

TRANSPORTING BODY OF DECEASED VETERAN

JUNE 29, 1961.—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. 7148]

The Committee on Finance, to whom was referred the bill (H.R. 7148) to equalize the provisions of title 38, United States Code, relating to the transportation of the remains of veterans who die in Veterans' Administration facilities to the place of burial, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

GENERAL STATEMENT

This bill provides that if a veteran dies at a Veterans' Administration facility in any State, including territories, District of Columbia, Commonwealth of Puerto Rico, and the Canal Zone, the remains may be transported to the place of burial in any State or the Canal Zone.

Present authority permits the Veterans' Administration to transport the body to a place of burial in the continental United States or Hawaii when the veteran dies in a Veterans' Administration facility located in the continental United States or Hawaii. The body, however, may not be transported to a place of burial which is within the Commonwealth of Puerto Rico or any territory or possession of the United States, unless death occurs in a VA facility located in the commonwealth, territory, or possession.

Since the enactment of Public Law 86-624, the Hawaii Omnibus Act, the Veterans' Administration has been in the position that if a veteran dies while hospitalized in a facility located within the continental limits, the body may be transported to Hawaii, as an example, but not to Puerto Rico even though the veteran may have been transferred by the Veterans' Administration to the United States from Puerto Rico for treatment purposes.

The Veterans' Administration, which requested this legislation in a formal submission to the Congress, believes that it will not involve more than 12 or 15 cases in any one year and the annual cost would not exceed \$5,000.

The report of the Veterans' Administration follows:

MAY 11, 1961.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is enclosed herewith a draft of a bill to equalize the provisions of title 38, United States Code, relating to the transportation of the remains of veterans who die in Veterans' Administration facilities to the place of burial.

The bill would amend section 903(b) of title 38, United States Code. This subsection now provides that when a veteran, properly admitted for hospital or domiciliary care, dies in a Veterans' Administration facility in the continental United States or in Hawaii the body may be transported to the place of burial in the continental United States or Hawaii. The body may not be transported to a place of burial which is in the Commonwealth of Puerto Rico or in a territory or possession of the United States. To the contrary, if such a death occurs in Puerto Rico or in a territory or possession, the body may only be transported to the place of burial when such is within Puerto Rico, the territory or the possession; i.e., in whichever death occurs.

Our proposal would provide that if a veteran dies in a Veterans' Administration facility in any "State," as defined generally for purposes of title 38 (i.e., each of several States, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico), or the Canal Zone, the remains may be transported to the place of burial in any State (as so defined) or the Canal Zone.

From 1925 to its repeal in 1933, the World War Veterans Act, 1924, provided for transportation to the place of burial within the continental United States, its territories, or possessions of the body of a veteran of any war who died away from home and at a place to which he had been ordered for the purpose of receiving medical, surgical, or hospital care. Under the Veterans Regulations issued pursuant to the Economy Act (Public No. 2, 73d Cong.), transportation was permitted only to the place of residence, the nearest national cemetery, or any other place requested by the next of kin if the expense in respect thereof would not be greater than to the place of residence. No authority was contained under the Veterans Regulations for the transportation of the body outside the continental United States.

The policy established in 1933 has been liberalized on three subsequent occasions. The most recent amendment was made by the Hawaii Omnibus Act (Public Law 86-624) to authorize the remains of veterans who die in Veterans' Administration facilities to be transported to and from Hawaii on the same basis as is permitted with respect to any of the other 50 States.

Since the enactment of the Hawaii Omnibus Act we have the rather incongruous situation that if a veteran dies while hospitalized in one of our facilities anywhere in the continental United States we may transport the body to Hawaii, but not to Puerto Rico—even though

the veteran may have been transferred by the Veterans' Administration to the United States from Puerto Rico for treatment purposes. We see no logical reason for continuing this unequal treatment.

We are unable to estimate the cost of this legislation with any exactness but we believe that it is unlikely to be more than 12 or 15 affected cases in any 1 year and that consequently the annual cost would not exceed \$5,000.

We are advised by the Bureau of the Budget that there would be no objection from the standpoint of the administration's program to the presentation of this report to the committee.

Sincerely,

_____, _____,
Deputy Administrator

(For and in the absence of J. S. Gleason, Jr., 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 italic; existing law in which no change is proposed is shown in roman):

SECTION 903 TITLE 38 UNITED STATES CODE

§ 903. Death in Veterans' Administration facility

(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under authority of section 610 or 611(a) of this title, the Administrator shall pay the actual cost (not to exceed \$250) of the burial and funeral.

(b) In addition to the foregoing, when such a death occurs in [the continental United States or Hawaii] *a State*, the Administrator shall transport the body to the place of burial *in the same, or any other State*. [in the continental United States or Hawaii. Where such a death occurs in a Territory, a Commonwealth, or a possession of the United States, the Administrator shall transport the body to the place of burial within such Territory, Commonwealth, or possession.] *For the purpose of this subsection the term "State" includes the Canal Zone.*

(c) Within the limits prescribed in subsection (a), the Administrator may make contracts for burial and funeral services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration.