

AMENDING SECTION 200 OF PUBLIC LAW 844, SEVENTY-FOURTH CONGRESS, JUNE 29, 1936, TO PERMIT RECOGNITION OF OFFICERS AND ENLISTED MEN RETIRED FROM THE MILITARY AND NAVAL FORCES OF THE UNITED STATES AS REPRESENTATIVES OF CERTAIN ORGANIZATIONS IN THE PRESENTATION OF CLAIMS TO THE VETERANS' ADMINISTRATION

JULY 24 (legislative day, JULY 16), 1947.—Ordered to be printed

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

REPORT

[To accompany H. R. 3546]

The Committee on Finance, to whom was referred the bill (H. R. 3546) to amend section 200 of Public Law 844, Seventy-fourth Congress, June 29, 1936, to permit recognition of officers and enlisted men retired from the military and naval forces of the United States as representatives of certain organizations in the presentation of claims to the Veterans' Administration, having considered the same, report favorably thereon, without amendment, and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to permit retired officers and enlisted men of the Army, Navy, and Marine Corps to present claims under laws administered by the Veterans' Administration as accredited representatives of organizations.

The House report on this bill is as follows:

JUSTIFICATION FOR THE BILL

The purpose of the bill is to render sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes inapplicable to retired members of the military or naval forces of the United States in connection with their presentation of claims under laws administered by the Veterans' Administration pursuant to recognition as representatives under section 200 of Public, No. 844, Seventy-fourth Congress, approved June 29, 1936. The enumerated statutes which would be rendered inapplicable prohibit the prosecution of claims against the Government by Federal personnel. Section 200 further provides, among other things, that a representative shall not be recognized unless it is certified that no fee or compensation shall be charged veterans or their dependents for service rendered.

The bill, as amended, would permit retired members of the military or naval forces to present claims under laws administered by the Veterans' Administration, as accredited representatives of organizations. It is believed that section 200 of Public, No. 844, contemplates recognition of representatives who would devote a substantial portion of their time to veterans' affairs, including presentation of claims under laws administered by the Veterans' Administration. It appears clear that such retired personnel would meet this test. Thus it is considered that the proposed legislation should be confined to retired personnel who are not on active duty as specified in the committee amendment. This would be consistent with the act of October 8, 1940 (54 Stat. 1021, 18 U. S. C. 203), by which section 113 of the Criminal Code was made inapplicable, with certain exceptions not here material, to retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States while not on active duty.

The title of the bill, as introduced, refers to certain "ex-service" organizations. Section 200 of Public, No. 844, authorizes the recognition of representatives of the American National Red Cross, certain named ex-service organizations, and other organizations approved by the Administrator of Veterans' Affairs. Some of the approved organizations are not generally regarded as "ex-service" organizations. In view of this, the title of the bill, as amended, reflects more accurately the subject matter of the bill with the word "ex-service" eliminated.

The report of the Administrator of Veterans' Affairs on this bill is as follows:

VETERANS' ADMINISTRATION,
Washington 25, D. C., July 17, 1947.

Hon. EDITH NOURSE ROGERS,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington 25, D. C.

DEAR MRS. ROGERS: This has further reference to your letter of June 11, 1947, requesting a report from the Veterans' Administration relative to H. R. 3546, Eightieth Congress, a bill to amend section 200 of Public Law 844, Seventy-fourth Congress, June 29, 1936, to permit recognition of officers and enlisted men retired from the military and naval forces of the United States as representatives of certain ex-service organizations in the presentation of claims to the Veterans' Administration.

The purpose of the bill is to render sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes inapplicable to retired members of the military or naval forces of the United States in connection with their presentation or prosecution of claims under laws administered by the Veterans' Administration pursuant to recognition as representatives under section 200 of Public, No. 844, Seventy-fourth Congress, approved June 29, 1936. The enumerated statutes which would be rendered inapplicable prohibit the prosecution of claims against the Government by Federal personnel. The purpose would be accomplished by adding a paragraph to the mentioned section 200 by which section the Administrator of Veterans' Affairs is authorized to recognize representatives of certain named and other organizations in presentation of claims under statutes administered by the Veterans' Administration. The section further provides, among other things, that a representative shall not be recognized unless it is certified that no fee or compensation shall be charged veterans or their dependents for service rendered.

The bill would permit retired members of the military or naval forces to present claims under laws administered by the Veterans' Administration, as accredited representatives of organizations, while on active duty in the military or naval forces. It is believed that section 200 of Public, No. 844, supra, contemplates recognition of representatives who would devote a substantial portion of their time to veterans' affairs, including presentation of claims under laws administered by the Veterans' Administration. It appears clear that retired personnel who are on active duty would not meet this test. Thus it is considered that the proposed legislation should be confined to retired personnel who are not on active duty. This would be consistent with the act of October 8, 1940 (54 Stat. 1021; 18 U. S. C. 203), by which section 113 of the Criminal Code was made inapplicable, with certain exceptions not here material, to retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States while not on active duty.

