

A VIET NAM VETERANS' BONUS FOR PENNSYLVANIANS

General Assembly
of the
Commonwealth of Pennsylvania
JOINT STATE GOVERNMENT COMMISSION
1967

The Joint State Government Commission was created by Act of 1937, July 1, P. L. 2460, as last amended 1959, December 8, P. L. 1740, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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TASK FORCE FOR STUDY OF BONUS TO VIET NAM VETERANS

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LETTER OF TRANSMITTAL

*To the Members of the General Assembly of the
Commonwealth of Pennsylvania:*

House Resolution No. 34, Session of 1966, directs that the Joint State Government Commission ascertain the number of Pennsylvanians serving in the Viet Nam Theatre, the date on which the Viet Nam conflict began, current law relating to benefits for Pennsylvania veterans, and costs which would be incurred by changes in legislation which would compensate Pennsylvania veterans of Viet Nam.

This report addresses itself to these questions and, in order to lend historical perspective, it presents the chronological development of United States involvement in the Viet Nam conflict, and the annual acceleration of military activity and the corresponding acceleration in mortality.

The recommendation for paying death benefits out of current General Fund revenues would meet the immediate needs of families of deceased veterans. In view of the time required to amend the Constitution to authorize Commonwealth borrowing for the payment of bonuses, I am sure we will wish to consider a resolution initiating this process as soon as possible.

MARIAN E. MARKLEY, *Chairman*

*Joint State Government Commission
Capitol Building
Harrisburg, Pennsylvania
October 1967*

TABLE OF CONTENTS

	<i>Page</i>
Recommendations	1
Introduction	3
Section I. United States Military Involvement in Viet Nam	4
Section II. Federal Benefits Available to Viet Nam Veterans	9
Section III. Veterans' Bonus Legislation in Pennsylvania	12
Section IV. Characteristics of State Bonus Legislation: Korean and Viet Nam Conflicts	14
Appendix	19

LIST OF CHARTS

Chart I. United States Armed Forces Personnel in the Viet Nam Theatre, January 1, 1962 to May 20, 1967	6
Chart II. United States Armed Forces Personnel Killed in Action in the Viet Nam Theatre, Cumulative, January 1, 1961 to June 30, 1967	7

LIST OF TABLES

Table 1. Veterans' Benefits—Selected Federal Expenditures, Penn- sylvania, 1960–1965	10
Table 2. Summary of State Korean Bonus Legislation	15

RECOMMENDATIONS

The Joint State Government Commission recommends that the General Assembly:

1. Enact a Viet Nam Conflict Deceased Veterans' Compensation statute, such statute to provide, *inter alia*, compensation in the amount of \$1,000 to the person or persons designated in government life insurance as beneficiary by a deceased Pennsylvania serviceman, or in the absence of such designated beneficiary, to the following persons in the order named: (1) surviving unremarried widow, (a) if living with the veteran at the time of his death, or (b) if not living together with the veteran at the time of his death if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death or had his minor dependent children living with her, or (2) surviving minor or dependent child or children, share and share alike, or (3) living mother and father or the survivor of them.

In such statute, the term "deceased serviceman" shall include any man or woman serving as a member of the Military, Naval, Air Forces or Coast Guard during the Viet Nam conflict between July 1, 1958 and the date which Congress establishes as the end of the period of service for which a person shall be eligible to receive the Viet Nam Service Medal. Such person must have been eligible to receive the Viet Nam Service Medal, and must have been killed or died in the Viet Nam Theatre of Operations or have died as a direct result of a wound, a service-connected injury, or a disease incurred in the Viet Nam Theatre of Operations while a member of the United States Armed Forces.

2. Appropriate moneys from current General Fund revenues for compensation to the beneficiaries of deceased Pennsylvania Viet Nam service personnel. This is estimated to require an appropriation of \$2 million to pay claims likely to have arisen by the end of the fiscal year 1967-1968.

3. Enact enabling legislation providing for the payment of compensation to any Pennsylvania Viet Nam serviceman. Such compensation shall be computed at \$25 for every month, or fraction thereof, of active service in the Viet Nam Theatre of Operations or spent in military hospitals as a result of service-connected wounds, diseases, or injuries, provided that in no event shall the compensation payable to any serviceman exceed the sum of \$750, to be effective when the Constitution is amended to provide for a bonus bond issue.

For purposes of the proposed statute, the term "serviceman" shall include any man or woman who served as a member of the Military, Naval, Air Forces or Coast Guard in the Viet Nam Theatre of Operations between July 1, 1958 and the date which Congress establishes as the end of the period of service for which a person shall be eligible to receive the Viet Nam Service Medal. Recipients will be restricted to those who are eligible to receive the Viet Nam Service Medal.

4. Pass a Joint Resolution contemplating an amendment to the Constitution that would authorize the borrowing by the Commonwealth of \$100 million or such fraction thereof as may be necessary to pay the compensation recommended under (3) above.

INTRODUCTION

The report, *A Viet Nam Veterans' Bonus for Pennsylvanians*, is divided into four sections:

- I. United States Military Involvement in Viet Nam;
- II. Federal Benefits Available to Viet Nam Veterans;
- III. Veterans' Bonus Legislation in Pennsylvania; and
- IV. Characteristics of State Bonus Legislation: Korean and Viet Nam Conflicts.

Section I outlines the history of United States military involvement in Viet Nam. Examination of this section facilitates both determination of an appropriate time period by reference to which eligibility for compensation payments (commonly referred to as bonus payments) is to be established and estimation of the probable costs to the Commonwealth of such compensation payments.

Section II details Federal benefits available to Viet Nam veterans. Perusal of this section facilitates informed judgment regarding the propriety and adequacy of the recommended bonus for Pennsylvania veterans and their beneficiaries.

Section III summarizes Pennsylvania veterans' bonus legislation enacted since the turn of the century.

Section IV presents a comparison of bonus legislation in the various states relating to veterans of the Korean and Viet Nam conflicts.

These last two sections give historical perspective to the recommendations of the Joint State Government Commission relating to a Viet Nam bonus for Pennsylvanians.

UNITED STATES MILITARY INVOLVEMENT IN VIET NAM

United States military involvement in Viet Nam began in June 1950, with a 35-man Military Assistance Advisory Group being sent to Indochina to aid the newly formed Viet Nam Government at Saigon. The Saigon Government, together with France, was at war with the rival government under Ho Chi Minh, the Democratic Republic of Viet Nam (DRVN).

The sending of the Military Assistance Advisory Group was followed by a United States-Viet Nam Mutual Defense Assistance Agreement in December 1950, and by economic assistance which began in September 1951.

