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SENATE

{ REPORT
{ No. 1513

GRANTING INCREASE OF PENSIONS TO WIDOWS AND FORMER WIDOWS OF CERTAIN SOLDIERS, SAILORS, AND MARINES OF THE CIVIL WAR

FEBRUARY 17 (calendar day, FEBRUARY 18), 1927.—Ordered to be printed

Mr. FRAZIER, from the Committee on Pensions, submitted the
following

R E P O R T

[To accompany S. 5443]

The Committee on Pensions, to whom was referred the bill (S. 5443) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, having considered the same, report the bill back to the Senate with the favorable recommendation that the bill do pass with the following amendments:

Page 2, amend section 2 so as to read as follows:

SEC. 2. That the increase in the rate of pension herein provided for as to all persons whose names are now on the pension roll or who are now in receipt of a pension under existing law shall commence at the rate herein provided on the 4th day of the month next after the approval of this act; and as to persons whose names are not now on the pension roll or who are not now in receipt of pension under existing law, but who may be entitled to the benefits of this act, the rate of pension herein provided for shall commence from the date of filing application in the Bureau of Pensions after the approval of this act, if the claimant shall have attained the age of 70 years. Otherwise such rate shall commence from the date that age shall be attained: *Provided*, That no one while an inmate of the National Soldiers' Home or of any national or State soldiers' home shall be entitled to or be paid the increased rate provided for in this act.

Page 3, at the end of line 4, strike out the words "and no more".

Page 3, strike out lines 5 and 6.

Page 3, line 7, strike out the words "on the order of the Commissioner of Pensions", including the semicolon.

Amend the title so as to read:

Granting increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes.

Section 1 provides an increased rate of \$10 per month to widows and remarried widows of Civil War veterans who served 90 days or more and were honorably discharged from such service, or regardless

of the length of service, were discharged for or died in service of a disability incurred in service in line of duty, who have attained the age of 70 years.

Section 2 of the bill provides for the effective date of commencement of pension where the name of the claimant should not be on the pension roll, or the claimant is not in receipt of pension under existing law.

Number of Civil War widows now on pension roll.....	220, 000
(Of this number, 20,300 are now receiving \$50 monthly pension under act of July 3, 1926.)	
Number of such widows 70 years of age and over.....	187, 000
Number of such widows 75 years of age and over.....	117, 000

One hundred and sixty-seven thousand widows would benefit by the terms of this bill.

The cost of the proposed \$10 monthly increase the first year would be \$20,040,000, which would be decreased approximately \$1,000,000 yearly thereafter.

The amendments made to the bill are in conformity with the suggestions of the Secretary of the Interior, whose letter, under date of February 12, 1927, is made a part of this report and reads as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 12, 1927.

HON. PETER NORBECK,
Chairman Committee on Pensions, United States Senate.

MY DEAR SENATOR NORBECK: I am in receipt of your letter of January 25, inclosing a copy of a proposed bill, entitled "A bill granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War and for other purposes," which bill has since been introduced and is now pending as S. 5443, concerning which you ask an estimate of the probable cost and a report on the bill.

It is found that on December 31, 1926, there were on the pension roll approximately 167,000 widows and remarried widows who would be benefited by the terms of the bill and at an increase of \$10 per month each. The cost would therefore be \$20,040,000; but this cost would be decreased by approximately \$1,000,000 per annum on account of losses to the roll by death, which would make the net additional cost of the proposed legislation as approximately \$19,000,000 per annum.

Concerning the administrative features of the bill, it is found that the bill is not one which grants original title to pension. Section 1, which provides for the rate to be allowed and the conditions of such allowance, stipulates that only those whose names are now on the pension roll as widows or remarried widows under the provisions of the act of May 1, 1920, which act is limited to Civil War veterans and their widows, or any act prior thereto granting pensions to widows or remarried widows of Civil War veterans by general legislation, and to those whose names may hereafter be placed on the roll under the provisions of the act of May 1, 1920, or prior acts granting pensions to widows of Civil War veterans by general legislation.

Such being the case, section 2 of the bill, which provides for the effective date, should be altered as to the date of commencement of pension where the name of the claimant should not be on the pension roll or the claimant be not in receipt of pension under existing law; and as to that, it is suggested that in order to clear up the administrative difficulties which would be encountered said section be changed to read as follows:

"SEC. 2. That the increase in the rate of pension herein provided for as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rate herein provided on the 4th day of the month next after the approval of this act; and as to persons whose names are not now on the pension roll or who are not now in receipt of a pension under existing law, but who may be entitled to the benefits of this act, the rate of pension herein provided for shall commence from the date of filing application in the Bureau of Pensions after the approval of this act, if the claimant shall have attained the age of 70 years. Otherwise such rate shall

commence from the date that age shall be attained: *Provided, That no one while an inmate of the National Soldiers' Home or of any National or State Soldiers' Home shall be entitled to or be paid the increased rate provided for in this act.*"

Section 3, which deals with attorneyship and fee, should not contain a proviso for the payment of a fee in any amount, inasmuch as the bill does not provide for the grant of original title to pension. The following words and figures in section 3 should therefore be eliminated: "* * * and no more than the sum of \$10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions"; so that the section will read:

"Sec. 3. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and any person who shall directly or indirectly contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each and every such offense be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court."

Section 2 of the act of Congress approved July 3, 1926 (44 Stat. 806), increased the pensions of widows or remarried widows of persons who had served during the Civil War to \$50 a month, where the beneficiary was the wife of the man during his service in the war. This was in recognition of the hardships and privations endured by these widows occasioned by the absence of the husbands in the service. The same reason or justification does not exist in the case of the widows described in the pending bill who married subsequently to the termination of the war and prior to June 27, 1905. It would include a large number of proposed beneficiaries who did not marry the deceased soldier, sailor, or marine until many years after the close of the war.

There do not appear to be sufficient justifiable reasons to warrant recommendation of the approval of the measure, which, as indicated heretofore, would impose an additional expenditure from the Federal Treasury of approximately \$19,000,000 per annum.

A copy of this report was transmitted to the Director of the Bureau of the Budget who, under date of February 8, advises "that the proposed legislation is in conflict with the financial program of the President."

Very truly yours,

HUBERT WORK.

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