

# United States Senate

WASHINGTON, D.C. 20510

March 6, 1973

Dr. Hector P. Garcia  
Founders American GI Forum  
Corpus Christi, Texas

Dear Dr. Garcia:

I want to thank you for contacting me with regard to the Veterans' Administration plan to reduce compensation payments by revising the disability rating schedule. I was shocked at the severity of the proposed cuts, which would have affected all veterans of the Vietnam War and many veterans of previous wars.

My immediate call for withdrawal of the proposal was supported by literally thousands of letters, post cards, phone calls, and telegrams, from every part of the country. As a consequence, the Veterans' Administration withdrew the change on February 14, to conduct "further intensive study".

Although this is a heartening victory, I want to be absolutely certain that America's veterans are never again threatened with such unfair treatment. It is clear that the schedule will require appropriate upward and perhaps downward revisions from time to time, but I refuse to subject our country's bravest citizens to arbitrary and unfair reductions at the whim of faceless bureaucrats.

I have therefore introduced S. 882, a bill which is co-sponsored by the full membership of the Committee on Veterans' Affairs and other Senators of both parties, to require Congressional consent before changes can be made in the Veterans' Administration disability rating schedule. A copy of the bill and my remarks on the floor of the Senate upon introduction of this measure is enclosed.

Thank you again for taking the time to advise me of your position on this vital matter.

Sincerely,



VANCE HARTKE, Chairman  
Veterans' Affairs Committee

Enclosure



United States  
of America

EXCERPT FROM CONGRESSIONAL RECORD

S 2556-S 2557

# Congressional Record

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## Senate

Mr. HARTKE. Mr. President, today I introduce legislation to protect the compensation payments of disabled veterans from future arbitrary reductions by requiring congressional approval of any proposed changes. Currently the Veterans' Administration has authority pursuant to section 355 of title 38 to revise the disability rating schedule without any consultation with Congress. As most of you know, less than 1 week ago the Veterans' Administration submitted proposed revisions in the disability rating schedule which were planned to go into effect sometime this April. These revisions, audacious in their insensitivity and unrivaled in their timing, proposed substantial reductions in monthly compensation payments which would fall most heavily on Vietnam combat veterans who have lost their limbs in a war noted for extensive booby-traps and land mines. For example, a veteran whose leg is amputated at the hip currently receive \$275 a month. Under the revisions as submitted, his disability compensation payments would be cut back to \$106 a month for a loss of \$169. If he happened to be married with a child, he would be scheduled to lose another \$53 monthly. The fiscal 1974 budget which begins on July 1, indicated that compensation payments would be reduced by a total of \$160 million. Examination of the disability rating schedule revealed that these cuts would fall principally on the 350,000 Vietnam veterans entitled to disability compensation payments. World War II and most Korean veterans would not be affected since their disability ratings are frozen by law which takes into account the length of time they have held their ratings.

Given the full implications of the proposed revisions and the unrestricted authority of the executive branch to change the rating schedules at will, it was with a great sense of relief to learn yesterday that the President had become fully apprised of the situation and had ordered the immediate recall of the veterans rating schedule so that it may be given further intensive study.

As pleased as I am with the recall of these revisions, I am all the more convinced of the necessity for the legislation which I introduce today on behalf of myself and each member of the Committee on Veterans' Affairs. First, the submission of these arbitrary proposals indicate clearly that discretion can easily be abused by certain bureaucrats within the executive branch. And, where discretion is abused, it must be curtailed.

Congressional control is clearly called for and would apply to any revision supplied by any administration in the future. Under the bill introduced today, the executive branch would no longer be free to make revisions without the concurrence of Congress. Any proposed adjustments must be formally submitted to Congress and no change would become effective if either House by resolution within 90 days of the submission of these proposals expressed its disapproval of those revisions. This bill, which does not permanently freeze the existing schedule, recognizes that some changes in the rating schedule may be warranted by experience. The disability rating schedule was last revised in 1945 and certainly many disabilities are undervalued and should be revised upward. There may even be some categories for which minor revisions downward are appropriate. Discussion and consideration of these

changes should not be inhibited. What is required, however, by the situation is a check on irresponsible action by faceless bureaucrats with green eyeshades and slide rules. Revisions tempered by humane considerations are one thing; severe cuts are quite another. Congress must be in a position to judge which is which and to exercise its own judgment.