Following the French defeat at Dien Bien Phu in 1954, the French, at the Geneva Conference, reached agreement with the DRVN to (1) partition Viet Nam at the 17th Parallel, (2) ban the introduction of new arms, troops, or bases in the area, (3) schedule national reunification elections for July 1956, and (4) create the International Control Commission. Neither the United States nor the Saigon Government signed the agreement.

In February 1955, the United States agreed to train the South Viet Nam Army, and the Southeast Asia Treaty Organization (SEATO) extended its collective defense protection to Viet Nam.

The national reunification elections scheduled for 1956 under the Geneva Agreement were never held. South Viet Nam, supported by the United States, took the position that elections free of coercion would not be possible in North Viet Nam at that time.

After 1956, guerrilla warfare in South Viet Nam was stepped up. The first injuries of United States military personnel occurred in 1957, and the first deaths in 1959.

The number of United States personnel in Viet Nam, 327 to 685 in 1960, rose to about 4,000 in 1962. It reached approximately 15,000 in 1963. Following the attack on United States destroyers in the Gulf of Tonkin on August 2, 1964, there began a rapid build-up of United States forces and military activity in the Viet Nam area. By the end of 1966, United States troop strength had reached 371,000, and American deaths had exceeded 6,000. As of May 20, 1967, United States forces in the Viet Nam area totaled 453,000 and still further increases were being considered.

According to releases of the Department of Defense, American forces in the Viet Nam Theatre suffered 7,826 battle fatalities (service personnel killed by the enemy) between January 1, 1961 and March 1, 1967. Of this number, 484, or 6.2 percent, were Pennsylvanians. Over the same period of time, an additional 1,711 Americans died in the war theatre but their deaths, "not the result of action by hostile forces," were attributable to such accidents as plane crashes, truck wrecks, and fires, and to disease. Of the 1,711 servicemen who died as a result of accidents or disease, 117, or 6.8 percent, were Pennsylvanians.

The Department of Defense reports that between January 1, 1961 and June 30, 1967, there had been 11,534 Americans killed at enemy hands and 2,215 had died as a result of accidents or disease; of these, 6.0 percent and 6.4 percent, respectively, were Pennsylvanians. As of September 30, 1967 for the United States as a whole, there were 13,634 deaths at enemy hands and 2,705 other deaths; comparable Pennsylvania totals are not available at this time.

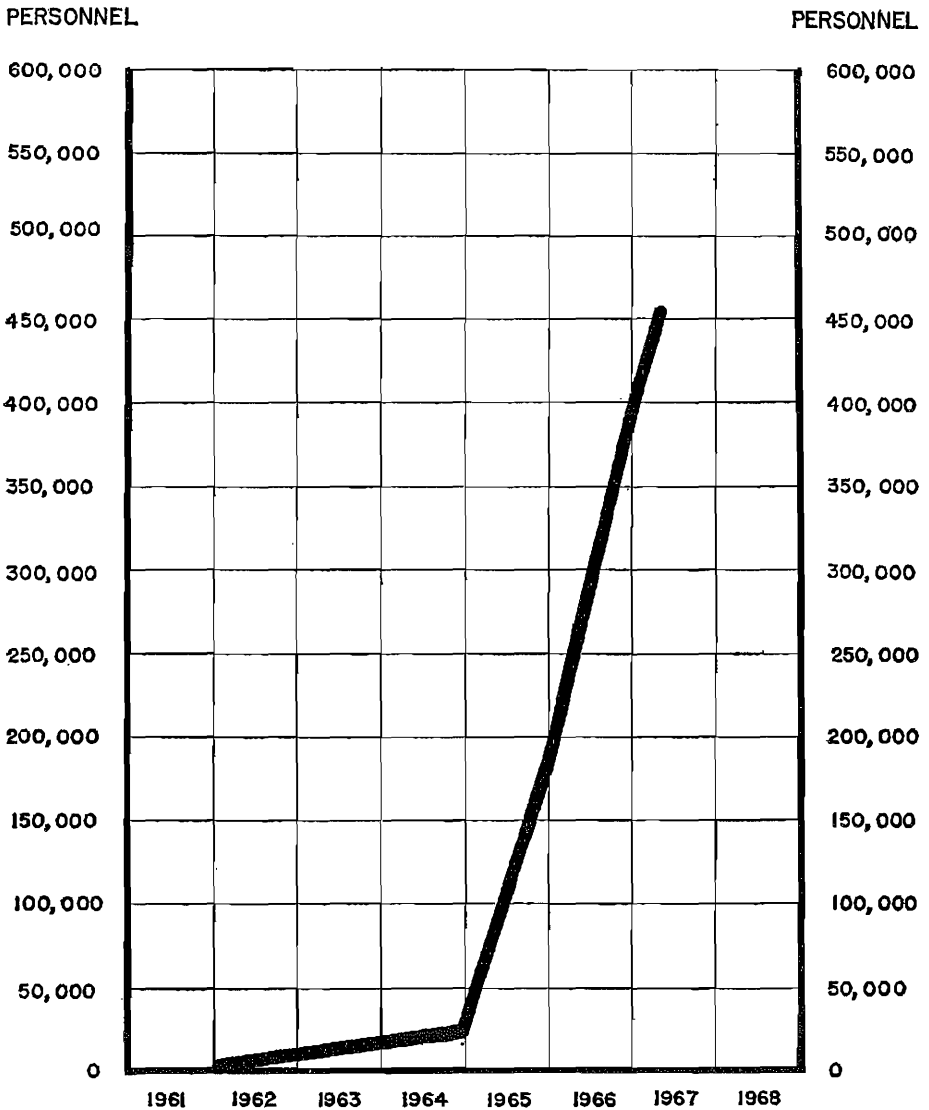
Reports issued prior to the termination of the military action are provisional in the sense that a military action of today may be the cause of deaths occurring sometime in the future. In this connection, it is instructive to review briefly the Korean experience: The Department of Defense reports that between June 25, 1950 and July 27, 1953, 23,300 Americans were killed in action. Over the same period, 105,785 were wounded, 5,866 were missing in action, and 7,140 were captured or interned. Of those wounded, 2,501 (2.3 percent) died of their wounds. Of the missing, 5,127 (87.4 percent) died while missing. Of those captured, 2,701 (37.8 percent) died while in internment. In other words, the total number of deaths *attributable* to military action exceeded the number of those *killed* in action by some 44 percent.

