

Calendar No. 1616

88D CONGRESS }
2d Session }

SENATE

} REPORT
No. 1603

AUTHORIZING CERTAIN VETERANS' BENEFITS FOR PERSONS DISABLED IN CONNECTION WITH REPORTING FOR FINAL ACCEPTANCE, INDUCTION, OR ENTRY INTO THE ACTIVE MILI- TARY OR NAVAL SERVICE

JUNE 16 (legislative day, JUNE 11, 1954).—Ordered to be printed

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

REPORT

[To accompany H. R. 8790]

The Committee on Finance, to whom was referred the bill (H. R. 8790) to authorize certain veterans' benefits for persons disabled in connection with reporting for final acceptance, induction, or entry into the active military or naval service, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

By virtue of this act, the Committee on Finance accepts the report of the Committee on Veterans' Affairs as follows:

EXPLANATION OF THE BILL

The purpose of this bill is to provide that on and after June 27, 1950, and prior to a date to be determined by the President or the Congress, any person who suffers a disability in line of duty and not the result of his or her own misconduct while en route under orders to report to a place for final acceptance, induction, or entry upon active duty, or while at such place or en route home, shall be considered to have such disability incurred in the active military or naval service.

The history of this type of legislation begins in World War I when similar benefits were extended to draftees and others reporting for induction during that period. World War II was given the same coverage which terminated on December 31, 1946 (Public Law 300, 78th Cong.). The enactment of the bill would make for uniformity by extending compensation for disabilities considered service connected and death resulting therefrom, as well as hospital care and outpatient treatment for such disabilities to inductees, etc., of the Korea period on the same basis as has been authorized for those groups during World Wars I and II.

The Veterans' Administration in commenting upon a substantially similar bill pointed out "In view of the precedence established for persons similarly situated during the periods of World Wars I and II, it would not appear unreasonable to extend benefits to this category of persons based on the disabilities incurred during

the so-called Korea period." The cost would be relatively small. Certainly it is an area which needs attention and should be covered in order to give the individuals concerned protection to which they are entitled. In addition, of course, it would make the benefits uniform which is a constant aim of the Committee on Veterans' Affairs as well as the Congress of the United States.

The report of the Veterans' Administration on the similar bill, H. R. 345, follows:

VETERANS' ADMINISTRATION,
Washington 25, D. C., March 29, 1954.

HON. EDITH NOURSE ROGERS,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington 25, D. C.

DEAR MRS. ROGERS: This refers to your request for a report by the Veterans' Administration on H. R. 345, 83d Congress, a bill to amend part II of Veterans Regulation No. 1 (a).

The purpose of the bill is to provide that on and after June 27, 1950, when certain persons suffer a disability not the result of their own misconduct while en route under orders to report to a place for final acceptance, induction, entry upon active duty, or examination incident thereto, such disability shall be considered to have been incurred in the active military or naval service.

The bill would provide compensation and certain related benefits for persons and the dependents of persons who incurred disability or death under the conditions outlined therein prior to actual entry into active service on a basis similar to that extended to persons who incurred disability or death prior to completion of entry into active service during World War I (Veterans Regulation No. 1 (a), pt. I, par. III) and also during the period from August 27, 1940, to the termination of hostilities in World War II (Public Law 300, 78th Cong., approved May 11, 1944).

It may be noted that under section 1 of Public Law 23, 82d Congress, April 25, 1951, the Congress specifically extended free indemnity coverage to persons generally within the purview of the bill for death resulting from disability incurred while en route under orders to report for induction or entry into active service. Such persons have thus been considered for indemnity purposes on a parity with persons in the active service. Enactment of the bill would extend that parity by authorizing the payment of compensation for disabilities considered service connected and death resulting therefrom as well as hospital care and outpatient treatment for such disabilities.

The language of the bill differs from the language of existing law applicable to the similar categories of persons covered during the World War II period by Public Law 300, 78th Congress, May 11, 1944. If it is intended to provide the same coverage under H. R. 345 as in the World War II cases, it would be preferable to specifically amend the existing law in order to avoid possible ambiguities and problems of statutory construction.

The Veterans' Administration does not have available data on which to base an estimate of the cost of the bill, if enacted.

In view of the precedents established for persons similarly situated during the periods of World Wars I and II, it would not appear unreasonable to extend benefits to this category of persons based on disabilities incurred during the so-called Korea period.

Advice has been received from the Bureau of the Budget that there is no objection to the presentation of this report to the committee.

Sincerely yours,

H. V. HIGLEY, 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 as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

PARAGRAPH IV, PART II, VETERANS REGULATION No. 1 (A)

[IV.] V. For the purposes of paragraph I hereof, as amended, any person who, on or after August 27, 1940, and prior to [termination of the present hostilities,] *January 1, 1947, or on or after June 27, 1950, and prior to such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress* has applied or shall hereafter apply for enlistment or enrollment in the active military or naval forces and who was or shall be provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was or is selected for service and after reporting pursuant to the call of his local board and prior to rejection, or who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service suffered or shall suffer an injury or a disease in line of duty and not the result of his own misconduct, will be considered to have incurred such disability in active military or naval service: *Provided, That payments of pension under the terms of this paragraph shall not be effective prior to the date of enactment of this amendment.*

