

DELIVERY OF BURIAL FLAG TO FRIEND IN ABSENCE OF NEXT OF KIN

JULY 19, 1955.—Ordered to be printed

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

R E P O R T

[To accompany H. R. 4727]

The Committee on Finance, to whom was referred the bill (H. R. 4727) to permit the issuance of a flag to a friend or associate of the deceased veteran where it is not claimed by the next of kin, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

By virtue of this act, the Committee on Finance accepts the report of the Committee on Veterans' Affairs, which is as follows:

EXPLANATION OF THE BILL

The purpose of this bill is to amend the law, presently designated as Veterans' Regulation No. 9 (a) as amended, which provides that where an honorably discharged veteran of any war dies, a flag to drape his casket shall be furnished and such flag shall be given only to the next of kin after burial of the veteran.

The bill, as reported by the committee provides that where an honorably discharged veteran of any war, or a person who is 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 the burial of the veteran and with the proviso that if no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or an associate of the deceased veteran.

It would appear likely that there will be few such cases, but where there is no next of kin and a friend is sufficiently interested to desire the flag which was used at the burial of the veteran, it seems equitable to the committee that the friend should be entitled to receive this flag.

Under existing procedure the flag used to drape the casket must be returned to the Veterans' Administration where there is no next of kin.

The committee amendment provides that once a flag is furnished, this will constitute final determination.

In view of the few cases anticipated, it is estimated that the additional cost as the result of the enactment of this legislation, would be relatively small.

The report of the Veterans' Administration follows:

2 DELIVERY OF BURIAL FLAG TO FRIEND IN ABSENCE OF NEXT OF KIN

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington 25, D. C., May 13, 1955.

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

DEAR MR. TEAGUE: This is in reply to your request for a report on H. R. 4727, 84th Congress, a bill to permit the issuance of a flag to a friend or associate of the deceased veteran where it is not claimed by the next of kin.

The purpose of the bill is to amend paragraph I of Veterans Regulation No. 9 (a), as amended, to provide that 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 having served 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 the burial of the veteran, provided, that in the event no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran.

The fact that a flag is not immediately claimed by the next of kin of a deceased veteran does not preclude issue, upon request, to the legally entitled next of kin at a later date. If such flag were given to a close friend or associate in the absence of a relative present to claim it at the time of burial, complications could possibly arise if an entitled relative later was made aware of his right to the flag and subsequently presented his claim for it.

The bill, if enacted, could increase the administrative costs of the Veterans' Administration in securing evidence to show whether the claimant was in fact a close friend or associate, and could require the Veterans' Administration to determine which of two or more claimants was the closer friend or associate.

In view of the foregoing, the Veterans' Administration recommends that the bill be not favorably considered by your committee.

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,

H. V. HIGLEY, *Administrator.*

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

PARAGRAPH I, VETERANS REGULATION NO. 9 (A), AS AMENDED

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 in the event no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or an associate of the deceased veteran: Provided further, That the furnishing of a flag to any person under this proviso will constitute final and conclusive determination of rights under this Veterans Regulation.*

○