

EXTENDING CERTAIN VETERANS' BENEFITS TO OR ON BEHALF OF DEPENDENT HUSBANDS AND WIDOWERS OF FEMALE VETERANS

July 30, 1958.—Ordered to be printed

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

REPORT

[To accompany H. R. 5322]

The Committee on Finance, to whom was referred the bill (H. R. 5322) to extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

This bill provides that for the purposes of all laws administered by the Veterans' Administration, (1) the term "wife" shall include the husband of any female veteran if such husband is incapable of self-maintenance and is permanently incapable of self-support due to physical or mental disability, and (2) the term "widow" shall include the widower of any female veteran if such widower is incapable of self-maintenance and was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death.

The laws relating to this subject have not followed a uniform course in their historical development. Under some laws the widower or dependent husband of a female veteran has been entitled to certain benefits. Others have not included him.

Remarriage of the widower would bar receipt of any benefits under this proposal, and the question of dependency would be determined administratively.

The committee has amended the bill as suggested by the VA and believes such legislation is highly desirable, both on the basis of providing uniformity and because it is sound policy to make the benefits available to the dependent husbands or widowers of female veterans in the same manner as they are available to the wives and widows of male veterans. In view of the service rendered to the country during

World War II particularly, and to a lesser extent during World War I, by female components of the Armed Forces, it is believed that such action is only fair and just.

There are approximately 321,000 living female veterans of World War II, 77,000 of the Korean conflict and 26,000 of the World War I period, but there is no information on which to base an estimate of the number who would be affected by the passage of this legislation. Therefore, no fixed-cost estimate can be provided.

The favorable report of the Veterans' Administration on this bill is as follows:

VETERANS' ADMINISTRATION,
July 21, 1958.

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

DEAR SENATOR BYRD: The following report is submitted, as requested, on H. R. 5322, 85th Congress, an act to extend certain veterans' benefits to or on behalf of dependent husbands and widowers of female veterans.

The bill provides that for the purpose of all laws administered by the Veterans' Administration, (1) the term "wife" shall include the husband of any female veteran if such husband is incapable of self-maintenance and is permanently incapable of self-support due to physical or mental disability, and (2) the term "widow" shall include the widower of any female veteran if such widower is incapable of self-maintenance and was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death.

Generally, benefits administered by the Veterans' Administration are not payable to or on behalf of the husbands and widowers of female veterans. If enacted, H. R. 5322 would have the following principal effects:

(1) The additional compensation provided a service-connected disabled male veteran on account of a wife under section 316 or section 336, Public Law 85-56, would be available to an otherwise eligible female veteran with a husband who meets the prescribed dependency criteria.

(2) Dependent widowers of deceased female veterans would become eligible for death compensation, dependency and indemnity compensation, or death pension if other requirements were met.

In addition, enactment of the bill would accord such dependent husband of a female veteran the same status as that of a wife or dependent of a male veteran under provisions of law such as those authorizing apportionment of benefits in certain circumstances, withholding or discontinuance of benefit payments during hospitalization, payment of benefits in the case of an incompetent veteran having no guardian, etc.

Further, if H. R. 5322 were enacted, the dependent husband of a female veteran who is pursuing education or training under the Servicemen's Readjustment Act; Public Law 16, 78th Congress; or Public Law 894, 81st Congress, would be classified as a dependent for purposes of the increased subsistence allowance payable to an eligible veteran with dependents. However, education and training and vocational rehabilitation for World War II veterans, with few

exceptions, ended on July 25, 1956, and the number of female veterans of the Korean conflict period who are receiving vocational rehabilitation training is very small. Accordingly, the effect of the bill on these programs would be minimal.

There is precedent for legislation to define the terms "wife" and "widow" to include the dependent husband or widower of a female veteran for purposes of certain benefits administered by the Veterans' Administration. The World War Veterans' Act, 1924 (sections 202 (13) and 201 (6)), as did the War Risk Insurance Act before it, so defined such terms for purposes of payment of additional compensation to an eligible female veteran whose husband was dependent upon her for support, and for payment of death compensation to the dependent widower of a woman veteran who died from service-connected causes.

The World War Adjusted Compensation Act specifically defined the terms "widow" and "dependent" to include "widower" for purposes of benefits (World War I bonus) provided by that act.

