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SENATE

{ REPORT
No. 1419

PROVIDING A SYSTEM OF RELIEF FOR VETERANS, AND DEPENDENTS OF VETERANS, WHO SERVED DURING WORLD WAR II IN THE ORGANIZED MILITARY FORCES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES WHILE SUCH FORCES WERE IN THE SERVICE OF THE ARMED FORCES OF THE UNITED STATES PURSUANT TO THE MILITARY ORDER OF JULY 26, 1941, OF THE PRESIDENT OF THE UNITED STATES

JUNE 4 (legislative day, MARCH 5), 1946.—Ordered to be printed

MR. LA FOLLETTE, from the Committee on Finance, submitted the following

REPORT

[To accompany S. 2235]

The Committee on Finance, to whom was referred the bill (S. 2235) to provide a system of relief for veterans, and dependents of veterans, who served during World War II in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of July 26, 1941, of the President of the United States, and for other purposes, having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

EXPLANATION OF THE BILL

The preamble states that titles I to V (which are designated "The Philippine Veterans' Act of 1946") are intended to provide an exclusive system of relief for the heroic legions of Philippine fighting men, who comprised the organized military forces of the government of the Commonwealth of the Philippines and the recognized guerrilla forces and the dependents of those deceased.

TITLE I

Title I of the bill provides in general that the benefits afforded by titles II, III, and IV shall be available to persons who are otherwise eligible upon certification by the Secretary of War (or his designee) to the Administrator of Veterans' Affairs that the veteran for whom or

on account of whose service benefits are claimed served in the organized military forces of the government of the Commonwealth of the Philippines or in an organized guerrilla force under a commander appointed, designated, or subsequently recognized by General MacArthur or other competent authority in the Army of the United States within a stated period which with respect to members of the organized military forces commences on July 26, 1941, and with respect to the guerrilla forces commences on December 7, 1941, and with respect to both groups terminates on July 4, 1946, or the date of the termination of the present war, whichever date is the earlier. No certification will be made if the veteran concerned is believed to have rendered assistance to an enemy of the United States or of its allies. Furthermore, no certification will be made unless it has been determined pursuant to regulations promulgated by the Secretary of War that the service of the veteran was substantially similar in character to the honorable active service which under similar circumstances would have been rendered by members of the armed forces of the United States. The certificate will specify when service was rendered.

The effect of title I is to impose upon the War Department and the Army the responsibility of determining the identity of the individuals who comprised the organized military forces of the government of the Commonwealth of the Philippines and the recognized guerrilla forces. The title contemplates that such action will be taken as is necessary to ascertain whether service was of such a character as to merit general eligibility for the benefits provided by the bill.

It is contemplated that the number of individuals whose service may be certified will be in excess of 300,000 and possibly may exceed 350,000.

TITLE II

Title II of the bill provides pensions on a peso basis for service-connected disability or death.

With respect to pensions for disability, section 201 provides that pensions at the rates specified in sections 202, 203, and 204 will be paid by the United States (pursuant to regulations to be prescribed by the Administrator of Veterans' Affairs) to any person who has a disability resulting from personal injury or disease contracted in line of duty or an aggravation of a preexisting injury or disease contracted or suffered in line of duty when the disease or injury or aggravation of the disease or injury directly resulted from the performance of active service which has been certified by the Secretary of War or his designee as provided in section 101.

The effect of section 201 is to require affirmative proof that a given disability directly resulted from the performance of active service.

Sections 202, 203, and 204, in general, provide pensions for service-connected disability at the rates at which such pensions would be payable to veterans who contracted a service-connected disability while serving in the armed forces of the United States during World War II, or immediately prior thereto, except that the proposed pensions are provided on the basis of 1 peso for each dollar authorized for veterans who served in the armed forces of the United States.

Section 205 provides that for all purposes in connection with the bill disability shall be rated only in accordance with Schedule for

Rating Disabilities, 1945 edition, as now constituted or hereafter amended.

Sections 301, 302, and 303 provide for death pensions at the rates at which such pensions would be payable to dependents of veterans who died of service-connected injury while serving in the armed forces of the United States during World War II, or immediately prior thereto, except that the proposed pensions are provided on the basis of 1 peso for each dollar authorized for the dependents of veterans who served in the armed forces of the United States. Such pensions are payable when death is the result of disease or injury incurred in or aggravated by active service in line of duty when the disease or injury or aggravation of the disease or injury directly resulted from the performance of active service which has been certified by the Secretary of War or his designee as provided in section 101.

TITLE III

Title III of the bill authorizes hospitalization, artificial limbs and related items, necessary transportation, and provision for burial when death occurs while hospitalized.

The benefits provided by this title are available only in connection with disability resulting from personal injury or disease contracted in line of duty or for aggravation of a preexisting injury or disease contracted or suffered in line of duty when the disease or injury or aggravation of the disease or injury directly resulted from the performance of active service which has been certified by the Secretary of War or his designee as provided in section 101. Furthermore, the benefits provided by this title are authorized only to the extent that the Administrator of Veterans' Affairs deems necessary and proper.

