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SENATE

(Report
(No. 1028

VALIDATING PAYMENTS TO RETIRED ENLISTED MEN

January 16 (calendar day, January 20), 1923.-----Ordered to be
printed.

Mr. WADSWORTH, from the Committee on Military Affairs, submitted the following

R E P O R T .

(To accompany S. 4315.)

The Committee on Military Affairs, to which was referred the bill (S. 4315) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill was introduced at the suggestion of representatives of the American Legion and the purpose of it is explained in the following memorandum presented by them:

The men affected by this bill are about 12 old-time noncommissioned officers, who have been retired as enlisted men for length of service. All these men are veterans of the Spanish-American War, the Philippine insurrection, and the World War; two at least are veterans of Indian wars. All served as officers during the World War and returned to their grades as retired enlisted men after the war was over. These bills do not call for any appropriation or expenditure of funds.

It is evident from a study of section 2 of the act of 1894 that Congress had no intention nor even had in mind including retired enlisted men in the provisions of the act, which provides that no person holding an office with the Government shall hold any other office with compensation over \$2,500. The Comptroller General has recently held that a retired enlisted man, as such, holds an office under the Government.

Due to their ability and fitness in administrative and financial matters, certain of these men have been pointed under congressional and civil service authority to offices of trust in the Veterans' Bureau, Department of Agriculture, and other departments, and have proved to be valuable men. Under the comptroller's decision they must now suffer a reduction in salary below many others doing similar or less important work.

It is surely not the intent of Congress or the public that these men who have spent the better part of their lives in the military service should now be discriminated against on account of being retired enlisted men. It is the intent of this bill to rectify this discrepancy and to place these men on equal footing for employment as other American citizens of equal ability.

A letter requesting the passage of this bill has been received from the Director of the Veterans' Bureau, Colonel Forbes, which is included in this report as follows:

United States Veterans' Bureau,
Washington, January 15, 1923.

Hon. James W. Wadsworth, Jr.,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

Dear Senator Wadsworth:

I desire to invite your attention to Senate bill 4315, introduced by you and which is now before your committee.

This bill allows retired enlisted men of the Army the same privileges of occupying a Government position or office as those enjoyed by the ordinary citizen. The bill has particular application to a limited number of former noncommissioned officers employed in this bureau. These men are all of exceptional ability and particularly capable of filling positions of importance in the United States Veterans' Bureau because of their experience gained through long service, and it does not seem just that they should be discriminated against because of their service to the country.

I sincerely hope you will find it possible to act favorably with regard to this bill at an early date, in order that the men who have so forcibly demonstrated their devotion to these United States may be treated equitably.

Very truly yours,

C. R. Forbes, Director

Your committee is convinced of the justice of this legislation and urges that it be acted upon by the Senate at an early date.