Public Law 881 CHAPTER 837

AN ACT

To provide benefits for the survivors of servicemen and veterans, and for other purposes.

August 1, 1956
[H. R. 7089]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Servicemen's and Veterans' Survivor Benefits Act.

TITLE I—SHORT TITLE AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act, divided into titles and sections according to the following table of contents, may be cited as the "Servicemen's and Veterans' Survivor Benefits Act".

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DEFINITIONS

SEC. 102. For the purposes of this Act—

"Administrator".

(1) "Administrator" means the Administrator of Veterans' Affairs.

"Member of a uniformed service".

(2) "Member of a uniformed service" means a person appointed, enlisted, or inducted in a component of the Army, Navy, Air Force, Marine Corps, or Coast Guard (including a reserve component of a uniformed service), or in one of those services without specification of component, or as a commissioned officer of the Coast and Geodetic Survey or the Regular or Reserve Corps of the Public Health Service, and any person serving in the Army or Air Force under call or conscription. The term includes—

(A) a retired member of any of those services;

(B) a member of the Fleet Reserve or Fleet Marine Corps Reserve;

(C) a cadet at the United States Military Academy, a midshipman at the United States Naval Academy, and a cadet at the United States Coast Guard Academy or United States Air Force Academy;

(D) a member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, when ordered to annual training duty for fourteen days or more, and while performing authorized travel to and from that duty; and

(E) any person while en route to or from, or at, a place for final acceptance or for entry upon active duty in the military or naval service—

(i) who has been provisionally accepted for such duty; or

(ii) who, under the Universal Military Training and Service Act, has been selected for active military or naval service;

and has been ordered or directed to proceed to such place.

The term does not include a temporary member of the Coast Guard Reserve.

"Reserve component of a uniformed service".

(3) "Reserve component of a uniformed service" means—

(A) The Army Reserve;

(B) The Naval Reserve;

(C) The Marine Corps Reserve;

(D) The Air Force Reserve;

(E) The Coast Guard Reserve;

(F) The Reserve Corps of the Public Health Service;

(G) The National Guard of the United States;

(H) The Air National Guard of the United States.

"Active duty".

(4) "Active duty" means (A) full-time duty performed by a member of a uniformed service in the active military or naval service, other than active duty for training, (B) full-time duty as a commisioned officer in the Coast and Geodetic Survey, or in the Regular Corps of the Public Health Service, or in the Reserve

Corps of the Public Health Service (other than for training purposes), (C) service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy, and (D) authorized travel to or from such duty or service.

"Active duty for training".

(5) "Active duty for training" means (A) full-time duty performed by a member of a reserve component of a uniformed service in the active military or naval service of the United States for training purposes, (B) full-time duty as a commissioned officer in the Reserve Corps of the Public Health Service for training purposes, (C) annual training duty performed for a period of fourteen days or more by a member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, and (D) authorized travel to or from such duty. The term does not include duty performed as a temporary member of the Coast Guard Reserve.

"Inactive duty training".

(6) (A) "Inactive duty training" means any of the training, instruction, duty, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty, performed with or without compensation by a member of a reserve component of a uniformed service, prescribed by the appropriate Secretary pursuant to section 501 of the Career Compensation Act of 1949 or any other provision of law. The term does not include (1) work or study performed by a member of a reserve component of a uniformed service in connection with correspondence courses of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Public Health Service, (2) attendance at an educational institution in an inactive status under the sponsorship of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Public Health Service, or (3) duty performed as a temporary member of the Coast Guard Reserve.

63 Stat. 825.
37 USC 301.

(B) Any member of a reserve component of a uniformed service—

(i) who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(ii) who dies from an injury incurred on or after January 1, 1957, by him while proceeding directly to or returning directly from such active duty for training or inactive duty training, as the case may be;

shall be deemed to have been on active duty for training or inactive duty training, as the case may be, and entitled to basic pay at the time such injury was incurred. For purposes of title III, except section 303, the Secretary concerned, and for purposes of title II and section 303, the Administrator, shall determine whether such member of a reserve component of a uniformed service was so authorized or required to perform such duty, and whether he died from injury so incurred. In making such determinations, the Secretary concerned or the Administrator, as the case may be, shall take into consideration the hour on which the member of a reserve component of a uniformed service began to so proceed or so return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subparagraph, the burden of proof shall be upon the claimant.

Post, p. 868.
Post, p. 862.

(C) A member of the National Guard or Air National Guard of the several States, Territories, or the District of Columbia, when performing training or duty under sections 92, 94, 97, 99, or 113 of the National Defense Act of June 3, 1916, as amended, shall, for the purpose of benefits provided herein, be considered a "member of a reserve component of a uniformed service", and training or duty performed by such a member under those sections of that Act shall be considered "active duty for training", or "inactive duty training" as appropriate.

39 Stat. 206-211. 32 USC 62-65, 144-146, 183.

(7) Except for purposes of title IV, the terms "child" and "parent" have the meanings assigned to them by Veterans Regulation Numbered 10, as amended.

Post, p. 869. "Child"; "Parent".

(8) Except for purposes of title IV, the term "widow" means a woman who was married to a person—

Post, p. 884. "Widow".

(A) before the expiration of fifteen years after the termination of the period of active duty, active duty for training, or inactive duty training, in which the injury or disease causing the death of such person was incurred or aggravated; or

(B) for five or more years; or

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

(9) "Secretary concerned" means—

(A) The Secretary of the Army with respect to the Army;

(B) The Secretary of the Navy with respect to the Navy and Marine Corps;

(C) The Secretary of the Air Force with respect to the Air Force;

(D) The Secretary of the Treasury with respect to the Coast Guard;

(E) The Secretary of Commerce with respect to the Coast and Geodetic Survey; and

(F) The Secretary of Health, Education, and Welfare with respect to the Public Health Service.

"Basic pay".

(10) (A) "Basic pay" means the monthly pay prescribed by section 201 (a), 201 (e), 201 (f), or 508 of the Career Compensation Act of 1949, as may be appropriate, for a member of a uniformed service on active duty.

63 Stat. 805, 828. 37 USC 232, 308.

(B) The pay received by members of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, and the Air Force Reserve Officers' Training Corps during periods of annual training duty of fourteen days or more shall be considered to be "basic pay", and the rank and years of service of such members shall be a rank (and years of service) comparable to the pay grade and years of service to which their pay is related.

(11) (A) With respect to a member of a uniformed service who died while on active duty, active duty for training, or inactive duty training, the term "basic pay" (for purposes of title II) means the basic pay (as defined in paragraph (10)) prescribed on January 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank (with the same cumulative years of service for purposes of pay) as that of the deceased member of a uniformed service on the date of his death.

Post, p. 862.

(B) With respect to a deceased member or former member of a uniformed service who did not die on active duty, active duty for training, or inactive duty training, the term "basic pay" (for purposes of title II) means the basic pay (as defined in paragraph (10)) prescribed on January 1, 1957, or on the date of his death

Post, p. 862.

(whichever is the later date) for a member of a uniformed service on active duty of the same rank (with the same cumulative years of service for purposes of pay) as that of the deceased member or former member of a uniformed service on the date of his last discharge or release from active duty under conditions other than dishonorable; however, if his death results from disease or injury incurred or aggravated while on active duty for training, or from injury incurred or aggravated while on inactive duty training, after such last discharge or release from active duty, his rank and years of service for purposes of pay shall be those held by him on the date of his discharge or release from the period of active duty for training or inactive duty training in which such injury or disease was incurred or aggravated.

(C) With respect to a deceased person who is not a member or former member of a uniformed service, but who had a compensable status on the date of his death under laws administered by the Veterans' Administration, the head of the department under which such person performed the services by which he obtained a compensable status shall determine a pay grade for such person under section 201 (a) of the Career Compensation Act of 1949, as amended, and a rate of pay within that pay grade (taking into consideration his duties, responsibilities, and years of service). His "basic pay" shall be that prescribed on January 1, 1957, or the date of his death, whichever is the later date, under such section 201 (a) for the pay grade and rate of pay so determined. For the purposes of title II of this Act, only, such persons shall be deemed to have been on active duty during the period of service by which they obtained a compensable status.

37 USC 232.

Post, p. 862.

(D) Whenever basic pay prescribed by section 201 (a), 201 (e), 201 (f), or 508 of the Career Compensation Act of 1949 is increased or decreased, "basic pay" determined pursuant to this paragraph (11) shall increase or decrease accordingly.

37 USC 232, 308.

(E) Any person described in paragraph (2) (E) who suffers an injury or disease resulting in disability or death while en route to or from, or at, a place for final acceptance or entry upon active duty in the military or naval service shall be deemed to be on active duty when such incident occurs, and to be entitled to the basic pay of the pay grade which he would receive upon final acceptance or entry upon active duty in such service.

(F) The Secretary concerned shall, at the request of the Administrator, certify to him the basic pay considering rank or grade and cumulative years of service for pay purposes of deceased persons with respect to whose deaths applications for benefits are filed under title II of this Act. The certification of the Secretary concerned shall be binding upon the Administrator.

Post, p. 862.

(12) Where an individual is discharged or released on or after January 1, 1957, from a period of active duty, such individual shall be deemed to continue on active duty and to be entitled to basic pay (and any special or incentive pays) at the rate to which he was entitled on the day prior to his discharge or release from such duty, during the period of time immediately following the date of such discharge or release determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release.

TITLE II—DEPENDENCY AND INDEMNITY COMPENSATION

DEATHS ENTITLING SURVIVORS TO DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. When any person dies on or after January 1, 1957—

(1) from disease or injury incurred or aggravated in line of duty while on active duty or active duty for training;

(2) from injury incurred or aggravated in line of duty while on inactive duty training; or

(3) from a disability compensable under laws administered by the Veterans' Administration,

the Administrator shall pay dependency and indemnity compensation under this title to his widow, children, and dependent parents upon application therefor.

