H.R. 2820, a bill "To maintain the credit of the United States Government." Source: Everett M. Dirksen Papers, Scrapbooks, 1933, f. 1.

73rd CONGRESS
1st Session
H. R. 2820

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1933

Mr. McDuffee introduced the following bill; which was referred to the Committee on Economy and ordered to be printed

A BILL

To maintain the credit of the United States Government.

1 Be it enacted by the Senate and House of Represen-

2 tatives of the United States of America in Congress assembled,

3 TITLE I

4 VETERANS

5 SECTION 1. That subject to such requirements and

6 limitations as shall be contained in regulations to be issued

7 by the President, and within the limits of appropriations

8 made by Congress, the following classes of persons may

9 be paid a pension:

10 (a) Any person who served in the active military or

11 naval service and who is disabled as a result of disease or
injury or aggravation of a preexisting disease or injury incurred in line of duty in such service.

(b) Any person who served in the active military or naval service during any war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection and who is permanently disabled as a result of wound or disease.

c) The widow, child, or children, dependent mother or father, of any person who dies as a result of disease or injury incurred or aggravated in line of duty in the active military or naval service.

d) The widow and/or child of any deceased person who served during any war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection and prior to the World War.

e) For the purpose of subparagraph (b) of this section, the World War shall be deemed to have ended November 11, 1918.

Sec. 2: The minimum and maximum monthly rate of pension which may be paid for disability or death shall be as follows: For disability, from $6 to $275; for death from $12 to $75.

Sec. 3: For each class of persons specified in subparagraphs (a) and (b) of section 1 of this title the president is hereby authorized to prescribe by regulation...
the minimum degrees of disability and such higher degrees of disability, if any, as in his judgment should be recognized and prescribe the rate of pension payable for each such degree of disability. In fixing rates of pensions for disability or death the President shall prescribe by regulation such differentiation as he may deem just and equitable, in the rates to be paid to veterans of different wars and/or their dependents and to be paid for

(a) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in war-time service;

(b) Disabilities and deaths resulting from disease or injury incurred or aggravated in line of duty in peace-time service;

(c) Disabilities and deaths not incurred in service.

Sec. 4. The President shall prescribe by regulation (subject to the provisions of section 1 (e) of this title) the date of the beginning and of the termination of the period in each war subsequent to the Civil War, including the Boxer Rebellion and the Philippine Insurrection, service within which shall for the purposes of this Act be deemed war-time service. The President shall further prescribe by regulation the required number of days of war or peace-time service for each class of veterans, the time limit on filing of claims for each class of veterans and their depend-
ents, the nature and extent of proofs and presumptions for such different classes, and any other requirements as to entitlement as he shall deem equitable and just. The President in establishing conditions precedent may prescribe different requirements or conditions for the veterans of different wars and their dependents and may further subdivide the classes of persons as outlined in section 1 of this title and apply different requirements or conditions to such subdivisions.

Sec. 5. All decisions rendered by the Administrator of Veterans’ Affairs under the provisions of this title, or the regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by mandamus or otherwise any such decision.

Sec. 6. In addition to the pensions provided in this title, the Administrator of Veterans’ Affairs is hereby authorized under such limitations as may be prescribed by the President, and within the limits of existing Veterans’ Administration facilities, to furnish to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities and medical and hospital treatment for diseases or injuries incurred or aggravated in line of duty in the active military or naval service.
SEC. 7. The Administrator of Veterans' Affairs subject to the general direction of the President and in accordance with regulations to be issued by the President shall administer, execute, and enforce the provisions of this title and for such purpose shall have the same authority and powers as are provided in Sections 425, 430, 431, 432, 433, 434, 440, 442, 443, 444, 447, 450, 451, 453, 455, 457, 458, 459, 459a, 459c, 459d, 459e, 459f, Title 38, U. S. C., and such other Sections of Title 38, U. S. C., as relate to the administration of the laws granting pensions.

SEC. 8. The Administrator of Veterans' Affairs is hereby authorized in carrying out the provisions of Title 1 of this Act or any other pension Act to delegate authority to render decisions to such person or persons as he may find necessary. Within the limitations of such delegations, any decisions rendered by such person or persons shall have the same force and effect as though rendered by the Administrator of Veterans' Affairs. The President shall personally approve all regulations issued under the provisions of this title.

