

CONSOLIDATION OF LAWS ON COMPENSATION, PENSION, ADMINISTRATION, HOSPITALIZATION, AND BURIAL BENEFITS

MAY 16, 1957.—Ordered to be printed

Mr. BYRD, from the Committee on Finance, submitted the following

REPORT

[To accompany H. R. 53]

The Committee on Finance, to whom was referred the bill (H. R. 53) to consolidate into one act, and to simplify and make more uniform, the laws administered by the Veterans' Administration relating to compensation, pension, hospitalization, and burial benefits, and to consolidate into one act the laws pertaining to the administration of the laws administered by the Veterans' Administration, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

COMMITTEE AMENDMENTS

The committee made several technical and clerical amendments to the bill, as passed by the House, none of which affect the substance of the bill. The amendments are set out in the reported bill with matter proposed to be stricken out printed in linetype, and new matter proposed to be inserted printed in italics.

EXPLANATION OF THE BILL

The committee has long been aware of the numerous and various laws pertaining to disability and death compensation for veterans and their dependents, as well as those laws relating to pension, hospitalization and burial benefits, and the myriad of laws involving the administration of benefits administered by the Veterans' Administration. To consolidate into one act, and to simplify and make more uniform the laws on these subjects, H. R. 53 has been introduced and designated as the "Veterans' Benefits Act of 1957."

The bill incorporates into a single act the subject matter of the extensive body of existing legislation authorizing and governing the payment of compensation for service-connected disability or death to persons who served in the military, naval, or air force of the United

States during a period of war, armed conflict, or peacetime service, and to their widows, children, and dependent parents. It would provide the same sort of consolidation of the laws relating to pension, hospitalization, medical and domiciliary care, and burial benefits. Further, it would consolidate into one act all the administrative provisions relating to these benefits, as well as those common to all benefits administered by the Veterans' Administration. It would also incorporate the provisions of existing law relating to the ancillary benefits of financial assistance for specially adopted housing and automobiles for certain disabled veterans. Finally, it would repeal those provisions of law relating to such benefits which are obsolete, executed, or restated in substance in the bill. The bill does not encompass the subject matter of the Servicemen's and Veterans' Survivor Benefits Act which Congress recently enacted and which integrates the current survivor-benefit programs.

The bill, which would be effective on the 1st day of January 1958, does not adversely affect the basic entitlement of any veteran or dependent presently on the compensation or pension rolls, nor does it liberalize, except in very minor areas, the provisions of law which govern the eligibility of veterans and their dependents for such benefits. The established rates of pension or compensation are maintained.

The bill, as reported contains the following substantive changes in existing law, generally minor liberalizations:

(1) The discharge requirement of "under conditions other than dishonorable" is made uniform for all veterans for the purpose of the benefits authorized by the bill. For pension purposes, existing law requires that Indian war veterans be honorably discharged from the service.

(2) For compensation purposes under the bill, a widow would uniformly be required to have married the veteran before the expiration of 10 years after the veteran's separation from service or to have been married for 10 or more years. Under existing law there are differing requirements, depending on the period of service, ranging from marriage at any time to marriage prior to specific arbitrary dates. Where a widow is on the rolls on the effective date of the bill, the savings provisions in the bill protect her rights; therefore this new test operates as a slight liberalization in the cases to which it applies.

(3) Under the bill, remarriage of any widow terminates her eligibility. Under certain conditions present law allows remarried widows of veterans of the Civil War, Indian wars, or Spanish-American War to be restored to the rolls.

(4) The uniform definition of "child" in the bill (generally under age 18) would effect a liberalization as to the definition of a child of a Civil or Indian war veteran (generally under age 16), and also result in an increase in the rates of pension payable to certain children of veterans of the Spanish-American War.

(5) Under existing law, a widow of a veteran of the Civil War, Indian wars, or the Spanish-American War who may be barred from the receipt of pension because of her date of marriage may nevertheless qualify under certain conditions, i. e., marriage for 10 or more years, a showing of dependency, and attainment of age 60. The bill would liberalize the requirements in such cases by removing the conditions of dependency and age 60.