DEPENDENCY AND INDEMNITY COMPENSATION TO A WIDOW

SEC. 202. (a) Dependency and indemnity compensation shall be paid under this title to a widow at a monthly rate equal to $112 plus 12 per centum of the basic pay of her deceased husband.

(b) If there are two or more children of a deceased person who have not attained the age of eighteen, and the total of the monthly benefits to which the widow and children who have not attained the age of eighteen of such deceased person are or would, upon the filing of an application, be entitled under—

(1) section 405 of this Act,

49 Stat. 623. 42 USC 402, 403. *Post*, pp. 871, 876.

(2) section 202 of the Social Security Act (after reduction under section 203 (a) of such Act but without regard to the deduction provisions of such section 203), on the basis of such deceased person's earnings, and

50 Stat. 312; 65 Stat. 686. 45 USC 228e, 228c-1.

(3) section 5 of the Railroad Retirement Act of 1937 (after reduction under section 4 (i) and section 5 (h) of such Act), on the basis of such deceased person's earnings,

is less than the amount described in subsection (d), then the dependency and indemnity compensation paid monthly to the widow pursuant to subsection (a) of this section shall be increased by $25 for each child who has not attained the age of eighteen in excess of one.

(c) The total of increases under subsection (b) shall, in any case, not exceed an amount equal to—

(1) the amount described in subsection (d), less

(2) the total of the monthly benefits to which such widow and such children who have not attained the age of eighteen are or would, upon the filing of an application, be entitled under—

(A) section 405 of this Act,

42 USC 402, 403. *Post*, pp. 871, 876.

(B) section 202 of the Social Security Act (after reduction under section 203 (a) of such Act but without regard to the deduction provisions of such section 203), on the basis of the deceased person's earnings, and

45 USC 228e.

(C) section 5 of the Railroad Retirement Act of 1937 (after reduction under section 4 (i) and section 5 (h) of such Act), on the basis of the deceased person's earnings.

(d) The amount referred to in subsections (b) and (c) (1) is an amount equal to the total of the monthly benefits to which a widow and two children of a deceased person would be entitled under section 202 of the Social Security Act if the deceased person's average monthly wage had been $160 (after reduction under section 203 (a) of such Act but without regard to deduction provisions of such section 203).

42 USC 402, 403. *Post*, pp. 871, 876.

(e) The amount determined under subsection (a) shall, after increase (if any) under subsection (b), be adjusted by the Administrator to the next higher dollar. The amount referred to in paragraph (2) (A) or (B) or paragraph (2) (C) of subsection (c) shall be determined by the Secretary of Health, Education, and Welfare, or the Railroad Retirement Board, as the case may be, and shall be certified to the Administrator upon his request.

DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN

SEC. 203. (a) Whenever there is no widow of a deceased person entitled to dependency and indemnity compensation under this title, dependency and indemnity compensation shall be paid to the children of the deceased person at the following rates:

(1) One child, $70 per month.

(2) Two children, $100 per month.

(3) Three children, $130 per month.

(4) More than three children, $130 per month, plus $25 per month for each child in excess of three.

(b) Dependency and indemnity compensation prescribed by this section shall be paid to eligible children in equal shares.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN

SEC. 204. (a) In the case of a child entitled to dependency and indemnity compensation who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, the dependency and indemnity compensation paid monthly to him shall be increased by $25.

(b) If dependency and indemnity compensation is payable monthly to a woman as a "widow" and there is a child (of her deceased husband) who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the widow, in the amount of $70.

(c) If dependency and indemnity compensation is payable monthly to a woman as a "widow" and there is a child (of her deceased husband) who has attained the age of eighteen and who, while under the age of twenty-one, is pursuing a course of instruction at an approved educational institution, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the widow, in the amount of $35.

DEPENDENCY AND INDEMNITY COMPENSATION TO PARENTS

SEC. 205. (a) Dependency and indemnity compensation shall be paid monthly under this title to parents of a deceased person in the amounts prescribed by this section.

(b) Except as provided in subsection (d), if there is only one parent, dependency and indemnity compensation shall be paid to him

at a monthly rate equal to the amount under column II of the following table opposite his total annual income as shown in column I:

Column I		Column II
Total annual income		
More than—	but Equal to or less than—	
	$750	$75.
$750	$1,000	$60.
$1,000	$1,250	$45.
$1,250	$1,500	$30.
$1,500	$1,750	$15.
$1,750	----------	No amount payable.

(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each at a monthly rate equal to the amount under column II of the following table opposite the total annual income of each as shown in column I:

Column I		Column II
Total annual income		
More than—	but Equal to or less than—	
	$750	$50.
$750	$1,000	$40.
$1,000	$1,250	$30.
$1,250	$1,500	$20.
$1,500	$1,750	$10.
$1,750	----------	No amount payable.

(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent at a monthly rate equal to the amount under column II of the following table opposite the total combined annual income of the parents, or of the parent and his spouse, as the case may be, as shown in column I:

Column I		Column II
Total combined annual income		
More than—	but Equal to or less than—	
	$1,000	$50.
$1,000	$1,350	$40.
$1,350	$1,700	$30.
$1,700	$2,050	$20.
$2,050	$2,400	$10.
$2,400	----------	No amount payable.

(e) The Administrator shall require as a condition of granting or continuing dependency and indemnity compensation to a parent that such parent file each year with him (on the form prescribed by him) a report showing the total income which such parent expects to receive in that year and the total income which such parent received in the preceding year. The parent or parents shall file with the Adminis-

trator a revised report whenever there is a material change in the estimated annual income.

(f) If the Administrator ascertains that there have been overpayments to a parent under this section, he shall deduct such overpayments (unless waived) from any future payments made to such parent under this section.

(g) (1) In determining income under this section, all payments of any kind or from any source shall be included, except—

(A) payments of the six-months' death gratuity;

(B) donations from public or private relief or welfare organizations;

(C) payments under this title;

(D) payments of death or disability compensation under any other law administered by the Veterans' Administration;

(E) lump-sum death payments under title II of the Social Security Act.

49 Stat. 622. 42 USC 401-421. *Post*, p. 869 *et seq.*

(2) The Administrator may provide by regulation for the exclusion from income under this section of amounts paid by a parent for unusual medical expenses.

DEPENDENCY AND INDEMNITY COMPENSATION IN CASES OF PRIOR DEATHS

SEC. 206. (a) (1) Any person who, on or after December 31, 1956, is eligible as a widow or child for death compensation under any other law administered by the Veterans' Administration by reason of a death occurring on or before that date may receive dependency and indemnity compensation under this title upon application therefor, without regard to clause (1) of section 209 (c).

(2) Any person who, on or after December 31, 1956, is eligible as a parent, or, but for his annual income, would be eligible as a parent, for death compensation under any other law administered by the Veterans' Administration by reason of a death occurring on or before that date may receive dependency and indemnity compensation under this title upon application therefor, without regard to clause (1) of section 209 (c); however, the annual income limitations established by section 205 shall apply to each such parent.

(b) (1) Whenever the widow of a deceased person is granted dependency and indemnity compensation by reason of this section, payments to her and to the children of the deceased person shall thereafter be made under this title, and shall not thereafter be made to them by reason of the death of the deceased person under (A) any other law administered by the Veterans' Administration providing for the payment of compensation or pension or (B) the Federal Employees' Compensation Act.

63 Stat. 865. 5 USC 751 note.

(2) Whenever the child or parent of any deceased person is granted dependency and indemnity compensation by reason of this section, payments shall not thereafter be made to such child or parent by reason of the death of the deceased person under (A) any other law administered by the Veterans' Administration providing for the payment of compensation or pension or (B) the Federal Employees' Compensation Act.

5 USC 751 note.

(c) If children of a deceased person are receiving death compensation under any other law administered by the Veterans' Administration, and all such children have not applied for benefits under this title, (1) benefits paid to each such child under this title shall not exceed the amounts which would be paid if the application had been made by, or on behalf of, all such children, and (2) benefits paid to each child under any other law administered by the Veterans' Administration providing for the payment of death compensation or death pension, or under the Federal Employees' Compensation Act, shall

5 USC 751 note.

not exceed the amounts which would be paid to him if no such application had been made.

(d) If there are two parents of a deceased person eligible for benefits by reason of subsection (a), and an application for benefits under this title is not made by both parents, (1) benefits paid to the parent who applies therefor shall not exceed the amounts which would be paid to him if both parents had so applied, and (2) benefits paid to the other parent under any other law administered by the Veterans' Administration providing for the payment of death compensation, or under the Federal Employees' Compensation Act, shall not exceed the amounts which would be paid to him if no such application had been made.

5 USC 751 note.

(e) (1) Except as provided in paragraphs (3) and (4), no person who, on January 1, 1957, is a principal or contingent beneficiary of any payments under the Servicemen's Indemnity Act of 1951 may receive any such payments based upon the death giving rise to such payments after he has been granted dependency and indemnity compensation by reason of this section. No principal or contingent beneficiary who assigns his interest in payments under the Servicemen's Indemnity Act of 1951 after June 28, 1956, may receive any payments under this title based upon the death giving rise to such payments until the portion of the indemnity so assigned is no longer payable to any person.

Post, p. 886.

(2) Where a beneficiary is barred from the receipt of payments under the Servicemen's Indemnity Act of 1951 by virtue of the first sentence of paragraph (1), no payments of the portion of indemnity in which such beneficiary had an interest shall be made to any other beneficiary.

Post, p. 886.

(3) In the case of a child who has applied for dependency and indemnity compensation pursuant to this section, and who is or becomes a beneficiary under the Servicemen's Indemnity Act of 1951 by reason of the death giving rise to his eligibility for dependency and indemnity compensation, the Administrator shall determine and pay to such child for each month, or part thereof, payments under this title or under such Act, whichever payment he determines to be the greater amount.

Post, p. 886.

