

82D CONGRESS
1st Session

} HOUSE OF REPRESENTATIVES {

REPORT
No. 565

PROVIDING VOCATIONAL REHABILITATION TRAINING FOR VETERANS WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES WHO SERVED ON OR AFTER JUNE 27, 1950

JUNE 13, 1951.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RANKIN, from the Committee on Veterans' Affairs, submitted the following

REPORT

[To accompany H. R. 3932]

The Committee on Veterans' Affairs, to whom was referred the bill (H. R. 3932) to amend subparagraph (a), paragraph I, part I, Veterans Regulation No. 1 (a), as amended, to provide more equitable rates of disability and death compensation for disability or death incurred in service on or after June 27, 1950, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

On page 1, strike out lines 3 to 8, inclusive.

On page 2, line 1, strike out "Sec. 2." and insert "That".

Amend the title so as to read:

A bill to provide vocational rehabilitation training for veterans with compensable service-connected disabilities who served on or after June 27, 1950.

EXPLANATION OF THE BILL

This bill, as originally introduced, came as a result of hearings before a subcommittee on a bill, H. R. 303, and other related bills, the purpose of which was to increase the present peacetime compensation rate to the full wartime rate. Under existing law, peacetime compensation for service-connected disability is 80 percent of the wartime rate; thus, a totally disabled veteran would receive \$150 a month for a wartime disability, while the peacetime veteran would receive \$120.

Until the Eightieth Congress, the differential had been 25 percent, but during that Congress Public Law 876 was enacted which increased it to the 80 percent now existing.

Testimony of the various veterans' organizations presented at a hearing by a subcommittee indicated some reluctance to repeal the

differential between peacetime and wartime service, but indicated a strong desire to provide full wartime rates for men serving on and after June 27, 1950, and until such time as the President or the Congress declares the present emergency at an end. Public Law 28 of this Congress, among other things, provides for all rates of compensation to be placed on a wartime basis insofar as they relate to disabilities incurred on and after June 27, 1950. This authority continues until such time as the President by proclamation or the Congress by concurrent resolution determines that an emergency no longer exists. This law thus makes unnecessary the first section of this bill.

For that reason, the committee has amended the bill as introduced by striking out section 1, but retaining section 2. Section 2 would provide that any man serving on and after June 27, 1950, who has a disability incurred in or aggravated by such service for which compensation is payable under the provisions of part I, Veterans Regulation No. 1 (a), as amended (or would be but for receipt of retirement pay) would be entitled to vocational rehabilitation under the provisions of Public Law 16, Seventy-eighth Congress, as amended. This law provided vocational rehabilitation where needed for all service-connected cases who incurred compensable disabilities during the World War II period. The type of training best suited to the individual veteran is determined by the Veterans' Administration and training may be afforded for as much as 4 years and in exceptional cases the Administrator is authorized to extend that limit. The extent of the training depends upon a determination by the Administrator of the amount necessary for the complete rehabilitation of the veteran.

Public Law 894 of the Eighty-first Congress provided this sort of training for men serving on and after June 27, 1950, but limited it to those who were injured (1) in combat; (2) in extra-hazardous service, including such service under conditions simulating war; or (3) when the United States was at war. Thus, a man who was injured in Korea is eligible for this type of benefit, but a man who lost a leg in a truck accident in this country might be denied the training. In view of Public Law 28, Eighty-second Congress, the bill, as reported, would extend this type of training to the whole group of persons made eligible for the wartime compensation rate by that law, assuming that other requirements are met. The committee believes that this should be accomplished as promptly as possible.

As both benefit and administrative expenditures are dependent upon unknown and uncertain factors such as the potential number of eligibles and the duration of the open period beginning June 27, 1950, it is not possible to report a firm estimate of cost. However, the proposal is believed to be meritorious and the expense, whether large or small, justified.

The report of the Veterans' Administration follows:

VETERANS' ADMINISTRATION,
Washington 25, D. C., June 8, 1951.

HON. JOHN E. RANKIN,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington 25, D. C.

DEAR MR. RANKIN: This will refer to your request of May 21, 1951, that in view of the enactment of Public Law 28, Eighty-second Congress, the report of the Veterans' Administration relative to H. R. 3932, Eighty-second Congress, be confined to section 2 thereof, which reads as follows:

"SEC. 2. Public Law 894, Eighty-first Congress, approved December 28, 1950, is hereby amended by substituting the words 'subparagraph I (c), part II' the words 'part I'."