SEC. 9. Claims for benefits under this title shall be filed with the Veterans' Administration under such regulations, including provisions for hearing, determination, and administrative review, as the President may approve, and
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1. Payments shall not be made for any period prior to date of
application. When a claim shall be finally disallowed under
this title and the regulations issued thereunder, it may not
thereafter be reopened or allowed.

Sec. 10. Notwithstanding the provisions of section 2
of this title, any person who served as an officer of the Army,
Navy, or Marine Corps of the United States during the
World War, other than as an officer of the Regular Army,
Navy, or Marine Corps, who made valid application for
retirement under the provisions of Public No. 506, Sev-
etieth Congress, enacted May 24, 1928, sections 581 and
582, Title 38, United States Code, and who prior to the
passage of this Act has been granted retirement with pay,
shall be entitled to continue to receive retirement pay at
the monthly rate now being paid him if the disability for
which he has been retired resulted from disease or injury or
aggravation of a preexisting disease or injury incurred in
line of duty between April 6, 1917, and November 11,
1918: Provided, That the disease or injury or aggravation
of the disease or injury directly resulted from the perform-
ance of military or naval duty, and that such person other-
wise meets the requirements of the regulations which may
be issued under the provisions of this Act.

Sec. 11. All offenses committed and all penalties or
forfeiture incurred under the acts repealed by section 17 of
this title may be prosecuted and punished in the same
manner and with the same effect as if said repeal had not
been made and any person who forfeited rights to benefits
under any such acts shall not be entitled to any benefits
under this title.

Sec. 12. That whoever in any claim for benefits under
this title or by regulations issued pursuant to this title,
makes any sworn statement of a material fact knowing it to
be false, shall be guilty of perjury and shall be punished by
a fine of not more than $5,000 or by imprisonment for not
more than two years, or both.

Sec. 13. That if any person entitled to payment of
pension under this title, whose right to such payment under
this title or under any regulation issued under this title,
ceases upon the happening of any contingency, thereafter
fraudulently accepts any such payment, he shall be punished
by a fine of not more than $2,000 or by imprisonment for
not more than one year, or both.

Sec. 14. That whoever shall obtain or receive any
money, check, or pension under this title, or regulations
issued under this title, without being entitled to the same,
and with intent to defraud the United States or any bene-

ficiary of the United States, shall be punished by a fine of
not more than $2,000, or by imprisonment for not more than
one year, or both.
SEC. 15. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any claim for benefits under this title, shall forfeit all rights, claims, and benefits under this title, and, in addition to any and all other penalties imposed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or both.

SEC. 16. Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the provisions of this title, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust, or convert the same to his own use, shall be punished by a fine not exceeding $2,000 or imprisonment at hard labor for a term not exceeding five years, or both.

SEC. 17. All public laws granting medical or hospital treatment, domiciliary care, compensation, pension disability allowance, or retirement pay to veterans of the Spanish-
1 American War, including the Boxer Rebellion and the
2 Philippine Insurrection, the World War, or to former mem-
3 bers of the military or naval service for injury or disease
4 incurred or aggravated in the line of duty in the military
5 or naval service except so far as they relate to persons who
6 served prior to the Spanish-American War, and the retire-
7 ment of officers and enlisted men of the regular Army, Navy,
8 or Marine Corps, are hereby repealed, and all laws granting
9 or pertaining to yearly renewable term insurance are hereby
10 repealed, but payments in accordance with such laws shall
11 continue to the first day of the third calendar month fol-
12 lowing the month during which this Act is enacted. The
13 Administrator of Veterans’ Affairs under the general direc-
14 tion of the President shall immediately cause to be reviewed
15 all allowed claims under the above referred to laws and
16 where a person is found entitled under this Act, authorize
17 payment or allowance of benefits in accordance with the
18 provisions of this Act commencing with the first day of
19 the fourth calendar month following the month during which
20 this Act is enacted and notwithstanding the provisions of
21 Section 9 of this Act, no further claim in such cases shall
22 be required: Provided, That nothing contained in this sec-
23 tion shall interfere with payments heretofore made or here-
24 after to be made under contracts of yearly renewable term
25 insurance which have matured prior to the date of
enactment of this Act and under which payments have been
commenced.