(4) Notwithstanding paragraph (2), where a child receives dependency and indemnity compensation under this title, and thereafter dies, the portion of servicemen's indemnity in which such child had an interest may be paid (subject to paragraph (3)) to another child of the person by reason of whose death such servicemen's indemnity was payable.

DETERMINATIONS BY THE VETERANS' ADMINISTRATION

SEC. 207. The standards and criteria for determining incurrence or aggravation of a disease or injury in line of duty under this title shall be those applicable under disability compensation laws administered by the Veterans' Administration.

DUPLICATION OF BENEFITS

SEC. 208. No person eligible for benefits under this title by reason of any death occurring on or after January 1, 1957, shall be eligible by reason of such death (1) for death compensation or death pension under any other law administered by the Veterans' Administration, or (2) for any payments under the Federal Employees' Compensation Act.

63 Stat. 865.
5 USC 751 note.

ADMINISTRATIVE PROVISIONS

SEC. 209. (a) This title shall be administered by the Administrator. Except as otherwise provided in this Act, the administrative, definitive, and regulatory provisions under Public, Numbered 2, Seventy-third Congress, as amended, shall be for application under this title. Dependency and indemnity compensation which is otherwise payable to a child shall commence effective the date on which the child's entitlement arose if application is filed within one year from that date; otherwise from the date of filing application.

48 Stat. 8.
38 USC 701-721.

(b) Payment of benefits under this title by reason of any application filed with respect to a death which occurred before January 1, 1957, shall become effective as of the date such application is filed; however, payment of such benefits by reason of any such application shall become effective as of January 1, 1957—

(1) if the application is filed on or before July 1, 1957; or

(2) if the application is filed within one year after the date of such death.

(c) Dependency and indemnity compensation shall not be paid under this title to the widow, children, or parents of any deceased person unless the deceased person (1) was discharged or released under conditions other than dishonorable from the period of active duty, active duty for training, or inactive duty training in which the disability was incurred, or (2) died while on active duty, active duty for training, or inactive duty training.

(d) If a child receives or there is paid on account of a child dependency and indemnity compensation, or death compensation under any other law administered by the Veterans' Administration, by reason of the death of a parent, dependency and indemnity compensation by reason of the death of another parent in the same parental line may not be paid to or on account of such child.

(e) No dependency and indemnity compensation shall be paid under this title to any woman as a "widow" unless she continuously cohabited with her husband from the date of marriage to the date of death except where there was a separation which was due to the misconduct of or procured by the husband without fault on her part. Payments of dependency and indemnity compensation shall not be made by reason of the death of her husband to any woman as his "widow" for any period after she has remarried, unless the purported remarriage is void.

(f) There shall be no recovery of overpayments under this title from any person who, in the judgment of the Administrator, is without fault on his part if, in the judgment of the Administrator, such a recovery would defeat the purpose of the benefits payable under this title or would be against equity and good conscience. No disbursing or certifying officer shall be held liable for any amount paid to any person where the recovery of such amount from the payee is waived under this subsection.

EXEMPTION FROM TAXATION AND CLAIMS OF CREDITORS

SEC. 210. Payments of dependency and indemnity compensation due or to become due under this title shall not be assignable, shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States (except as provided in section 3 of the Act of August 12, 1935 (38 U. S. C., sec. 454a)), and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee. Notwithstanding the foregoing provisions of this section,

49 Stat. 609.

payments of dependency and indemnity compensation due or to become due under this title shall not be exempt from levy under the provisions of subchapter D of chapter 64 of the Internal Revenue Code of 1954, relating to seizure of property for collection of taxes.

68A Stat. 783. 26 USC 6331-6344.

TITLE III—DEATH GRATUITY

DEATHS ENTITLING SURVIVORS TO DEATH GRATUITY

SEC. 301. (a) Except as provided in section 304 (a), the Secretary concerned shall have a death gratuity paid immediately upon official notification of the death of a member of a uniformed service under his jurisdiction who dies while on active duty, active duty for training, or inactive duty training.

(b) The death gratuity shall equal six months' basic pay (plus special and incentive pays) at the rate to which the deceased member of a uniformed service was entitled on the date of his death, but shall not be less than $800 nor more than $3,000.

(c) The death gratuity shall be paid to or for the living survivor or survivors of the deceased member of a uniformed service first listed below:

(1) His spouse.

(2) His children (without regard to their age or marital status) in equal shares.

(3) His parents or his brothers or sisters (including those of the half blood and those through adoption), when designated by him.

(4) His parents in equal shares.

(5) His brothers and sisters (including those of the half blood and those through adoption) in equal shares.

(d) If a survivor dies before he receives the amount to which he is entitled under this title, such amount shall be paid to the then living survivor or survivors first listed under subsection (c).

IMMEDIATE PAYMENT OF DEATH GRATUITY

SEC. 302. In order that payments under section 301 may be made immediately, the Secretary concerned (1) shall authorize the commanding officers of military or naval commands, installations, or districts, in which survivors of deceased members of the Army, Navy, Air Force, Marine Corps, or Coast Guard are residing, to determine the survivors eligible to receive the death gratuity, and (2) shall authorize the disbursing or certifying officer of each such command, installation, or district to make the payments to the survivors so determined, or certify the payments due to such survivors, as may be appropriate.

DEATH GRATUITY COVERAGE AFTER ACTIVE SERVICE

SEC. 303. (a) The Secretary concerned shall have a death gratuity paid in any case where a member or former member of a uniformed service dies on or after January 1, 1957, during the one hundred and twenty-day period which begins on the day following the date of his discharge or release from active duty, active duty for training, or inactive duty training, if the Administrator determines that the death resulted—

(1) from disease or injury incurred or aggravated while on such active duty or active duty for training; or

(2) from injury incurred or aggravated while on such inactive duty training.

(b) Whenever the Administrator determines, on the basis of a claim for benefits filed with him under title II of this Act, that a death occurred under the circumstances referred to in subsection (a), he shall certify that fact to the Secretary concerned; in all other cases, he shall make the determination referred to in that subsection at the request of the Secretary concerned.

Ante, p. 862.

(c) The standards, criteria, and procedures for determining incurrence or aggravation of a disease or injury under this section shall (except for line of duty) be those applicable under disability compensation laws administered by the Veterans' Administration.

(d) For purposes of computing the amount of the death gratuity to be paid by reason of this section, the deceased person shall be deemed to be entitled on the date of his death to basic pay (plus special and incentive pays) at the rate to which he was entitled on the last day he performed such active duty, active duty for training, or inactive duty training.

(e) No amounts shall be paid by reason of this section unless the Administrator determines that the deceased person was discharged or released under conditions other than dishonorable from such period of active duty, active duty for training, or inactive duty training.

ADMINISTRATIVE PROVISIONS

SEC. 304. (a) No payment shall be made under this title if the deceased member of a uniformed service suffered death as a result of lawful punishment for crime or for a military or naval offense, except when death was so inflicted by any hostile force with which the Armed Forces of the United States have engaged in armed conflict.

(b) Payments under this title shall be made from appropriations available for the pay of members of the uniformed service concerned.

(c) A member of a reserve component of a uniformed service who performs active duty, active duty for training, or inactive duty training, without pay, shall, for the purposes of this title only, be considered as having been entitled to basic pay while performing such duties. In the case of a member of a reserve component of a uniformed service who suffers disability while on active duty, active duty for training, or inactive duty training, and is placed in a pay status while he is receiving hospitalization or medical care (including out-patient care) for such disability, he shall be deemed, for the purposes of this title, to continue on active duty, active duty for training, or inactive duty training, as the case may be, for so long as he remains in a pay status.

(d) For purposes of this title, a man or woman shall be considered to be the spouse of a member of a uniformed service if legally married to the member of a uniformed service at the time of the member's death.

Spouse.

TITLE IV—OLD-AGE AND SURVIVORS INSURANCE

PART A—PROVISIONS RELATING TO TITLE II OF THE SOCIAL SECURITY ACT

DEFINITION OF WAGES

SEC. 401. Section 209 of the Social Security Act is amended by adding at the end thereof the following new paragraph:

64 Stat. 492.
42 USC 409.

"For purposes of this title, in the case of an individual performing service, as a member of a uniformed service, to which the provisions of section 210 (m) (1) are applicable, the term 'wages' shall, subject to the provisions of subsection (a) of this section, include as such

Post, p. 870.

individual's remuneration for such service only his basic pay as described in section 102 (10) of the Servicemen's and Veterans' Survivor Benefits Act."

Ante, p. 858.

DEFINITION OF EMPLOYMENT

42 USC 410.

SEC. 402. (a) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"Service in the Uniformed Services

"(m) (1) Except as provided in paragraph (4), the term 'employment' shall, notwithstanding the provisions of subsection (a) of this section, include service performed after December 1956 by an individual as a member of a uniformed service on active duty; but such term shall not include any such service which is performed while on leave without pay.

"(2) The term 'active duty' means 'active duty' as described in section 102 of the Servicemen's and Veterans' Survivor Benefits Act, except that it shall also include 'active duty for training' as described in such section.

"(3) The term 'inactive duty training' means 'inactive duty training' as described in such section 102.

"(4) (A) Paragraph (1) of this subsection shall not apply in the case of any service, performed by an individual as a member of a uniformed service, which is creditable under section 4 of the Railroad Retirement Act of 1937. The Railroad Retirement Board shall notify the Secretary of Health, Education, and Welfare, as provided in section 4 (p) (2) of that Act, with respect to all such service which is so creditable.

Post, p. 876.

Post, p. 876.