(6) Under existing law retired persons who served during a war period are eligible for hospital and domiciliary care from the Veterans' Administration in the same manner as veterans of a war; however, in order to receive medical treatment for service-incurred disabilities they must have elected to receive disability compensation or, if peacetime retired persons, must be in receipt of compensation in lieu of retirement pay. The bill would obviate this circuitous route to eligibility by providing such benefits on the same basis as provided to discharged veterans.

(7) As the definition of "period of war" would include the period of any future war declared by the Congress, it would be an extension of existing law which generally limits such defined period to past wars. Its principal effect would be to make certain wartime eligibility criteria for compensation and hospitalization automatically available to veterans of future wars.

All of the provisions, except item 7, are changes which were necessary to avoid reenacting numerous deviations from the general rule in various areas of existing law, thereby providing greater uniformity and better administration.

Item 7 refers to that provision of the bill under which wartime benefits (except pensions) would be available to veterans who served during the period of any future war declared by the Congress. From the standpoint of the committee, it seems unlikely that any future war veterans would be granted lesser compensation or medical benefits than are authorized for veterans of past wars, and in a period of stress and emergency, it would be desirable and in fact essential that some overall law providing entitlement be in force immediately. It is for that reason that the bill has been made applicable to conditions which may regretfully exist in the future.

The Veterans' Administration has stated that any cost involved in the few minor liberalizations in existing law would be relatively small. The provision which makes uniform the definition of "child" a person under the age of 18 years rather than 16 years (as prevails in the case of children of Civil and Indian War veterans today) is the only one susceptible of a specific cost estimate. This cost, to the extent that it would increase the rates for Spanish War children, would be in the neighborhood of \$200,000 a year. Obviously because of the class involved, it would be of a declining nature.

ENDORSEMENT OF BILL

The Bureau of the Budget stated in endorsing the objective of this bill:

* * * Consolidation of the many laws relating to veterans' benefits should serve to expedite the adjudication of claims and under the system more comprehensible to veterans and the public. Codification was also recommended by the President's Commission on Veterans' Pension, which noted the direct personal impact of these statutes on veterans and their dependents who, because of the complexities of existing statutes, are often uncertain about the benefits to which they may be entitled. The Veterans' Administration's concurrent efforts to index, codify, and simplify precedents and regulatory material would also undoubtedly be facilitated by the enactment of this bill * * *

The General Accounting Office in reporting on the bill, stated:

* * * A simple and intelligible restatement of the laws pertaining to veterans' benefits and to their administration, such as these bills contemplate, is long overdue and highly desirable. It should contribute toward efficient administration by clarifying the body of law on that subject. We urge that these bills be given favorable consideration. In our view, however, the enactment of a single bill embracing all the areas involved would result in greater uniformity and clarity and, hence, the enactment of H. R. 53 appears somewhat preferable to the alternative of covering the subject matter in three separate bills. * * *

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMISSION,
Washington, D. C., May 14, 1957.

HON. HARRY FLOOD BYRD,
*Chairman, Senate Finance Committee,
Senate Office Building, Washington, D. C.*

DEAR SENATOR BYRD: Referring to H. R. 53 known as the Veterans' Benefits Act of 1957, which passed the House on April 1, 1957, and is now pending before the Senate Finance Committee, I am very pleased to tell you that the national organization of the American Legion is happy to support this bill.

We trust the bill will receive the favorable consideration of your committee.

With kindest personal regards, I am
Sincerely yours,

MILES D. KENNEDY, *Director.*

AMVETS NATIONAL HEADQUARTERS,
Washington, D. C., May 15, 1957.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance,
United States Senate, Washington, D. C.*

DEAR SENATOR BYRD: We of AMVETS are vitally interested in H. R. 53, passed by the House of Representatives and now pending before the Committee on Finance.

This measure, if enacted into law, will simplify the administration of laws relating to veterans. It will also make more uniform the various benefits to veterans of all wars. In our judgment, the enactment of this legislation is essential.