Conjectures with respect to the future course of the Viet Nam conflict are filled with uncertainty. The charts on pages 6 and 7 show the number of United States armed personnel in the Viet Nam Theatre, January 1, 1962 to May 20, 1967, and the cumulative number of Americans killed by direct enemy action from January 1, 1961 to June 30, 1967. A cursory glance at these charts brings two facts into high relief: (1) beginning in 1965, there has been a striking increase in both number of Americans killed by direct enemy action and number of personnel in the theatre; and (2) projections which one might have made in the past with respect to numbers of both personnel and casualties could have proved erroneous in the light of subsequent events.

The ultimate cost of any Pennsylvania veterans' bonus will depend upon the manpower build-up, the level of military activity, and the

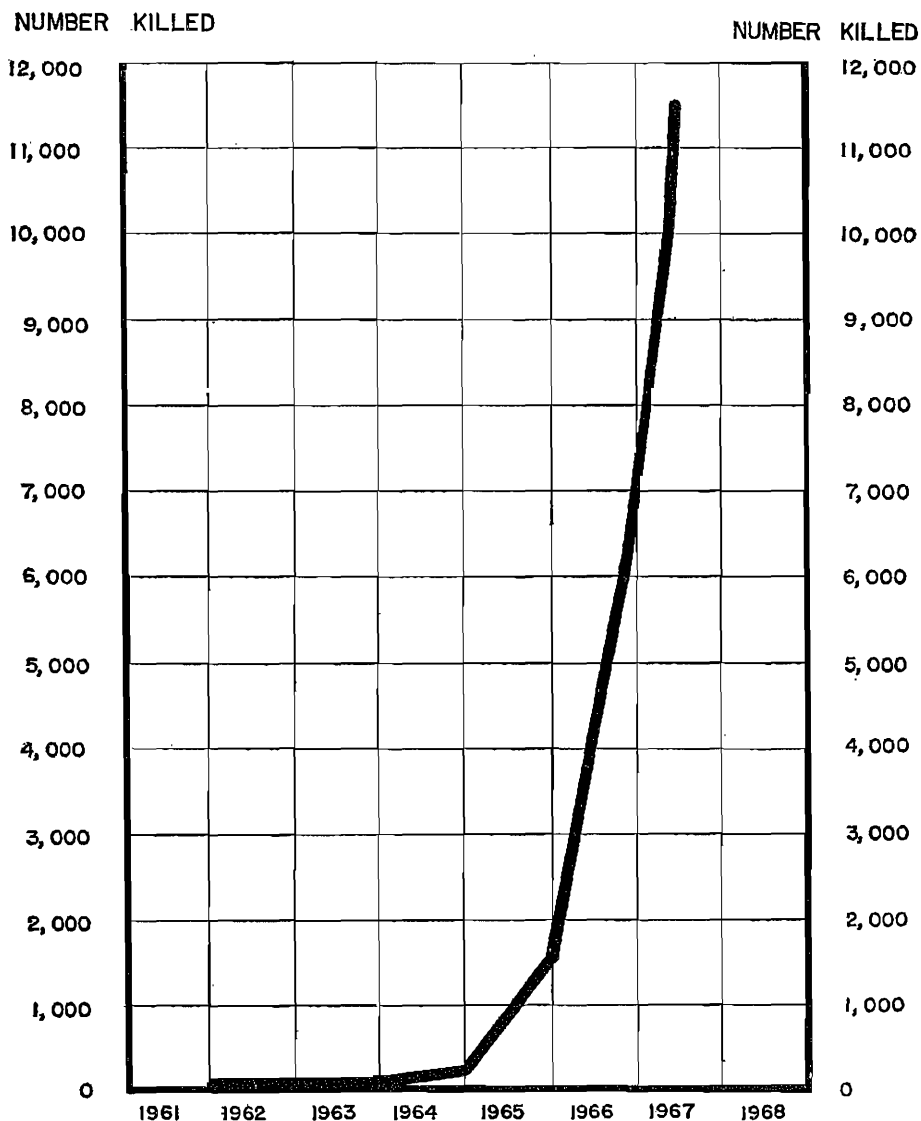
Chart 1

UNITED STATES ARMED FORCES PERSONNEL
IN THE VIET NAM THEATRE
JANUARY 1, 1962 TO MAY 20, 1967



SOURCE: *New York Times*, May 26, 1967.

Chart II
**UNITED STATES ARMED FORCES PERSONNEL KILLED
 IN ACTION IN THE VIET NAM THEATRE
 CUMULATIVE, JANUARY 1, 1961 TO JUNE 30, 1967**



SOURCES: *New York Times*, May 26, 1967, and unpublished data furnished by the Department of Defense, September 14, 1967.

consequent incidence of casualties. However, it is reasonably certain that whatever the course of the conflict, Pennsylvania will contribute approximately 6 or 7 percent of the manpower and Pennsylvanians will account for approximately 6 or 7 percent of the dead. This percentage is consistent with the historical pattern.¹

Even if the conflict should be terminated during the months immediately ahead, some provision should be made now to enable payments to beneficiaries of Pennsylvania Viet Nam veterans killed through the fiscal year 1967-1968. To furnish the General Assembly with some guidelines, the Commission has attempted to estimate the number of beneficiary claims likely to be presented during the fiscal year 1967-1968. Assuming that the escalation of military activity will continue, it is reasonable to expect that approximately 2,000 Pennsylvania servicemen will have been killed in the Viet Nam Theatre of Operations or will have died as a direct result of service-connected injuries or diseases incurred there between July 1, 1958, and June 30, 1968. The Commission recommends that to provide for beneficiary claims on account of deaths through June 30, 1968, the General Assembly of 1967 make an appropriation in the amount of \$2 million.

Under the Commission's recommendations, all Pennsylvania servicemen in receipt of, or entitled to receive, the Viet Nam Service Medal² would be eligible for a Pennsylvania bonus of \$25 per month, or fraction thereof, of active service in the Viet Nam Theatre of Operations, including periods of Viet Nam service-connected hospitalization, subject to an upper limit of \$750. According to Illinois experience, the average tour of duty in Viet Nam in the past has been about 10 months. Hence, on the average, the proposed Pennsylvania bonus would be \$250 per veteran. With an estimated 107,000 eligible veterans by the end of the calendar year 1967, accrued Pennsylvania bonus obligations as of that time would be approximately \$27 million.

¹ As of 1965, 21,834,000 United States armed forces veterans (all wars and inclusive of Korean conflict) were alive. Of this total 1,438,000, or 6.6 percent, were Pennsylvanians.

² The Viet Nam Service Medal was established October 1, 1965, for all members of the armed forces serving in Viet Nam after July 3, 1965. Members of the armed forces with Viet Nam service prior to the establishment of the Viet Nam Service Medal who are qualified to receive the Armed Forces Expeditionary Medal (which was established for service in Viet Nam between July 1, 1958 and July 3, 1965) may as per advice from the Judge Advocate's Office, Department of the Army, elect to receive the Viet Nam Service Medal in lieu of the Armed Forces Expeditionary Medal.

