

PROVIDING GOVERNMENT PROTECTION FOR WIDOWS AND CHILDREN OF DECEASED WORLD WAR I VET- ERANS

DECEMBER 1 (legislative day, NOVEMBER 21), 1944.—Ordered to be printed

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

REPORT

[To accompany H. R. 1744]

The Committee on Finance, to whom was referred the bill (H. R. 1744) to provide Government protection to widows and children of deceased World War I veterans, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

1. Amend the title of the bill to read:

A bill to provide Government protection to widows and children of deceased World War I veterans, and for other purposes.

2. Strike out all after the enacting clause and substitute in lieu thereof the following:

That section 1 of Public Law Numbered 484, Seventy-third Congress, June 28, 1934, as amended, is hereby amended by repealing subsections (a) and (b) thereof and substituting the following:

"SEC. 1. (a) The surviving widow, child, or children of any deceased person who served in World War I before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and who was discharged or released from active service under conditions other than dishonorable after having served ninety days or more or for disability incurred in the service in line of duty, or who at time of death was receiving or entitled to receive compensation, pension, or retirement pay for service-connected disability, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive pension as provided by this Act."

SEC. 2. That section 2 of Public Law Numbered 484, Seventy-third Congress, as amended, is hereby amended to read as follows:

"SEC. 2. (a) That the monthly rates of pension shall be as follows: Widow but no child, \$35; widow and one child, \$45 (with \$5 for each additional child); no widow but one child, \$18; no widow but two children, \$27 (equally divided); no widow but three children, \$36 (equally divided) with \$4 for each additional child (the total amount to be equally divided).

"(b) The total pension payable under this section shall not exceed \$74. Where such benefits would otherwise exceed \$74, the amount of \$74 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

SEC. 3. That section 3 of Public Law Numbered 514, Seventy-fifth Congress, May 13, 1938, is hereby amended to read as follows:

"SEC. 3. On and after the date of enactment of this Act for the purpose of payment of compensation or pension under the laws administered by the Veterans' Administration, the term 'widow of a World War I veteran' shall mean a woman who was married prior to the effective date of enactment of this amendment, or ten or more years, to the person who served: *Provided*, That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation or pension accrued: *And provided further*, That where the original date of marriage meets the statutory requirement and the parties were legally married at date of death of the veteran, the requirement of the statute as to date of marriage will be regarded as having been met. Compensation or pension shall not be allowed a widow who has remarried either once or more than once, and where compensation or pension is properly discontinued by reason of remarriage it shall not thereafter be recommenced. No compensation or pension shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow."

SEC. 4. This Act shall be effective from the date of its approval: *Provided*, That notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law Numbered 484, Seventy-third Congress, as amended, contained in section 1 of this Act, claims otherwise payable for a period prior to the effective date of this Act may be adjudicated and placed on the roll and the benefits of this Act shall be applicable to such claims and those claims now on the rolls.

SEC. 5. Except to the extent they may conflict with the provisions of this Act, the provisions of Public Law Numbered 2, Seventy-third Congress, March 20, 1933, the Veterans Regulations promulgated thereunder, and of Public Law Numbered 144, Seventy-eighth Congress, July 13, 1943, as now or hereafter amended, shall be applicable to this Act: *Provided*, That no compensation or pension shall be reduced or discontinued by the enactment of this Act.

SEC. 6. The widow, child, or children of a veteran who served in World War II whose death is not due to service therein, but who at the time of death was receiving or entitled to receive pension, compensation, or retirement pay for disability incurred in such service, or who, having served at least ninety days during such war period or having been discharged for disability incurred in line of duty during such service, dies or has died from a disease or disability not service connected and at the time of death had a disability due to such service for which pension would be payable if 10 per centum or more in degree, shall be entitled to pension in the amounts and otherwise subject to the conditions of Public Law Numbered 484, as amended: *Provided*, That for the purposes of this section the definition of the terms "veteran," "widow," "child or children" shall be those applicable to World War II as provided in Public Law Numbered 2, Seventy-third Congress, as now or hereafter amended: *And provided further*, That section 4, Public Law Numbered 312, Seventy-eighth Congress, is hereby amended accordingly.