AMVETS therefore heartily endorse H. R. 53 and urge that it be promptly reported by the Committee on Finance.

Sincerely yours,

JOHN R. HOLDEN,
National Legislative Director.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
 OFFICE OF NATIONAL LEGISLATIVE SERVICE,
 Washington, D. C., May 14, 1957.

Re H. R. 53.

HON. HARRY FLOOD BYRD,
*Chairman, Senate Committee on Finance,
 United States Senate, Washington, D. C.*

DEAR SENATOR BYRD: This is in response to the request of Mr. Fred Miller of your staff inviting the views of the Veterans of Foreign Wars with respect to a bill pending in your committee, H. R. 53, the Veterans' Benefits Act of 1957, which proposes to simplify and make more uniform, by consolidation into one act, certain of the laws administered by the Veterans' Administration.

This bill has a desirable objective and, lacking a specific mandate, we gave our tacit approval when the bill was under consideration by a subcommittee of the House Committee on Veterans' Affairs. Our position has not changed.

Under these circumstances, the Veterans of Foreign Wars recommends the early enactment of H. R. 53, and would have no objection to its being reported and passed by the Senate without a hearing or other formal procedure.

Respectfully yours,

OMAR B. KETCHUM, *Director.*

DISABLED AMERICAN VETERANS,
 NATIONAL SERVICE HEADQUARTERS,
 Washington, D. C., May 14, 1957.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance,
 United States Senate, Washington, D. C.*

DEAR SENATOR BYRD: This is in reference to the position of the Disabled American Veterans relative to H. R. 53, a bill to consolidate, simplify and make more uniform the laws relating to compensation, pension, hospitalization, burial allowances, etc.

This organization approves the purposes to be served by H. R. 53, which was reported favorably by the House Committee on Veterans' Affairs, and there is no objection to the bill as drafted.

Sincerely yours,

OMER W. CLARK,
National Director of Legislation.

MAY 16, 1957.

HON. HARRY F. BYRD,
*Chairman, Committee of Finance,
 United States Senate, Washington, D. C.*

DEAR SENATOR BYRD: Further reference is made to your request for a report by the Veterans' Administration on H. R. 53, 85th Congress, an act to consolidate into one act, and to simplify and make more uniform, the laws administered by the Veterans' Administration relating to compensation, pension, hospitalization, and burial benefits,

and to consolidate into one act the laws pertaining to the administration of the laws administered by the Veterans' Administration.

The purpose of this bill is well stated in its title, set forth above. In addition to generally restating in improved form the existing veterans' laws dealing with compensation, pension, hospitalization, medical care, and burial benefits, it includes the many administrative provisions of law relating to such benefits, as well as those common to all benefits administered by the Veterans' Administration. An important feature of the bill is the proposed repeal of over 200 existing statutes or parts thereof which are deemed executed, obsolete, or restated in substance by the bill.

H. R. 53 is the result of a project conducted by the staff of the House Committee on Veterans' Affairs involving extensive research, study, and technical work in which the office of the House Legislative Counsel and representatives of the Veterans' Administration actively participated. The general objective and approach of the bill is similar, on a much broader scale, to H. R. 10046, 84th Congress, a bill to simplify and make more nearly uniform the many laws pertaining to compensation and certain ancillary benefits. (The benefit provisions of H. R. 10046 are substantially embodied in titles III, VI, and VII of H. R. 53.) H. R. 10046 was passed by the House of Representatives in the last Congress, but the bill was not acted upon by the Senate prior to adjournment.

