

Calendar No. 1732

71ST CONGRESS }
3d Session }

SENATE

{ REPORT
No. 1668

RETIREMENT OF OFFICERS OF ARMY, NAVY, AND MARINE CORPS

FEBRUARY 17 (calendar day, FEBRUARY 19), 1931.—Ordered to be printed

Mr. WALSH of Massachusetts, from the Committee on Finance,
submitted the following

REPORT

[To accompany S. 4698]

The Committee on Finance, to whom was referred the bill (S. 4698) amending the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty, while in the service of the United States during the World War," approved May 24, 1928, having considered the same, report it back to the Senate with an amendment and recommend that the bill do pass.

On page 2, line 10, strike out the word "shall" and insert the word "may".

Following is a letter from the Administrator of Veterans' Affairs regarding the bill:

VETERANS' ADMINISTRATION,
Washington, November 10, 1930.

Hon. REED SMOOT,
Chairman Committee on Finance,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: Reference is made to your communication transmitting copy of S. 4698, "A bill amending the act entitled 'An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War,' approved May 24, 1928," which proposes to provide that the Director of the United States Veterans' Bureau shall make apportionment of retirement pay in all cases where the veteran is confined to a hospital or where, for any other reason, he and his wife are not living together or the children are not in his custody.

This bill is evidently designed to provide for apportionment of retirement pay on the same theory as that which governs the apportionment of disability compensation. Section 202 (12) of the World War veterans' act is in language almost

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identical with this bill except that some discretion is left in the director. Prior to the amendment of May 29, 1928, this apportionment was mandatory and although in the great majority of cases, the law as interpreted by the regulations was fair and just, occasionally there was a case where misconduct on the part of the wife was responsible for the separation, and the need became apparent for amending the law so that a compulsory division would not be necessary in all cases irrespective of the circumstances. Congress therefore made an amendment in the language to do away with compulsory apportionment in compensation cases where injustice to the veteran would result. It would, therefore, be my suggestion that in the event this amendment to the retirement act meets with the approval of the committee, the word "shall" in line 10, page 2, be changed to "may".

With respect to the proposal generally, you are advised that the bureau has always felt that the provision for apportionment, where the man is separated from his wife and children, was wise. There have, however, been many cases where veterans were transferred from the disability compensation rolls to the retirement rolls in which it was necessary to immediately discontinue the payments in favor of wives and children because no authority existed for the apportionment of retirement pay. Needless to say hardship resulted where the man was unwilling to make voluntary contribution for the support of his dependents. Every man has a duty to support his wife and children and although this duty, will ordinarily be enforced by the courts, any gratuity payable to him by the Government under the laws administered by the Veterans' Administration can not be touched by court order. The amendment would, of course, not result in any increased cost to the Government. The committee is advised that I am in favor of the enactment thereof.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Administrator.*