SECTION II

FEDERAL BENEFITS AVAILABLE TO VIET NAM VETERANS

Table 1 shows Federal veterans' benefits on account of veterans in Pennsylvania (including veterans of all prior conflicts and their eligible dependents and survivors) for the years 1960 through 1965. In 1965, total benefits to Pennsylvania veterans amounted to \$392 million. Of this total, \$248 million was for compensation and pensions. Although veterans' payments for education and training amounted to less than 1 percent of the total in 1965, the table shows that this percentage was higher in earlier years. (Following World War II, under the "GI Bill," educational benefits amounted to over one-third of total veterans' benefits.)

The Veterans' Readjustment Benefits Act of 1966 made available certain Federal benefits to veterans, including, but not limited to, Viet Nam veterans, who served at any time after January 31, 1955. Eligibility requires at least 181 days of active service, not necessarily combat service. By far the major program under this act is that providing for one month's education benefit for each month of service, up to 36 months. In terms of the estimated first-year cost of the act, excluding administrative cost, this educational assistance program accounts for \$327 million out of a total of \$350 million for the United States as a whole.

The Veterans' Pension and Readjustment Assistance Act of 1967 increased and broadened the educational assistance benefits for veterans who served after January 31, 1955, made wartime (instead of peacetime) levels of service-connected disability benefits available to veterans of the "Viet Nam Era," defined to have begun on August 5, 1964, and also increased certain pension and dependents' benefits and made them available to Viet Nam Era veterans. The first-year cost of this act is estimated to be \$286 million.

Monthly (full-time) educational benefits, as amended by the 1967 act, are \$130 for a veteran with no dependents, \$155 for a veteran with one dependent, \$175 for a veteran with two dependents, and \$10 per each additional dependent. In other words, total education benefits for 36 months would be \$4,680 for a veteran with no dependents and \$6,300 for a veteran with two dependents.

In addition to these educational assistance benefits, Federal veterans' benefit programs covering Viet Nam Era veterans include (1) service-

Table 1
VETERANS' BENEFITS—SELECTED FEDERAL EXPENDITURES
PENNSYLVANIA, 1960–1965

[In thousands of dollars. Figures are estimates for years ending June 30]

Type of Benefit	1960	1961	1962	1963		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total Expenditures	\$377,695*	\$405,131*	\$386,231*	\$403,065	\$383,988	\$391,962
Compensation and Pensions	209,846	225,907	229,028	237,026	240,963	247,577
Insurance and Indemnities	57,817	74,115	59,226	62,874	56,617	55,846
Vocational Rehabilitation	1,101	592	692	676	842	1,036
Readjustment Benefits:						
Education and Training	21,859	13,584	8,108	4,535	2,665	1,722
Loan Guaranty	10,257	11,130	11,652	13,505		
Direct Loans	5,652	5,142	3,331	3,186	3,437	2,669
Hospital and Domiciliary Facilities (Construction and Related Costs)	198	873	986	5,062	2,846	3,170
Administration and Other Benefits	70,755	73,580	73,049	76,201	76,618	79,941

* Total includes items not shown separately.

SOURCE: U. S. Bureau of the Census, *Statistical Abstract of the U. S.*, (Washington, D. C.: 1961 through 1966).

connected disability benefits ranging from \$21 to \$850 per month (plus dependents' allowances if the disability is 50 percent or more), (2) service-connected death benefits usually worth in excess of \$30,000 in the case of a widow, and in some cases additional benefits for children or substitute benefits (of lesser value) for parents, and (3) educational assistance for the children of veterans who are totally disabled or who die "as a result of service."

Further information regarding these and other Federal benefits is given in a summary prepared by the Veterans' Administration and presented in the Appendix of this report.

SECTION III

VETERANS' BONUS LEGISLATION IN PENNSYLVANIA

Five bills providing compensation for war veterans have been enacted in Pennsylvania during this century. The first two of these acts were never implemented.

The Act of May 27, 1921, P. L. 1178, provided for a bonus of \$10 per month of service in World War I, up to a maximum of \$200. It further provided that the means of raising money, "taxation or otherwise," be determined by the General Assembly.

The Act of May 16, 1923, P. L. 236, repealed the 1921 act. The 1923 measure again provided for \$10 per month of World War I service, up to a maximum of \$200; in addition, it provided for in-service death benefits of up to \$200. Payment was contingent upon the adoption of a constitutional amendment authorizing the State to increase its bond indebtedness for this specific purpose. Although the General Assembly passed a joint resolution in 1923 and a different resolution in 1925 to so amend the Pennsylvania Constitution, the necessary resolution remained in committee in 1927 and the Constitution was not amended.

In 1933, the Constitution was finally amended following passage of a joint resolution by the General Assembly in 1929 and 1931, and the first bonus act to be implemented in this century was passed in the 1933-1934 Special Session of the legislature. This act, signed January 1, 1934, P. L. 223, repealed the 1923 act and provided for bonus payments to veterans of the Spanish-American War (April 1898 to August 1898), and the China Relief Expedition in the Philippines and Guam (April 1898 to July 1902), as well as to veterans of World War I (April 1917 to November 1918). The act provided for \$10 per month of service up to \$200, or a \$200 death benefit.

Following World War II and the Korean conflict, the General Assembly again passed bonus legislation (Act of June 11, 1947, P. L. 565 and Act of July 8, 1957, P. L. 569), dependent upon constitutional amendments. In both instances, the Constitution was amended and payments started within a little over two years after the passage of the act.

Both the 1947 and 1957 acts provided for \$10 per month of domestic service and \$15 per month of foreign service, up to a maximum of \$500. The \$5 premium per month of foreign service during the Korean conflict

was available only to veterans entitled to receive the Korean Service Medal. Each act provided for an in-service death benefit of \$500.

The constitutional amendment for the Korean bonus authorized indebtedness of \$150 million. Bonds were issued totaling \$120 million, and by March 15, 1967, total bonuses of \$94 million had been paid to 349,400 veterans or beneficiaries.

SECTION IV

CHARACTERISTICS OF STATE BONUS LEGISLATION: KOREAN AND VIET NAM CONFLICTS

A. Korean Bonus Legislation

In addition to Pennsylvania, nineteen states provided for bonuses to veterans who served during the Korean conflict. Massachusetts enacted bonus legislation in 1953. The Korean conflict was officially terminated by Presidential Declaration, December 31, 1955. During that year, eleven states (Connecticut, Delaware, Iowa, Indiana, Michigan, New Hampshire, Rhode Island, South Dakota, Washington, West Virginia, and Vermont) enacted bonus legislation. In 1956, three states (Louisiana, North Dakota, and Ohio) followed suit. The Pennsylvania and Minnesota bonus statutes were enacted in 1957. In 1958, Kentucky provided for a bonus. In 1959, Illinois and Montana made bonuses available for their veterans who had served during the Korean conflict.

