

**PROVIDING BENEFITS UNDER THE LAWS ADMINISTERED BY THE
VETERANS' ADMINISTRATION BASED UPON SERVICE IN THE
WOMEN'S ARMY AUXILIARY CORPS UNDER CERTAIN CONDI-
TIONS**

JULY 19 (legislative day, JULY 2), 1954.—Ordered to be printed

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

REPORT

[To accompany H. R. 8041]

The Committee on Finance, to whom was referred the bill (H. R. 8041) to provide benefits under the laws administered by the Veterans' Administration based upon service in the Women's Army Auxiliary Corps under certain conditions, having considered the same, report favorably thereon with amendments, and recommend that the bill, as amended, do pass.

The amendments are as follows:

On page 1, line 6, after the word "disability" insert the words "incurred in line of duty".

On page 1, line 8, after the word "Corps" insert the words ", established under Public Law 110, Seventy-eighth Congress,".

EXPLANATION OF THE BILL

The purpose of this bill is to grant benefits under the laws administered by the Veterans' Administration to certain persons who served in the Women's Army Auxiliary Corps—the forerunner of the Women's Army Corps. By the terms of the bill any beneficiary would be limited to (1) a person who served in the WAAC at least 90 days, and (2) prior to the establishment of the WAC was honorably discharged for disability incurred in line of duty, which rendered her unfit to perform further service in either the WAAC or the WAC. If these conditions were met then the individual would be deemed to have been in the active military service during the period of service in the WAAC for purposes of laws administered by the Veterans' Administration.

No benefits would be paid for any period prior to its enactment and it precludes payment of compensation or pension concurrently with

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United States employees' compensation based on the same service. Further, an election of benefits would be required where the person is eligible for compensation or pension by reason of this measure and is also eligible for compensation benefits under the Employees' Compensation Act.

TYPE OF VA BENEFITS COVERED BY BILL

Compensation, pension, death compensation and pension, vocational rehabilitation under Public Law 16, loans under the "GI bill" (Public Law 346, 78th Cong.).

BENEFITS THEY NOW RECEIVE

United States employees' compensation benefits, hospitalization, domiciliary care, and burial benefits, mustering-out pay, reemployment rights, Soldiers' and Sailors' Civil Relief Act benefits.

HISTORICAL

I. May 14, 1942 (Public Law 554, 77th Cong.) created the WAAC as a civilian corps to serve with the Army.

(a) Section 11 (Public Law 554, 77th Cong.) provided United States employees' compensation benefits be extended to this group.

(b) The act of 1940 (Public Law 861, 76th Cong.) Soldiers' and Sailors' Civil Relief Act made applicable to WAAC.

(c) On February 3, 1944 (Public Law 225, 78th Cong.) gave mustering-out payments to this group (WAAC) who were honorably discharged on account of disability due to service.

(d) On March 17, 1943 (Public Law 10, 78th Cong.) gave this group (WAAC) hospitalization, domiciliary care, and burial benefits under the Veterans' Administration.

(e) August 9, 1946 (Public Law 709, 79th Cong.) gave this group (WAAC) reemployment rights.

II. July 1, 1943 (Public Law 110, 78th Cong.) repealed the (WAAC) act of 1942 all but section 11 which gave United States employees' compensation benefits and created the Women's Army Corps (WAC) during the war period and gave it a military status which carried with it all veteran benefits.

III. June 12, 1948 (Public Law 625, 80th Cong.) created the WAC as part of the Regular Army.

COST

It seems likely that the cost of this measure would be extremely small based on the statement of the Veteran's Administration in the following report from the Administrator under date of June 24, 1954:

JUNE 24, 1954.

Hon. EUGENE D. MILLIKIN,
*Chairman, Committee on Finance,
United States Senate, Washington 25, D. C.*

DEAR SENATOR MILLIKIN: This is in reply to your request for a report on H. R. 8041, 83d Congress, to provide benefits under the laws administered by the Veterans' Administration based upon service in the Women's Army Auxiliary Corps under certain conditions. This bill was passed by the House of Representatives on June 7, 1954.

The purpose of the bill is to grant benefits under laws administered by the Veterans' Administration to certain persons who served in the Women's Army Auxiliary Corps. It would be limited to any person who (1) served in the Women's

Army Auxiliary Corps at least 90 days, and (2) prior to the establishment of the Women's Army Corps was honorably discharged for disability which rendered her unfit to perform further service in either the Women's Army Auxiliary Corps or the Women's Army Corps. If these conditions were met, the individual would be deemed to have been in the active military service during the period of service in the Women's Army Auxiliary Corps for purposes of laws administered by the Veterans' Administration.

The bill contains provisions against the accrual of monetary benefits for any period prior to its enactment; precludes payment of compensation or pension concurrently with United States employees' compensation based on such service; and requires an election of benefits where the person is eligible for compensation or pension by reason of this measure and is also eligible for compensation benefits under the United States Employees' Compensation Act, as amended.

It is assumed that the reference to the Women's Army Corps is intended to mean the Women's Army Corps established as a part of the Army of the United States by Public Law 110, 78th Congress, approved July 1, 1943, as distinguished from the Women's Army Corps created as a part of the Regular Army by the Women's Armed Services Integration Act of 1948 (Public Law 625, 80th Cong.). If the bill is further considered, it may be desirable to include specific reference to the Women's Army Corps established by Public Law 110, 78th Congress. It is noted also that the bill covers persons honorably discharged "for disability," without restriction to discharge for disability incurred in line of duty.

