

ISSUANCE OF FLAGS TO NEAREST RELATIVES OF PERSONS WHO DIE IN SERVICE

NOVEMBER 2 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

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

R E P O R T

[To accompany H. R. 800]

The Committee on Finance, to whom was referred the bill (H. R. 800) to provide for the issuance of a flag to the nearest relatives of certain persons who die in service in the land or naval forces of the United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The bill provides a uniform procedure for issuance by the Administrator of Veterans' Affairs of a flag of the United States to the nearest relative of a person who dies between May 27, 1941, and the end of the present war, while serving in the armed forces, in any case in which no person is entitled to receive a flag used at the funeral of such deceased person.

The purposes of the bill are set forth in further detail in letters from the Acting Secretary of War, the Secretary of the Navy, and the Administrator of Veterans' Affairs, which follow and make a part of this report.

WAR DEPARTMENT,
Washington, D. C., July 20, 1943.

HON. JOHN E. RANKIN,
Chairman, Committee on World War Veterans' Legislation,
House of Representatives.

DEAR MR. RANKIN: The War Department has no objection to the enactment of H. R. 800, Seventy-eighth Congress, a bill to provide for the issuance of a flag to the nearest relatives of certain persons who die in service in the land or naval forces of the United States, but believes such enactment to be unnecessary for the reasons hereinafter stated.

The proposed measure would authorize and direct the Administrator of Veterans' Affairs to issue to the nearest relative of any person who dies or has died while in the military or naval service, after May 27, 1941, and prior to the end of the present war, a flag of the United States, if no person is otherwise entitled to receive a flag used at the funeral of the deceased person.

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In accordance with War Department policy and pursuant to Army regulations, a flag is provided by the Army for all military personnel who die in the service. The flag is used to drape the coffin and, after interment (or reinterment in the United States in the case of military personnel who die overseas), is given to the next of kin, upon request. When a military funeral is not accorded, as would be in the case when the remains are not recovered, a flag may be issued to the next of kin under existing law and regulations, as was the policy after World War I.

The act of June 30, 1941, as amended (34 U. S. C. 551), authorizes the Secretary of the Navy in his discretion to issue free of cost a flag for draping the coffin of any officer or enlisted man of the Navy Department whose death occurs while in the service. The Navy Department has informally advised that its policy with regard to the issuance of flags to the next of kin of its deceased personnel is similar to the policy of the War Department expressed in the preceding paragraph.

If further consideration is given this bill, the War Department recommends that the words "after May 27, 1941" in lines 4 and 5, page 1, be deleted and the words "on or after December 7, 1941" be inserted.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ROBERT P. PATTERSON,
Acting Secretary of War.

NAVY DEPARTMENT,
Washington, July 14, 1943.

HON. JOHN E. RANKIN,
*Chairman of the Committee on World War Veterans' Legislation,
House of Representatives.*

MY DEAR MR. CHAIRMAN: The bill (H. R. 800) to provide for the issuance of a flag to the nearest relatives of certain persons who die in service in the land or naval forces of the United States, was referred by your committee to the Navy Department with request for report and recommendation.

The purpose of the bill is to authorize and direct the Administrator of Veterans' Affairs to issue a flag of the United States, free of cost, to the nearest relative of any person who has died while in the military or naval service after May 27, 1941, and prior to the end of the wars in which the United States is now engaged. Provision is made for the issuance of the flag to the nearest relative or to such other person as the Administrator of Veterans' Affairs deems most appropriate.

The Navy Department is in accord with the sentiment and spirit intended in the proposed legislation and notes that a similar provision of law was enacted for the period of the First World War.

The Navy Department interposes no objection to the enactment of the bill H. R. 800.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this report.

Sincerely yours,

FRANK KNOX.

NOVEMBER 2, 1943.