The report of the Veterans' Administration on H. R. 1744 furnished this committee July 24, 1944, sets forth certain formal defects in the bill H. R. 1744 and the effects thereof. For the purposes of uniformity and simplicity of administration it is deemed advisable to accept, with modifications, the draft of proposed substitute bill which accompanied the report of the Veterans' Administration which employs the existing law, Public Law 484, Seventy-third Congress, as amended. Changes in the substitute bill, approved by this committee, other than those made to clarify and to meet technical objections are: (1) To integrate the bill with the new section 6 which preserves the rights for World War II cases; and (2) to extend the delimiting marriage date from May 13, 1938, to the date of enactment of the act rather than 1 year prior thereto as provided in the substitute bill.

It is necessary to restate the eligibility requirements in the new section 6 pertaining to World War II cases, which will have the effect of reenacting in toto the Public Law 484 provisions for World War II

cases, thus preserving all rights granted that group by section 4 of Public Law 312, Seventy-eighth Congress, May 27, 1944.

In brief, the bill as reported differs materially from H. R. 1744 as reported by this committee in that it adopts the rates for widows and children at present provided in Public Law 484, Seventy-third Congress, as amended, however, increasing the aggregate limitation from \$64 to \$74, which was overlooked when the rates were increased by Public Law 312, Seventy-eighth Congress. For convenience the rates under H. R. 1744 as referred to this committee and as provided by the bill as reported, are set forth below:

RATES UNDER H. R. 1744 AS PASSED HOUSE OF REPRESENTATIVES	RATES UNDER H. R. 1744 AS REPORTED BY COMMITTEE
	(Identical with Public Law 484, as amended, with change in aggregate limitation)
Widow, but no child.....	Widow, but no child.....
\$30	\$35
Widow, with one child (with \$4 for each additional child).....	Widow, with one child (with \$5 for each additional child).....
38	45
No widow, but one child.....	No widow, but one child.....
15	18
No widow, but two chil- dren (equally divided).....	No widow, but two chil- dren (equally divided).....
22	27
No widow, but three chil- dren (equally divided).....	No widow, but three chil- dren (equally divided).....
30	36
With \$3 for each additional child; total amount to be equally di- vided.	With \$4 for each additional child (the total amount to be equally divided.)

The total compensation payable under this section shall not exceed \$64. Where such benefits would otherwise exceed \$64, the amount of \$64 may be apportioned as the Administrator of Veterans' Affairs may prescribe.

The total compensation payable under this section shall not exceed \$74. Where such benefits would otherwise exceed \$74, the amount of \$74 may be apportioned as the Administrator of Veterans' Affairs may prescribe.

There are no World War I cases in which entitlement could be established under Public Law 484, as amended, where eligibility could not be established under H. R. 1744 as reported by this committee and the rates being identical with those provided in Public Law 484, as amended, the need for a separate act or continuing Public Law 484, as amended, in its present form, for World War I cases, is removed.

As stated in the report of the Veterans' Administration on H. R. 1744, the estimated cost the first year is approximately \$31,958,500, whereas under the substitute bill the estimated cost the first year is approximately \$37,496,500. The difference in cost will be offset to some extent by the material administrative savings effected in removing the requirement of adjudicating World War I claims under Public Law 484, as amended, to determine whether some form of service-connected disability existed at date of death as would be necessary if H. R. 1744 were enacted in the form in which it was referred to this committee. Further, as stated in the report of the Administrator of Veterans' Affairs, an outright service pension to widows and children of World War I veterans has substantially been accomplished by repeated liberalizing amendments to Public Law 484, Seventy-third Congress. Therefore, there appears to be no sound reason for authorizing rates other than those now in Public Law 484, as amended.

It will be noted that the substitute bill proposed by the Veterans' Administration was furnished this committee after clearance by the Bureau of the Budget, and that the only substantial change therein made by the committee is to reject the proposal in section 6 to repeal the provisions of section 4 of Public Law 312, Seventy-eighth Congress, May 27, 1944, which granted benefits under Public Law 484, as amended, to widows and children of World War II veterans.

The committee determined that the question of altering the rights recently granted World War II widows and children is not involved in the consideration of this particular bill, H. R. 1744, but one which, when considered, should be determined on the basis of separate proposed legislation.

