

# Calendar No. 1720

71st CONGRESS }  
3d Session }

SENATE

{ REPORT  
{ No. 1654

## RETIREMENT PAY OF ADMINISTRATOR OF VETERANS' AFFAIRS

FEBRUARY 17 (calendar day, FEBRUARY 18), 1931.—Ordered to be printed

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

### REPORT

[To accompany S. 6191]

The Committee on Finance, to which was referred the bill (S. 6191) allowing the Administrator of Veterans' Affairs, on the relinquishment of his present office in good standing, to receive 50 per cent of the salary for the office as now authorized by law, having considered the same, reports favorably thereon with the recommendation that it do pass.

There is attached hereto and made a part of this report a letter from the Secretary of War to the chairman of the Senate Committee on Military Affairs, reporting on a bill (S. 5936) which proposes to retire the present Administrator of Veterans' Affairs, Frank T. Hines, as a major general, United States Army. Although the Secretary of War does not recommend passage of the above-mentioned bill, (S. 5936), he does suggest a bill in the form in which S. 6191 has been drawn.

The War Department report above mentioned reads as follows:

WAR DEPARTMENT,  
Washington, February 12, 1931.

HON. DAVID A. REED,  
Chairman Committee on Military Affairs,  
United States Senate.

DEAR SENATOR REED: Careful consideration has been given to the bill (S. 5936, 71st Cong., 3d sess.) for the relief of Frank T. Hines, transmitted by indorsement from your office under date of January 31, 1931, with request for the views of the War Department relative to this measure.

The proposed legislation would authorize the President to appoint Frank T. Hines a major general in the Army of the United States and immediately thereafter place him on the retired list of the Army with the rank, pay, and allowances of that grade. It further provides that during the period that he is occupying civil office under the Federal Government as Administrator of Veterans' Affairs, or otherwise, he shall not be entitled to other pay or compensation than the salary attached to such civil office. It is noted that the customary phrase "By and with the advice and consent of the Senate" is omitted.

A brief history of the military service of the beneficiary is as follows: Sergeant and first sergeant, Battery B, Utah Light Artillery, May 9, 1898, to March 22, 1899; second lieutenant, Utah Light Artillery, March 23, 1899; honorably mustered out, August 16, 1899; second lieutenant, Artillery Corps, Regular Army, with rank from July 1, 1901; accepted, September 20, 1901; first lieutenant, December 17, 1904; captain, Coast Artillery Corps, December 4, 1908; detailed in Quartermaster Corps, March 11, 1912, to June 30, 1914; major (temporary), August 5, 1917; lieutenant-colonel, National Army, February 11, 1918; accepted, February 12, 1918; colonel, National Army, March 22, 1918; accepted, March 22, 1918; brigadier general, National Army, April 18, 1918; accepted, April 30, 1918; discharged as brigadier general, only, January 6, 1920; brigadier general, Regular Army, January 7, 1920; accepted, January 12, 1920; resigned, August 31, 1920. Appointed brigadier general, Officers' Reserve Corps, September 7, 1920; accepted, October 11, 1920; reappointed, September 7, 1925; accepted, September 7, 1925; reappointed, September 7, 1930; accepted, September 7, 1930.

There is no provision of existing law pertinent to this case. The status of the beneficiary as a brigadier general in the Officers' Reserve Corps, not on active duty, is that of a civilian.

The enactment of the proposed legislation would result in placing on the Regular Army retired list a former brigadier general of the Regular Army, who voluntarily resigned after approximately 19 years' commissioned service. The War Department has consistently opposed special legislation of this character, maintaining that the Regular Army retired list was established for the benefit of officers on the active list of the Regular Army only. General Hines's resignation in 1920 completely severed his connection with the Regular Military Establishment, and it is considered that he surrendered all rights to retirement at that time.

Accordingly, the War Department recommends that S. 5936 be not favorably considered by your committee, and be not enacted into law.

If the Congress desires to give General Hines a retired pay status, it is suggested that it might be accomplished by enacting legislation as follows:

"That when the Administrator of Veterans' Affairs, appointed to hold his office during good behavior, has, or shall have, completed at least thirty years of Government service in any or all of the capacities of Administrator of Veterans' Affairs, Director of the United States Veterans' Bureau, officer or enlisted man in the Regular Army, Navy, or Marine Corps, at least ten years of which service shall have been in the capacity of Administrator of Veterans' Affairs or as Director of the Veterans' Bureau or both, he shall, upon the relinquishment of his present office in good standing, thereafter during the residue of his natural life, receive fifty per cent of the salary which is now authorized by law for the office of Administrator of Veterans' Affairs."

The enactment of such legislation would furnish a generous reward for General Hines, his retired pay would equal that of a retired major general of the Army, and his reward would come from the Veterans' Administration, wherein it has been earned.

Sincerely yours,

PATRICK J. HURLEY, *Secretary of War.*