Part VII, Veterans Regulation No. 1 (a), as added by Public Law 16, 78th Congress, originally provided that a veteran pursuing vocational rehabilitation training under that part, whose disability compensation was less than the amount payable for total and temporary disability including additional amounts for wife, husband, child, and dependent parents, would be paid such additional amount as would make the aggregate payments equal the amount payable for such total disability.

The Veterans' Readjustment Assistance Act of 1952 (Public Law 550, 82d Cong.) defines the term "dependent" to include "the wife of an eligible veteran, or, in the case of an eligible veteran who is a woman, her husband if he is in fact dependent upon the veteran," for purposes of determining the amount of the education and training allowance payable to a veteran pursuing a program of education or training under that act.

Under Public No. 2, 73d Congress, which repealed the foregoing provisions of the World War Veterans' Act, a husband was not considered a dependent. Although the prior definition of wife and widow (to include a dependent husband or widower) again became applicable when Public No. 141, 73d Congress, restored with limitations the pertinent provisions of the World War Veterans' Act, subsequent legislation relating to compensation under laws administered by the Veterans' Administration made such terms inapplicable to husbands or widowers.

The administrative, definitive, and penal provisions of Public No. 2 were made applicable to the Servicemen's Readjustment Act of 1944 by the specific provisions of section 1500 (a) of the latter act. Thereafter, Public Law 268, 79th Congress, amended part VII, Veterans Regulation No. 1 (a), and deleted the reference to "husband." Accordingly, a husband is not considered a dependent for purposes of payment of increased allowances to a female veteran who is receiving education or training under part VIII or vocational rehabilitation under part VII, Veterans Regulation No. 1 (a), as amended.

In summary, current law (Public Law 85-56) relating, among other things, to disability or death compensation or pension for eligible veterans and their dependents, does not include a husband among the dependents for whom additional compensation is allowed not does it

include a widower in the definition of the term "widow." Public Law 881, 84th Congress, which provides certain benefits including dependency and indemnity compensation to eligible survivors of certain deceased servicemen and veterans, also limits the definition of "widow" to woman. Laws granting pension on account of the non-service-connected death of a veteran have not included the widower of a deceased female veteran as an eligible beneficiary.

As previously indicated, husbands are not considered dependents for purposes of increased subsistence allowances payable under the provisions of the Servicemen's Readjustment Act; Public Law 16, 78th Congress; or Public Law 894, 81st Congress. When in fact dependent upon the female veteran, they are so considered for purposes of determining the amount of the education and training allowance authorized under Public Law 550, 82d Congress.

It is apparent from the foregoing that the legislative policy as to the eligibility of dependent husbands or widowers for benefits administered by the Veterans' Administration has not followed a uniform course in the historical development of the program of veterans' benefits. It is not so apparent why the husband or widower who is in fact dependent upon the female veteran for his support should not be so considered for purposes of all applicable laws administered by the Veterans' Administration.

The Veterans' Administration does not have available data as to the number of female veterans with dependent husbands or of deceased female veterans leaving a dependent widower. Accordingly, no estimate as to the cost effect of the bill, if enacted, can be furnished. As of April 30, 1958, there were approximately 321,000 living female veterans of World War II, constituting approximately 2 percent of the total number of living World War II veterans; approximately 77,000 living female veterans of the Korean conflict having no World War II service, representing about 1.8 percent of the total number of living veterans of that period; and approximately 26,000 living female veterans of World War I, or about 0.9 percent of the total living World War I veterans.

The bill was amended by the House of Representatives to incorporate suggestions made by the Veterans' Administration in its report on the bill as introduced. In its present form, the Veterans' Administration would not object to enactment of H. R. 5322.

The Veterans' Administration has been advised by the Bureau of the Budget that there was no objection to the submission of a similar report on this bill to the Committee on Veterans' Affairs, House of Representatives.

Sincerely yours,

SUMNER G. WHITTIER, *Administrator.*

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman):

TITLE I OF THE VETERANS' BENEFITS ACT OF 1957

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TITLE I—GENERAL

DEFINITIONS

SEC. 101. For the purposes of this Act—

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DEPENDENT HUSBANDS

SEC. 107. For the purposes of all laws administered by the Veterans' Administration, (1) the term "wife" includes the husband of any female veteran if such husband is incapable of self-maintenance and is permanently incapable of self-support due to physical or mental disability, and (2) the term "widow" includes the widower of any female veteran if such widower is incapable of self-maintenance and was permanently incapable of self-support due to physical or mental disability at the time of the veteran's death.