H. R. 53 has been analyzed by the Veterans' Administration and compared with the corresponding provisions of existing law. With certain limited exceptions, the bill has been found to conform substantially with the present laws on the subjects with which it deals. The attached detailed statement indicates those areas in which the bill would effect material changes in existing law. In addition, the statement contains certain comments on the merits and suggestions dealing with technical aspects of the bill for consideration by your committee. Analysis of the bill and comparison with existing law indicate that the following changes of some significance in the benefit provisions, generally minor liberalizations, would be effected by the enactment of the bill:

(1) The discharge requirement of "under conditions other than dishonorable" is made uniform for all veterans for the purpose of benefits authorized by the bill. For pension purposes, existing law requires that Indian war veterans be honorably discharged from the service. For compensation purposes, there is no overall discharge requirement under the general pension law or the World War Veterans' Act, 1924. However, the disability or death must have been in line of duty (general pension law), or contracted in the service without misconduct (World War Veterans' Act).

(2) For compensation purposes under the bill, a widow would uniformly be required to have married the veteran before the expiration of 10 years after the veteran's separation from service or to have been married for 10 or more years. Under existing law there are differing requirements, depending on the period of service, ranging from marriage at any time to marriage prior to specific arbitrary dates. Where a widow is on the rolls on the effective date of the bill, the savings provisions in the bill protect her rights. Further comments and a recommendation on this subject will be noted in the attached statement.

(3) Under the bill, remarriage of any widow terminates her eligibility. Under certain conditions present law allows remarried widows of veterans of the Civil War, Indian wars, or Spanish-American War to be restored to the rolls. Remarried widows on the rolls on the effective date of the bill would not be affected.

(4) The uniform definition of "child" in the bill (generally under age 18) would effect a liberalization as to the definition of a child of a Civil or Indian war veteran (generally under age 16), and also result in an increase in the rates of pension payable to certain children of veterans of the Spanish-American War.

(5) Under existing law, a widow of a veteran of the Civil War, Indian wars, or the Spanish-American War who may be barred from the receipt of pension because of her date of marriage may nevertheless qualify under certain conditions, i. e., marriage for 10 or more years, a showing of dependency, and attainment of age 60. The bill would liberalize the requirements in such cases by removing the conditions of dependency and age 60.

(6) Under existing law retired persons who served during a war period are eligible for hospital and domiciliary care from the Veterans' Administration in the same manner as veterans of a war; however, in order to receive medical treatment for service-incurred disabilities they must have elected to receive disability compensation or, if peacetime retired persons, must be in receipt of compensation in lieu of retirement pay. The bill would obviate this circuitous route to eligibility by providing such benefits on the same basis as provided to discharged veterans.

(7) As the definition of "period of war" would include the period of any future war declared by the Congress, it would be an extension of existing law which generally limits such defined periods to past wars. Its principal effect would be to make certain wartime eligibility criteria for compensation and hospitalization automatically available to veterans of future wars. It would not automatically extend pension benefits to such persons.

(8) The presumptions of service connection for compensation purposes now authorized under the so-called Public No. 2 system for veterans of World War I, World War II, and the Korean conflict would, prospectively, be for uniform application under the bill. However, the service connection of World War I veterans on the rolls which was established as a result of the liberal presumption for certain diseases under section 200 of the World War Veterans' Act, 1924 (as restored, with limitations, by Public No. 141, 73d Cong.) would not be disturbed in any case. After a period of almost 40 years since the war, it is not likely that there will be any significant number of new World War I claims in the future, but any such claim filed within 1 year of the bill's enactment could be adjudicated, as to service connection, under the old laws.

Certain of the mentioned changes in existing law are discussed in greater detail in the attached statement.

As stated, the bill conforms substantially with the present laws on the subjects with which it deals. There has also previously been indicated those areas in which certain changes of significance in the benefit programs have been made. In addition, certain other minor variations from existing law are noted and discussed in the attached statement. In this connection, however, it is important to note that

in each of the "benefit" titles, provision is made for extending entitlement to all classes of persons who prior to the enactment of the bill had an eligibility status for the benefit, notwithstanding the specific service requirements of the bill. Further, title XXIII contains certain savings provisions designed to protect the rights of persons on the rolls or those who had entitlement to benefits prior to the effective date of the bill.

