

PAYMENT FOR UNAUTHORIZED EMERGENCY TREATMENT OF WORLD WAR VETERANS

JULY 29 (calendar day, AUGUST 12), 1935.—Ordered to be printed

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

REPORT

[To accompany H. R. 4513]

The Committee on Finance, to whom was referred the bill (H. R. 4513) to authorize payment of claims for unauthorized emergency treatment of World War veterans, having considered the same, report it to the Senate without amendment and recommend that the bill do pass.

The Acting Director, Bureau of the Budget, has advised that the proposed legislation would not be in conflict with the financial program of the President.

The Administrator of Veterans' Affairs recommended to the House committee the enactment of this proposed legislation with the amendment as disclosed by the following report:

VETERANS' ADMINISTRATION,
Washington, July 15, 1935.

Hon. J. E. RANKIN,

*Chairman Committee on World War Veterans' Legislation,
House of Representatives.*

MY DEAR MR. RANKIN: There is enclosed herewith a draft of a proposed committee report on H. R. 4513, a bill to authorize payment of claims for unauthorized emergency treatment of World War veterans.

This proposed report has been prepared in accordance with the understanding reached following the meeting of the Committee on World War Veterans' Legislation, July 13, 1935, when it was determined to report the bill favorably with the amendment proposed by the Veterans' Administration.

I am enclosing a copy of H. R. 4513 showing the committee amendment referred to in the report.

Very truly yours,

JAMES T. BRADY, *Solicitor.*

HISTORY OF LEGISLATION

The authority for making reimbursement for unauthorized medical and hospital treatment for disabilities incurred in service when such expenses were incurred before March 20, 1933, was derived from section 202 (9), World War Veterans' Act, 1924, as amended, which provided in part:

"In addition to the care, treatment, and appliances now authorized by law, said Bureau shall also provide, without charge therefor, hospital, dental, medical, surgical, and convalescent care and treatment and prosthetic appliances * * * for any member of the military or naval forces of the United States, not dishonorably discharged, disabled by reason of any wound or injury received or disease contracted, * * * on or after April 6, 1917, and before July 2, 1921: * * * *Provided*, That where a beneficiary of the Bureau suffers or has suffered an injury or contracted a disease in service, entitling him to the benefits of this subdivision, and an emergency develops or has developed requiring immediate treatment or hospitalization on account of such injury or disease, and no Bureau facilities are or were then feasibly available and in the judgment of the Director delay would be or would have been hazardous, the Director is authorized to reimburse such beneficiary the reasonable value of such service received from sources other than the Bureau."

Under the above section, if a person suffering from a wound, injury, disease, or disability, in an emergency when no Bureau facilities were feasibly available, received treatment or hospitalization from outside sources, reimbursement of the reasonable value of such services was permissible.

The act of March 20, 1933, provided by section 17, title I, thereof:

"All public laws granting medical or hospital treatment, domiciliary care, compensation and other allowances, * * * to veterans and the dependents of veterans of * * * the World War, * * * are hereby repealed, * * *."

Section 202 (9), World War Veterans' Act, was a section in a public law granting benefits described in section 17, title I, act of March 20, 1933. It was therefore repealed by that act. The saving clause contained in section 17, which protected from the effect of the repealing clause certain benefits being paid under the prior laws, had no effect on claims for reimbursement under section 202 (9), World War Veterans' Act, as amended.

However, on June 16, 1933, the Congress, by Public, No. 78, provided, in section 20 thereof, that:

"Notwithstanding the provisions of section 17, title I, Public Law Numbered 2, Seventy-third Congress, any claim * * * for pension, compensation allowance, or emergency officers' retirement pay under the provisions of laws repealed by said section 17 wherein claim was duly filed prior to March 20, 1933, may be adjudicated by the Veterans' Administration on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and any person found entitled to the benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws: * * *."

Cases have arisen where a claim for reimbursement under section 202 (9), World War Veterans' Act, as amended, was filed before March 20, 1933. All proofs and evidence necessary to show entitlement and to warrant favorable action were received by the Veterans' Administration before March 20, 1933. It has been necessary to determine that the term "compensation allowance" as used in Public, No. 78, above cited, does not include these claims for reimbursement. Although subsequent legislation has been enacted, no provision has been made to permit adjudication of these cases.

The Director Bureau of the Budget has advised that insofar as the financial program of the President is concerned there is no objection to the proposed legislation with the amendment suggested above. Accordingly, it is the recommendation of the Veterans' Administration that the bill as revised and as it passed the House receive the favorable action of your committee and approval by the Congress.