The report of the Veterans' Administration, with attachments, follows:

VETERANS' ADMINISTRATION,
Washington 25, July 24, 1944.

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 May 22, 1944, requesting a report on H. R. 1744, Seventy-eighth Congress, a bill to provide Government protection to widows and children of deceased World War veterans.

The bill would grant benefits (compensation) in the nature of service pension to widows and children of veterans of World War I who entered service prior to November 12, 1918, or prior to April 2, 1920, if service was in Russia, and were honorably discharged after having served 90 days or more, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty. Under the bill the cause of the veteran's death is immaterial and there is no requirement similar to that contained in the act of June 28, 1934 (Public Law 484, 73d Cong.), as amended, that the veteran shall have had a service-connected disability at the time of his death. The rates are the same as those which were provided in Public Law 484, Seventy-third Congress, as amended, prior to the recent amendment of that act by Public Law 312, Seventy-eighth Congress, approved May 27, 1944, increasing the monthly rates of compensation to those entitled to benefits thereunder and extending such benefits to the widows and children of World War II veterans. Payment of benefits under the bill would be subject to income limitations similar to those provided in Public Law 484, Seventy-third Congress, as amended.

The term "widow" is defined in the bill as a person who was married prior to the date of the enactment of the act to the person who served. This definition would extend the delimiting marriage date approximately 6 years in World War I non-service-connected death cases, and since such definition is not made uniformly applicable to all World War I cases, its adoption would create inequalities as to World War I service-connected death cases which are governed by the delimiting marriage date of May 13, 1938, as well as other reasonable and uniform limitations and requirements as to remarriage, continuous cohabitation, etc., which are not made applicable to widows entitled to non-service-connected death benefits by the proposed legislation.

The definition of the term "child" as used in the bill is substantially the same as that uniformly applied under laws administered by the Veterans' Administration except that under the definition of that term as contained in the proposed legislation, a child would be eligible to receive benefits thereunder after his or her twenty-first birthday if attending school until completion of the course of instruction provided such child entered upon such course prior to his or her twenty-first birthday.

1. The effective date of an award of benefits under the proposed legislation, where application for benefits under Public Law 484, Seventy-third Congress, as amended, is on file in the Veterans' Administration would be the date of the enactment of the act and in all other cases from the date application is filed in the Veterans' Administration.

2. If the bill is enacted into law, widows and children of veterans of World War I now barred from receiving death compensation benefits under Public Law 484,

Seventy-third Congress, as amended, for example, by reason of the fact that the veteran did not have a service-connected disability at the time of his death or by reason of the delimiting marriage date or requirement as to continuous cohabitation applicable to that law, if otherwise eligible, would be entitled to death-compensation benefits at slightly lower rates than those who meet the requirements of Public Law 484, Seventy-third Congress, as amended. It would establish an inequality with respect to children of World War I veterans who entered upon a course of instruction in an educational institution prior to their twenty-first birthday by permitting payments on behalf of such children thereafter until completion of such course, whereas, payments are made only until the child's twenty-first birthday in other cases under existing laws. With respect to widows of World War I veterans, the bill would create numerous inequalities by establishing more liberal marital eligibility requirements in nonservice-connected death cases than those in the service-connected death cases and would omit the existing bar pertaining to remarried widows.

The bill would require service of 90 days and an honorable discharge unless the veteran who served less than 90 days was discharged for a disability incurred in service in line of duty. Under Public Law 484, Seventy-third Congress, as amended, benefits are payable irrespective of the length of service of the veteran, or the cause of his death (and an honorable discharge is not prerequisite to entitlement), if the veteran died while receiving or entitled to receive compensation, pension, or retirement pay for 10 percent disability or more, presumptively or directly incurred in or aggravated by service. Benefits are also payable under that act, as amended, where the veteran had a service-connected disability for which compensation would be payable if such disability were 10 percent or more in degree even though the disability may be even lower than 1 percent in degree but to establish entitlement under this provision service of 90 days or more and an honorable discharge are required, unless the veteran who served less than 90 days was discharged for disability incurred in the service in line of duty.