The purpose of the quoted language is to extend the vocational rehabilitation benefits of Public Law 16, Seventy-eighth Congress, as amended, to certain persons who need vocational rehabilitation to overcome the handicap of disability incurred in or aggravated by service in the active military, naval, or air service of the United States during the period beginning June 27, 1950, and ending at such time as may subsequently be determined by proclamation of the President or concurrent resolution of the Congress. The proposal would embrace those entitled to disability compensation at wartime rates under the provisions of part I, Veterans Regulation No. 1 (a), as amended, or who would be entitled to such compensation but for the receipt of retirement pay.

Public Law 894, Eighty-first Congress, which is proposed to be amended, extended the benefits of Public Law 16, Seventy-eighth Congress, as amended, to certain persons having service within the above-mentioned dates but limited such benefits to those entitled to the wartime rates of compensation for disability incurred under the circumstances prescribed by subparagraph 1 (c), part II, of Veterans Regulation No. 1 (a), as amended, namely for disability resulting from injury or disease received in line of duty, (1) as a direct result of armed conflict, (2) while engaged in extra-hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war. The effect of the proposed amendment would be to remove these requirements and in virtue of the general extension by Public Law 28, Eighty-second Congress, of wartime rates of compensation to persons disabled in service on or after June 27, 1950, as prescribed, to extend the benefits of vocational rehabilitation under Public Law 16, Seventy-eighth Congress, as amended, to eligible persons of the broadened group entitled to disability compensation under the Veterans Regulation No. 1 (a), part 1, compensation structure.

Public Law 16, Seventy-eighth Congress, as amended, provides for the furnishing of vocational rehabilitation by the Administrator of Veterans' Affairs to veterans who sustained a compensable disability as a result of service during the period of September 16, 1940, to the end of World War II, which was fixed as July 26, 1947, by Public Law 239, Eightieth Congress. The stated purpose of this law is "to restore employability lost by virtue of a handicap due to service-incurred disability." In order to be eligible it must be determined that the veteran is in need of vocational rehabilitation to overcome the handicap of such disability and the responsibility is vested in the Administrator of Veterans' Affairs to prescribe the kind of training necessary to fit the veteran for employment consistent with the degree of disablement. The expense of training as well as specified monthly payments of subsistence allowance is borne by the Government.

In general, the proposed legislation would make applicable the existing provisions, conditions, and limitations of Public Law 16, other than those relating to the period of service, in determining entitlement for the group to be covered.

These applicable requirements of Public Law 16 would include the requirement of discharge under conditions other than dishonorable, the responsibility of the Administrator to determine whether the individual needs vocational rehabilitation to overcome the handicap of disability and to restore employability, as well as his determination as to the kind of training which will fit the veteran for employment consistent with the degree of his disablement.

The benefits of Public Law 16 which would be made available to the new group would include the expenses incident to furnishing the training, subsistence allowance in the amounts and according to the dependency status as now prescribed, and compensation for additional disability or death resulting from injury or aggravation of injury as a result of pursuit of the training provided, if application for such compensation is made within the 2-year period prescribed.

Public Law 16 provides that training thereunder may not extend beyond 9 years after the termination of World War II, which termination date was fixed for this purpose as July 25, 1947, by Public Law 239 of the Eightieth Congress, so that training in such cases must be completed by July 25, 1956. As to the group whose eligibility would be based on disability incurred during the period provided by the proposed legislation this limitation of time would be changed by the provision that training afforded thereunder may be provided within a period of 9 years following the termination of the new service period as fixed by the Congress or the President.

As will be noted, Public Law 894, Eighty-first Congress, is not proposed to be amended except in the particular stated and the other provisions of that act, including those relating to entitlement to additional vocational rehabilitation in certain cases and to residence requirements, remain unchanged.

It is observed that this legislation would extend, on a general basis, a special type of rehabilitation benefit to veterans disabled during the present period of

service, without distinction between those disabled in a zone of hostilities or under other extra hazardous conditions and those incurring their disabilities at other places and under more normal conditions of training and service. The proposal, therefore, presents an important question of governmental policy with regard to the granting of such wartime benefit to disabled veterans of the present emergency.

Although it is apparent that enactment of H. R. 3932 would materially increase the potential number of individuals eligible for vocational rehabilitation training, no reliable estimate of its cost, if enacted, can be made at this time. Adequate information is not available concerning the future size of the Armed Forces, the length of the period between June 27, 1950, and the date to be fixed by proclamation of the President or concurrent resolution of the Congress, the potential number who may be disabled under conditions covered by the bill or the future cost per trainee for direct benefits for subsistence, tuition, supplies, equipment, or material.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to the committee.