Subsequent to action by the House of Representatives on H. R. 53, the Congress enacted Public Law 85-24, approved April 25, 1957. This act prohibits, under certain conditions, the payment of pension to persons imprisoned in penal institutions and the subject matter is proper for inclusion in title IV of H. R. 53. Appropriate draft language to accomplish this purpose is enclosed.

To the extent that the bill conforms substantially with present law, no additional cost would be involved in its enactment. With respect to the mentioned proposed changes in law dealing with discharge and marriage date requirements, and definitions of "widow" and "child," it is believed that the cost would be relatively small. It is not possible to submit an accurate estimate of such cost, except in one area, due to the indeterminate factors involved. It is estimated that the liberalized rates of pension applicable to certain orphan children of Spanish-American War veterans would approximate \$200,000 for the first year. This annual cost would remain basically the same for each of the ensuing 4 years. The proposed change in the law with respect to liberalizing the eligibility criteria of certain retired officers for hospitalization and medical treatment in service-connected cases might result in some additional benefit cost, but it is believed that it would be small. On the other hand, the elimination of the existing requirements that they must first establish eligibility for, or be in receipt of, compensation, would bring about administrative simplicity and some economy.

I am in full accord with the objective of H. R. 53. If amended in accordance with the accompanying recommendations and suggestions I believe it should receive favorable consideration by your committee.

Advice has been received from the Bureau of the Budget that while there is no objection to the submission of this report to your committee, the Bureau requests that we enclose for your information a copy of its report on H. R. 53 to the Committee on Veterans' Affairs, House of Representatives. A copy of such report is herewith enclosed.

Sincerely yours,

H. V. HIGLEY, *Administrator.*

Encls.

TITLE I—GENERAL

DEFINITIONS

Section 101 (2)

This subsection proposes a liberalization of the discharge requirements insofar as the payment of pension to veterans of the Indian wars is concerned. Under section 1 of the act of March 3, 1927 (44 Stat. 1361), as amended (38 U. S. C. 381), pension based on disability or age is authorized for otherwise eligible veterans of the Indian wars who were honorably discharged from service. This subsection would require only that the veteran have been discharged under

conditions other than dishonorable. This change would provide a uniform discharge provision applicable to all war veterans and would be insignificant from the cost standpoint.

Section 101 (3)

This subsection proposes a slight restriction of existing law with respect to the definition of "widow". Under existing law, death pension benefits are payable to the widows of veterans of the Civil War, Indian wars, or Spanish-American War, who married the veteran prior to the applicable marriage delimiting date, who have remarried once or more than once, and whose subsequent marriages have been dissolved either by death or by divorce, without the fault of the wife in the case of Civil War veterans' widows, or on any ground except the adultery of the wife in the case of Indian or Spanish-American War veterans' widows. Subsection 101 (3) would define a "widow," in part, as a woman "who has not remarried (unless the purported remarriage is void." Hence, if H. R. 53 is enacted, any such widows who have remarried or who may thereafter remarry would be ineligible to be placed on the pension rolls following termination of the remarriage. This change in requirements, however, would be in the interest of uniformity.

Section 101 (4)

The proposed definition of the term "child" would be for general application. At the present time a more restrictive definition of this term is applicable to pension based on service in the Civil or Indian wars. For such benefits a child is defined as "a legitimate child under the age of 16." As to helpless children in this category, disability must have arisen prior to the child's 16th instead of 18th birthday. (See, also, comment on sec. 432.)

Section 102 (b)

This subsection would create a conclusive presumption of the dependency of a parent under the conditions set forth in subdivision (2) therein. Under existing administrative regulations, the same income figures constitute only prima facie showing of dependency and are not controlling in any case. In this respect, the proposed language departs from existing law and regulations. It is, however, in accord with the similar provision contained in H. R. 10046, 84th Congress.

Section 106

This section would provide that retirement from the military, naval, or air service is to be considered a discharge or release from such service for the purpose of all laws administered by the Veterans' Administration. Insofar as most such laws are concerned, this is merely a restatement of existing law. However, in the field of hospital, domiciliary, and medical benefits, retirement is not equated with a discharge for purposes of granting these benefits. Hence, in some instances, retired personnel must predicate their eli-

gibility for these benefits on a somewhat different basis than that generally applicable to other veterans.

