

EQUALIZING INSURANCE BENEFITS FOR CERTAIN WORLD WAR II AVIATION STUDENTS

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

R E P O R T

[To accompany H.R. 9785]

The Committee on Finance, to whom was referred the bill (H.R. 9785) to provide for equitable adjustment of the insurance status of certain members of the Armed Forces, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

GENERAL EXPLANATION

This bill grants gratuitous national service life insurance in a maximum amount of \$10,000, to any seaman who died as a result of an aviation accident incurred in the line of duty in active service of the Navy after October 7, 1940, and before August 4, 1942, while undergoing flight training leading to appointment as an aviation cadet under the act of April 15, 1935. The insurance would be payable effective from the date of enactment in monthly installments to a limited class of beneficiaries, if living, and no payment would be made to the estate of such person.

There were a number of laws which authorized issuance of \$10,000 life insurance with premiums paid by the Government to members of the Armed Forces serving as aviation cadets, aviation students, or otherwise undergoing some type of flight training. Among these laws, all of which have been repealed, were the following:

(1) The act of April 15, 1935 (Public Law 37, 74th Cong.), created the grade of aviation cadet in the Naval Reserve and Marine Corps Reserve. The act provided that "aviation cadets shall be appointed by the Secretary of the Navy" and that "during their period of active duty aviation cadets will be issued Government life insurance in the amount of \$10,000, the premiums on which shall be paid out of current appropriations."

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(2) The Army Aviation Cadet Act, approved June 3, 1941 (Public Law 97, 77th Cong.), created the grade of aviation cadet "as a special and separate enlisted grade in the Air Corps, Regular Army, in substitution for the grade of flying cadet, created by the act approved July 11, 1919." The act provided that aviation cadets shall be issued \$10,000 life insurance with premiums paid by the Government. The act was amended July 8, 1942, by Public Law 658, 77th Congress, to limit the insurance benefits of aviation cadets to those "who are undergoing courses of instruction which require them to participate regularly and frequently in aerial flights."

(3) The act of June 3, 1941 (Public Law 99, 77th Cong.), authorized the Secretary of War to detail "enlisted men * * * for training and instruction as aviation students." The act provided that enlisted men so detailed "who are undergoing courses of instruction which require them to participate regularly and frequently in aerial flights" shall be issued \$10,000 national service life insurance with premiums paid by the Government.

(4) The act of November 5, 1941 (Public Law 289, 77th Cong.), authorized the Secretary of the Navy to designate enlisted men of the Naval Reserve and the Marine Corps Reserve as student aviation pilots. The act provided that such enlisted men "while on active duty undergoing training leading to designation as aviation pilot, and thereafter while on continuous active duty in an enlisted status with designation as aviation pilot" shall be issued \$10,000 national service life insurance, premiums paid from current appropriations.

(5) The act of June 5, 1942 (Public Law 571, 77th Cong.), provided that "during such time as cadets of the U.S. Military Academy are undergoing flight training involving participation in regular and frequent aerial flights they shall be * * * entitled to the same insurance benefits as are provided by the act of June 3, 1941 (Public Law 99, 77th Cong.), for enlisted men of the Army detailed as aviation students."

(6) The Naval Aviation Cadet Act of 1942 (Public Law 698, 77th Cong.), approved August 4, 1942, created the special "enlisted" grade of aviation cadet in the Naval Reserve and Marine Corps Reserve. The act provided that "aviation cadets will be issued Government life insurance in the amount of \$10,000, effective from the date of reporting for active duty, and premiums on such insurance shall be paid during the period of their active duty from current appropriations."

(7) The act of October 17, 1942 (Public Law 749, 77th Cong.), amended section 602(d)(2) of the National Service Life Insurance Act to provide that any person serving as a flying cadet or aviation student, Navy or Army, between October 8, 1940 (the date of approval of the National Service Life Insurance Act), and June 3, 1941, the date of approval of Public Law 97 (the Army Aviation Cadet Act) and Public Law 99, 77th Congress (aviation students), who died as the result of an aviation accident incurred in line of duty while in such active service, shall be deemed to have applied for and to have been granted an aggregate amount of insurance of not less than \$10,000.

Prior to August 4, 1942, naval aviation cadets were appointed by the Secretary of the Navy under the act of April 15, 1935. It is understood that in order to reduce considerable paperwork involved in such appointments the Navy enlisted such students as seamen, second class, V-5, for the elimination and primary stages of flight training.

In this status, such enlisted men had no insurance coverage at Government expense prior to their appointment as aviation cadets. However, such students were eligible to apply for and be granted insurance upon payment of premiums by them.

After the act of August 4, 1942, aviation cadets could be enlisted in the Navy rather than appointed. We are informed that on August 7, 1942, the Navy Department issued BuPers Dispatch 070649 (August 1942) which directed that all enlisted seamen, second class, V-5, undergoing elimination flight training prior to appointment as aviation cadets under the act of April 15, 1935, be transferred to the enlisted grade of aviation cadet. This administrative action thus extended to such students the blanket insurance coverage of the Naval Aviation Cadet Act of 1942.

It is understood that H.R. 9785, 86th Congress, is designed to cover cases like that of Mr. H. (XC-3055138), who enlisted as a seaman, second class, V-5, U.S. Naval Reserve, February 3, 1942. He entered on active duty March 12, 1942, and, according to the casualty report, was killed when he fell from a plane on May 16, 1942, while "undergoing training leading to appointment as an aviation cadet under the act of April 15, 1935, but had not been appointed as an aviation cadet at the time of his death." It would appear that such serviceman was as equitably entitled to insurance coverage at Government expense during his elimination flight training as others in the Navy appointed as aviation cadets under the act of April 15, 1935, or enlisted as aviation cadets under the Naval Aviation Cadet Act of 1942, or the aviation cadets or aviation students in the Army.

The Veterans' Administration is unable to determine the number of persons who would be affected by the bill, or the number of claims which would be filed thereunder. Therefore, they have no basis for estimating the cost of the bill.

The Veterans' Administration favors enactment of this legislation.

