

## LIBERALIZING THE PROVISIONS OF EXISTING LAWS GOVERNING DEATH-COMPENSATION BENEFITS FOR WIDOWS AND CHILDREN OF WORLD WAR VETERANS

JANUARY 5 (calendar day, APRIL 5), 1938.—Ordered to be printed

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

### R E P O R T

[To accompany H. R. 9725]

The Committee on Finance, to whom was referred the bill (H. R. 9725) to liberalize the provisions of existing laws governing death-compensation benefits for widows and children of World War veterans, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purposes of this legislation are fully explained in the report of the Committee on World War Veterans' Legislation, House of Representatives (H. Rept. No. 1905, 75th Cong., 3d sess.), which is included herein and made a part of this report, as follows:

Section 1 of the bill will amend Public Law No. 484, Seventy-third Congress, June 28, 1934 (U. S. C., title 38, secs. 503-507), as amended by section 1, Public Law No. 844, Seventy-fourth Congress, June 29, 1936 (U. S. C., title 38, sec. 508) and section 1, Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 509), to reduce from 20 percent to 10 percent the degree of World War service-connected disability required to have existed at the time of the veteran's death. With the amendment it will still be required that the disability must have been of compensable degree. Further, the requirement contained in section 1 of Public Law No. 304 that a widow shall not be entitled to compensation under that section unless a child was born of her marriage to the veteran is dropped by the bill.

Section 2 of the bill will amend section 4 of Public Law No. 484, Seventy-third Congress, June 28, 1934, as amended by section 2 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 506), to change the degree of disability from 20 percent or more to 10 percent or more to conform with the amendment in section 1 of the bill. This section provides for establishment of service connection of disability and degree thereof at time of death where claim has been or is filed by the widow, child, or children. Further, the section as amended eliminates the time requirement as to filing of proof of degree of disability and evidence as to service connection.

Section 3 of the bill provides that for the purpose of payment of compensation under the laws administered by the Veterans' Administration, the term "widow of a World War veteran" shall mean a woman who was married prior to the date of

enactment of the proposed act to the person who served. This section contains the following present provisions of section 4 of Public Law No. 304, (1) provisions governing proof of marriage, except that the law of the place where the ceremony was performed at the time thereof will no longer be for application; (2) the requirement, as to the widow, of continuous cohabitation with the person who served from 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; and (3) denial of compensation to a widow who has remarried either once or more than once, and where compensation is properly discontinued by reason of remarriage it shall not thereafter be recommenced.

In compliance with clause 2 (a), of rule XIII of the House, existing law is printed in roman type, new language in italics, and the repealed provisions are enclosed in black brackets, as follows:

[Extract from Public, No. 304, 75th Congress]

"That notwithstanding the provisions of Public Law Numbered 484, Seventy-third Congress, June 28, 1934 (U. S. C., [1934 edition,] title 38, secs. 503-507), as amended by section 1, Public Law Numbered 844, Seventy-fourth Congress, June 29, 1936 (U. S. C., title 38, sec. 508), and section 1, Public Law Numbered 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 509), in no event shall the widow, child, or children otherwise entitled to compensation under the provisions of that Act be denied such compensation if the veteran's death resulted from a disease or disability not service connected, and at the time of the veteran's death he was receiving or entitled to receive compensation, pension, or retirement pay for [20] 10 per centum disability or more presumptively or directly incurred in or aggravated by service in the World War: [Provided, That a widow shall not be entitled to compensation under this section unless a child was born of her marriage to the veteran:] Provided [further], That except as provided in section 6 of [this Act,] Public Law Numbered 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 472d), compensation authorized by this section shall not be payable effective prior to the receipt of application therefor in the Veterans' Administration in such form as the Administrator of Veterans' Affairs may prescribe, but in no event shall compensation herein authorized be effective prior to the date of enactment of this Act.

"SEC. 2. [That] Section 4 of Public Law Numbered 484, Seventy-third Congress, June 28, 1934 [(48 Stat. 1282; U. S. C., title 38, sec. 506)], as amended by section 2 of Public Law Numbered 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 506), is hereby amended to read as follows:

"SEC. 4. [That] For the purpose of awarding compensation under the provisions of this Act, as amended, service connection of disability and degree thereof at date of death may be determined in any case where claim has been or is filed by the widow, child, or children of a deceased World War veteran, except that proof of [20] 10 per centum disability or more at date of death and evidence as to service connection [must] may be filed [no later than three years] at any time after date of enactment of this Act, or the date of death, [whichever is the later,] and evidence required in connection with any claim must be submitted in accordance with regulations prescribed by the Administrator of Veterans' Affairs.'

"SEC. 4. [That] On and after the date of enactment of this Act, for the purposes of payment of compensation under the laws administered by the Veterans' Administration, the term 'widow of a World War veteran' shall mean a woman [—]<sup>1</sup>

"[(a) (1)] Who was married prior to the date of enactment of this Act to the person who served: [prior to or during the period of service on which the claim is based; or]

"[(2) Who was married to the person who served prior to July 3, 1931; or]

"[(3) Who was married to the person who served at any time, provided a child was born of such marriage.

"(b)<sup>2</sup> No compensation 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.

<sup>1</sup> Delete.

<sup>2</sup> Third in order of sequence in bill.

"[(c)]<sup>3</sup> *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 of the law of the place where the ceremony was performed at the time thereof,] or the law of the place where the parties resided when the right to [pension hereunder] compensation accrued.

"[(d)]<sup>4</sup> Compensation shall not be allowed a widow who has remarried either once or more than once, and where compensation is properly discontinued by reason of the marriage it shall not thereafter be recommenced."

Section 4 of the bill will repeal section 1 of Public Law No. 304, Seventy-fifth Congress, August 16, 1937 (U. S. C., title 38, sec. 509), because of the liberalized provisions of section 1 of the present bill.

The following is the estimated additional cost for the first year if the bill is enacted into law:

Section 1, 1,500 cases at an estimated cost for the first year of \$540,300; section 2, no estimate; section 3, 2,200 service-connected cases at estimated cost for the first year of \$794,900—1,200 non-service-connected cases at estimated cost for the first year of \$316,300, or an estimated total cost for section 3, 3,400 cases, \$1,111,200; section 4, no estimate; total estimated cost for the first year, \$1,651,500.

<sup>3</sup> First in order of sequence in bill.

<sup>4</sup> Second in order of sequence in bill.

