
AMENDMENTS TO THE WORLD WAR ADJUSTED COM-
PENSATION ACT

MAY 26 (calendar day MAY 27), 1930.—Ordered to be printed

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

R E P O R T

[To accompany H. R. 9804]

The Committee on Finance, to whom was referred the bill (H. R. 9804) to amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed, and for other purposes, having had the same under consideration, report it back to the Senate without amendment and recommend that the bill do pass.

Following is a copy of the House report on the bill:

House Report No. 683, Seventy-first Congress, second session]

The Committee on Ways and Means, to whom was referred the bill (H. R. 9804) to amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed, and for other purposes, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

The legislation herein recommended has three principal objects:

1. To extend for a period of five years from January 2, 1930, the time within which veterans or their dependents may file application for adjusted compensation benefits;

2. In presumption of death cases, to permit the filing of an application by the dependent of the veteran at any time during the 7-year absence of the veteran, or within one year after such period, provided such 7-year period began on or before January 2, 1935;

3. To validate certain certificates already issued by the United States Veterans' Bureau where certification of an application without signature but bearing the identified fingerprints of the veteran has been inadvertently made by the War or Navy Department, in cases where the veteran is now dead.

EXTENSION OF TIME FOR FILING APPLICATIONS

When the World War adjusted compensation act was enacted it was intended that the benefits thereunder should be availed of by all eligible veterans of the World War or their dependents. For the purpose of expediting the filing of applications so that Congress would know with some degree of exactitude the expenditures required under the act, a time limit of approximately four years

was fixed within which applications could be filed. Subsequently this limit was extended two years, or until January 2, 1930.

When this latter extension was made, the veterans' organizations and Government agencies, utilizing every known means of modern communication, conducted an extensive campaign to inform veterans of the benefits to be derived from the act. As a result, it is estimated by the Veterans' Bureau that all but 465,434 veterans or their dependents had applied by January 2, 1930. Of this number, 24,634 applications, received between January 2 and February 10, 1930, are void because received too late. These late applications are distributed as follows: Army, 20,895; Navy, 3,432; and Marine Corps, 307.

It is apparent, therefore, that many veterans are still unaware of their rights under the adjusted compensation act and should not be debarred from its benefits. In order to give these men equality with those nearer the centers of information, it was deemed proper to extend the time further.

Considerable sentiment has been expressed in favor of an indefinite extension, but your committee is convinced that the great majority of those who intend to apply will have filed their applications within the next five years and that no injustice can be claimed where the closing date set (January 2, 1935) is more than 10 years after the commencement of the period for filing under the original act. Therefore, sections 1 and 2 of the bill amend sections 302, 311, 602, and 604, respectively, by changing the date of January 2, 1930, to January 2, 1935. The amendments are made to take effect "as of December 31, 1929," in order that the War and Navy Departments may treat as valid those applications received since January 2, 1930.

In connection with the foregoing, the following letter from the Director of the United States Veterans' Bureau explains itself:

UNITED STATES VETERANS' BUREAU,
Washington, February 5, 1930.

Hon. WILLIS C. HAWLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. HAWLEY: Further reference is made to your letter of January 6, 1930, relative to the bills now pending in the House of Representatives which propose to extend the time in which applications may be made for the benefits of the World War adjusted compensation act, as amended. You request information as to the number of persons who would be benefited by such an extension of time.

In response to your inquiry, you are advised that it is estimated that about 465,434 veterans had not applied for the benefits of the World War adjusted compensation act prior to the expiration of the time for filing claims on January 2, 1930. It is estimated that the extension of time for filing claims to January 1, 1932, would, assuming that all claims outstanding were filed within the period of this extension, involve the issuance of approximately 449,423 certificates at an average value of \$1,013, or a total of \$455,265,499, and 16,011 cash payments in an amount of \$32.42 each, a total of \$519,077, would be made, resulting in an approximate increase in the ultimate expenditures under this regulation of \$455,784,576.

With respect to your question whether in my opinion the interests of justice warrant the extension of time in which applications can be submitted; and, if so, the length of time that should be given, you are advised that, in view of the fact that such an extension would not increase the liability of the Government under this legislation above that originally contemplated, the proposal seems reasonable and just to me. The placing of a limitation upon these claims in the original statute has served its purpose by the calling in of the majority of claims at an early date after the original enactment. However, in view of the fact that the longer a veteran delays his application the greater time the Government will be given to discharge its obligation, an advantage has been gained by the Government. Further, no good reason appears for preventing the veterans involved from coming in now or later to ask for the benefits of the act, which are in theory adjusted pay for military service performed during the World War.

Before reporting favorably upon an amendment of this description it will be necessary for me to refer the matter to the Director of the Bureau of the Budget for information as to whether the extension would be in accord with the financial program of the President, inasmuch as the appropriations will be affected. You are therefore advised that in the event you request a formal report it will be forthcoming only after receipt of advice from the Director of the Bureau of the Budget.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

PRESUMPTION OF DEATH

Under section 312 (b) of the World War adjusted compensation act, as amended by the act of May 29, 1928 (45 Stat. 948), the dependent is permitted to rely on a presumption of death arising out of a continued and unexplained absence of the veteran for seven years or more if such period began before January 3, 1930. It is provided, however, that the dependent relying on such presumption must make and file application "before the date of the expiration of such 7-year period." The obvious intent of this provision was to prevent applications being made and filed which were based on a 7-year period that would not be completed at the latest by January 2, 1937, so that on the closing date for applications (January 2, 1930) it would be definitely known how many applications of this nature would have to be passed upon.