"(B) In any case where benefits under this title are already payable on the basis of such individual's wages and self-employment income at the time such notification (with respect to such individual) is received by the Secretary, the Secretary shall certify no further benefits for payment under this title on the basis of such individual's wages and self-employment income, or shall recompute the amount of any further benefits payable on the basis of such wages and self-employment income, as may be required as a consequence of subparagraph (A) of this paragraph. No payment of a benefit to any person on the basis of such individual's wages and self-employment income, certified by the Secretary prior to the end of the month in which he receives such notification from the Railroad Retirement Board, shall be deemed by reason of this subparagraph to have been an erroneous payment or a payment to which such person was not entitled. The Secretary shall, as soon as possible after the receipt of such notification from the Railroad Retirement Board, advise such Board whether or not any such benefit will be reduced or terminated by reason of subparagraph (A), and if any such benefit will be so reduced or terminated, specify the first month with respect to which such reduction or termination will be effective.

"Member of a Uniformed Service

"(n) The term 'member of a uniformed service' means any person appointed, enlisted, or inducted in a component of the Army, Navy, Air Force, Marine Corps, or Coast Guard (including a reserve component of a uniformed service as defined in section 102 (3) of the Servicemen's and Veterans' Survivor Benefits Act), or in one of those services without specification of component, or as a commissioned officer of the Coast and Geodetic Survey or the Regular or Reserve Corps of the Public Health Service, and any person serving in the

Ante, p. 858.

Army or Air Force under call or conscription. The term includes—

"(1) a retired member of any of those services;

"(2) a member of the Fleet Reserve or Fleet Marine Corps Reserve;

"(3) a cadet at the United States Military Academy, a midshipman at the United States Naval Academy, and a cadet at the United States Coast Guard Academy or United States Air Force Academy;

"(4) a member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, when ordered to annual training duty for fourteen days or more, and while performing authorized travel to and from that duty; and

"(5) any person while en route to or from, or at, a place for final acceptance or for entry upon active duty in the military or naval service—

"(A) who has been provisionally accepted for such duty; or

"(B) who, under the Universal Military Training and Service Act, has been selected for active military or naval service;

and has been ordered or directed to proceed to such place.

The term does not include a temporary member of the Coast Guard Reserve."

(b) The first sentence of section 205 (p) (1) of such Act is amended by inserting "including service, performed as a member of a uniformed service, to which the provisions of subsection (m) (1) of such section are applicable," immediately after "in the employ of any instrumentality which is wholly owned by the United States,". 42 USC 405.

LUMP-SUM DEATH PAYMENTS FOR REINTERMENT OF DECEASED VETERANS

SEC. 403. (a) The fourth sentence of section 202 (i) of the Social Security Act is amended to read as follows: "In the case of any individual who died outside the forty-eight States and the District of Columbia after December 1953 and before January 1, 1957, whose death occurred while he was in the active military or naval service of the United States, and who is returned to any of such States, the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands for interment or reinterment, the provisions of the preceding sentence shall not prevent payment to any person under the second sentence of this subsection if application for a lump-sum death payment with respect to such deceased individual is filed by or on behalf of such person (whether or not legally competent) prior to the expiration of two years after the date of such interment or reinterment. In the case of any individual who died outside the forty-eight States and the District of Columbia after December 1956 while he was performing service, as a member of a uniformed service, to which the provisions of section 210 (m) (1) are applicable, and who is returned to any of such States, or the District of Columbia, or to any Territory or possession of the United States, for interment or reinterment, the provisions of the third sentence of this subsection shall not prevent payment to any person under the second sentence of this subsection if application for a lump-sum death payment with respect to such deceased individual is filed by or on behalf of such person (whether or not legally competent) prior to the expiration of two years after the date of such interment or reinterment." 42 USC 402. *Ante*, p. 870.

(b) The amendment made by subsection (a) shall be effective as though it had been enacted on March 31, 1956. Effective date.

CREDIT FOR MILITARY OR NAVAL SERVICE PERFORMED BEFORE JANUARY 1, 1957

66 Stat. 773.
42 USC 417.

SEC. 404. (a) Section 217 (e) of the Social Security Act is amended to read as follows:

"(e) (1) For purposes of determining entitlement to and the amount of any monthly benefit or lump-sum death payment payable under this title on the basis of wages and self-employment income of any veteran (as defined in paragraph (4)), and for purposes of section 216 (i) (3), such veteran shall be deemed to have been paid wages (in addition to the wages, if any, actually paid to him) of $160 in each month during any part of which he served in the active military or naval service of the United States on or after July 25, 1947, and prior to January 1, 1957. This subsection shall not be applicable in the case of any monthly benefit or lump-sum death payment if—

42 USC 416.

"(A) a larger such benefit or payment, as the case may be, would be payable without its application; or

"(B) a benefit (other than a benefit payable in a lump sum unless it is a commutation of, or a substitute for, periodic payments) which is based, in whole or in part, upon the active military or naval service of such veteran on or after July 25, 1947, and prior to January 1, 1957, is determined by any agency or wholly owned instrumentality of the United States (other than the Veterans' Administration) to be payable by it under any other law of the United States or under a system established by such agency or instrumentality.

The provisions of clause (B) shall not apply in the case of any monthly benefit or lump-sum death payment under this title if its application would reduce by $0.50 or less the primary insurance amount (as computed under section 215 prior to any recomputation thereof pursuant to subsection (f) of such section) of the individual on whose wages and self-employment income such benefit or payment is based. The provisions of clause (B) shall also not apply for purposes of section 216 (i) (3). In the case of monthly benefits under this title for months after December 1956 (and any lump-sum death payment under this title with respect to a death occurring after December 1956) based on the wages and self-employment income of a veteran who performed service (as a member of a uniformed service) to which the provisions of section 210 (m) (1) are applicable, wages which would, but for the provisions of clause (B), be deemed under this subsection to have been paid to such veteran with respect to his active military or naval service performed after December 1950 shall be deemed to have been paid to him with respect to such service notwithstanding the provisions of such clause, but only if the benefits referred to in such clause which are based (in whole or in part) on such service are payable solely by the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey or Public Health Service.

42 USC 415.

Ante, p. 870.

"(2) Upon application for benefits or a lump-sum death payment on the basis of the wages and self-employment income of any veteran, the Secretary of Health, Education, and Welfare shall make a decision without regard to clause (B) of paragraph (1) of this subsection unless he has been notified by some other agency or instrumentality of the United States that, on the basis of the military or naval service of such veteran on or after July 25, 1947, and prior to January 1, 1957, a benefit described in clause (B) of paragraph (1) has been determined by such agency or instrumentality to be payable by it. If he has not been so notified, the Secretary of Health, Education, and Welfare shall then ascertain whether some other agency or wholly owned instrumentality of the United States has decided that a benefit

described in clause (B) of paragraph (1) is payable by it. If any such agency or instrumentality has decided, or thereafter decides, that such a benefit is payable by it, it shall so notify the Secretary of Health, Education, and Welfare, and the Secretary shall certify no further benefits for payment or shall recompute the amount of any further benefits payable, as may be required by paragraph (1) of this subsection.

"(3) Any agency or wholly owned instrumentality of the United States which is authorized by any law of the United States to pay benefits, or has a system of benefits which are based, in whole or in part, on military or naval service on or after July 25, 1947, and prior to January 1, 1957, shall, at the request of the Secretary of Health, Education, and Welfare, certify to him, with respect to any veteran, such information as the Secretary deems necessary to carry out his functions under paragraph (2) of this subsection.

"Veteran".

"(4) For the purposes of this subsection, the term 'veteran' means any individual who served in the active military or naval service of the United States at any time on or after July 25, 1947, and prior to January 1, 1957, and who, if discharged or released therefrom, was so discharged or released under conditions other than dishonorable after active service of ninety days or more or by reason of a disability or injury incurred or aggravated in service in line of duty; but such term shall not include any individual who died while in the active military or naval service of the United States if his death was inflicted (other than by an enemy of the United States) as lawful punishment for a military or naval offense."

42 USC 417.

(b) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) (1) In any case where a World War II veteran (as defined in subsection (d) (2)) or a veteran (as defined in subsection (e) (4)) has died or shall hereafter die, and his widow or child is entitled under the Civil Service Retirement Act of May 29, 1930, as amended, to an annuity in the computation of which his active military or naval service was included, clause (B) of subsection (a) (1) or clause (B) of subsection (e) (1) shall not operate (solely by reason of such annuity) to make such subsection inapplicable in the case of any monthly benefit under section 202 which is based on his wages and self-employment income; except that no such widow or child shall be entitled under section 202 to any monthly benefit in the computation of which such service is included by reason of this subsection (A) unless such widow or child after December 1956 waives his or her right to receive such annuity, or (B) for any month prior to the first month with respect to which the Civil Service Commission certifies to the Secretary of Health, Education, and Welfare that (by reason of such waiver) no further annuity will be paid to such widow or child under such Act of May 29, 1930, as amended, on the basis of such veteran's military or civilian service. Any such waiver shall be irrevocable.

46 Stat. 468.
5 USC 691 note.
Post, p. 877.

42 USC 402.
Ante, p. 871; *post*, 876.

"(2) Whenever a widow waives her right to receive such annuity such waiver shall constitute a waiver on her own behalf; a waiver by a legal guardian or guardians, or, in the absence of a legal guardian, the person (or persons) who has the child in his care, of the child's right to receive such annuity shall constitute a waiver on behalf of such child. Such a waiver with respect to an annuity based on a veteran's service shall be valid only if the widow and all children, or, if there is no widow, all the children, waive their rights to receive annuities under the Civil Service Retirement Act of May 29, 1930, as amended, based on such veteran's military or civilian service."

5 USC 691 note.
Post, p. 877.

(c) In the case of any deceased individual—

(1) who is a World War II veteran (as defined in section 217 (d) (2) of the Social Security Act) or a veteran (as defined in section 217 (e) (4) of such Act); and

42 USC 417.
Ante, p. 872.

(2) whose widow or child is entitled under the Civil Service Retirement Act of May 29, 1930, as amended, to an annuity in the computation of which his active military or naval service after September 15, 1940, and before January 1, 1957, was included; and

5 USC 691 note.
Post, p. 877.

(3) whose widow or child is entitled under section 202 of the Social Security Act, on the basis of his wages and self-employment income, to a monthly benefit in the computation of which such active military or naval service was excluded (under clause (B) of subsection (a) (1) or (e) (1) of section 217 of such Act) solely by reason of the annuity described in the preceding paragraph; and

42 USC 402.
Ante, p. 871; *post*, p. 876.

Ante, p. 872.