The Veterans' Administration does not object to legislation providing an outright service pension to widows and children of veterans of World War I, which has substantially been accomplished by the numerous amendments to Public Law 484, Seventy-third Congress, through liberalization of the original requirement that there be a 30-percent service-connected disability at the time of the veteran's death, then 20 percent, then 10 percent, until now a service-connected disability of even less than 1 percent is sufficient to confer a pensionable status. However, there are many formal defects in the bill, H. R. 1744, which render it objectionable and it would produce inequalities and administrative complications. Therefore, enactment of the bill in its present form is considered undesirable. These defects in the bill would be eliminated and the administration of its provisions greatly simplified if the legislative proposals were ingrafted into and correlated with existing law as amendments to Public Law 484, Seventy-third Congress, and amendments thereto. As a separate enactment, the administrative, definitive, and regulatory provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations, as amended, and the penal and forfeiture provisions of that law would not be for application to benefits provided for therein, and the bill makes no provision therefor. The definitions as contained in the bill, as stated above, are at variance with those uniformly applied to benefits payable under other laws administered by the Veterans' Administration and would result in numerous inequalities.

There is enclosed for the consideration of the committee a proposed substitute bill which would accomplish, through amendments to Public Law 484, Seventy-third Congress, as amended, practically the same purposes as H. R. 1744, and at the same time remove the objectionable features of H. R. 1744. The substitute measure would repeal the eligibility requirements of Public Law 484, Seventy-third Congress, as amended, subject to certain saving provisions and establish an outright service pension for widows and children of World War I veterans at the increased rates now payable under that law as amended by section 2, Public Law 312, Seventy-eighth Congress, approved May 27, 1944. It would modify the definition of the term "widow" as applied to benefits payable under the proposed legislation and make such definition uniformly applicable to benefits payable in World War I cases under other laws administered by the Veterans' Administration, and adopt the definition of the term "child" as applied in existing law.

Since the eligibility requirement that the veteran shall have had a service-connected disability at the time of death would be repealed and a service pension would be provided for widows and children of World War I veterans, the substitute bill would provide for a repeal of section 4, Public Law 312, Seventy-eighth

Congress, May 27, 1944, which extended the benefits provided in Public Law 484, Seventy-third Congress, as amended, to widows and children of World War II veterans. It is believed that extension of the benefits for non-service-connected death to the widows and children of World War II veterans, as provided in section 4 of Public Law 312, which benefits are substantially service pensions, constituted a precedent by granting such benefits before termination of the war. It further introduced complications in the service-pension program for World War I for the reason that the principle upon which the grant was made must have been to afford the same benefits to World War II cases as are afforded World War I cases. To follow that principle, it would be necessary to consider including World War II cases in the bill before the committee. The granting of an outright service pension to widows and children of World War II veterans prior to termination of the present war presents additional and serious objections.

Sixteen years elapsed after the Armistice of November 11, 1918, before circumstances appeared to justify the extension of benefits for non-service-connected deaths to widows and children of veterans of World War I, and even then this legislation required that the veteran must have had a directly service-connected disability disabling to a degree of 30 percent at the time of his death. The Government's first obligation extends to those disabled in active duty in the military and naval service and to the dependents of those who die as the result of the disability so incurred. The full extent of the Government's responsibility in this respect cannot be determined until after the war has terminated. The magnitude and the extent of providing death pension benefits to widows and children of veterans of the present war whose deaths are in no way attributable to their military or naval service should receive careful and thoughtful study by the Congress. Heretofore, benefits granted in non-service-connected cases led to the Economy Act of March 20, 1933, which resulted in repeal of such laws and restrictions on the service-connected group. While service pension to widows and children of World War I veterans may be justified at this time, it is recommended that the draft offered by the Veterans' Administration be used and that section 4 of Public Law 312 be repealed as provided in that draft, thus leaving the matter of service pensions for World War II widows and children to be determined in later years and then considered on the basis of need and the ability of the Government to meet the obligation involved.

There is enclosed a comparative analysis of Public Law 484, Seventy-third Congress, as amended, and of H. R. 1744 and the proposed substitute bill.