There is an inconsistency between certain language in the bill and section 200 of Public, No. 844, supra, which it proposes to amend, in that the bill refers in line 6 to "presentation or prosecution" of a claim whereas section 200 is concerned with "presentation" of claims. It would appear that the proposed amendatory language should be consistent with the language employed in the basic section 200.

For like reason, the word "laws" in line 6 of the bill should be changed to "statutes."

In the light of the foregoing comments it is suggested, if the bill is to be further considered, that the proposed amendatory paragraph be revised to read substantially as follows:

"Retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C. 198 and 203) and section 190 of the Revised Statutes (5 U. S. C. 99) in the presentation of claims under statutes administered by the Veterans' Administration as accredited representatives of an organization specified in or recognized under this section."

The title of the bill refers to certain "ex-service" organizations. Section 200 of Public, No. 844, supra, authorizes the recognition of representatives of the American National Red Cross, certain named ex-service organizations, and other organizations approved by the Administrator of Veterans' Affairs. Some of the approved organizations are not generally regarded as "ex-service" organizations. In view of this, the title would reflect more accurately the subject matter of the bill if the word "ex-service" were eliminated.

The bill would affect retired personnel within the Army, Navy, Marine Corps, and Coast Guard and would therefore be of interest to the War, Navy, and Treasury Departments. Furthermore, those Departments administer certain laws which authorize the appearance as "counsel" of accredited representatives of veterans' organizations recognized pursuant to Public, No. 844, supra. (See secs. 301 and 302 of the Servicemen's Readjustment Act of 1944, as amended.) Accordingly, the committee will doubtless desire the views of the service departments on the proposed legislation.

With the modifications suggested above, the Veterans' Administration would interpose no objection to the favorable consideration of H. R. 3546.

There has been insufficient time to clear this report with the Bureau of the Budget. When advice is received from that Bureau as to the relationship of this bill to the program of the President, the committee will be advised.

Sincerely yours,

OMAR N. BRADLEY,
General, United States Army, Administrator.

RAMSEYER RULES

In accordance with the provisions of clause 2a, rule XIII, House of Representatives, the changes made in existing law by the bill are shown as follows (existing law proposed to be omitted is in black brackets; new matter is in italics; existing law in which no changes are proposed is shown in roman):

H. R. 3546, AS INTRODUCED

Section 200 of Public Law 844, Seventy-fourth Congress:

"SEC. 200. The Administrator of Veterans' Affairs is hereby authorized to recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans of the World War, the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, and such other organizations as he shall approve, in the presentation of claims under statutes administered by the Veterans' Administration. However, no such representative shall be recognized until a certificate has been filed in the Veterans' Administration, under such rules as the Administrator of Veterans' Affairs may prescribe, certifying that no fee or compensation of whatsoever nature shall be charged veterans or the dependents of veterans for service rendered. The rules prescribed by the Administrator of Veterans' Affairs shall contain a provision requiring in each claim the filing of a power of attorney in such manner and form as the Administrator of Veterans' Affairs may prescribe. The Administrator of Veterans' Affairs is further authorized in his discretion, under such regulations as he may prescribe, to recognize any person for the purpose of a particular claim under the conditions and limitations of this section.

"The presentation or prosecution of a claim under laws administered by the Veterans' Administration by an officer or enlisted man retired from the military or naval forces of the United States as a recognized representative of an organization specified in or approved under this section shall not be deemed a violation of the provision of Eighteenth United States Code, sections 198, 203; Fifth United States Code, section 99, or any other law."

H. R. 3546, AS REPORTED

For convenience of the Members, the changes made in existing law by the bill as reported by the committee are shown as follows (existing law proposed to be omitted is in black brackets; new matter is in italics; existing law in which no changes are proposed is shown in roman):

Section 200 of Public Law 844, Seventy-fourth Congress:

"SEC. 200. The Administrator of Veterans' Affairs is hereby authorized to recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans of the World War, the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, and such other organizations as he shall approve, in the presentation of claims under statutes administered by the Veterans' Administration. However, no such representative shall be recognized until a certificate has been filed in the Veterans' Administration, under such rules as the Administrator of Veterans' Affairs may prescribe, certifying that no fee or compensation of whatsoever nature shall be charged veterans or the dependents of veterans for service rendered. The rules prescribed by the Administrator of Veterans' Affairs shall contain a provision requiring in each claim the filing of a power of attorney in such manner and form as the Administrator of Veterans' Affairs may prescribe. The Administrator of Veterans' Affairs is further authorized in his discretion, under such regulations as he may prescribe, to recognize any person for the purpose of a particular claim under the conditions and limitations of this section.

"Retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C. 198 and 203) and section 190 of the Revised Statutes (5 U. S. C. 99) in the presentation of claims under statutes administered by the Veterans' Administration as accredited representatives of an organization specified in or recognized under this section."

The committee is in accord with the purposes of the bill and recommends its enactment.

