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SENATE

{ REPORT
No. 1427

PROVIDING THAT THE UNEXPLAINED ABSENCE OF ANY INDIVIDUAL FOR 7 YEARS SHALL BE DEEMED SUFFICIENT EVIDENCE OF DEATH FOR THE PURPOSE OF LAWS ADMINISTERED BY THE VETERANS' ADMINISTRATION

MAY 28 (legislative day MAY 26), 1942.—Ordered to be printed

MR. CLARK of Missouri, from the Committee on Finance, submitted the following

REPORT

[To accompany H. R. 6646]

The Committee on Finance, to whom was referred the bill (H. R. 6646) providing that the unexplained absence of any individual for 7 years shall be deemed sufficient evidence of death for the purpose of laws administered by the Veterans' Administration, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This bill has the endorsement of the Veterans' Administration and the Bureau of the Budget.

The report of the Administrator of Veterans' Affairs to the Committee on World War Veterans' Legislation of the House of Representatives, which fully explains this bill, is as follows:

APRIL 15, 1942.

Hon. JOHN E. RANKIN,
*Chairman, Committee on World War Veterans' Legislation,
House of Representatives, Washington, D. C.*

MY DEAR MR. RANKIN: Further reference is made to your letter dated February 25, 1942, requesting a report on H. R. 6646, Seventy-seventh Congress, a bill to provide that the unexplained absence of any individual for 7 years shall be deemed sufficient evidence of death for the purpose of laws administered by the Veterans' Administration, which provides:

"That no State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Veterans' Administration. If satisfactory evidence is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of 7 years, and that after diligent search no evidence of his existence after date of disappearance has been found or otherwise received, the death of such absentee as of the date of the expiration of such period may be considered as sufficiently proved: *Provided*, That, except in a suit brought pursuant to the provisions of section 19 of the World War Veterans' Act, 1924, as amended, or section 617 of the National Service Life Insurance Act of 1940, as amended, the finding of death made by the Administrator of Veterans' Affairs shall be final and conclusive."

2 ABSENCE FOR 7 YEARS TO ESTABLISH EVIDENCE OF DEATH

Under date of February 2, 1942, the President vetoed H. R. 4787, Seventy-seventh Congress, entitled "An act to provide that the unexplained absence of any ex-service man for 7 years shall be deemed sufficient evidence of death for the purpose of laws administered by the Veterans' Administration." The veto message states that the purpose of the legislation appears to be unobjectionable, except that it might be construed as affecting the jurisdiction of courts in suits under section 19 of the World War Veterans' Act, 1924, as amended, to find the death of an absentee under applicable State law, whereas under the provisions of the bill the evidence of death would be required to be satisfactory to the Administrator of Veterans' Affairs rather than the court.

H. R. 6646 does not include the objectionable feature pointed out in the veto message and, under the present bill, there is no restriction upon the courts in suits under section 19 of the World War Veterans' Act, 1924, as amended, to presume death from absence in accordance with applicable laws.

The act of March 13, 1896 (29 Stat. 57; 38 U. S. C. 32), establishes a presumption of death applicable to claims filed for pension under any public law. Section 312 (a) of the World War Adjusted Compensation Act, as amended (38 U. S. C. 622), provides for presumption of death from unexplained absence as applicable under the provisions of that act. Section 610 of Public, No. 801, Seventy-sixth Congress, approved October 8, 1940, provides for presumption of death from unexplained absence as applicable to national service life insurance. The language of the statutory provisions above cited is not uniform and there is no statutory presumption of death applicable to other claims for benefits payable under laws administered by the Veterans' Administration.

In the interest of uniformity, it would appear desirable to have uniform statutory presumption of death applicable to all benefits payable under laws administered by the Veterans' Administration. The bill would provide a uniform statutory provision applicable to all benefits under laws administered by the Veterans' Administration in claims based upon death alleged to be established by evidence of unexplained absence.

Attention is invited to the fact that the bill would authorize payment of benefits under Public, No. 484, Seventy-third Congress, approved June 28, 1934, as amended, in cases in which the unexplained absence of a World War veteran for 7 years could be satisfactorily established and it could also be shown that such veteran necessarily had a service-connected disability at the time the presumption of death arose. Under existing laws, as interpreted by the Veterans' Administration, benefits are not payable in such cases in which evidence of the veteran's death is alleged to be established by his unexplained absence for any specific period of time.

While there is not sufficient data available to estimate the cost of the proposed legislation, it is apparent that such cost would be negligible.

It is the recommendation of the Veterans' Administration that this bill receive favorable consideration by your committee.

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

Very truly yours,

FRANK T. HINES, *Administrator.*