Table 2 below summarizes the benefit provisions of state bonus legislation for veterans of the Korean conflict.

B. Viet Nam Bonus Legislation

Illinois is thus far the only state which has enacted a Viet Nam bonus. Eligibility requirements include: (1) service on or after January 1, 1961, and prior to such time as Congress declares members of the armed forces ineligible for the Viet Nam Service Medal, (2) twelve months' residence in Illinois immediately prior to entering the service, and (3) receipt of the Viet Nam Service Medal.

The amount of bonus payable to an eligible veteran is \$100. In case of death due to service within the above time period of a veteran who would otherwise have qualified for the bonus, his beneficiary is entitled to a \$1,000 benefit.

The Illinois bonus became law on August 8, 1965. As of April 25, 1967, approximately 24,500 claims had been filed by veterans and 500 by beneficiaries. Of these, approximately 20,000 had been paid. Payments are made out of General Fund revenues.

Illinois, with 5.5 percent of the United States population (as compared with 5.9 percent for Pennsylvania), estimates that approximately 6 percent of the individuals who serve in the Viet Nam area will be eligible for the Illinois bonus.

Table 2
SUMMARY OF STATE KOREAN BONUS LEGISLATION

State	Minimum Months of Prior Residence Required	Minimum Days of Service Required	Medal Eligibility Requirement	Maximum Bonus (Except Disability & Death Benefits)	Formula: Dollars Per Month of:		Disability Benefit		
					Domestic Service	Foreign Service	Percent Disability Required	Amount of Benefit	Death Benefit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Connecticut	12	No Minimum	No	\$300	\$10.00	\$10.00	N.A.	None	\$ 300
Delaware	12	90	No	300 ^a	15.00	20.00	60%	\$300	300
Illinois	12	No Minimum	Yes	100	Flat	Flat	N.A.	None	1,000
Indiana	12	No Minimum	Yes	200	Flat	Flat	10%	600	600
Iowa	6	120	No	500	10.00	12.50	N.A.	None	500
Kentucky	6	90	No	500 ^b	9.00	15.00	N.A.	None	300 to 500 ^b
Louisiana									
(1)	No Minimum	90 Domestic	No	50	Flat	N.A.	N.A.	None	1,000
or (2)	No Minimum	Korean (No Min.)	Yes	250	Flat	Flat	N.A.	None	1,000
or (3)	No Minimum	Other Foreign (No Min.)	No	100	Flat	Flat	N.A.	None	1,000
Massachusetts									
(1)	6	90 Domestic	No	100	Flat	N.A.	N.A.	None	300
or (2)	6	180 Domestic	No	200	Flat	N.A.	N.A.	None	300 ^c
or (3)	6	Foreign (No Min.)	No	300	Flat	Flat	N.A.	None	300

continued on following pages

Table 2 (continued)

State	Minimum Months of Prior Residence Required	Minimum Days of Service Required	Medal Eligibility Requirement	Maximum Bonus (Except Disability & Death Benefits)	Formula: Dollars Per Month of:		Disability Benefit		
					Domestic Service	Foreign Service	Percent Disability Required	Amount of Benefit	Death Benefit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Michigan	6	61	No	\$500	\$10.00	\$15.00	N.A.	None	\$500
Minnesota									
(1)	6	30	No	200	7.50	7.50	N.A.	None	400
or (2)	6	30	Yes	400	7.50	15.00	N.A.	None	400
Montana	No Minimum	No Minimum	No	600	10.00 ^c	15.00 ^d	(See Column (7))		500 to 600
New Hampshire	No Minimum	90	No	100	10.00	10.00	N.A.	None	100
North Dakota	6	60	No	1	12.50	17.50	N.A.	None	600
Ohio	12	No Minimum	No	400	10.00	15.00	N.A.	None	400
Pennsylvania									
(1)	No Minimum	60	No	500	10.00	10.00	N.A.	None	500
or (2)	No Minimum	60	Yes	500	10.00	15.00	N.A.	None	500
Rhode Island	6	No Minimum	No	200	Flat	Flat	N.A.	None	300
South Dakota	6	No Minimum	No	650 ^e	15.00	22.50	N.A.	None	650
Vermont	12	Enlisted Status (No Minimum)	No	120	10.00	10.00	N.A.	None	120

Table 2 (continued)

State	Minimum Months of Prior Residence Required	Minimum Days of Service Required	Medal Eligibility Requirement	Maximum Bonus (Except Disability & Death Benefits)	Formula: Dollars Per Month of:		Disability Benefit		
					Domestic Service	Foreign Service	Percent Disability Required	Amount of Benefit	Death Benefit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Washington									
(1)	12	90 Domestic	No	\$100	Flat	N.A.	N.A.	None	Same ²
or (2)	12	1 Day Foreign & 90 Days Total	No	150	Flat	Flat	N.A.	None	Same ²
or (3)	12	1 Day Foreign & 365 Days Total	No	200	Flat	Flat	N.A.	None	Same ²
West Virginia	6	90	No	400 ^b	\$10.00	\$15.00	N.A.	None	Same ²

N.A.—Not applicable.

^a A maximum of \$255 on account of domestic service alone.

^b A maximum of \$300 on account of domestic service alone.

^c For service outside the Korean theatre.

^d For service within the Korean theatre or while disabled or while a prisoner of war. Any eligible applicant who spent any time as a prisoner of war is entitled to a minimum of \$300.

^e A maximum of \$500 on account of domestic service alone.

¹ Not ascertained.

² Same amount as decedent would have been entitled to according to Columns (5), (6), and (7).

SOURCES: (1) Statutes of the various states.

(2) *Army Times Reports*, November 24, 1959 and October 11, 1961, published by Army Times, Washington, D. C.

A P P E N D I X

SUMMARIZING FEDERAL BENEFITS AVAILABLE TO VIET NAM VETERANS

**Prepared by Veterans Administration
VA Pamphlet 20-67-1**

SUMMARY OF BENEFITS FOR VETERANS WITH SERVICE SINCE JANUARY 31, 1955

GENERAL

Two major laws have provided benefits to veterans of service since January 31, 1955. The Veterans' Readjustment Benefits Act, approved as Public Law 89-358 on March 3, 1966, was the first. The second is called The Veterans' Pension and Readjustment Assistance Act of 1967. It provides additional benefits to the veteran of the Viet Nam Era which is defined as the period beginning August 5, 1964, and ending on a date to be determined by the President or the Congress. The Viet Nam Era is considered a period of wartime providing benefits to eligible veterans similar in most respects to those granted the Korean conflict veteran. While most benefits described in this pamphlet derive from the two major laws, other benefits of interest to veterans of service since January 31, 1955 are also included.