(4) whose widow or child is entitled by reason of section 217 (f) of the Social Security Act to have such active military or naval service included in the computation of such monthly benefit,

Ante, p. 873.

the Secretary of Health, Education, and Welfare shall, notwithstanding the provisions of section 215 (f) (1) of the Social Security Act, recompute the primary insurance amount of such individual upon the filing of an application, after December 1956, by or on behalf of such widow or child. Such recomputation shall be made only in the manner provided in title II of the Social Security Act as in effect at the time of such individual's death, and as though application therefor was filed in the month in which he died. No recomputation made under this subsection shall be regarded as a recomputation under section 215 (f) of the Social Security Act. Any such recomputation shall be effective for and after the twelfth month before the month in which the application is filed, but in no case for any month before the first month with respect to which such widow or child is entitled by reason of section 217 (f) of the Social Security Act to have such active military or naval service included in the computation of such monthly benefits. The terms used in this subsection shall have the same meaning as when used in title II of the Social Security Act.

42 USC 415.

42 USC 401-421.
Ante, p. 869 *et seq.*

Ante, p. 873.

Effective date.
Ante, p. 872.

(d) Except for the last sentence of section 217 (e) (1) of the Social Security Act as amended by subsection (a) of this section, the amendments made by such subsection (a) shall be effective as though they had been enacted on March 31, 1956. Such last sentence of section 217 (e) (1) of the Social Security Act shall become effective January 1, 1957.

PAYMENT OF BENEFITS IN CERTAIN CASES OF IN-SERVICE OR SERVICE-CONNECTED DEATHS

SEC. 405. (a) In the case of any individual—

(1) who dies after December 1956 and is not a fully and currently insured individual (as defined in section 214 of the Social Security Act) at the time of his death; and

64 Stat. 505.
42 USC 414.

(2) whose death occurs—

(A) while on active duty, active duty for training, or inactive duty training as a member of a uniformed service; or

(B) as the result of a disease or injury which the Administrator determines was incurred or aggravated in line of duty while on active duty or active duty for training, or an injury which the Administrator determines was incurred or aggravated in line of duty while on inactive duty training, as a member of a uniformed service after September 15, 1940, if

the Administrator determines that such individual was discharged or released from the period of such active duty, active duty for training, or inactive duty training under conditions other than dishonorable; and

(3) who leaves one or more survivors who are not entitled for any month to monthly benefits under section 202 of the Social Security Act on the basis of his wages and self-employment income but who would, upon application therefor, be entitled to such benefits if he had been both fully and currently insured at the time of his death;

42 USC 402. *Ante*, p. 871; *post*, p. 876.

the Administrator shall pay for such month benefits under this section to each such survivor in an amount equal to the amount of the benefits which would have been paid for such month to such survivor under title II of the Social Security Act, if such individual had been both fully and currently insured at the time of his death and if such survivor had filed application therefor on the same date on which application for benefits under this section is filed with the Administrator.

42 USC 401-421. *Ante*, p. 869 *et seq.*

(b) The determination (other than a determination required by subsection (a) (2)) as to whether any survivor described in subsection (a) (3) of a deceased individual would be entitled to benefits under section 202 of the Social Security Act for any month and as to the amount of the benefits which would be paid for such month, if the deceased individual had been a fully and currently insured individual at the time of his death, shall be made by the Secretary of Health, Education, and Welfare, and shall be certified by him to the Administrator upon request of the Administrator.

42 USC 402. *Ante*, p. 871; *post*, p. 876.

(c) Upon the basis of estimates made by the Secretary of Health, Education, and Welfare after consultation with the Administrator, the Administrator shall pay to the Secretary an amount equal to the costs which will be incurred in making determinations and certifications under subsection (b). Such payments shall be made with respect to the costs incurred during such period (but not shorter than a calendar quarter) as the Secretary and the Administrator may prescribe. The amount payable for any period shall be increased or reduced to compensate for any underpayment or overpayment, as the case may be, of the costs incurred in any preceding period.

(d) Except with respect to determinations made under subsection (b), the Administrator shall prescribe such regulations as may be necessary to carry out the provisions of this section.

REIMBURSEMENT OF TRUST FUND FOR COST OF WAGE CREDITS FOR CERTAIN MILITARY SERVICE

SEC. 406. Section 217 of the Social Security Act is amended by adding after subsection (f), (as added by section 404 (b) of this Act) the following new subsection:

Ante, p. 873.

"(g) (1) There are hereby authorized to be appropriated to the Trust Fund annually, as benefits under this title are paid after June 1956, such sums as the Secretary of Health, Education, and Welfare determines to be necessary to meet the additional costs, resulting from subsections (a), (b), and (e), of such benefits (including lump-sum death payments).

"(2) The Secretary shall, before October 1, 1958, determine the amount which would place the Trust Fund in the same position in which it would have been at the close of June 30, 1956, if section 210 of this Act, as in effect prior to the Social Security Act Amendments of 1950, and section 217 of this Act (including amendments thereof), had not been enacted. There are hereby authorized to be appropriated to the Trust Fund annually, during the first ten fiscal years

42 USC 410. 64 Stat. 477. 42 USC 301 note.

beginning after such determination is made, sums aggregating the amount so determined, plus interest accruing on such amount (as reduced by appropriations made pursuant to this paragraph) for each fiscal year beginning after June 30, 1956, at a rate for such fiscal year equal to the average rate of interest (as determined by the Managing Trustee) earned on the invested assets of the Trust Fund during the preceding fiscal year."

REQUIREMENT OF APPLICATION

42 USC 402. *Ante*, p. 871.

SEC. 407. Section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Application for Benefits by Survivors of Members and Former Members of the Uniformed Services

"(o) In the case of any individual who would be entitled to benefits under subsection (d), (e), (g), or (h) upon filing proper application therefor, the filing with the Administrator of Veterans' Affairs by or on behalf of such individual of an application for such benefits, on the form prescribed under section 601 of the Servicemen's and Veterans' Survivor Benefits Act, shall satisfy the requirement of such subsection (d), (e), (g), or (h) that an application for such benefits be filed."

Post, p. 886.

AMENDMENTS RELATING TO RAILROAD RETIREMENT

60 Stat. 729. 45 USC 228c-1.

SEC. 408. (a) Section 4 of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new subsections:

"(p) (1) Military service rendered by an individual after December 1956 shall be creditable under this section only if the number of such individual's years of service is ten or more (including, in such years of service, military service which, but for this subsection, would be creditable under this section).

"(2) In any case where an individual has completed ten or more years of service and such years of service include any military service rendered after December 1956, the Board shall as promptly as is practicable (A) notify the Secretary of Health, Education, and Welfare that such military service is creditable under this section and (B) specify the period or periods of the military service rendered after December 1956 which is so creditable.

"(q) Notwithstanding the provisions of this section and section 2 (c) (2), military service rendered by an individual after December 1956 shall not be used in determining eligibility for, or computing the amount of, any annuity accruing under section 2 for any month if (1) any benefits are payable for that month under title II of the Social Security Act on the basis of such individual's wages and self-employment income, (2) such military service was included in the computation of such benefits, and (3) the inclusion of such service in the computation of such benefits resulted (for that month) in benefits not otherwise payable or in an increase in the benefits otherwise payable.

42 USC 401-421. *Ante*, p. 869 *et seq.*

"(r) The Secretary concerned (as defined in section 102 (9) of the Servicemen's and Veterans' Survivor Benefits Act) shall maintain such records, and furnish the Board upon its request with such information, regarding the months of any individual's military service and the remuneration paid therefor, as may be necessary to enable the Board to carry out its duties under this section and sections 2 and 5."

Ante, p. 858.

45 USC 228b, 228e.

(b) (1) The first sentence of section 4 (n) of the Railroad Retirement Act of 1937 is amended—

(A) by striking out "(i)" and "(ii)" and inserting in lieu thereof "(1)" and "(2)", respectively;

(B) by striking out "for military service after December 31, 1936" and inserting in lieu thereof "for military service after December 31, 1936, and prior to January 1, 1957"; and

(C) by inserting before the period at the end thereof a comma and the following: "and (3) an amount found by the Board to be equal to (A) the amount of the total additional excise and income taxes which would have been payable during the preceding fiscal year under chapter 22 of the Internal Revenue Code of 1954 with respect to the compensation, as defined in such chapter, of all individuals entitled (without regard to subsection (p) (1) of this section) to credit under this Act for military service after December 1956 if each of such individuals, in addition to compensation actually paid, had been paid such compensation in the amount of $160 in each calendar month in which he was in such military service during such preceding fiscal year and such taxes were measured by all such compensation without limitation as to amount paid to any individual in any one calendar month, less (B) the amount of the taxes which were paid with respect to such military service under sections 3101 and 3111 of the Internal Revenue Code of 1954".

68A Stat. 431. 26 USC 3201-3233.

26 USC 3101, 3111.

(2) Section 4 (n) of such Act is further amended by adding at the end thereof the following new sentence: "In determining pursuant to section 5 (k) (2) for any fiscal year the total amount to be credited from the Railroad Retirement Account to the Old-Age and Survivors Insurance Trust Fund, credit shall be given such Account for the amount of the taxes described in clause (3) (B) of the first sentence of this subsection."

(c) Section 1 (q) of the Railroad Retirement Act of 1937 is amended by striking out "as amended in 1954" and inserting in lieu thereof "as amended in 1956".