It is estimated that H. R. 1744 would make eligible for the benefits provided thereunder, the dependents of approximately 163,300 deceased World War I veterans whose deaths were not due to service at a cost for the first year of approximately \$63,917,000. The substitute bill would make eligible for benefits provided thereunder, the dependents of approximately 162,300 deceased World War I veterans whose deaths were not due to service at a cost for the first year of approximately \$74,543,000. The lower number of cases is due to the year's difference in the delimiting marriage date, and the difference in cost is due to the higher rates provided therein. In addition, the uniform marriage provision in the proposed substitute bill would bring on the rolls approximately 750 widows of World War I veterans who died of a service-connected disability, at an annual cost of \$450,000 which would increase the total estimated cost of the substitute bill for the first year to \$74,993,000.

From experience of the Veterans' Administration, it is believed that not more than one-half of those entitled would apply and be paid the first year. Therefore, it is estimated that the actual expenditure under H. R. 1744 would approximate \$31,958,500 for the first year, bringing on the rolls the dependents of 81,650 deceased World War I veterans, and that the actual expenditure under the substitute bill would approximate \$37,496,500 for the first year, bringing on the rolls the dependents of 81,525 deceased World War I veterans.

The cost quoted for each bill is considered a minimum as H. R. 1744 may bring on the rolls in 20 to 25 years a peak load of 730,000 new cases at a cost, for 1 year, of \$264,300,000 and the substitute bill may bring on the rolls more than 700,000 new cases at a cost, for 1 year, of \$308,000,000. These groups would be in addition to those eligible under laws now in effect.

For the foregoing reasons, the Veterans' Administration is unable to recommend H. R. 1744 in its present form to the favorable consideration of your committee, but recommends in lieu thereof the substitute bill as heretofore explained.

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.*

A BILL To provide Government protection to widows and children of deceased World War I veterans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of Public Law Numbered 484, Seventy-third Congress, June 28, 1934, as amended, is hereby amended by repealing subsections (a) and (b) thereof and substituting the following:

"SEC. 1. (a) The surviving widow, child, or children of any deceased person who served in World War I before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and and who was honorably discharged after having served ninety days or more or for disability incurred in the service in line of duty, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive pension as provided by this Act."

SEC. 2. That section 2 of Public Law Numbered 484, Seventy-third Congress, as amended, is hereby amended to read as follows:

"SEC. 2. (a) That the monthly rates of pension shall be as follows: Widow but no child, \$35; widow and one child, \$45 (with \$5 for each additional child); no widow but one child, \$18; no widow but two children, \$27 (equally divided); no widow but three children, \$36 (equally divided) with \$4 for each additional child (the total amount to be equally divided).

"(b) The total pension payable under this section shall not exceed \$74. Where such benefits would otherwise exceed \$74, the amount of \$74 may be apportioned as the Administrator of Veterans' Affairs may prescribe."

SEC. 3. That section 3 of Public Law Numbered 514, Seventy-fifth Congress, May 13, 1938, is hereby amended to read as follows:

"SEC. 3. On and after the date of enactment of this Act for the purpose of payment of compensation or pension under the laws administered by the Veterans' Administration, the term 'widow of a World War I veteran' shall mean a woman who was married to the person who served ten or more years prior to his death, or more than one year prior to the effective date of enactment of this amendment: *Provided*, That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage or the law of the place where the parties resided when the right to compensation or pension accrued: *And provided further*, That where the original date of marriage meets the statutory requirement and the parties were legally married at date of death of the veteran, the requirement of the statute as to date of marriage will be regarded as having been met. Compensation or pension shall not be allowed a widow who has remarried either once or more than once, and where compensation or pension is properly discontinued by reason of remarriage it shall not thereafter be recommenced. No compensation or pension shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow."

SEC. 4. This Act shall be effective from the date of its approval: *Provided*, That notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law Numbered 484, Seventy-third Congress, as amended, contained in section 1 of this Act, claims based on World War I service otherwise payable for a period prior to the effective date of this Act may be adjudicated and placed on the roll and the benefits of this Act shall be applicable to such claims and those claims now on the rolls.

SEC. 5. Except to the extent they may conflict with the provisions of this Act, the provisions of Public Law Numbered 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended, and of Public Law Numbered 144, Seventy-eighth Congress, July 13, 1943, shall be applicable to this Act: *Provided*, That no compensation or pension shall be reduced or discontinued by the enactment of this Act.