The term "veteran" as used in this pamphlet, unless otherwise qualified, refers to a person whose period of active military service after January 31, 1955, terminated under conditions other than dishonorable.

VETERANS EDUCATIONAL ASSISTANCE

ELIGIBILITY. A veteran of at least 181 days continuous active duty, any part of which occurred after January 31, 1955, or who was released from active duty after January 31, 1955, for a service-connected disability.

A person in service if he has served on active duty for at least two years.

The 181 days required active duty does not include any period when assigned full-time by the Armed Forces to a civilian institution for a course substantially the same as a course offered to civilians; served as a cadet or midshipman at a service academy; or active duty for training (including 4-6 month periods) in an enlistment in the Army or Air National Guard or as a Reserve for service in the Army, Naval, Air Force, Marine Corps, or Coast Guard Reserve. (Section 511 (d), Title 10.)

EDUCATIONAL INSTITUTIONS WITHIN THE UNITED STATES. An educational institution approved for training may include any public or private secondary, vocational, correspondence, business or flight

training school, junior or teacher's college, normal school, college or university, professional, scientific or technical institution, or any other institution which furnishes education at the secondary school level or above.

Pursuit of an accredited medical residency course would qualify an eligible veteran for educational assistance, provided the course is approved by the State approving agency, and leads to an identified educational or professional objective.

EDUCATIONAL INSTITUTIONS OUTSIDE THE UNITED STATES. A program of education may be pursued only at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the educational assistance of any veteran in a foreign educational institution if he finds that such enrollment is not for the best interest of the veteran or the Government.

SELECTION OF A PROGRAM. Each eligible person may select a program of education, an apprenticeship, on-the-job, farm or flight training at any approved educational institution or training establishment which will accept and retain him as a student, apprentice, or trainee in any field or branch of knowledge or vocation which he is qualified to undertake. Educational and vocational counseling will be provided by the Veterans Administration upon request.

CHANGE OF PROGRAM. A change from one program to another, where the first program is prerequisite to or generally required for entrance into the second program will not be considered a change of program.

Each veteran may make one change of program. One additional change may be approved if it is found through VA counseling that the program proposed by the veteran is more suitable to his aptitudes, interests, and abilities.

ENTITLEMENT AND DURATION OF ELIGIBILITY. Each eligible person will be entitled to educational assistance for a period of one month or the equivalent in part-time training for each month or fraction thereof of his service on active duty after January 31, 1955, but not to exceed 36 months.

A period of time equivalent to that used under any other law administered by the Veterans Administration will be deducted from the maximum entitlement of 36 months under this law.

Eligibility ceases at the end of 8 years from the date of the veteran's

last release from active duty after January 31, 1955, except veterans released from active duty before March 3, 1966, have eligibility until May 31, 1974.

MONTHLY PAYMENTS AVAILABLE TO VETERANS

Type of Program	No Dependents	One Dependent	Two Dependents	Each Dependent Over Two
Institutional				
Full time	\$130	\$155	\$175	\$10
Three quarter time	95	115	135	7
Half time	60	75	85	5
Less than half time or while on active duty	Payments computed at the rate of the established charges for tuition and fees or at the rate of \$130 per month for full-time course whichever is the lesser.			
Cooperative training	105	125	145	7
Correspondence	Cost only	Paid quarterly		
Farm, flight, apprenticeship and on-the-job training, see below.				

Full-time institutional training consists of 14 semester hours or the equivalent, three-quarter time consists of 10 to 13 semester hours or the equivalent, half-time training consists of 7 to 9 semester hours or the equivalent.

A cooperative program is a full-time program of education which consists of institutional courses and alternate phases of supplemental training in a business or industrial establishment.

FARM COOPERATIVE TRAINING. An eligible veteran enrolled in an educational institution for a "farm cooperative" program consisting of institutional agricultural courses for a minimum of 12 clock hours per week, shall be eligible to receive an educational assistance allowance at the appropriate rate provided for "Cooperative training" in the table above. However, the veteran must be concurrently engaged in agricultural employment which is considered to be related to the approved institutional courses.

APPRENTICESHIP OR OTHER ON-JOB TRAINING. An eligible veteran may pursue, on a full-time basis only, an approved program of apprenticeship or other training on-the-job. Apprenticeships must meet the standards published by the U. S. Secretary of Labor and all apprenticeship or on-job training programs must be approved by a State approving agency.

The employer's wages to an eligible veteran beginning training on-the-job shall be at least one-half of the wages paid for the job for which he is to be trained. His wages shall be increased on a regular schedule until he is receiving 85 percent of the wages for the job for which he is being trained by at least the last full month of his training period which cannot exceed 2 years. The 2-year limitation does not apply to apprenticeships.

Regardless of the wages paid by the employer, VA's monthly training assistance allowance to an eligible veteran pursuing a program of on-job training or a program of apprenticeship shall be:

Periods of Training	No Dependents	One Dependent	Two or More Dependents
First 6 months	\$80	\$90	\$100
Second 6 months	60	70	80
Third 6 months	40	50	60
Fourth and any succeeding 6 month periods	20	30	40

FLIGHT TRAINING. An eligible veteran may take an approved course of flight training generally accepted as necessary to attain a recognized vocational objective in the field of aviation. He must first possess a valid private pilot's license or he must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license and meet the medical requirements necessary for a commercial pilot's license.

Educational assistance allowance for flight training is computed at the rate of 90 percent of the established charges for tuition and fees which non-veterans in the same course and circumstances are required to pay. The allowance is paid quarterly and the veteran's entitlement is reduced 1 month for each \$130 paid to the veteran.

Flight training as a part of an approved college degree program is also available.

HIGH SCHOOL TRAINING. A veteran who must complete high school training to qualify for higher education may receive educational assistance allowance *without* a charge against his basic entitlement. This includes a person who has not received a high school diploma (or an equivalency certificate) at the time of his discharge from active duty. It also permits additional secondary school training such as refresher courses or deficiency courses needed to qualify for admission to an appropriate educational institution.

APPLICATION. Application forms are available at all Veterans Administration Offices, active duty stations, from local representatives of various veterans' organizations, the Red Cross and American Embassies in other countries.