68 Stat. 1097. 45 USC 228a. *Ante*, p. 836.

ANNUITIES UNDER THE CIVIL SERVICE RETIREMENT ACT

SEC. 409. Section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by inserting after the second paragraph thereof the following new paragraph:

46 Stat. 472. 5 USC 707.

"Notwithstanding any other provision of this section, any service (other than service covered by military leave with pay from a civilian position) performed by an individual after December 1956 as a member of a uniformed service on active duty or active duty for training (as those terms are defined in section 102 of the Servicemen's and Veterans' Survivor Benefits Act) shall be excluded in determining the aggregate period of service upon which an annuity payable under this Act to such individual or to his widow or child is to be based, if such individual or widow or child is entitled (or would upon proper application be entitled), at the time of such determination, to monthly old-age or survivors benefits under section 202 of the Social Security Act based on such individual's wages and self-employment income. If in the case of the individual or widow such service is not excluded under the preceding sentence, but upon attaining retirement age (as defined in section 216 (a) of the Social Security Act) he or she becomes entitled (or would upon proper application be entitled) to such benefits, the Commission shall redetermine the aggregate period of service upon which such annuity is based, effective as of the first day of the month in which he or she attains such age, so as to exclude such service. The Secretary of Health, Education, and Welfare shall, upon the request of the Commission, inform the Commission whether or not any such individual or widow or child is entitled at any specified time to such benefits."

Ante, p. 858.

42 USC 402. *Ante*, pp. 871, 876.

42 USC 416.

PART B—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

DEFINITION OF WAGES

68A Stat. 425. 26 USC 3121.

SEC. 410. Section 3121 (i) of the Internal Revenue Code of 1954 is amended to read as follows:

"(i) COMPUTATION OF WAGES IN CERTAIN CASES.—

"(1) DOMESTIC SERVICE.—For purposes of this chapter, in the case of domestic service described in subsection (a) (7) (B), any payment of cash remuneration for such service which is more or less than a whole-dollar amount shall, under such conditions and to such extent as may be prescribed by regulations made under this chapter, be computed to the nearest dollar. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1. The amount of any payment of cash remuneration so computed to the nearest dollar shall, in lieu of the amount actually paid, be deemed to constitute the amount of cash remuneration for purposes of subsection (a) (7) (B).

"(2) SERVICE IN THE UNIFORMED SERVICES.—For purposes of this chapter, in the case of an individual performing service, as a member of a uniformed service, to which the provisions of subsection (m) (1) are applicable, the term 'wages' shall, subject to the provisions of subsection (a) (1) of this section, include as such individual's remuneration for such service only his basic pay as described in section 102 (10) of the Servicemen's and Veterans' Survivor Benefits Act."

Infra.

Ante, p. 858.

DEFINITION OF EMPLOYMENT

SEC. 411. (a) Section 3121 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsections:

"(m) SERVICE IN THE UNIFORMED SERVICES.—For purposes of this chapter—

"(1) INCLUSION OF SERVICE.—The term 'employment' shall, notwithstanding the provisions of subsection (b) of this section, include service performed after December 1956 by an individual as a member of a uniformed service on active duty; but such term shall not include any such service which is performed while on leave without pay.

"(2) ACTIVE DUTY.—The term 'active duty' means 'active duty' as described in section 102 of the Servicemen's and Veterans' Survivor Benefits Act, except that it shall also include 'active duty for training' as described in such section.

Ante, p. 858.

"(3) INACTIVE DUTY TRAINING.—The term 'inactive duty training' means 'inactive duty training' as described in such section 102.

"(n) MEMBER OF A UNIFORMED SERVICE.—For purposes of this chapter, the term 'member of a uniformed service' means any person appointed, enlisted, or inducted in a component of the Army, Navy, Air Force, Marine Corps, or Coast Guard (including a reserve component of a uniformed service as defined in section 102 (3) of the Servicemen's and Veterans' Survivor Benefits Act), or in one of those services without specification of component, or as a commissioned officer of the Coast and Geodetic Survey or the Regular or Reserve Corps of the Public Health Service, and any person serving in the Army or Air Force under call or conscription. The term includes—

Ante, p. 858.

"(1) a retired member of any of those services;

"(2) a member of the Fleet Reserve or Fleet Marine Corps Reserve;

"(3) a cadet at the United States Military Academy, a midshipman at the United States Naval Academy, and a cadet at the United States Coast Guard Academy or United States Air Force Academy;

"(4) a member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, when ordered to annual training duty for fourteen days or more, and while performing authorized travel to and from that duty; and

"(5) any person while en route to or from, or at, a place for final acceptance or for entry upon active duty in the military or naval service—

"(A) who has been provisionally accepted for such duty; or

"(B) who, under the Universal Military Training and Service Act, has been selected for active military or naval service;

62 Stat. 604. 50 USC app. 451.

and has been ordered or directed to proceed to such place.

The term does not include a temporary member of the Coast Guard Reserve."

(b) The first sentence of section 3122 of the Internal Revenue Code of 1954 is amended by inserting "including service, performed as a member of a uniformed service, to which the provisions of section 3121 (m) (1) are applicable," immediately after "in the employ of any instrumentality which is wholly owned by the United States,".

26 USC 3122.

(c) Section 3122 of the Internal Revenue Code of 1954 is further amended by inserting after the second sentence thereof the following new sentence: "Payments of the tax imposed under section 3111 with respect to service, performed by an individual as a member of a uniformed service, to which the provisions of section 3121 (m) (1) are applicable, shall be made from appropriations available for the pay of members of such uniformed service."

26 USC 3111.

RECEIPTS FOR EMPLOYEES

SEC. 412. (a) Section 6051 (a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121 (a), computed in accordance with such section and section 3121 (i) (2)."

68A Stat. 747. 26 USC 6051.

Ante, p. 878.

(b) Section 6051 (b) of the Internal Revenue Code of 1954 is amended to read as follows:

"(b) SPECIAL RULE AS TO COMPENSATION OF MEMBERS OF ARMED FORCES.—In the case of compensation paid for service as a member of the Armed Forces, the statement required by subsection (a) shall be furnished if any tax was withheld during the calendar year under section 3402, or if any of the compensation paid during such year is includible in gross income under chapter 1, or if during the calendar year any amount was required to be withheld as tax under section 3101. In lieu of the amount required to be shown by paragraph (3) of subsection (a), such statement shall show as wages paid during the calendar year the amount of such compensation paid during the calendar year which is not excluded from gross income under chapter 1 (whether or not such compensation constituted wages as defined in section 3401 (a))."

26 USC 3402.

26 USC 3101.

26 USC 1 *et seq.*

26 USC 3401.

TITLE V—AMENDMENTS AND REPEALS

AMENDMENTS

65 Stat. 36.
38 USC 821.

SEC. 501. (a) (1) Section 620 of the National Service Life Insurance Act of 1940 is amended by striking out the last sentence and inserting in lieu thereof the following: "Any member of a uniformed service (as that term is defined in section 102 of the Servicemen's and Veterans' Survivor Benefits Act) while on active duty, active duty for training, or inactive duty training (as those terms are defined in such section) shall be deemed to be in the active service for the purpose of applying for insurance under this section; however, as to persons incurring a disability under the conditions provided in section 102 (11) (E) of such Act, application for insurance must be filed under this section within one year after the incurrence of such disability."

Ante, p. 858.

38 USC 822.

(2) Section 621 of the National Service Life Insurance Act of 1940 is amended by adding at the end thereof the following:

"(c) No insurance shall be granted to any person under this section on or after January 1, 1957, unless prior to such date an acceptable application accompanied by proper and valid remittances or authorizations for the payment of premiums (1) was received by the Veterans' Administration, (2) was placed in the mails properly directed to the Veterans' Administration, or (3) was delivered to an authorized representative of any of the uniformed services."

38 USC 823.

(3) (A) Section 622 of the National Service Life Insurance Act of 1940 is amended by inserting "(a)" immediately after "SEC. 622.", and by adding at the end thereof the following:

"(b) Notwithstanding the provisions of subsection (a), no application for waiver of premiums may be made after December 31, 1956, except applications therefor filed pursuant to the first proviso of subsection (a)."

(B) Except as herein otherwise provided, where an individual dies on or after May 1, 1957, and at the time of his death has in effect a policy of national service life insurance or United States Government life insurance under waiver of premiums under section 622 of the National Service Life Insurance Act of 1940, no dependency and indemnity compensation shall be paid under this Act to his widow, children, or parents by reason of his death, but death compensation may be paid under laws administered by the Veterans' Administration to such widow, children, or parents by reason of his death, notwithstanding the fact that such death occurred after December 31, 1956. In no event shall the foregoing provision be applicable with respect to any person entitled to waiver of premiums under the first proviso to section 622 (a) of the National Service Life Insurance Act of 1940, as amended, whose death occurs prior to his return to military jurisdiction or within one hundred and twenty days thereafter.

(4) The National Service Life Insurance Act of 1940 is amended by adding at the end thereof the following:

"SEC. 623. (a) Any person who surrendered a policy of National Service life insurance or United States Government life insurance on a permanent plan for its cash value while in the active service on or after April 25, 1951, and prior to January 1, 1957, may, upon application in writing made while in the active service or within one hundred and twenty days after separation from the active service, be granted, without medical examination, permanent plan insurance on the same plan not in excess of the amount surrendered for cash, or may reinstate such surrendered insurance upon payment of the required reserve and the premium for the current month. Waiver of premiums and total disability income benefits otherwise authorized under this Act or the World War Veterans' Act, 1924, as amended, shall not be denied in

43 Stat. 607.
38 USC 421.
Post, pp. 883, 885.

any case of issue or reinstatement of insurance on a permanent plan under this section in which it is shown to the satisfaction of the Administrator that total disability of the applicant commenced prior to the date of application. The cost of the premiums waived and total disability income benefits paid by virtue of the preceding sentence and the excess mortality cost in any case where the insurance matures by death from such total disability shall be borne by the United States and the Administrator is authorized and directed to transfer from time to time from the National Service life insurance appropriation to the National Service Life Insurance Fund and from the military and naval insurance appropriation to the United States Government Life Insurance Fund such sums as may be necessary to reimburse the funds for such costs.