Sec. 18. For the fiscal year ending June 30, 1934,
pension, and/or any other monetary gratuity payable to
former members of the military or naval service in wars
prior to the Spanish-American War for service, age, disease,
or injury, except retired pay of officers and enlisted men of
the Regular Army, Navy, or Marine Corps shall be reduced
by 10 per centum of the amount payable.

TITLE II
OFFICERS AND EMPLOYEES

Sec. 1. When used in this title—

(a) The terms "officer" and "employee" mean any
person rendering services in or under any branch or serv-
ice of the United States Government or the government
of the District of Columbia, but do not include (1) officers
whose compensation may not, under the Constitution, be
diminished during their continuance in office; (2) the Vice
President, Senators, Representatives in Congress, Delegates,
and Resident Commissioners; (3) officers and employees
on the rolls of the Senate and House of Representatives;
(4) any person in respect of any office, position, or em-
ployment the amount of compensation of which is expressly
fixed by international agreement; and (5) any person in
respect of any office, position, or employment the compen-
sation of which is paid under the terms of any contract
in effect on the date of the enactment of this Title, if such
compensation may not lawfully be reduced.

(b) The term "compensation" means any salary,
pay, wage, allowance (except allowances for travel), or
other emolument paid for services rendered in any civilian
or noncivillian office, position, or employment; and includes
the retired pay of judges (except judges whose compen-
sation, prior to retirement or resignation, could not, under
the Constitution, have been diminished), and the retired
pay of all commissioned and other personnel of the Coast
and Geodetic Survey, the Lighthouse Service, and the
Public Health Service, and the retired pay of all com-
missoned and other personnel of the Army, Navy, Marine
Corps, and Coast Guard; but does not include payments
out of any retirement, disability, or relief fund made up
wholly or in part of contributions or employees.

Sec. 2. For that portion of the fiscal year 1933 be-
inning with the first day of the calendar month following
the month during which this Act is enacted, and for fiscal
year ending June 30, 1934, the compensation of every
officer or employee shall be determined as follows:

(a) The compensation which such officer or employee
would receive under the provisions of any existing law,
shall first be determined as though this title (except section 4) had not been enacted.

(b) The compensation as determined under subpara-

graph (a) of this section shall be reduced by the percentage,

if any, determined in accordance with section 3 of this

title.

SEC. 3. (a) The President is authorized to investi-

gate the facts relating to the cost of living in the United

States during the six months period ending June 30, 1928,

to be known as the base period, and upon the basis of

such facts and the application thereto of such principles

as he may find proper, determine an index figure of the

cost of living during such period. The President is further

authorized to make a similar investigation and determination

of an index figure of the cost of living during the six months

period ending December 31, 1932, and each six months

period thereafter.

(b) The President shall announce by Executive order

the index figure for the base period and for each subsequent

period determined by him under paragraph (a) of this

section. The percentage, if any, by which the cost of

living index for any six months' period, as provided in para-

graph (a) of this section, is lower than such index for the

base period, shall be the percentage of reduction applicable
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1. under section 3 (b) of this title in determining compensation
2. to be paid during the following six months' period, or such
3. portion thereof during which this title is in effect: Provided,
4. That such percentage of reduction shall not exceed 15
5. per centum.
6. Sec. 4. (a) Section 4 of An Act Making Appropriations for the Treasury and Post Office Departments for the
7. fiscal year ending June 30, 1934, and for other purposes,
8. approved March 3, 1933, is hereby amended to read as
9. follows:
10. "Sec. 4. (a) The provisions of the following sections
11. of Part II of the Legislative Appropriation Act, fiscal year
12. 1933, are hereby continued in full force and effect during the
13. fiscal year ending June 30, 1934, namely sections 105
14. (except subsections (d) and (e) thereof), 107 (except
15. paragraph (5) of subsection (a) thereof and subsection (b)
16. thereof), 201, 203, 206 (except subsection (a) thereof),
17. 211, 214, 216, 304, 315, 317, 318, and 323, and for the
18. purpose of continuing such sections, in the application of such
19. sections with respect to the fiscal year ending June 30, 1934,
20. the figures '1933' shall be read as '1934'; the figures
21. '1934' as '1935'; and the figures '1935' as '1936'; and,
22. in the case of section 203, the figures '1932' shall be read
23. as '1933'; except that in the application of such sections
with respect to the fiscal year ending June 30, 1934 (but not with respect to the fiscal year ending June 30, 1933), the following amendments shall apply:

“(1) Section 216 is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: ‘Provided further, That no employee under the classified civil service shall be furloughed under the provisions of this section for a total of more than 90 days during the fiscal year 1934, except after full and complete compliance with all the provisions of the civil-service laws and regulations relating to reductions in personnel.’

