. Veterans eligible for assistance.

1902. Limitation on types of assistance furnished and veterans otherwise entitled.

1903. Limitation on amounts paid by United States.

1904. Prohibition against duplication of benefits.

1905. Applications.

§ 1901. Veterans eligible for assistance

(a) The Administrator, under such regulations as he may prescribe, shall provide or assist in providing an automobile or other conveyance by paying not to exceed \$1,600 on the purchase price, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran who is entitled to compensation under chapter 11 of this title for any of the following due to disability incurred in or aggravated by active military, naval, or air service during [World War II or] *World War II*, the Korean conflict, or the *Vietnam era*:

(1) Loss or permanent loss of use of one or both feet;

(2) Loss or permanent loss of use of one or both hands;

(3) Permanent impairment of vision of both eyes of the following status: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

(b) For the purposes of this section, the "World War II" includes, in the case of any veteran, any period of continuous service performed

by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

§ 1902. Limitation on types of assistance furnished and veterans otherwise entitled

No payment shall be made under this chapter for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority; however, a veteran who cannot qualify to operate a vehicle shall nevertheless be entitled to the payment of not to exceed \$1,600 on the purchase price of an automobile or other conveyance, as provided in section 1901 of this title, to be operated for him by another person, but only if such veteran meets the other eligibility requirements of this chapter.

§ 1903. Limitation on amounts paid by United States

The furnishing of such automobile or other conveyance, or the assisting therein, shall be accomplished by the Administrator paying the total purchase price, if not in excess of \$1,600, or the amount of \$1,600, if the total purchase price is in excess of \$1,600, to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran.

§ 1904. Prohibition against duplication of benefits

No veteran shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter.

§ 1905. Applications

[The benefits provided in this chapter shall not be available to any veteran who has not made application for such benefits to the Administrator within five years after the date of the veteran's discharge or release from active military, naval, or air service; except that in the case of any veteran whose loss or permanent loss of use of one or both feet, or one or both hands, or permanent impairment of vision, as specified in section 1901 of this title, shall have occurred after his discharge or release from active military, naval, or air service, application may be made within three years after the occurrence of such disability. Notwithstanding the foregoing time limits, no otherwise eligible veteran shall be denied the benefits of this chapter who makes application within one year from the date on which his entitlement to compensation for loss or permanent loss of use of one or both feet, or one or both hands, or permanent impairment of vision, as specified in section 1901 of this title, shall have been determined.]

The benefits of this chapter shall be made available to any veteran who meets the eligibility requirements of this chapter and who makes application for such benefits in accordance with regulations prescribed by the Administrator.