"(b) Any person who had United States Government life insurance or National Service life insurance on the five-year level premium term plan, the term of which expired while he was in the active service after April 25, 1951, or within one hundred and twenty days after separation from such active service, and in either case prior to January 1, 1957, shall, upon application made while in the active service or within one hundred and twenty days after separation from active service, payment of premiums and evidence of good health satisfactory to the Administrator, be granted an equivalent amount of insurance on the five-year level premium term plan at the premium rate for his then attained age.

"(c) Persons deemed to be in the active service for the purposes of section 5 of the Servicemen's Indemnity Act of 1951 shall be deemed to be in the active service for the purposes of this section."

Post, p. 886.

(5) Section 619 of the National Service Life Insurance Act of 1940 is amended by striking out "sections 620 and 621" and inserting in lieu thereof "sections 620, 621, and 623".

38 USC 820.

(b) (1) Section 212 of the Public Health Service Act (42 U. S. C., sec. 213) is amended to read as follows:

58 Stat. 689.

"MILITARY BENEFITS

"SEC. 212. (a) Except as provided in subsection (b), commissioned officers of the Service and their surviving beneficiaries shall, with respect to active service performed by such officers—

"(1) in time of war;

"(2) on detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or

"(3) while the Service is part of the military forces of the United States pursuant to Executive order of the President;

be entitled to all rights, privileges, immunities, and benefits now or hereafter provided under any law of the United States in the case of commissioned officers of the Army or their surviving beneficiaries on account of active military service, except retired pay and uniform allowances.

"(b) The President may prescribe the conditions under which commissioned officers of the Service may be awarded military ribbons, medals, and decorations.

"(c) The authority vested by law in the Department of the Army, the Secretary of the Army, or other officers of the Department of the Army with respect to rights, privileges, immunities, and benefits referred to in subsection (a) shall be exercised, with respect to commissioned officers of the Service, by the Surgeon General.

"(d) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for the purposes of all laws administered by the Veterans'

Post, p. 886.
Ante, pp. 872, 873, 875.

Administration (except the Servicemen's Indemnity Act of 1951) and section 217 of the Social Security Act."

(2) The amendment made by this subsection (A) shall apply only with respect to service performed on or after July 4, 1952, (B) shall not be construed to affect the entitlement of any person to benefits under the Veterans' Readjustment Assistance Act of 1952, (C) shall not be construed to authorize any payment under section 202 (i) of the Social Security Act, or under Veterans Regulation Numbered 9 (a), for any death occurring prior to January 1, 1957, and (D) shall not be construed to authorize payment of any benefits for any period prior to January 1, 1957.

66 Stat. 663.
38 USC 901 note.
Ante, p. 871.
38 USC ch. 12A.

(3) In the case of any individual—

(A) who performed active service (i) as a commissioned officer of the Public Health Service at any time during the period beginning July 4, 1952, and ending December 31, 1956, or (ii) as a commissioned officer of the Coast and Geodetic Survey at any time during the period beginning July 29, 1945, and ending December 31, 1956; and

(B) (i) who became entitled to old-age insurance benefits under section 202 (a) of the Social Security Act prior to January 1, 1957, or

42 USC 402.

(ii) who died prior to January 1, 1957, and whose widow, child, or parent is entitled for the month of January 1957, on the basis of his wages and self-employment income, to a monthly survivor's benefit under section 202 of such Act; and

Ante, pp. 871, 876.

(C) any part of whose service described in subparagraph (A) was not included in the computation of his primary insurance amount under section 215 of such Act but would have been included in such computation if the amendment made by paragraph (1) of this subsection or paragraph (1) of subsection (d) had been effective prior to the date of such computation,

42 USC 415.

the Secretary of Health, Education, and Welfare shall, notwithstanding the provisions of section 215 (f) (1) of the Social Security Act, recompute the primary insurance amount of such individual upon the filing of an application, after December 1956, by him or (if he dies without filing such an application) by any person entitled to monthly survivor's benefits under section 202 of such Act on the basis of his wages and self-employment income. Such recomputation shall be made only in the manner provided in title II of the Social Security Act as in effect at the time of the last previous computation or recomputation of such individual's primary insurance amount, and as though application therefor was filed in the month in which application for such last previous computation or recomputation was filed. No recomputation made under this paragraph shall be regarded as a recomputation under section 215 (f) of the Social Security Act. Any such recomputation shall be effective for and after the twelfth month before the month in which the application was filed, but in no case for any month before January 1957.

42 USC 402.
Ante, pp. 871, 876.
42 USC 401-421.
Ante, p. 869 et seq.

68 Stat. 736.
5 USC 2091.

(c) (1) Section 2 of the Federal Employees' Group Life Insurance Act of 1954 is amended by striking out all after "District of Columbia" in subsection (b) and inserting in lieu thereof a period, and by adding at the end of such section the following new subsection:

"(c) No person shall acquire insurance coverage under this Act by virtue of his status as a member of a uniformed service. The insurance granted to any employee under this Act (1) shall cease (except for a thirty-one day extension of life insurance coverage) on the day immediately prior to his entry on active duty or active duty for training, unless the period of such duty is covered by military leave with pay from a civilian position, and (2) shall not cease during any period of

inactive duty training. The terms used in this subsection shall have the meanings assigned to them by section 102 of the Servicemen's and Veterans' Survivor Benefits Act."

Ante, p. 858.

(2) The amendments made by this subsection shall not apply with respect to deaths occurring prior to January 1, 1957, nor shall such amendments apply with respect to insurance granted prior to January 1, 1957, under the Federal Employees' Group Life Insurance Act of 1954 to commissioned officers of the Coast and Geodetic Survey or of the Regular or Reserve Corps of the Public Health Service. No dependency and indemnity compensation shall be payable under this Act to any widow, child, or parent of any such commissioned officer if any amounts are payable under such insurance by reason of the death of such officer occurring on or after May 1, 1957.

5 USC 2091 note.

(d) (1) The second sentence of the second paragraph of section 16 of the Act of May 22, 1917 (33 U. S. C., sec. 857), is amended to read as follows: "Active service of commissioned officers of the Coast and Geodetic Survey shall be deemed to be active military service for the purposes of all laws administered by the Veterans' Administration (except the Servicemen's Indemnity Act of 1951) and section 217 of the Social Security Act, and for the purposes of section 210 of the Social Security Act as in effect prior to the Social Security Act Amendments of 1950."

40 Stat. 88.

Post, p. 886.
Ante, pp. 872, 873, 875.

42 USC 410.

(2) The amendment made by this subsection (A) shall apply only with respect to service performed on or after July 29, 1945, (B) shall not be construed to affect the entitlement of any person to benefits under the Veterans' Readjustment Assistance Act of 1952, (C) shall not be construed to authorize any payment under section 202 (i) of the Social Security Act, or under Veterans Regulation Numbered 9 (a), for any death occurring prior to January 1, 1957, and (D) shall not be construed to authorize payment of any benefits for any period prior to January 1, 1957.

38 USC 901 note.

Ante, p. 871.
38 USC ch. 12A.

(e) Section 40 (b) of the Federal Employees' Compensation Act (5 U. S. C., sec. 790 (b)) is amended—

39 Stat. 750.

(1) by striking out clauses (2) and (3) and redesignating clauses (4) and (5) as clauses (2) and (3), respectively; and

(2) by inserting immediately after "United States" the second time it occurs in the parenthetical phrase in clause (1) the following: ", but excluding commissioned officers of the Regular Corps of the Public Health Service, commissioned officers in the Reserve Corps of the Public Health Service on active duty, and commissioned officers of the Coast and Geodetic Survey".

(f) Section 304 of the Naval Reserve Act of 1938 (34 U. S. C., sec. 855c) is amended (1) by striking out all beginning with "If in time of peace" through "*Provided further*, That" in the third proviso and inserting in lieu thereof "(a) In time of peace", and (2) by adding at the end thereof the following:

52 Stat. 1181.

"(b) For the purposes of paragraph I (a) of part II of Veterans Regulation Numbered 1 (a), all members of the Naval Reserve shall be considered as performing active military or naval service when injured while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties."

38 USC ch. 12A.

(g) Section 2 of the Act of August 12, 1935 (38 U. S. C., sec. 556a), is amended by inserting immediately after "Public Law Numbered 484, Seventy-third Congress," the following: "the Servicemen's and Veterans' Survivor Benefits Act,".

49 Stat. 609.

(h) (1) The first sentence of paragraph (1) of section 21 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 450), is amended

49 Stat. 607.

by inserting immediately after "payment of compensation," the following: "dependency and indemnity compensation,".

(2) The first sentence of paragraph (3) of such section is amended by inserting immediately after "the compensation," the following: "dependency and indemnity compensation,".

(i) The paragraph under the heading "Transfer of Appropriations" which begins "Army of the Philippines," in the Act of February 18, 1946 (60 Stat. 14), as amended (38 U. S. C. 38), is amended by striking out all beginning with "and (2)", and inserting in lieu thereof the following: "(2) laws administered by the Veterans' Administration providing for the payment of compensation or dependency and indemnity compensation on account of service-connected disability or death, and (3) the Missing Persons Act (56 Stat 143) as amended (50 U. S. C. App. 1001 and the following): *Provided further*, That such compensation or dependency and indemnity compensation shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws providing for such compensation or dependency and indemnity compensation, and where annual income is a factor in entitlement to benefits, the dollar limitations in the laws specifying such annual income shall apply at the rate of one Philippine peso for each dollar: *Provided further*, That any payments heretofore made under any such law to or with respect to any member of the military forces of the Government of the Commonwealth of the Philippines who served in the services of the Armed Forces of the United States shall not be deemed to be invalid by reason of the circumstances that his service was not service in the military or naval forces of the United States or any component thereof within the meaning of such law."