While a specific provision of law (38 U. S. C. 706b) equates retired persons who served during a war period with other war veterans for the purpose of hospitalization and domiciliary care, outpatient medical treatment can only be afforded such retired personnel when they have elected to receive disability compensation from the Veterans' Administration. Retired persons not having war service may not receive these benefits until an award of compensation has been made. Under the bill, a person who is retired for disability would apparently be eligible for hospital, domiciliary, and medical care on the same basis as a person discharged for disability incurred in line of duty, thus obviating the necessity of applying for and receiving disability compensation from the Veterans' Administration. Similarly, a retired war veteran would be entitled to outpatient treatment for service-connected disability on the same basis as a discharged war veteran, even though he might not have been retired for disability.

The proposal to provide hospital, domiciliary, and medical services to retired persons on the same basis as now provided to discharged veterans will simplify the furnishing of medical benefits, both from the viewpoint of the Veterans' Administration and from that of the beneficiary, and will eliminate certain inequities which result from the "patchwork" of existing laws.

TITLE III—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

Section 302

This section provides that no compensation shall be paid to a widow unless she was married to the veteran (1) before the expiration of 10 years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated or (2) for 10 or more years. While these criteria are more restrictive in some cases and more liberal in others as compared to existing requirements for death compensation, their application will generally be limited to cases where death occurred prior to January 1, 1957, and the widows have not previously been eligible. Where death occurred prior to January 1, 1957, a widow's claim filed any time during the year 1957 would, of course, be adjudicated under the old criteria. If death occurs on or after January 1, 1957, the more liberal definitions of the term "widow" contained in Public Law 881, 84th Congress, apply.

For the purpose of paying dependency and indemnity compensation under Public Law 881, the term "widow" means a woman who was married to a person—

(A) before the expiration of 15 years after the termination of the period of active duty, active duty for training, or inactive duty training, in which the injury or disease causing the death of such person was incurred or aggravated; or

(B) for 5 or more years; or

(C) for any period of time if a child was born of the marriage.

While the major effect of this section is a liberalizing one, it could operate restrictively in a few instances. Therefore, if the committee wishes to safeguard the rights of all widows whose marriage dates would have met the requirements of the prior laws, it is recommended that the following paragraph be added to section 302:

"The foregoing shall not be applicable to any widow who, with respect to date of marriage, could have qualified as a widow for death compensation under any law administered by the Veterans' Administration in effect on the day before the effective date of this Act."

TITLE IV—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH, OR FOR SERVICE

Section 432 (b)

As previously noted, subsection 101 (4) of H. R. 53 proposes to make the Public No. 2 definition of a "child" applicable to children of veterans of all wars and accordingly liberalizes the definition of a "child" of a Civil or Indian war veteran. Under subsection 432 (b) additional death pension benefits would be payable on behalf of certain children who do not satisfy the definition of existing law, such as all children who are over age 16 but under age 18; children who were not insane, idiotic, or otherwise physically or mentally helpless at age 16 but who became permanently incapable of self-support prior to age 18; children over age 18 but under age 21 who are attending an approved educational institution; and legally adopted children, or stepchildren who are members of the veteran's household, and who are otherwise eligible. This liberalization would provide a uniform definition of "child" applicable to the children of veterans of all wars. Obviously, because of the small number of cases involved and the age of the veterans and their children, the liberalization would be insignificant from the standpoint of cost.

Section 432 (d)

Subsection (d) proposes a minor liberalization of existing law. The act of December 8, 1944 (58 Stat. 797, 38 U. S. C. 293-294), provides that an unmarried widow of a veteran of the Civil War who is barred from the receipt of pension because her marriage to the veteran occurred subsequent to June 26, 1905, but who is otherwise entitled to pension, shall be entitled to pension if she is dependent, has attained age 60, and married the veteran 10 or more years prior to his death and lived with him continuously from the date of marriage to the date of his death except where there was a separation which was due to misconduct of or procured by the veteran without the fault of the widow. This subsection proposes to eliminate the requirements that the widow be dependent and have attained age 60. This liberalization would make more

nearly uniform the marriage requirements applicable to the widows of veterans of the various wars.