TITLE IV

Title IV of the bill authorizes the Administrator of Veterans' Affairs to pay burial and funeral expenses and transportation of the body, and to provide a United States flag to drape the casket, in connection with the death, after separation from service, of a person whose service has been certified by the Secretary of War or his designee as provided in section 101.

When death occurs in the Philippine Islands the sum of 100 pesos is provided for burial and funeral expenses and transportation of the body (including preparation of the body). When death occurs at a place other than the Philippine Islands the amount authorized for burial and funeral expenses and transportation of the body (including preparation of the body) is a sum equal to the reasonable cost of such expenses not, however, in excess of \$100. The section contemplates that the Administrator of Veterans' Affairs will promulgate regulations with respect to issuance of United States flags. Such flags, after being used to drape the casket, will become the property of decedent's next of kin. The Administrator of Veterans' Affairs will prescribe the person, or persons, to whom burial allowances are payable.

TITLE V

Title V of the bill provides in general the authority needed in connection with the administration in the Philippine Islands of laws administered by the Veterans' Administration.

Section 601 authorizes the Administrator of Veterans' Affairs to continue, establish, and maintain in the Philippine Islands such offices, hospitals, and other field installations as he may deem necessary for the administration, execution, and enforcement of the bill, and regulations prescribed pursuant to it, and the laws and regulations pertaining to veterans who have served in the armed forces of the United States, and their dependents. It further authorizes the Administrator to purchase land and to purchase, construct, and maintain such buildings as he deems necessary, including hospitals, office buildings, and buildings to house officers and employees of the Veterans' Administration, and their dependents.

Section 602 authorizes the Administrator of Veterans' Affairs to appoint and employ in the Philippine Islands persons who are not citizens of the United States, and to establish pay scales for persons so employed which are lower than the pay scales provided by law for the positions to which such noncitizens are appointed. This section will permit the Administrator to employ in the Philippine Islands scientific, professional, administrative, and clerical personnel who are not citizens of the United States.

Sections 603, 604, and 605 relate to officers or employees of the Veterans' Administration on duty in the Philippine Islands or assigned thereto. Section 603 authorizes the payment of the expenses of transportation and subsistence of officers and employees of the Veterans' Administration and their immediate families in going to and returning from their post of duty in the Philippine Islands. Furthermore, this section authorizes the Administrator to order to the United States, on official leave of absence, any officer or employee of the Veterans' Administration who is a citizen of the United States and who has performed 3 years or more of continuous service in the Philippine Islands. In addition, it provides for the payment of expenses of transportation and subsistence of such officers and employees and their immediate families in traveling to their homes in the United States and return. While in the United States, such officers and employees would be available for duty with the Veterans' Administration. Section 604 provides necessary traveling expenses and actual expenses for subsistence, or a per diem in lieu of subsistence, in accordance with Standardized Government Regulations, as amended, for officers and employees of the Veterans' Administration while on duty in the Philippine Islands and away from the post to which assigned. Section 605 makes officers and employees of the Veterans' Administration and members of their immediate families, if citizens of the United States, eligible for hospitalization and medical care provided by the Veterans' Administration, at rates established by the Administrator of Veterans' Affairs.

Section 606 provides that all decisions rendered by the Administrator under the bill, or regulations issued pursuant to it, shall be final and conclusive on all questions of law and fact, and that no other official or court of the United States shall have jurisdiction to review by mandamus or otherwise any such decision. Furthermore, the Administrator is authorized to delegate authority to render decisions.

Sections 607, 608, and 609, in general, are designed to integrate the administration of the bill with the system of laws and Veterans Regulations presently administered by the Veterans' Administration insofar as the unique conditions in the Philippine Islands make such integration desirable and feasible. Although it is recognized that the

penal provisions incorporated by reference in sections 608 and 609 will be inapplicable to crimes and offenses committed in the Philippine Islands after independence, it is anticipated that comparable legislation will be enacted by the Government of the Philippine Republic. Furthermore, the penal provisions incorporated by reference in sections 608 and 609 would be for application with respect to crimes committed within the jurisdiction of the United States. Section 609, among other things, will authorize, subject to modification or change by the Administrator of Veterans' Affairs, the payment of pension to the dependents of an incompetent veteran who has been receiving a pension, but has disappeared (Veterans Regulation No. 1 (a), pt. VI); decrease of pension to a disabled veteran who has neither wife, child, nor dependent parent while such veteran is being furnished hospital treatment, institutional, or domiciliary care by the United States (Veterans Regulation No. 6 (a), pt. VI); making contracts for burial and funeral services within the limits prescribed by the bill without regard to the laws prescribing advertisement for proposals for supplies and services for the Veterans' Administration (Veterans Regulation No. 9 (a), pt. II).