Section 12 of the act of May 14, 1942 (Public Law 554, 77th Cong.), which created the Women's Army Auxiliary Corps, provided that the Corps was not to be a part of the Army but would be the only women's organization authorized to serve with the Army, exclusive of the Army Nurse Corps. Thus, members of the corps served with, but not in, the Army. Section 11 of the 1942 act provided that members or their beneficiaries should have the benefits of the United States Employees' Compensation Act, as amended, where disability was incurred during service, or death resulted from such a disability. However, hospitalization (including medical treatment), domiciliary care, and burial benefits administered by the Veterans' Administration were later made available to former members of the corps by Public Law 10, 78th Congress, approved March 17, 1943.

The act of July 1, 1943 (Public Law 110, 78th Cong.), which established the Women's Army Corps, repealed all of the 1942 act except section 11 which had conferred upon members of the Women's Army Auxiliary Corps the right to benefits under the Employees' Compensation Act. It was specifically provided that section 11 should not be applicable to personnel of the Women's Army Corps except in cases in which its applicability was based upon the status of such personnel as former members of the Women's Army Auxiliary Corps. Thus, while creating a new organization as a part of the Armed Forces to succeed the old organization which was not a part of the Armed Forces, the 1943 act did not purport to grant retroactive military status or benefits predicated upon a military status by reason of service in the Women's Army Auxiliary Corps.

It has been the general policy of the Congress to restrict benefits provided under laws administered by the Veterans' Administration to persons who actually served in the military or naval service of the United States, a distinction having usually been drawn as between members of the Armed Forces and persons engaged in civilian activities for the Government serving with or in aid of the Armed Forces. Examples of civilian groups performing related service were the merchant marine, the American National Red Cross, the Civil Air Patrol, the Women's Auxiliary Service Pilots, the American Field Service, civilian pilots of the Air Transport Command, the Army Transport Service, the Army Specialist Corps, and other organizations of a similar nature. Departure from the established policy by granting benefits based upon civilian service of a group which served with the Armed Forces might constitute a precedent for extending similar privileges to other civilian groups which also served with or in aid of our Armed Forces, and thus increase the demand upon the Congress for corresponding legislation in their favor.

It should be pointed out, however, that on March 2, 1954, the Senate of the United States passed S. 2040, 83d Congress, which would provide that active service in the Women's Army Auxiliary Corps on or after May 14, 1942, and before September 30, 1943, shall be deemed for all purposes to be active military service, provided active military service in the Armed Forces was also performed. This bill is now pending before the Committee on Armed Services, House of Representatives. The Senate committee report (Rept. 1031) to accompany S. 2040 contains a discussion of the nature of the service performed by members of the Women's Army Auxiliary Corps, with the conclusion of the committee that the

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facts indicated that such service was essentially military and different in certain respects from certain other civilian groups. Among other things, it was pointed out that members of other women's organizations, such as the WAVES, Women Marines, and SPARS, established subsequent to the Women's Army Auxiliary Corps were given the status of members of Reserve components at the outset and were serving in an active military capacity while their opposite members in the Army were considered to be in an auxiliary status only.

The broad question of whether service in the Women's Army Auxiliary Corps should be denominated military service retroactively in order to confer entitlement to veterans' benefits is peculiarly one for the Congress in view of the fact that the Congress has heretofore twice determined (Public Law 554, 77th Cong., and Public Law 110, 78th Cong.) that such service should not be given a military status but has nevertheless made an exception with respect to hospital, medical, and burial benefits and has made provisions for the other mentioned women's organizations on a different basis.

Aside from this basic question of policy, the present bill raises a further question as to the extent to which such service should be recognized, if there is to be a change in the existing legislative policy on this group. S. 2040, 83d Congress, as passed by the Senate, requires that there must have been service in the Armed Forces in order for the service in the Women's Army Auxiliary Corps to be considered as military service for all purposes. In contrast, the subject bill does not contemplate subsequent service in the Armed Forces but does limit the coverage to those meeting the special conditions prescribed and is also restricted to benefits administered by the Veterans' Administration. Apparently the proposed restriction to persons discharged for disability rendering them physically unfit to perform further service in either the Women's Army Auxiliary Corps or the Women's Army Corps is based on the theory that such persons were thereby denied an opportunity to serve in an actual military capacity, with resulting benefits, in the successor Corps.

Others who may have incurred lesser disabilities as members of the Women's Army Auxiliary Corps would not be included. Moreover, the bill would not include those who served throughout the period without incurring disability and were honorably discharged. In each instance the kind and quality of service may have been substantially the same, and the question arises whether there is a sound basis for distinguishing one group from the other if legislation of this character is to be considered. The 90-day requirement, as well as the requirement that the discharge must have occurred prior to the establishment of the Women's Army Corps, also appear to be limitations which might seem to create preferences among those engaged in essentially the same kind of service with the Army of the United States.

Among the benefits which might become available in individual cases under the bill are disability and death compensation and pension, vocational rehabilitation training under Public Law 16, 78th Congress, as amended, loan assistance under title III of the Servicemen's Readjustment Act of 1944, as amended, assistance in obtaining an automobile under Public Law 187, 82d Congress, and assistance in acquiring specially adapted housing under Public Law 702, 80th Congress, as amended. Because of the delimiting dates under titles II and V of the Servicemen's Readjustment Act, it would appear that those covered by the bill would not be able to avail themselves of education and training or readjustment allowance benefits under that act.

Because of the lack of information indicating the number of persons who would meet the precise service requirements of the bill and the number among those eligible who would avail themselves of particular types of benefits, it is not feasible to attempt an estimate of the cost of this measure, if enacted. While it seems probable that the annual cost would not be relatively large, it is at the same time clear that a number of cases would be affected by the bill.

Advice was received from the Bureau of the Budget that there was no objection by that Office to the submission of a similar report to the Committee on Veterans' Affairs, House of Representatives, on the bill.

Sincerely yours,

H. V. HIGLEY, *Administrator.*