SEC. 6. Section 4 of Public Law Numbered 312, Seventy-eighth Congress, May 27, 1944, is hereby repealed: *Provided*, That claims based on World War II service which have been adjudicated and allowed under such repealed provision prior to the effective date of this Act shall not be affected by such repeal.

COMPARATIVE ANALYSIS OF H. R. 1744, PUBLIC LAW 484, SEVENTY-THIRD CONGRESS, AS AMENDED, AND PROPOSED SUBSTITUTE BILL

Section 1 of Public Law 484, Seventy-third Congress, June 28, 1934, as amended by section 1 of Public Law 198, Seventy-sixth Congress, July 19, 1939, provides in subsection (a) for payment of compensation to the widow, child, or children of a deceased World War I veteran who served in World War I before November 12, 1918, or before April 2, 1920, if service was in Russia, irrespective of the length of his service, whose death was not service-connected but who was receiving or entitled to receive compensation, pension, or retirement pay for service-connected disability 10 percent or more in degree at the time of his death. An honorable discharge is not prerequisite to entitlement and the requirements as to discharge are those contained in section 23 of the World War Veterans' Act, 1924, as amended; and in subsection (b) for payment of compensation to the widow, child, or children of a deceased World War I veteran who served in World War I before November 12, 1918, or before April 2, 1920, if service was in Russia, for a period of 90 days or more and who was honorably discharged from service, or who having served less than 90 days was discharged for disability incurred in service in line of duty and who at the time of his death from non-service-connected disability, had a service-connected disability for which compensation would be payable if the disability were 10 percent or more in degree. Subsection (c), as amended by section 11 of Public Law 144, Seventy-eighth Congress, July 13, 1943, provides an income limitation of \$1,000 as to any widow without child, or a child, and \$2,500 as to a widow with child or children. In determining annual income any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration may not be considered and where payments to a widow are disallowed or discontinued by reason of this income limitation, payments to a child or children may be made as though there is no widow.

Section 1 of H. R. 1744 provides for payment of death compensation to the widow, child, or children of a World War I veteran whose death was not due to service under the same service requirements as in subsection (b) above, that is, 90 days or more service before November 12, 1918, or before April 2, 1920, if service was in Russia, and an honorable discharge unless the veteran having served less than 90 days was discharged for line of duty disability. It contains the same income limitation as in (c) above, but in determining annual income provides that payments of war-risk term insurance, United States Government life (converted) insurance, and payments under the World War Adjusted Compensation Act, as amended, and the Adjusted Compensation Payment Act, 1936, shall not be considered. This provision is less liberal in that it does not include national service life insurance or take into consideration future benefits which may be paid under laws administered by the Veterans' Administration. It does not protect payments to a child or children where payments to the widow are disallowed or discontinued as in (c) above.

Section 1 of the substitute bill would repeal the eligibility requirements as contained in subsections (a) and (b) of section 1, Public Law 484, Seventy-third Congress, as amended, and substitute a new subsection (a) providing for payment of death-pension benefits to the widow, child, or children of a deceased World War I veteran who was honorably discharged after having served 90 days or more in World War I prior to November 12, 1918, or April 2, 1920, if service was in Russia, or who having served less than 90 days, was discharged for disability incurred in the service in line of duty and whose death was not due to service, thus adopting the service requirements of H. R. 1744 and eliminating the requirement that the veteran have a service-connected disability at the time of his death. The benefits are designated pension rather than compensation, which is the term generally applied under laws administered by the Veterans' Administration in World War I cases to benefits payable for service-connected disability or death. Subsection (c) of section 1, Public Law 484, Seventy-third Congress, as amended, would not be disturbed and the more liberal income limitation as prescribed therein would be for application rather than the income limitation contained in H. R. 1744.

