

SPANISH WAR PENSION BILL

FEBRUARY 20, 1926.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. ROBSION of Kentucky, from the Committee on Pensions, submitted the following

REPORT

[To accompany H. R. 8132]

The Committee on Pensions, to whom was referred certain bills, H. R. 98, 319, 8132, and similar bills proposing to grant pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, and the China relief expedition, to certain maimed soldiers, and to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, having had the several bills under consideration and having heard the Members who introduced the bills, and Hon. Carmi A. Thompson, commander in chief of the United Spanish War Veterans, and many other persons representing those who would become beneficiaries thereunder, respectfully submit the following unanimous report with the recommendation that bill H. R. 8132 do pass:

The act of June 5, 1920, grants pensions of from \$12 to \$30 per month to persons who served 90 days or more in the military or naval service during the war with Spain, the Philippine insurrection, or the China relief expedition, who are suffering from mental or physical disabilities of a permanent character, not the result of vicious habits, which so incapacitates them for manual labor as to render them unable to earn a support. Said act also provides certain rates for those who have attained certain ages (62, 68, 72, and 75). The act of September 1, 1922, extends the benefits of the act to include any woman who served honorably as an Army nurse, chief nurse, or superintendent of Nurse Corps under contract for 90 days between the beginning of the war with Spain and February 2, 1901, when the Nurse Corps was declared by law a component part of the Army and to any nurse who was released from service before the expiration of 90 days by reason of disability contracted in line of duty.

Section 1 of this bill grants a pension of not less than \$20 nor more than \$50 per month to such persons, and provides that those who served in the military or naval service less than 90 days shall have title to the pension if they were discharged on account of disability contracted in service in line of duty. This section of the bill also provides for an automatic increase of the rates as follows: The \$12 rate to \$20, the \$15 rate to \$25, the \$18 rate to \$30, the \$24 rate to \$40, and the \$30 rate to \$50. The percentage of increase as to all classes is exactly the same.

Under the act of September 1, 1922, the widows, remarried widows, minor children under the age of 16 years and helpless children mentioned in section 2 of this bill are now entitled to a pension of \$20 per month and \$4 per month additional on account of each child, and such pensions commence from the date applications therefor are filed in the Bureau of Pensions.

Under section 2 of this bill the rate will be \$30 per month with \$8 per month additional on account of each child. Under the act of September 1, 1922, the widow has title only if she was married to the soldier, sailor, or marine prior to the date of approval of that act, but under this bill she will have title if married any time before it becomes a law, and her pension will be allowed from the date of her husband's death, if his death occurs after the approval of this act, and otherwise from the date her claim is filed under the act in the Bureau of Pensions.

If there be no widow, or one not entitled to pension under any law granting additional pension to minor children, the minor children will be entitled to the pension provided for the widow from the date of the father's death, if such death occurs after the passage of this act; and in the event of the death or remarriage of the widow, or forfeiture of the widow's title to pension, the pension will continue from the date of such death, remarriage, or forfeiture to such child or children until 16 years of age.

Provision is also made in this bill for the continuance of the pension in the case of a minor child who is insane, idiotic, or otherwise permanently helpless during the lifetime of such child or the period of such disability.

Section 3 of the bill provides a rate of \$72 per month for persons now pensioned or who may hereafter be pensioned under the act of June 5, 1920, or under said act, as amended, or under this act on account of his or her service who are or may become helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, provided their disabilities are not the result of their own vicious habits, but it is also provided in the bill that no one while an inmate of the United States Soldiers' Home or of any National or State soldiers' home shall be paid more than \$50 per month under this act.

Section 4 of the bill provides increase of pension rate for certain specific disabilities incurred in the Army, Navy, or Marine Corps, and in line of duty as follows:

For loss of a hand or a foot or total disability in same, increase from \$60 to \$65 per month; for loss of an arm at or above the elbow, or a leg at or above the knee, or total disability in same, increase from \$65 to \$72 per month; for loss of an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint, or where

the same is in such condition as to prevent the use of an artificial limb, increase from \$72 to \$80 per month; for total loss of sight of both eyes, increase from \$100 to \$125 per month.

Section 5 of the bill provides that the increased rate of pension provided for, as to all persons whose names are now on the roll, or who are now in receipt of a pension, under existing law shall commence on the 4th day of the month following the approval of the act.

It further provides that further increase in the rate allowed under section 1 of this act because of increased disability found to exist shall commence from the date of filing application for such increase in the Bureau of Pensions instead of from the date of the medical examination. This section also provides that the issue of a check in payment of a pension for which a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

It is also provided by this section that when an honorably discharged veteran of the war with Spain, the Philippine insurrection, or China relief expedition is receiving the benefits of hospitalization in any institution under the control of the Government, no portion of his pension shall be deducted for his care and maintenance therein or for the benefit of any home or hospital.

Section 6 provides that nothing in this act shall affect or diminish the additional pension to those on "the Army and Navy medal of honor roll," or reduce the pension of any other person coming under the provision of this act.

Section 7 provides that no claim agent, attorney, or other person shall contract for or demand or receive or retain a fee for service in preparing, presenting, or prosecuting any claims for the increase of pension provided for in this act; and no more than the sum of \$10 shall be allowed or received for such service in other claims thereunder.

Section 8 provides that all acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as therein specifically provided and stated.

The report from Hon. Hubert Work, Secretary of the Interior, is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 17, 1926.

HON. HAROLD KNUTSON,

Chairman Committee on Pensions, House of Representatives.

MY DEAR MR. KNUTSON: I am in receipt of your communication of the 22d ultimo, inclosing a copy of a bill (H. R. 8132) proposing to grant pensions and increase of pensions to certain soldiers and sailors of the war with Spain, etc.

Replying to your request for a report showing the estimated amount the bill will increase the annual expenditure for pensions, I have to advise you that it is estimated the annual increase will be \$18,555,528.

Section 1 of the bill will affect approximately 114,724 pensioners who would be increased at an average of about \$11 per month. This would involve an increased cost of \$15,143,568.

Section 2 affects approximately 21,983 widows and minors' cases, including 14,000 children under 16 years of age, and would involve an additional cost of approximately \$3,309,960.

Section 4 will affect approximately 1,000 pensioners who would be entitled to an increase at an estimated annual cost of \$102,000.

There is no way to ascertain how many would be eligible under section 3 of the bill, which provides a rate of \$72 a month for those soldiers, sailors, marines, or nurses who might be or might become by reason of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, with the proviso that no one while an inmate of a soldiers' home shall be paid more than \$50 a month, hence it is not possible to estimate the cost as to this item.

A copy of this report was forwarded to the Director of the Budget, who, under date of February 13, 1926, advises that the proposed report, which contains merely statistical cost data and makes no recommendation for or against the proposed legislation, is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.