Section 433

The comment made with respect to subsection 432 (b) is equally applicable to this section.

Section 434 (b)

The comment made with respect to subsection 432 (b) is equally applicable to the children of veterans of the Indian wars encompassed by this subsection.

Section 434 (c)

The comment made with respect to subsection 432 (d) is equally applicable to the widows of Indian war veterans, encompassed in this subsection, except that the applicable marriage delimiting date is March 4, 1917.

Section 435

The comment made with respect to subsection 432 (b) is equally applicable to the children of the Indian war veterans encompassed in this section.

Section 436 (c)

The comment made with respect to subsection 432 (d) is equally applicable to the widows of veterans of the Spanish-American War, encompassed in this subsection, except that the applicable marriage delimiting date is January 1, 1938.

Section 437

Existing law (sec. 2 of the act of May 1, 1926 (44 Stat. 382), as reenacted by the act of August 13, 1935 (49 Stat. 614) and as amended (38 U. S. C. 364 (a))) provides that where there is no widow entitled to pension under any law granting additional pension to minor children, the minor children under 16 years shall be entitled to the pension provided for the widow. Such children currently are paid the rates of pension specified in this section. Where a child qualifies for death pension solely by reason of the definition of "child" contained in paragraph VI of Veterans Regulation No. 10, as amended by section 7 of the act of July 13, 1943 (57 Stat. 555)—principally because they are between 16 and 18 years of age or over age 18 and attending school—lesser monthly rates of pension are payable. Section 437 of H. R. 53 would make the greater rate payable in all instances and, to that extent, would constitute a liberalization of existing law.

Sections 460-462

These sections restate the provisions of existing law relative to the Army, Navy, and Air Force Medal of Honor roll and the special pension to which persons on that roll are entitled. The inclusion of these provisions in H. R. 53 will raise questions as to the applicability to the Medal of Honor pension of certain administrative provisions in the bill which currently do not apply to it (e. g., waiver of recovery of overpayments). Since the functions of the Veterans' Administration with respect to the special pension are purely minis-

terial in that we act as paymaster of the pension authorized by the secretaries of the military departments concerned, it is recommended that these provisions be deleted from the pension title of H. R. 53 and be added to the appropriate title or titles of the United States Code, by means of an additional item in section 2201 of the bill. In this connection it is noted that item (31) (C) of section 2201 (starting at line 6, p. 188) proposes to transfer the provisions of existing law relating to Navy pensions from title 38, United States Code, to title 10. The functions of the Veterans' Administration with respect to the Navy pensions are the same as those with respect to the special pension for persons on the Army, Navy, and Air Force Medal of Honor roll.

TITLE V—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

Section 512 (e)

In order to conform in all respects to existing law, this subsection should be revised to read as follows:

"(e) Any disability of a veteran of the Spanish-American War, upon application for the benefits of this section or outpatient medical services under section 524 shall be considered for the purposes thereof to be a service-connected disability incurred or aggravated in a period of war."

TITLE XV—MINORS, INCOMPETENTS, AND OTHER WARDS

Section 1502 (d)

This subsection provides that under certain conditions funds in the hands of a guardian which would otherwise escheat to a State will escheat to the United States. Such funds could be derived from any benefits payable under laws administered by the Veterans' Administration. Under the similar provision of existing law escheat of insurance funds to the United States in this situation is limited to automatic, gratuitous, or yearly renewable term insurance. This section therefore would extend existing law by making the escheat provision applicable to converted insurance.

Section 1503 (b) (2)

This provision contains what appears to have been an inadvertence in drafting. To conform to existing law, the parenthetical phrase "(except retired pay, but including emergency officers' retirement pay)" should be deleted in lines 22 and 23, page 130, and inserted after the word "benefits" in line 24.

