

AMENDING TITLE 38, UNITED STATES CODE, TO MAKE UNIFORM THE MARRIAGE DATE FOR SERVICE-CON- NECTED DEATH BENEFITS

MAY 19, 1960.—Ordered to be printed

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

R E P O R T

[To accompany H.R. 641]

The Committee on Finance, to whom was referred the bill (H.R. 641) to amend title 38, United States Code, to make uniform the marriage date requirements for service-connected death benefits, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL EXPLANATION

The bill is designed to authorize payment of service-connected death compensation to an otherwise eligible widow of a veteran if she was married to him before the expiration of 15 years after the termination of the period of service in which the injury or disease causing death was incurred or aggravated.

Under title 38, United States Code, section 404, dependency and indemnity compensation may be paid to a widow, otherwise entitled, who was married to the veteran (1) before the expiration of 15 years after termination of the period of service in which the injury or disease causing death of the veteran was incurred or aggravated; or (2) for 5 or more years; or (3) for any period of time if a child was born of the marriage. A similar provision pertaining to death compensation is contained in title 38, United States Code, section 302. If neither the second nor third condition is met, however, death compensation is payable only if the widow was married to the veteran before the expiration of 10 years after termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated. The bill would extend the 10-year

period to 15 years, consistent with the other service-connected death benefit provision.

Inasmuch as death compensation now generally is payable only in cases where the veteran died prior to January 1, 1957 (effective date of dependency and indemnity compensation payments), the proposed amendment would have very limited application and embrace peacetime cases principally.

The bill, properly, would make uniform the marital requirements for payment of death compensation and dependency and indemnity compensation.

The Veterans' Administration favors enactment of H.R. 641, as shown in the following excerpt from the report filed by Deputy Administrator Bradford Morse:

There is no valid reason why there should be any difference in the marital requirements for payment of death compensation and dependency and indemnity compensation. In the interest of uniformity we believe that the marriage requirements in title 38, United States Code, section 302(a), should conform with those in section 404. Accordingly, the Veterans' Administration would favor the enactment of H.R. 641.

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 italic; existing law in which no change is proposed is shown in roman):

SECTION 302, TITLE 38, UNITED STATES CODE

§ 302. Special provisions relating to widows

(a) No compensation shall be paid to the widow of a veteran under this chapter unless she was married to him—

(1) before the expiration of ~~ten~~ *fifteen* years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

(b) Subsection (a) shall not be applicable to any widow who, with respect to date of marriage, could have qualified as a widow for death compensation under any law administered by the Veterans' Administration in effect on December 31, 1957.