Section 2 of Public Law 484, Seventy-third Congress, as amended by section 2 of Public Law 198, Seventy-sixth Congress, July 19, 1939, prescribes the monthly rates of compensation payable under that act subject to a limitation of \$64 on the total amount payable to a widow and children, or children alone. The monthly rates were recently increased by section 2, Public Law 312, Seventy-eighth Congress, May 27, 1944, but no change was made in the \$64 limitation which is still for application. H. R. 1744 provides for payment of compensation at the same

rates as those prescribed in section 2 of Public Law 198, Seventy-sixth Congress, which are as follows:

Widow, but no child.....	\$30
Widow, 1 child (with \$4 for each additional child).....	38
No widow, 1 child.....	15
No widow, 2 children (equally divided).....	22
No widow, 3 children (equally divided) with \$3 for each additional child (total amount equally divided).....	30
Total amount may not exceed.....	64

The proposed substitute bill would adopt the increased rates provided in section 2 of Public Law 312, Seventy-eighth Congress, and increase the limitation on the total amount payable from \$64 to \$74. The monthly rates provided in section 2, Public Law 312, Seventy-eighth Congress, are as follows:

Widow, but no child.....	\$35
Widow, 1 child (with \$5 for each additional child).....	45
No widow, 1 child.....	18
No widow, 2 children (equally divided).....	27
No widow, 3 children (equally divided) with \$4 for each additional child (total amount equally divided).....	36

Section 3 of Public Law 484, Seventy-third Congress, June 28, 1934, in subsections (a), (b), and (c) defines the terms "person who served," "widow" and "child," respectively. H. R. 1744 defines the term "person who entered service" in substantially the same language as the term "person who served" is defined in subsection (a). The substitute bill would not disturb the definition of the term "person who served" as contained in subsection (a). Subsection (b) defining the term "widow" has been modified by section 3 of Public Law 514, Seventy-fifth Congress, May 13, 1938, which defines the term "widow of a World War I veteran." Under this definition, applicable to all World War I widows, service-connected and non-service-connected death, there is a provision relating to proof as to the validity of marriage and a delimiting marriage date, May 13, 1938; also a requirement of continuous cohabitation from date of marriage to date of death of the veteran except where there was a separation which was due to the misconduct of or procured by the veteran without fault of the widow. It also provides that compensation may not be allowed to a widow who has remarried either once or more than once, and where compensation is properly discontinued by reason of remarriage it may not thereafter be recommenced. Under H. R. 1744 the term "widow" is defined to mean a person who was married prior to the date of enactment of the proposed legislation and it also contains a provision relating to proof of marriages identical with that contained in the existing law. The substitute bill would define the term "widow of a World War I veteran" for the purpose of payment of compensation or pension to the widow of a World War I veteran under any of the laws administered by the Veterans' Administration, thus establishing uniformity, as a woman who was married to the person who served 10 or more years prior to his death or more than 1 year prior to enactment of the proposed legislation.

The 10-year rule as recommended by the Veterans' Administration was approved in recent legislation pertaining to service pensions of widows of Indian War veterans and is also incorporated in H. R. 86, Seventy-eighth Congress, now pending in the Senate, which would grant service pension to certain Civil War widows not entitled to service pensions under existing laws because of the delimiting marriage date of June 27, 1905. Pension is also provided in the substitute bill for widows who were married "more than 1 year prior to date of enactment of this amendment," thus extending, in effect, the World War I delimiting marriage date approximately 5 years in order that marked injustices may not result from substitution of the 10-year marriage rule. The first proviso follows the existing law as well as H. R. 1744, relative to proof as to the validity of marriages but modifies this provision to prevent injustices which result from application of this provision in certain cases where the original date of marriage meets the statutory requirement but where the parties were divorced and later remarried subsequent to the delimiting marriage date. The provisions in existing law relating to continuous cohabitation and remarriage of the widow are continued in effect to prevent inequalities and establish uniformity in laws administered by the Veterans' Administration.

Subsection (c) of section 3 of Public Law 484, Seventy-third Congress, as amended, has been modified by application of section 1, Public Law 144, Seventy-eighth Congress, July 13, 1943, making the administrative, definitive, and regu-

latory provision of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended, applicable to benefits provided under Public Law 484, Seventy-third Congress, as amended, hence the definition of the term "child" as contained in paragraph VI, Veterans Regulation No. 10 Series, is applicable to benefits under this law, as well as under other laws administered by the Veterans' Administration. The definition of the term "child" as contained in H. R. 1744 is substantially the same as that contained in paragraph VI, Veterans Regulation No. 10 Series, except that under the definition of that term in the bill a child would be eligible to receive benefits thereunder after his or her twenty-first birthday if attending an approved educational institution until completion of the course of instruction entered upon prior to his or her twenty-first birthday. Under the substitute bill the definition of the term "child" as contained in existing law would not be disturbed.