TITLE XVI—AGENTS AND ATTORNEYS

Section 1605

The portion of this section which provides a penalty for one who "wrongfully withholds from any claimant or beneficiary any part of a benefit or claim allowed and due him" is apparently a restatement, in part, of section 202,

Public No. 844, 74th Congress, which is not applicable to laws pertaining to Government life insurance.

TITLE XXI—MISCELLANEOUS

Section 2107 (b)

It is suggested that the phrase "private, State and other government" be substituted for "public or private" in lines 14-15, page 177. While it is understood that the term "public" which is used in lieu of the words "State and other government" in existing law (Public Law 499, 79th Cong.; 38 U. S. C. 488a) is intended to have the same coverage, it can be argued that a "public" hospital is one open to the public generally and does not refer to a publically owned hospital which is available to only a limited class, i. e., military hospitals.

TITLE XXII—AMENDMENTS AND REPEALS

AMENDMENTS

Section 2201 (12)

The proposed paragraph 11, part VII, Veterans' Regulation No. 1 (a), would, in effect, be a substitute for the provisions of section 1500 (a) of the Servicemen's Readjustment Act, which is scheduled for repeal. Section 1500 (a), however, did not require the mandatory application to the rehabilitation and education benefits of parts VII and VIII of every aspect of the effective date provisions relating to compensation. As the nature of those benefits necessitates some variance, it is recommended that the words "to the extent feasible" be inserted immediately after the word "shall" in line 19, page 181.

TITLE XXIII—EFFECTIVE DATE AND SAVINGS PROVISIONS

PART B—PROVISIONS RELATING TO CLAIMANTS

2317 (b)

In view of the applicability of Public Law 881, 84th Congress, to service-connected deaths occurring on or after January 1, 1957, it is recommended that lines 1 through 3 (page 226) of this subsection be revised to read: "(b) A claim for compensation based on the disability (or death occurring before January 1, 1957) of a World War I veteran, if filed on or after the effective date", etc.

PROPOSED AMENDMENTS TO H. R. 53, 85TH CONGRESS, IN VIEW OF ENACTMENT OF PUBLIC LAW 85-24

Amend H. R. 53 (1) by inserting immediately below "Sec. 404. Persons heretofore having a pensionable status." in the table of contents the following:

"SEC. 405. Payment of pension during confinement in penal institutions"; and (2) by adding immediately after section 404 in title IV, the following:

"PAYMENT OF PENSION DURING CONFINEMENT IN PENAL
INSTITUTIONS

"SEC. 405. (a) No pension under public or private laws administered by the Veterans' Administration shall be paid to or for an individual who has been imprisoned in a Federal, State, or local penal institution as the result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his imprisonment begins and ending when his imprisonment ends.

"(b) Where any veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may apportion and pay to his wife or children the pension which such veteran would receive for that period but for this section.

"(c) Where any widow or child of a veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may (1) if the widow is disqualified, pay to the child, or children, the pension which would be payable if there were no such widow or (2) if a child is disqualified, pay to the widow the pension which would be payable if there were no such child."

The other amendments which are noted throughout the bill fall into the general categories of clerical, typographical, and clarification amendments. There is no intent on the part of the committee to incorporate changes other than on the basis indicated.

The committee believes that the enactment of this bill by the Congress will do much to aid in the administration of veterans' laws. It should be much easier to adjudicate claims, to answer correspondence, to perform all of the day-to-day administrative functions which the Veterans' Administration must perform, by having this great body of law in one act. The veterans' organizations' service officers, claims' officials, and legislative representatives should find this bill to be of the greatest assistance in their work. Members of Congress, too, will find that this bill will greatly aid them in locating provisions of law which are now scattered throughout numerous enactments. Enactment of this proposal will make easier the codification of VA laws on which work has already started in the Veterans' Administration.

CHANGES IN EXISTING LAW

In the opinion of the committee, it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this report.

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