(j) The paragraph beginning "Finance Service, Army," under title II of the Act of May 27, 1946 (60 Stat. 223), is amended by striking out paragraphs (6) and the proviso immediately following such paragraph, and inserting in lieu thereof the following:

"(6) The provisions of laws administered by the Veterans' Administration for the payment of compensation or dependency and indemnity compensation on account of service-connected disability or death:

Provided further, That payments made under the provisions of any law referred to in clauses (5) and (6) above shall be paid at the rate of one Philippine peso for each dollar authorized by such law: *Provided further*, That where annual income is a factor in entitlement to benefits, the dollar limitations in the laws specifying such annual income shall apply at the rate of one Philippine peso for each dollar:".

(k) Paragraph V of part I of Veterans Regulation Numbered 2 (a) is amended by inserting immediately after "compensation" each place it occurs therein (except paragraph (a)) the following: ", dependency and indemnity compensation".

38 USC ch. 12A.

(l) Section 11 of the Uniformed Services Contingency Option Act of 1953 (37 U. S. C., sec. 380) is amended by inserting immediately after "be considered income" the following: "(except as provided in section 205 (g) of the Servicemen's and Veterans' Survivor Benefits Act)".

67 Stat. 504.

Ante, p. 863.

(m) The second sentence of paragraph XIII of Veterans Regulation Numbered 10 is amended to read as follows: "The receipt of pension, compensation, or dependency and indemnity compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person."

38 USC ch. 12A.

(n) Section 15 of Public, Numbered 2, Seventy-third Congress (38 U. S. C., sec. 715), is amended (1) by inserting immediately after "under this title" the first time it occurs the following: "or title II of the Servicemen's and Veterans' Survivor Benefits Act", and (2) by inserting immediately after "under this title" the second time it occurs the following: "and under title II of the Servicemen's and Veterans' Survivor Benefits Act". 48 Stat. 11. *Ante*, p. 862.

(o) Section 3 of the Act of October 17, 1940 (38 U. S. C., sec. 49a), is amended by inserting immediately after "compensation" the second time it occurs the following: ", dependency and indemnity compensation,". 54 Stat. 1195.

(p) The Act of September 7, 1944 (38 U. S. C., sec. 733), is amended (1) by inserting immediately after "Seventy-third Congress, as amended," the following: "or of dependency and indemnity compensation payable under the Servicemen's and Veterans' Survivor Benefits Act,", and (2) by inserting immediately after "death pension or compensation" in the second proviso the following: "or dependency and indemnity compensation". 58 Stat. 728.

(q) The portion of section 201 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 472), which precedes paragraph (1) thereof is amended by striking out "That if death results from injury—" and inserting in lieu thereof: "If death occurs prior to January 1, 1957, and results from injury—". 43 Stat. 1305.

(r) The first paragraph of section 3 of the Act of August 16, 1937 (38 U. S. C., sec. 472b), is amended by striking out "World War veteran who died" and inserting in lieu thereof "World War veteran who died prior to January 1, 1957,".

(s) (1) Paragraph IV of part I and paragraph III of part II of Veterans Regulation Numbered 1 (a) are each amended by inserting immediately after "deceased person who died" the following: "prior to January 1, 1957". 38 USC ch. 12A.

(2) The amendments made by this subsection shall not apply with respect to any death occurring on or after May 1, 1957, under the circumstances described in section 501 (a) (3) (B) of this Act. Nonapplicability.

(t) Section 121 (a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following: 26 USC 121.

"(18) Dependency and indemnity compensation paid to survivors of members of a uniformed service and certain other persons, see section 210 of the Servicemen's and Veterans' Survivor Benefits Act."

(u) (1) Subparagraph I (a) (3) of part I of Veterans Regulation Numbered 2 (a) is amended to read as follows: 38 USC ch. 12A.

"(3) Where a claim has been finally disallowed, a subsequent claim on the same factual basis, if supported by new and material evidence, shall have the attributes of a new claim, except that, whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence resulting from the correction of the military or naval records of the proper service department under section 207 of the Legislative Reorganization Act of 1946, the effective date of commencement of the benefit so awarded shall be the date on which an application was filed for correction of the military record." 60 Stat. 837. 5 USC 191a, 275.

(2) The amendments made by this subsection shall be effective as of August 2, 1946, except that no payment shall be made for any period before the date of enactment of this subsection unless application therefor is made within one year after the date of enactment of this subsection. Effective date.

REPEALS

SEC. 502. The following Acts or parts of Acts are repealed:

41 Stat. 367. (1) The Act of December 17, 1919 (10 U. S. C., sec. 903).

41 Stat. 824. (2) The second paragraph under "Bureau of Supplies and Accounts" in the Act of June 4, 1920 (34 U. S. C., sec. 943).

45 Stat. 249. (3) The Act of March 8, 1928 (10 U. S. C., sec. 903a).

46 Stat. 268. (4) The Act of May 12, 1930 (34 U. S. C., sec. 944).

53 Stat. 1042. (5) The Act of July 15, 1939 (5 U. S. C., secs. 797, 797a).

54 Stat. 762. (6) The Act of July 18, 1940 (5 U. S. C., sec. 798).

56 Stat. 8. (7) Section 9 of the Act of January 19, 1942 (33 U. S. C., sec. 870).

63 Stat. 534. (8) (A) Title 14, United States Code, section 489.

(B) The portion of the table of sections at the beginning of chapter 13 of title 14, United States Code, which reads "489. Death gratuity.".

65 Stat. 33. 38 USC 851 note. (9) The Servicemen's Indemnity Act of 1951.

TITLE VI—MISCELLANEOUS

APPLICATION FOR BENEFITS

SEC. 601. The Administrator and the Secretary of Health, Education, and Welfare shall jointly prescribe forms for use by survivors of members and former members of the uniformed services in filing applications for benefits under title II of this Act and under title II of the Social Security Act. Each such form shall request information sufficient to constitute an application for benefits under both such titles; and when an application on such form has been filed with either the Administrator or the Secretary it shall be deemed to be an application for benefits under both such titles. A copy of each such application filed with the Administrator, together with any additional information and supporting documents (or certifications thereof) which may have been received by the Administrator with such application, and which may be needed by the Secretary in connection therewith, shall be transmitted by the Administrator to the Secretary; and a copy of each such application filed with the Secretary, together with any additional information and supporting documents (or certifications thereof) which may have been received by the Secretary with such form, and which may be needed by the Administrator in connection therewith, shall be transmitted by the Secretary to the Administrator. The preceding sentence shall not prevent the Secretary and the Administrator from requesting the applicant, or any other individual, to furnish such additional information as may be necessary for purposes of title II of the Social Security Act and title II of this Act, respectively.

Ante, p. 862. 42 USC 401-421. *Ante*, p. 869 *et seq.*

RENEWAL OF TERM INSURANCE

SEC. 602. (a) Subsection (f) of section 602 of the National Service Life Insurance Act of 1940 (38 U. S. C., sec. 802) is amended by striking out "and which is not lapsed" in the first proviso, and by adding immediately after such proviso the following: "*Provided further*, That such renewal shall be effected in cases where the policy is lapsed only in the event the lapse occurred not earlier than two months prior to expiration of the term period, and reinstatement in such cases shall be under terms and conditions prescribed by the Administrator:".

67 Stat. 186.

Effective date. (b) The amendments made by subsection (a) shall be effective July 23, 1953.

EFFECTIVE DATES

SEC. 603. (a) Except as otherwise provided herein, this Act shall take effect on January 1, 1957.

(b) The amendment or repeal of any provision of law by this Act shall not operate to deprive any person of payments of the six-months' death gratuity or of any payments which such person would be eligible to receive, but for such amendment or repeal, by reason of the death or disability of any person occurring prior to January 1, 1957; nor shall the amendment or repeal of any such provision operate to deprive any person disabled prior to January 1, 1957, of any right or the continuation of benefits to which he would otherwise be entitled by reason of such disability except for such amendment or repeal.

Death or disability prior to Jan. 1, 1957.

Approved August 1, 1956.

Public Law 882 CHAPTER 838

JOINT RESOLUTION

August 1, 1956 [S. J. Res. 199]

To authorize an additional position of Assistant Director in the Bureau of the Budget.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established one additional position of Assistant Director in the Bureau of the Budget, for which the compensation shall be the same as is now or may hereafter be provided for the two such positions heretofore authorized by law (31 U. S. C. 16a).

Bureau of the Budget. Assistant Director.

67 Stat. 299.

Approved August 1, 1956.

Public Law 883 CHAPTER 839

AN ACT

August 1, 1956 [S. 3316]

Authorizing the Administrator of General Services to convey certain property which has been declared surplus to the needs of the United States to the city of Roseburg, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey, without consideration therefor, to the city of Roseburg, Oregon, all right, title, and interest of the United States in and to the following described properties, real and personal: the dwelling house located on lot 5, block 29, in the said city of Roseburg, Oregon, together with furniture, personal effects, and jewelry stored in said dwelling house or elsewhere which has been designated by said Administrator as "lot A personalty," all of said property being a part of the estate of Lillie Lela Moore devised to the United States by said Lillie Lela Moore under provisions of her will probated in 1940 which has since been declared surplus to the needs of the United States.

Roseburg, Oreg. Conveyance.

Such conveyance, in addition to being subject to such terms and conditions as may be considered by said Administrator to be necessary to protect the interest of the United States, shall be expressly conditioned upon an undertaking by the city of Roseburg, Oregon, that such dwelling house, together with said items of personal property, shall, within a reasonable period of time as determined by said Administrator, be transferred by the city of Roseburg to the Douglas County Historical Society and removed from said land without cost to the United States.

Transfer to Douglas County Historical Society.

Approved August 1, 1956.