RESTRICTIONS. The educational allowance is not payable if the veteran is enrolled in a course paid for by the United States Government under the provisions of any other law where the allowance would constitute a duplication of benefits from the Federal Treasury. However, if the identity of such Federal funds is lost by being combined with funds from other sources, they are no longer considered a duplication of benefits from the Federal Treasury. A determination will be required on each application for the Veterans Administration educational assistance allowance where a veteran-student receives educational assistance from other sources.

A change of program may not be approved for a veteran where his program has been interrupted or discontinued due to his own misconduct, neglect, or lack of application. This restriction may be removed if there exists a reasonable likelihood that there will not be a recurrence of such an interruption or failure to progress.

Any type course which is avocational or recreational in character may not be approved unless the veteran submits justification showing that the course will be of bona fide use in his present or contemplated business or occupation.

Open circuit television or radio courses may not be approved unless the veteran is enrolled in a program, pursued in residence, leading to a standard college degree, which includes subjects offered through open-circuit television and the major portion of the course requires conventional classroom attendance.

LOAN GUARANTY BENEFITS

Eligible veterans and servicemen may obtain GI loans made by private lenders for homes and farms or for farming purposes. In certain designated areas, direct loans can be made by VA for homes and farmhouses.

ELIGIBILITY. Veterans of at least 181 days continuous active duty, or discharged for disability, any part of which occurred after January 31, 1955. Persons whose military service consisted of "active duty for training," are not eligible.

Persons on active duty at least 2 years even though not discharged, are eligible while their service continues without breaks.

DURATION OF VETERANS' ELIGIBILITY. Each eligible veteran has a minimum of 10 years from the date of his separation from active duty. He will be eligible for an additional year for each three months (90 days) of active duty up to a maximum of 20 years.

A veteran released because of service-connected disabilities will be eligible for the full 20 years from the date of his discharge or release. No veteran's eligibility will expire before March 3, 1976.

ENTITLEMENT. For a veteran or serviceman, VA may guarantee a home loan made by a private lender up to \$7,500 or 60 percent of the loan, whichever is less. For a farm real estate loan other than for the acquisition of a home, the guaranty may not exceed \$4,000 or 50 percent of the loan; and for non-real estate farm loans, the guaranty may not exceed \$2,000 or 50 percent of the loan. This means you have a better chance to borrow at a favorable interest rate, with little or no down payment and a long-term repayment possibility.

Use of entitlement by a veteran or serviceman cancels unused entitlement derived from World War II or the Korean conflict. Entitlement may be reduced by used World War II or Korean conflict entitlement. However, under certain circumstances, entitlement previously used can be restored.

PURPOSES OF LOANS. Loans may be for the purchase of homes; to make alterations, repairs or improvements in homes already owned and occupied; to purchase farms or farm supplies or equipment; to obtain farm working capital; or to refinance delinquent indebtedness on property to be used or occupied by the veteran as a home or for farming purposes. Direct loans may be made by VA, however, only for the purchase of homes and farmhouses. Business loans are not authorized under the new law.

AMOUNT OF LOANS. There is no maximum on the amount of a guaranteed loan. Direct loans made by VA may not exceed \$17,500 as a general rule.

INTEREST RATE. The current maximum interest rate on guaranteed loans is 6% per annum. This rate is charged on direct loans made by VA.

MATURITY OF LOANS. Home loans can be made for a maximum of 30 years, farm real estate loans for a maximum of 40 years, non-real estate loans for a maximum of 10 years.

FEE REQUIRED. A fee of $\frac{1}{2}$ of 1 percent of the loan amount must be paid to VA in the case of loans for veterans and servicemen. The fee will not be required, if, when a loan is closed, the veteran or serviceman was also eligible for a loan based on World War II or Korean conflict service. The loan fee may be added to the loan amount if the loan as so increased does not exceed the maximum loan amount. This fee is in addition to the allowable closing costs.

LIABILITY FOR REPAYMENT. Loan benefits are not a gift. If the VA loses money because the loan is not paid as agreed, such loss will be a debt the veteran or serviceman owes the Government.

ADDITIONAL INFORMATION. The above information summarizes the loan guaranty program. VA Form 26-1880, "Request for Determination of Eligibility and Available Loan Guaranty Entitlement," with required supporting documents, should be sent to VA to secure a Certificate of Eligibility. Accurate determinations of eligibility can be made only by VA. No veteran or serviceman should obligate himself for the purchase of a home or farm solely on the basis of this summary. Before undertaking any such obligation, he should ask VA to determine his eligibility. The original or a legible copy of the veteran's discharge certificate or DD Form 214 must accompany the application.

OTHER BENEFITS

COMPENSATION FOR DISABILITY. The VA pays compensation to veterans who are disabled by injury or disease incurred in or aggravated by active service in line of duty. Payments are based on the degree of disability and how much it handicaps you in earning a living. The monthly amounts for disabilities incurred during wartime service run from \$21 to as high as \$850, plus additional dependency allowances for service-connected disability evaluated by VA as 50 percent or more disabling.

Veterans who develop a chronic or tropical disease to a degree of 10 percent or more disability within 1 year of release or separation from service after January 31, 1955, may be presumed to be service-connected for disability compensation. In the case of active tuberculosis or Hansen's Disease (leprosy), the law provides a 3-year presumptive period, and in the case of multiple sclerosis, a 7-year presumptive period.

NON-SERVICE-CONNECTED DISABILITY PENSION. Veterans of the Viet Nam Era with 90 or more days' service or separated from such service for a service-connected disability, *who become permanently and totally disabled from reasons not traceable to service*, may be eligible

for VA's non-service-connected disability pension. Payments vary between \$45 and \$219 monthly dependent upon such factors as income, number of dependents, requirement for the regular aid and attendance of another person and periods during which some veterans receive care in a VA facility. Pension will not be paid veterans having sizable estates or having available other income, with certain exceptions, in excess of \$1,800 per year for the veteran without dependents and \$3,000 for one with dependents.

VETERANS ADMINISTRATION MEDICAL CARE. The VA gives you hospital or outpatient care when needed for all service-connected medical or compensable dental conditions. The treatment will be given at one of the many VA hospitals or clinics, or the VA may pay for outpatient care by a hometown doctor or dentist.

Public Law 89-358, extends to veterans whose sole service was after January 31, 1955, hospital care from the VA on a bed-available basis for treatment of their non-service-connected conditions, provided such veterans state under oath their inability to defray the costs of such care. This law does not extend hospital care to the person whose entire period of service was in an active duty for training status, unless he was disabled from a disease or injury incurred or aggravated in line of duty. Such disabled veterans are eligible for medical services on the same basis as other veterans with service-incurred diseases or disabilities.

Any Viet Nam Era veteran who develops an active psychosis within 2 years after separation from active service and before the expiration of 2 years from the date determined to end the war period, shall be deemed to have incurred the psychosis in the active service for the purpose of securing VA medical services.

Viet Nam Era veterans receiving additional service-connected disability compensation or allowance, or increased non-service-connected disability pension based on their need of regular aid and attendance may be furnished drugs and medicines ordered on prescription of a duly-licensed physician as specific therapy in treatment of an illness or injury suffered by the veteran. Such drugs and medicines will be provided by VA pharmacies on the basis of the prescription furnished.

Dental services on a one-time completion basis may be furnished veterans with service-connected but non-compensable dental conditions which existed at time of separation from active service provided application is made within 1 year after separation, except the 1 year is extended in certain cases of correction of a disqualifying separation.

AUTOMOBILES OR OTHER CONVEYANCES. Veterans, service-connected loss, or permanent loss of use, of one or both hands or feet, or permanent impairment of vision of both eyes to a certain prescribed degree, as a direct result of performing active duty, may receive payment by VA of an amount not to exceed \$1,600 toward the purchase price of an automobile or other conveyance, including special appliances.

SERVICE-DISABLED VETERANS INSURANCE. Veterans separated from service on or after April 25, 1951, with a service-connected disability may apply to the VA for special nonparticipating National Service Life Insurance. The veteran must be in good health except for the service-connected disability. Application must be made within 1 year from the date VA finds that a disability is service-connected. Effective January 1, 1959, if the veteran is shown to have been mentally incompetent during any part of the 1-year period, application may be filed within 1 year after a guardian is appointed or the removal of the disability, whichever is the earlier date. Eligible veterans may apply either for the 5-year level premium term or for any of the permanent plans to which the condition of their health may entitle them. (Totally disabled veterans are not eligible for any of the three endowment plans.)

Under certain conditions, the insurance may be payable to the widow, widower, child or parent where a qualified veteran did not apply for the insurance. The veteran must become mentally incompetent within certain limits from a service-connected disability and remain so until death occurring before appointment of a guardian or within 1 year after appointment of the guardian. Except when the beneficiary is also incompetent, application must be made within 2 years after the death of the veteran.

SERVICEMEN'S GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES. Unless they submit their refusal in writing, all members of the Armed Forces have been provided with Servicemen's Group Life Insurance (SGLI) since midnight, September 28, 1965. Payment for their policies is deducted from their pay. These policies are not issued nor administered by the Veterans Administration but by private commercial companies. As long as the serviceman remains in service, he is automatically covered. Upon leaving the service, he has 120 days in which to convert to a permanent form of insurance. It is advisable not to delay in submitting completed VA Form 29-8284, Request for Conversion Information, received during separation processing, to the Office of Servicemen's Group Life Insurance, 212 Washington Street, Newark, N. J. 07102. In return the veteran receives a list of participating

commercial companies in his hometown area from which to choose. An eligible veteran submitting a timely application is assured of having a policy issued by the participating company of his choice. The particular advantage in converting SGLI is to the service-disabled veteran who could not otherwise obtain a commercial insurance policy at standard rates.

REIMBURSEMENT OF BURIAL EXPENSES. VA will pay an amount, not to exceed \$250, toward the burial expenses of any deceased veteran who served during the Viet Nam Era *or* who served between January 31, 1955 and August 5, 1964, and received disability compensation at time of death or whose service separation resulted from disability incurred in line of duty.

BURIAL FLAG. An American flag may be issued to drape the casket of a veteran of service after January 31, 1955. After the funeral service, the flag may be given to the next of kin or close friend or associate of the deceased. Flags are issued at any VA office and most local post offices.

EDUCATION FOR YOUR SONS AND DAUGHTERS. If you are completely disabled or should die as a result of service, the VA will pay up to \$130 per month to help educate each son and daughter, generally, but with some exceptions, beyond the secondary school level. These payments are usually provided for children between the ages of 18 and 26. Marriage is not a bar for this benefit.

DEPENDENCY AND INDEMNITY COMPENSATION (DIC). Payments are authorized for widows, unmarried children under 18 (as well as certain helpless children and those between 18 and 23 if attending a VA-approved school), and certain parents of servicemen or veterans who die on or after January 1, 1957, from: (a) a disease or injury incurred or aggravated in line of duty while on active duty or active duty for training; or (b) an injury incurred or aggravated in line of duty while on inactive duty training.

Widows are paid \$120 monthly, plus 12 percent of the monthly basic pay now being received by a serviceman of equivalent military status as the deceased veteran. Generally, no additional benefits are payable for children. However, in some cases where there is more than one child and Social Security or Railroad Retirement benefits are below certain amounts, the benefit may be increased. The amount for an eligible child depends on several factors, such as number of other children, school attendance, health and whether or not the widow has remarried. Rates

to parents range from \$12 to \$87 monthly, depending upon income and marital status. Payments are not made to parents living alone with income in excess of \$1,800 per year or living with spouse and receiving a combined annual income in excess of \$3,000.

NON-SERVICE-CONNECTED DEATH PENSION. VA's death pension may be paid to eligible widows and children of veterans of the Viet Nam Era with 90 or more days' service or who were separated from such service for a service-connected disability, *who have died of causes not related to their service.*

Payments to widows range from \$29 to \$70 monthly for a widow alone or from \$45 to \$86 for a widow with one child, plus \$16 for each additional child. The amount payable is based on the widow's income. There is an income limitation of \$1,800 per year for a widow alone, or \$3,000 per year for a widow with one or more children. Income above these levels is a bar to payment of pension. A widow having a large estate may be ineligible at that time for death pension. Children of the veteran may be eligible for pension in their own right, subject to an income limitation of \$1,800 per year and the size of other estates when the widow is found ineligible for any reason. Payment to one child is \$40 per month plus \$16 for each additional child, with payments equally divided among all children. Widows or persons having custody of the veteran's minor children should make inquiry at the nearest VA office following the death of a veteran of potentially eligible service. A widow, eligible for pension, may receive an additional \$50 monthly if she is in need of regular aid and attendance of another person.

CIVIL SERVICE PREFERENCE. Veterans who served for more than 180 consecutive days after *January 31, 1955*, are entitled to the provisions of the Veterans Preference Act in Federal employment.

JOB COUNSELING AND EMPLOYMENT PLACEMENT. The job counseling and employment placement service is under the supervision of the United States Department of Labor and is administered through the local Veterans Employment Representative in local State Employment Service Offices. Employment counseling and testing is provided when needed. Priority for referral to appropriate training programs and job openings is given to eligible veterans, with first consideration to the disabled veteran.