“(2) Section 317 is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: ‘Provided further, That no part of any appropriation for “public works”, nor any part of any allotment or portion available for “public works” under any appropriation, shall be transferred pursuant to the authority of this section to any appropriation for expenditure for personnel unless such personnel is required upon or in connection with “public works.” “Public works” as used in this section shall comprise all projects falling in the general classes enumerated in Budget Statement No. 9, pages A177 to A182, inclusive, of the Budget for the fiscal year 1934, and shall also include the procurement of new airplanes and the construction of vessels under appropriations for “In-
crease of the Navy.” The interpretation by the Director of the Bureau of the Budget, or by the President in the cases of the War Department and the Navy Department, of “public works” as defined and designated herein shall be conclusive.

(b) All Acts or parts of Acts inconsistent or in conflict with the provisions of such sections as amended, are hereby suspended during the period in which such sections, as amended, are in effect.

(c) No court of the United States shall have jurisdiction of any suit against the United States or (unless brought by the United States) against any officer, agency, or instrumentality of the United States arising out of the application as provided in this section, of such sections 105, 107, 109, or 112, as amended, unless such suit involves the Constitution of the United States.

(d) The appropriations or portions of appropriations unexpended by reason of the operation of the amendments made in subsection (a) of this section shall not be used for any purpose, but shall be impounded and returned to the Treasury.

(e) Each permanent specific annual appropriation available during the fiscal year ending June 30, 1934, is hereby reduced for that fiscal year by such estimated amount as the Director of the Bureau of the Budget may determine.
will be equivalent to the savings that will be effected in such appropriation by reason of the application of this section and section 7.”

(b) Section 5 of the Treasury and Post Office Appropriation Act, fiscal year 1934, is hereby repealed.

(c) Section 6 of the said Treasury and Post Office Appropriation Act, fiscal year 1934, is amended to read as follows:

“Sec. 6. Sections 215 of the Legislative Appropriation Act, fiscal year 1933, shall be held applicable to the officers and employees of the Panama Canal and Panama Railroad Company on the Isthmus of Panama, and to officers and employees of the United States (including enlisted personnel) holding official station outside the continental United States, only to the extent of depriving each of them of one month’s leave of absence with pay during each of the fiscal years ending June 30, 1933, and June 30, 1934.”

(d) The following sections of Part II of the Legislative Appropriation Act, fiscal year 1933, are hereby repealed effective on the first day of the calendar month following the month in which this Act is enacted; namely, sections 101, 102, 103, 104, 105 (except subsections (a), (b), and (c) thereof), 106, 107 (except paragraphs (1), (2), (3), and (4) of subsection (a) thereof), and 108.
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Title II

Sec. 7. In any case in which the application of the provisions of this title to any person would result in a diminution of compensation prohibited by the Constitution, the Secretary of the Treasury is authorized to accept from such person, and to cover into the Treasury as miscellaneous receipts, remittance of such part of the compensation of such person as would not be paid to him if such diminution of compensation were not prohibited.

Sec. 8. The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose, but shall be impounded and returned to the Treasury.

Sec. 9. No court of the United States shall have jurisdiction of any suit against the United States or (unless brought by the United States) against any officer, agency, or instrumentality of the United States arising out of the application of any provision of this title, unless such suit involves the Constitution of the United States.

Title III

Amendments to Legislative Appropriation Act, Fiscal Year, 1933

Section 1. Sections 407 and 409 of Title IV of Part II of the legislative appropriation act, fiscal year 1933, as amended by Section 17 of the treasury and post office ap-
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1. appropriation act, approved March 3, 1933, are amended to
2. read as follows:
3. "Sec. 407. Whenever the President makes an Executive
4. order under the provisions of this title, such Executive
5. order shall be submitted to the Congress while in session and
6. shall not become effective until after the expiration of sixty
7. calendar days after such transmission, unless Congress shall
8. by law provide for an earlier effective date of such Executive
9. order or orders.
10. "Sec. 409. No Executive order issued by the President
11. in pursuance of the provisions of section 403 of this
12. title shall become effective unless transmitted to the Congress
13. within two years from the date of the enactment of this Act."