Section 610 makes appropriations of the Veterans' Administration, except as otherwise specified, available for expenditures necessary to carry out the provisions of this bill and authorizes additional appropriations.

Section 611 amends the first proviso under the heading entitled "Transfer of appropriations," contained in title II of the First Supplemental Surplus Appropriation Rescission Act, 1946, by—

(a) making such proviso effective as of July 26, 1941:

(b) removing entitlement under laws administered by the Veterans' Administration which provide for the payment of pensions on account of service-connected disability or death, and substituting instead benefits under the proposed bill (the Philippine Veterans' Act of 1946).

Section 612 authorizes the President of the United States, upon determining that the Government of the Philippine Republic has failed to cooperate in the administration, enforcement, and execution of the bill, to suspend by Executive order the benefits provided by the bill in whole or in part for such period or periods as he deems necessary.

Section 613 provides that the bill shall be effective as of July 26, 1941, but validates all payments made pursuant to laws administered by the Veterans' Administration prior to the date of enactment of the bill.

Section 614 authorizes the Secretary of War to procure such additional military and civilian personnel or to detail such personnel as he deems necessary to carry out the functions placed upon him by the bill. Furthermore, it authorizes to be appropriated to the War Department, in addition to appropriations otherwise available, such amounts as may be necessary to carry out such functions.

TITLE VI

Title VI relates exclusively to persons who served in the armed forces of the United States. Thus, it has no application whatsoever to persons whose only service was in the organized military forces of the Government of the Commonwealth of the Philippines or the recognized guerrilla forces.

The effect of title VI is to authorize the Administrator of Veterans' Affairs to provide necessary hospital care and medical treatment to veterans of the armed forces of the United States who reside in the Philippine Islands for disability due to service in the armed forces of the United States.

Without such authority as is contained in title VI, the Veterans' Administration would be authorized by the bill, if enacted, to afford hospital care in the Philippine Islands, after independence, to certain Philippine Army veterans, but would not be authorized to furnish hospital care to veterans of the armed forces of the United States who reside in the Philippine Islands.

The letter of the President recommending this legislation is as follows:

THE WHITE HOUSE,
Washington, May 18, 1946.

THE PRESIDENT OF THE SENATE PRO TEMPORE.

SIR: I am transmitting, with request for its early introduction and consideration, a bill to provide for the Philippine veterans:

First. Hospitalization, including medical care, for service-connected disability;
Second. Pensions for service-connected disability and death, on a peso-for-dollar basis; and

Third. Appropriate burial and funeral allowance.

The bill also contains general administrative and penal provisions, as well as a provision authorizing hospital care and medical treatment in the Philippine Islands for American veterans residing there.

Under the legislation proposed, the Philippine veteran would have restored to him some of the veterans' benefits which were taken from him by the First Supplemental Surplus Appropriation Rescission Act, 1946, due, doubtless, in part at least, to the impracticability from an administrative viewpoint of applying to Philippine veterans the Servicemen's Readjustment Act and the need for adapting to Philippine conditions the benefits provided by that act.

The standing Philippine Army was made a part of the armed forces of the United States by the President's order of July 26, 1941. Certain guerrillas, who so courageously carried on the war against the enemy after the fall of the Philippines, were recognized as members of the Philippine Army, hence a part of the Army of the United States.

The record of the Philippine soldiers for bravery and loyalty is second to none. Their assignment was as bloody and difficult as any in which our American soldiers engaged. Under desperate circumstances they acquitted themselves nobly.

There can be no question but that the Philippine veteran is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side. From a practical point of view, however, it must be acknowledged that certain benefits granted by the GI bill of rights cannot be applied in the case of the Philippine veteran. The agencies which prepared the proposed bill have recognized this fact and have dealt with the legislation on a practical basis, including only that which is susceptible of proper administration. While its enactment will not cure in toto the present discrimination against the Philippine veteran, the proposed legislation constitutes all that is practicable at the present time, and it will clearly indicate to the Filipinos that it is the purpose of the United States Government to do justice to their veterans. More important, it will provide the help so direly needed by many Filipinos who served our cause with unwavering devotion in the face of bitter hardship and wanton cruelty.

I am directing the Veterans' Administration, the War Department, and the High Commissioner to the Philippines to give consideration to a practicable method of providing some educational opportunity for the Philippine veteran and of assuring, so far as possible, employment for him. If these additional benefits can be put into effect, it is my view, as well as the view of those interested, that substantial justice will have been done the Philippine veteran and the existing discrimination against him removed.

The proposed legislation has the full endorsement of the Veterans' Administration, the War Department, and the High Commissioner to the Philippines. I urge upon you its early enactment.

I am also writing to the Speaker of the House, forwarding another copy of the proposed bill.

Very sincerely yours,

HARRY S. TRUMAN.