

# Calendar No. 158

69TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 156 }

## FOR THE RELIEF OF MEMBERS OF THE BAND OF THE UNITED STATES MARINE CORPS

FEBRUARY 1 (calendar day, FEBRUARY 10), 1926.—Ordered to be printed

Mr. COPELAND, from the Committee on Naval Affairs, submitted  
the following

### REPORT

[To accompany S. 2058]

The Committee on Naval Affairs, to which was referred the bill (S. 2058) for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The letter of the Secretary of the Navy, with reference to this bill, is as follows:

NAVY DEPARTMENT,  
Washington, January 16, 1926.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,  
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying further to the committee's communication of January 5, 1926, forwarding bill (S. 2058) for the relief of members of the band of the United States Marine Corps who were retired prior to June 30, 1922, and for the relief of members transferred to the Fleet Marine Corps Reserve, and requesting the views of the Navy Department relative to this measure, I have the honor to inform you as follows:

The purpose of this proposed legislation is to grant to members of the band of the United States Marine Corps, including those former members transferred to the Fleet Marine Corps Reserve who were retired prior to June 30, 1922, the right to have their retired or reserve pay, as the case may be, computed on the rates of pay provided for members of such band in section 11 of the act of Congress approved March 4, 1925 (43 Stat. 1274).

In consideration of the fact that the class of enlisted men affected by this proposed legislation are the only enlisted men in the Army, Navy, or Marine Corps who have not been allowed the benefits on the retired list of increased pay authorized by the joint service pay act of June 10, 1922 (42 Stat. 625), the department believes, as a matter of equity and justice, that these men are entitled to the benefits of this proposed legislation, and it is accordingly recommended that the bill S. 2058 be enacted.

Sincerely yours,

CURTIS D. WILBUR,  
Secretary of the Navy.

Section 11 of the act of March 4, 1925, substantially restored the rates of pay for the Marine Band which were in effect on and prior to June 30, 1922, the date the so-called pay bill became effective, and which had been reduced by a decision of the Comptroller General in July, 1922. It also made the pay benefits retroactive to July 1, 1922, and also applicable in computing the pay of former members of the band now on the retired list and who have been retired since June 30, 1922.

The Comptroller General has ruled (May 13, 1925) that the law, section 11, does not include those members of the band retired or retiring and entering the reserve prior to July 1, 1922. He does rule that the law is applicable to all members of the band retired or placed on the reserve list after June 30, 1922.

This bill will grant to such members of the Marine Band the right to have their retired or reserve pay computed on the rates of pay provided for the members of such band in section 11 of the act of March 4, 1925.

In view of the fact that all other retired enlisted men of the Army, Navy, Marine Corps, and Coast Guard who were retired prior to July 1, 1922, are entitled to have their retired pay computed on the new rates provided in the act of July 1, 1922, the committee feels that in justice and equity these 28 former members of the Marine Band are entitled to the same benefits as proposed by this bill.