HON. WALTER F. GEORGE,
*Chairman, Committee on Finance,
United States Senate, Washington, D. C.*

MY DEAR SENATOR GEORGE: Further reference is made to your letter dated October 12, 1943, requesting a report on H. R. 800, Seventy-eighth Congress, an act to provide for the issuance of a flag to the nearest relatives of certain persons who die in service in the land or naval forces of the United States, which provides as follows:

"That in the case of any person who has died while in the military or naval service of the United States after May 27, 1941, and prior to the end of the wars in which the United States is now engaged, the Administrator of Veterans' Affairs is authorized and directed to issue free of cost to the nearest relative of such person, or to such other person as the Administrator deems most appropriate, a flag of the United States, if no person is otherwise entitled to receive a flag of the United States used at the funeral of the deceased person.

"SEC. 2. (a) The Administrator of Veterans' Affairs is authorized to prescribe such regulations as he deems necessary for carrying out the purposes of this Act.

"(b) The appropriation of such sums as may be necessary for carrying out the purposes of this Act is hereby authorized."

The proposed legislation pertains to the furnishing of flags where death occurs while the person is in the active military or naval service. This function is one which is administered by the War and Navy Departments and has never been the function of the Veterans' Administration or its predecessor agencies.

The report of the War Department to the chairman, Committee on World War Veterans' Legislation, House of Representatives, on this bill, dated July 20, 1943, contains the following paragraphs:

"In accordance with War Department policy and pursuant to Army regulations, a flag is provided by the Army for all military personnel who die in the service. The flag is used to drape the coffin and, after interment (or reinterment in the United States in the case of military personnel who die overseas), is given to the next of kin, upon request. When a military funeral is not accorded, as would be in the case when the remains are not recovered, a flag may be issued to the next of kin under existing law and regulations, as was the policy after World War I.

"The act of June 30, 1914, as amended (34 U. S. C. 551), authorizes the Secretary of the Navy in his discretion to issue free of cost a flag for draping the coffin of any officer or enlisted man of the Navy Department whose death occurs while in the service. The Navy Department has informally advised that its policy with regard to the issuance of flags to the next of kin of its deceased personnel is similar to the policy of the War Department expressed in the preceding paragraph."

The law administered by the Veterans' Administration which pertains to furnishing of flags for burial is in keeping with laws pertaining to other veterans' benefits in that the person must have been discharged from the service. The law referred to, pertaining to the furnishing of flags, is contained in the act entitled, "An act to provide national flags for the burial of honorably discharged former service men and women," approved July 11, 1939, Public, No. 166, Seventy-fifth Congress. That act amended paragraph I of Veterans Regulations No. 9 (a), as amended, to read as follows:

"I. Where an honorably discharged veteran of any war, or a person honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard after serving at least one enlistment or for disability incurred in line of duty, dies after discharge, a flag to drape the casket shall be furnished in all cases; such flag to be given to the next of kin after burial of the veteran: *Provided*, That this amendment shall become effective on the date of enactment hereof."

The language of the bill, H. R. 800, which reads in part "* * * the Administrator of Veterans' Affairs is authorized and directed to issue free of cost to the nearest relative of such person, or to such other person as the Administrator deems most appropriate, * * *" [italics supplied] may be designed to enlarge the group of persons to whom a flag may at present be issued by the War or Navy Department. The existing practice, as stated by the War Department, would indicate that in the far majority, if not in practically all of the cases, the Veterans' Administration would have no duty to perform as the language in the last part of section 1 of the bill conditions issuance of a flag to those cases where "* * * no person is otherwise entitled to receive a flag * * *." If the purpose of the bill is to authorize issuance of a flag in cases where the same is not issued under existing law and practice by the War and Navy Departments, it is suggested that any proposed legislation, if determined to be necessary, should be by way of amendment to existing law administered by the War and Navy Departments.

In addition to the foregoing comment, it is suggested that transfer of the particular function to the extent provided in the bill from the War and Navy Departments to the Veterans' Administration would not appear to be in the best interests of service and economy.

Enactment of the proposed legislation would introduce administrative complications and delays in the very few cases which the legislation could cover. The War and Navy Departments are in the best position to administer the basic laws in regard to persons in the active service and necessarily are best equipped to carry out the purposes thereof and of any amendment thereto which might be found by the Congress to be necessary.

There are no figures available upon which to base the cost should be bill be enacted.

For the reasons stated above, the Veterans' Administration is unable to recommend the bill for 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.*