Accordingly, I want to emphasize that this legislation is not a partisan measure; it is one which directs itself to reestablishing a proper relationship between the legislative and executive branches.

Mr. President, I ask unanimous consent that telegrams received from the Veterans of Foreign Wars, Disabled American Veterans, and the American Legion concerning this legislation be printed in the RECORD, together with a copy of the bill as introduced.

There being no objection, the telegrams and bill were ordered to be printed in the RECORD, as follows:

HON. VANCE HARTKE,  
*Chairman, Committee on Veterans' Affairs,  
U.S. Senate, Capitol Hill, District of  
Columbia:*

Many of the provisions of the 1974 Veterans' Administration budget are grossly inadequate and show a callous disregard for the needs of veterans. Most horrendous example is the proposed cut of \$160 million to be taken out of the pockets of wounded and disabled Vietnam veterans. This will be accomplished by a proposed revision of the Veterans' Administration rating schedule which determines the amount of disability compensation disabled veterans receive. Since veterans who have been receiving a disability compensation payment for 20 years are protected by an act of Congress.

The proposed \$160 million cut will be at the expense of Vietnam veterans? The Veterans of Foreign Wars is urging the President to cancel this proposed revision.

It is understood that Senator HARTKE, chairman of your Veterans Affairs Committee, is introducing a bill to freeze the present rating schedule, which bill will have the full support of the Veterans of Foreign Wars.

Any and all efforts on your part to cancel or freeze this proposed revision of the Veterans' Administration rating schedule will be deeply appreciated by the 1.8 million members of the Veterans of Foreign Wars of the United States.

PATRICK E. CARR,  
*National Commander, Veterans of Foreign  
Wars of the United States.*

Senator VANCE HARTKE,  
*Chairman, Veterans' Affairs Committee, Capitol  
Hill, District of Columbia:*

A preliminary review of the proposed revision to the Veterans' Administration schedule for rating disabilities reveals a drastic reduction in rating evaluations affecting hundreds of thousands of combat disabled veterans. It is the view of the Disabled American Veterans that such a revision of the schedule for rating disabilities should not be placed into effect unless first approved by the Congress of the United States. The 380,000 members of the Disabled American Veterans respectfully request that you cause legislation to be introduced that would accomplish this purpose.

CHARLES L. HUBER,  
*National Director of Legislation, Disabled  
American Veterans.*

HON. VANCE HARTKE,  
*Chairman, Senate Committee on Veterans' Affairs,  
Old Senate Office Building,  
Washington, D.C.:*

The American Legion supports the measure being introduced by you today to require the Administrator of Veterans Affairs to submit any proposed change or readjustment in its schedule for rating disabilities to the Congress. It is my understanding that any such proposal would thereafter become final at the expiration of 90 calendar days of continuous session of Congress unless a resolution is adopted in either House stating in

substance that the proposed change is not favored.

JOE L. MATTHEWS,  
*National Commander,  
The American Legion.*

S. 882

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 355 of title 38, United States Code, is amended by inserting before the period a comma and the following: "but no change or readjustment in this schedule of ratings may be made by the Administrator after December 31, 1972, unless (1) such proposed change or readjustment is first submitted to the Congress, and (2) neither House of Congress, prior to the expiration of 90 calendar days of continuous session of Congress following the date of submission of the proposed change or readjustment, has adopted a resolution stating in substance that the House does not favor the proposed change or readjustment. For the purpose of this section—*

*"(1) continuity of session is broken only by an adjournment of Congress sine die; and*

*"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 90-day period."*