However, in effecting this result, provision was not made for those cases where the veteran had already been missing seven or more years on May 29, 1928, the date of the amendatory act. Section 3 of the bill corrects that situation by permitting the dependent to file at any time before January 2, 1935. The section further provides that the dependents of a veteran, if the veteran disappears on or before January 2, 1935, may not only file during the running of the 7-year period but also during a period of one year after the 7-year period has expired. The latest possible date for filing an application under this section would be on January 2, 1943.

VALIDATION OF CERTAIN UNSIGNED APPLICATIONS

In a few cases certification has been inadvertently made to the United States Veterans' Bureau of an application not having a signature or on which the signature is later established not to be that of the veteran, but bearing genuine fingerprints of the veteran, and the bureau has issued an adjusted-service certificate thereon. The purpose of section 5 of the bill is to validate the certification originally made and the adjusted-service certificate issued thereon. It has no reference to cases hereafter certified and it will be noted only applies to applications bearing genuine fingerprints of a veteran now deceased. As fingerprints may be obtained after death, the executive departments concerned feel that the section should not cover future cases and that the requirement of a bona fide signature, as hitherto, should be continued.

CHANGES IN LAW SHOWN

In compliance with paragraph 2a of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows: Existing law proposed to be omitted is inclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman.

SEC. 302. * * *

(b) Such application shall be made and filed on or before [January 2, 1930] *January 2, 1935*, (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making or filing of a personal application, then by such representative of the veteran and in such manner as may be by regulations prescribed. An application made by a person other than the representative authorized by any such regulation, or not filed on or before [January 2, 1930] *January 2, 1935*, shall be held void. If the veteran dies after the application is made and before it is filed it may be filed by any person: *Provided, however*, That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran.

(c) If the veteran dies after the application is made, it shall be valid if the Secretary of War or the Secretary of the Navy, as the case may be, finds that it bears the bona fide signature of the applicant, discloses an intention to claim the benefits of this act on behalf of the veteran, and is filed on or before [January 2, 1930] *January 2, 1935*, whether or not the veteran is alive at the time it is filed. If the veteran dies and payments are made to his dependents under Title VI, and thereafter a valid application is filed under this section, then if the adjusted service credit of the veteran is more than \$50, payment shall be made in accordance with Title V. less any amounts already paid under Title VI.

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SEC. 311. Where the records of the War Department or the Navy Department show that an application, disclosing an intention to claim the benefits of

any provision of this act, has been filed on or before [January 2, 1930] *January 2, 1935*, and the application can not be found, such application shall be presumed, in the absence of affirmative evidence to the contrary, to have been valid when originally filed. In such case the Secretary of War or the Secretary of the Navy, as the case may be, shall not be required to transmit to the director the application (as provided in sections 303 and 605) unless a new application is filed, in which case the new application shall be considered to have been filed on the date of filing of the lost application.

SEC. 312. * * *

(b) If in the case of any such individual who is a veteran it appears that his application was not made and filed prior to the beginning of such seven-year period, or that although entitled to receive adjusted service pay he did not receive it prior to the beginning of such seven-year period, then (*if such seven-year period began on or before January 2, 1935*) his dependents who have made and filed application before the [date of the] expiration of *one year after the date of the expiration of such seven-year period* [(if such period began before January 3, 1930)] *or on or before January 2, 1935, whichever is the later date*, shall be entitled to receive the amount of his adjusted service credit in accordance with the provisions of Title VI.

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SEC. 602. (a) No payment under section 601 shall be made to a widow if she has remarried before making and filing application, or if at the time of the death of the veteran was living apart from him by reason of her own willful act; nor unless dependent at the time of the death of the veteran or at any time thereafter and [before January 3, 1930] *on or before January 2, 1935*. The widow shall be presumed to have been dependent at the time of the death of the veteran upon a showing of the marital cohabitation.

(b) Payment under section 601 shall be made to a child if (1) under eighteen years of age at the time of the death of the veteran, or (2) at any time thereafter and [before January 3, 1930,] *on or before January 2, 1935*, incapable of self-support by reason of mental or physical defect.

(c) No payment under section 601 shall be made to a mother or father unless dependent at the time of the death of the veteran or at any time thereafter and [before January 3, 1930,] *on or before January 2, 1935*. If at the time of the death of the veteran or at any time thereafter and [before January 3, 1930,] *on or before January 2, 1935*, the mother is unmarried or over sixty years of age, or the father is over sixty years of age, such mother or father, respectively, shall be presumed to be dependent.

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SEC. 604. * * *

(b) Applications for such benefits, whether vested or contingent, shall be made and filed by the dependents of the veteran or or before [January 2, 1930,] *January 2, 1935*; except that in the case of the death of the veteran during the six months immediately preceding such date the application shall be made and filed at any time within six months after the death of the veteran. Payments under this title shall be made only to dependents who have made and filed application in accordance with the provisions of this subdivision.