Sincerely yours,

CARL R. GRAY, Jr., *Administrator.*

RAMSEYER RULE

In accordance with clause 2a of rule XIII of the Rules of the House of Representatives, the changes made in existing law by the bill are shown as follows (existing law proposed to be omitted is in black brackets; new matter is in italics; existing law in which no changes are proposed is shown in roman):

H. R. 3932 AS INTRODUCED

SECTION 1

SUBPARAGRAPH (A), PARAGRAPH I, VETERANS REGULATION NUMBERED 1 (A)

I. (a) For disability resulting from personal injury or disease contracted in line of duty, or for aggravation of a preexisting injury or disease contracted or suffered in line of duty, when such disability was incurred in or aggravated by active military or naval service during an enlistment or employment entered into on or after April 21, 1898, and before August 13, 1898, where the injury or disease was incurred or aggravated prior to July 5, 1902; or during an enlistment or employment where there was actual participation in the Philippine Insurrection on or after August 13, 1898, and before July 5, 1902: Provided, however, that if the person was serving with the United States military forces engaged in the hostilities in the Moro Province the dates herein stated shall extend to July 15, 1903; or during an enlistment or employment where there was actual participation in the Boxer Rebellion on or after June 20, 1900, and before May 13, 1901; or during an enlistment or employment entered into on or after April 6, 1917, and before November 12, 1918, where the disease or injury was incurred prior to July 2, 1921: Provided, however, if the person was serving with the United States military forces in Russia the dates herein shall be extended to April 1, 1920; or during an enlistment or employment entered into on or after December 7, 1941, and before the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress; or where such disability was incurred in or aggravated by active military or naval service during an enlistment or employment where there was active service in the Spanish-American War, or actual participation in the Boxer Rebellion, or Philippine Insurrection, or active service in the World War or in World War II during the dates specified or *in the active service on or after June 27, 1950, and prior to such date as is fixed by proclamation of the President or concurrent resolution of the Congress* and who was honorably discharged a pension as hereinafter provided, but no pension shall be paid if the disability is the result of the person's own misconduct

PUBLIC LAW 894, EIGHTY-FIRST CONGRESS

That service in the active military, naval, or air service of the United States on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress, shall afford basic entitlement to vocational rehabilitation under Public Law Numbered 16,

Seventy-eighth Congress, as amended, needed to overcome the handicap of a disability incurred in or aggravated by such service for which compensation is payable under the provisions of [subparagraph I (c), part II,] *part I* Veterans Regulation Numbered 1 (a), as amended (or would be but for receipt of retirement pay), subject to the applicable provisions, conditions, and limitations of Public Law Numbered 16, Seventy-eighth Congress, as amended, except as follows:

(1) Vocational rehabilitation based on service as prescribed in this Act may be afforded within nine years after the aforesaid termination of the period beginning June 27, 1950.

(2) Notwithstanding the fact that vocational rehabilitation may have been previously afforded under Public Law Numbered 16, as amended, or that education or training may have been afforded under title II of the Servicemen's Readjustment Act of 1944, as amended, additional vocational rehabilitation may be provided hereunder to the extent necessary by reason of a handicap due to disability incurred in or aggravated by service, as provided herein.

(3) Any person eligible for vocational rehabilitation under this Act who, at the time of such service, was not a citizen of the United States, shall be afforded such benefit only while a resident of a State, Territory, or possession of the United States or of the District of Columbia.

H. R. 3932 As REPORTED

PUBLIC LAW 894, EIGHTY-FIRST CONGRESS

That service in the active military, naval, or air service of the United States on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress, shall afford basic entitlement to vocational rehabilitation under Public Law Numbered 16, Seventy-eighth Congress, as amended, needed to overcome the handicap of a disability incurred in or aggravated by such service for which compensation is payable under the provisions of [subparagraph I (c), part II,] *part I* Veterans Regulation Numbered 1 (a), as amended (or would be but for receipt of retirement pay), subject to the applicable provisions, conditions, and limitations of Public Law Numbered 16, Seventy-eighth Congress, as amended, except as follows:

(1) Vocational rehabilitation based on service as prescribed in this Act may be afforded within nine years after the aforesaid termination of the period beginning June 27, 1950.

(2) Notwithstanding the fact that vocational rehabilitation may have been previously afforded under Public Law Numbered 16, as amended, or that education or training may have been afforded under title II of the Servicemen's Readjustment Act of 1944, as amended, additional vocational rehabilitation may be provided hereunder to the extent necessary by reason of a handicap due to disability incurred in or aggravated by service, as provided herein.

(3) Any person eligible for vocational rehabilitation under this Act who, at the time of such service, was not a citizen of the United States, shall be afforded such benefit only while a resident of a State, Territory, or possession of the United States or of the District of Columbia.