Section 4 of Public Law 484, Seventy-third Congress, as amended by section 3 of Public Law 198, Seventy-sixth Congress, July 19, 1939, relates to proof and degree of disability and service connection thereof for which no provision is made or is necessary in H. R. 1744. This section would become inoperative under the substitute bill except as to cases saved from repeal of section 1 (a) and (b) of that act, hereinafter mentioned.

Section 5 of Public Law 484, Seventy-third Congress, June 28, 1934, relates to the effective date of payments under that act and was modified by section 6, Public Law 304, Seventy-fifth Congress, October 16, 1937, and applicable Veterans Regulations under which awards of death compensation are made effective from date of death of the World War I veteran if claim is filed within 1 year from date of death, otherwise from date of receipt of application in the Veterans' Administration. H. R. 1744 provides that payments shall be effective from date of enactment thereof in all cases where application under Public Law 484, Seventy-third Congress, as amended, is on file in the Veterans' Administration prior to such date of enactment, which would cover pending cases not then adjudicated, and that in all other cases payments shall be made from date application is filed in the Veterans' Administration. This latter provision would create an inequality as to claims filed within 1 year from the date of the veteran's death in that payment could not be made from the date of the veteran's death. The proposed substitute bill provides that the act shall be effective from the date of its approval with a proviso that notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law 484, Seventy-third Congress, as amended, contained in section 1 of the proposed legislation, claims based on World War I service otherwise payable for a period prior to the effective date of the act may be adjudicated and placed on the roll and that the benefits of the act shall be applicable to such claims and to those claims now on the rolls. Under this proviso, those now on the rolls and those whose claims are adjudicated and placed on the rolls under this savings provision would receive compensation at the rates provided under laws in effect prior to enactment of the substitute bill for any period prior to the date of approval thereof and the benefits of the proposed legislation thereafter. Claims which may be adjudicated and placed on the rolls under this savings provision include claims based on World War I service on file in the Veterans' Administration which are pending and which have not been adjudicated prior to date of approval of the substitute bill and claims based on World War I service filed thereafter within 1 year from date of the veteran's death which occurred prior to the date of approval of the substitute bill and which would otherwise be payable for a period prior to that date, i. e., from the date of death of the veteran. As to all other claims based on World War I service, section 6 of Public Law 304, Seventy-fifth Congress, and the Veterans' Regulations would be controlling and payment would be made from date of the veteran's death if claim is filed within 1 year from date of death, otherwise from date of receipt of application in the Veterans' Administration.

Section 6 of Public Law 484, Seventy-third Congress, as added by section 1 of Public Law 866, Seventy-sixth Congress, October 17, 1940, relates to recovery of overpayments under the provisions of the act and if the substitute bill is adopted this section would remain in full force and effect but there is no provision making it applicable to benefits provided under H. R. 1744.

Under section 9 of Public Law 304, Seventy-fifth Congress, October 16, 1937, and section 1 of Public Law 144, Seventy-eighth Congress, the penal and forfeiture provisions and the administrative, definitive and regulatory provisions of Public Law 2, Seventy-third Congress, and the Veterans Regulations as amended, are made applicable to benefits provided under Public Law 484, Seventy-third Congress, as amended, but to insure application of such provisions, section 5 of

the substitute bill contains the provision that except to the extent they may conflict with the proposed legislation the provisions of Public Law 2, Seventy-third Congress, March 20, 1933, and the Veterans Regulations as now or hereafter amended, and of Public Law 144, Seventy-eighth Congress, July 13, 1943, shall be applicable thereto. It also provides that no compensation or pension shall be reduced or discontinued by the enactment of the proposed legislation. H. R. 1744 contains no such provisions.

Section 6 of the substitute bill would repeal section 4 of Public Law 312, Seventy-eighth Congress, extending the benefits of Public Law 484, Seventy-third Congress, as amended, to widows and children of veterans of World War II, but contains a saving provision as to claims based on World War II service which have been adjudicated and allowed under such repealed provision prior to the effective date of enactment of the proposed legislation.

