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ALLOTMENT AND ADVANCEMENT OF PAY TO
CIVILIAN EMPLOYEES OF THE UNITED STATES
IN EMERGENCY EVACUATIONS

GOVERNMENT

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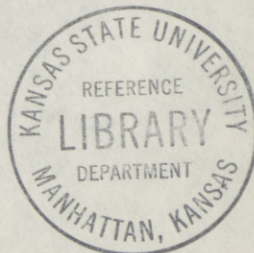
HEARING
BEFORE THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON

H.R. 2464 and H.R. 2555

BILLS TO PROVIDE FOR ALLOTMENT AND ADVANCEMENT OF
PAY WITH RESPECT TO CIVILIAN EMPLOYEES OF THE UNITED
STATES IN CASES OF EMERGENCY EVACUATIONS IN OVERSEA
AREAS, AND FOR OTHER PURPOSES

APRIL 13, 1961

Printed for the use of the Committee on Post Office and Civil Service



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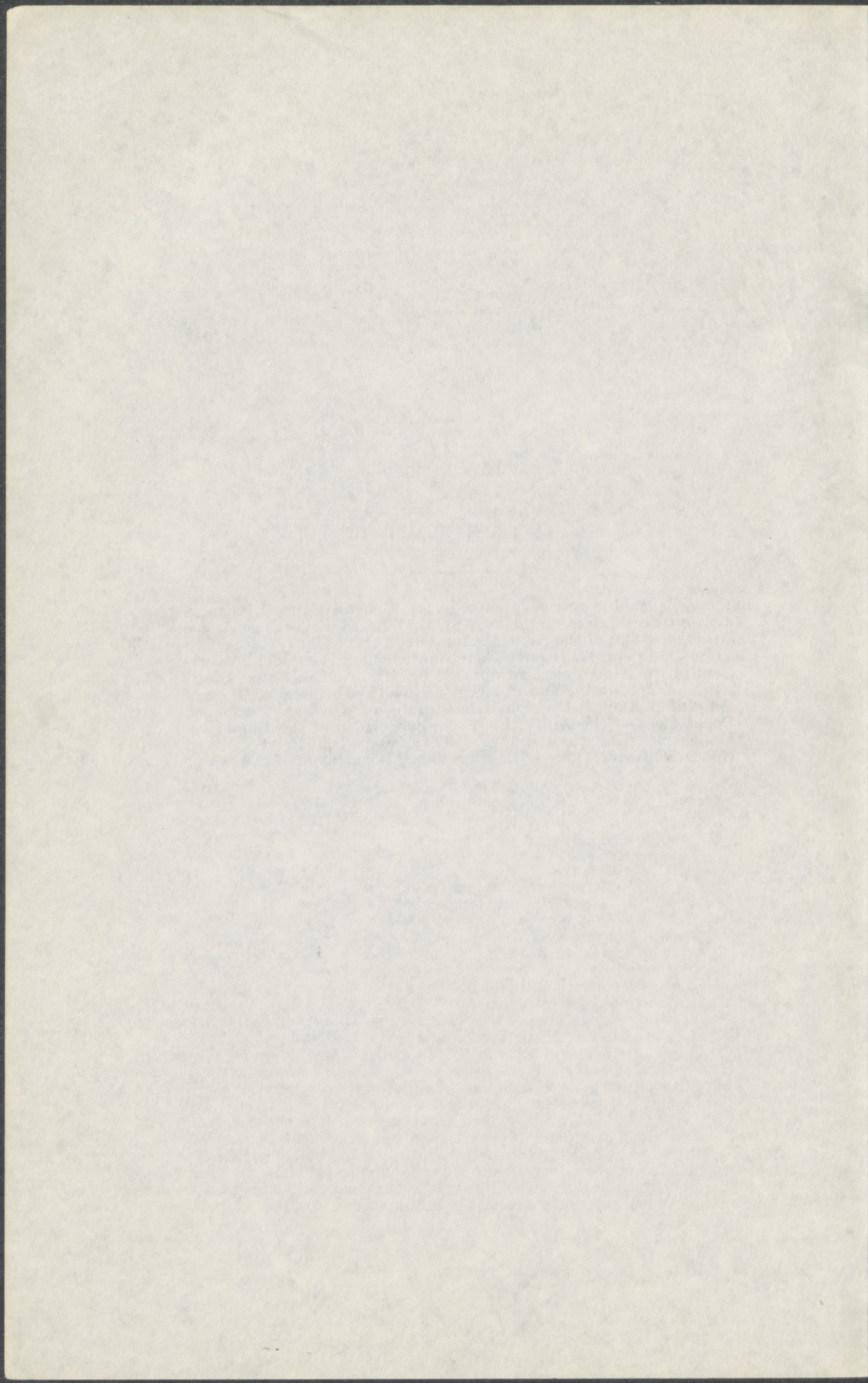
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ALLOTMENT AND ADVANCEMENT OF PAY TO CIVILIAN EMPLOYEES OF THE UNITED STATES IN EMERGENCY EVACUATIONS

THURSDAY, APRIL 13, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 215, House Office Building, Hon. James H. Morrison, presiding.

Mr. MORRISON. The meeting will come to order.

We will take testimony on H.R. 2555 and 2464. This subcommittee was appointed to consider these bills, which were introduced by Mr. Murray, chairman of the House Post Office and Civil Service Committee, and Mr. Corbett, ranking minority member, as a result of an official recommendation of the Department of Defense. (See p. 7.)

(H.R. 2555, identical with H.R. 2464, follows:)

[H.R. 2555, 87th Cong., 1st sess.]

A BILL To provide for allotment and advancement of pay with respect to civilian employees of the United States in cases of emergency evacuations in oversea areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act, the term—

(1) "department" means—

(A) each executive department of the Government of the United States;

(B) each agency or independent establishment in the executive branch of such Government;

(C) each corporation wholly owned or controlled by such Government; and

(D) the General Accounting Office.

(2) "employee" means an individual—

(A)(i) who is a citizen of, or owes permanent allegiance to, the United States of America; and

(ii) who is assigned to duty at post outside the United States, or at such other place as the President may designate; or

(B)(i) who is not a citizen of, or does not owe permanent allegiance to, the United States of America;

(ii) who is assigned to duty at a post outside the United States, or at such other place as the President may designate; and

(iii) who was recruited, under an agreement providing for the return transportation of such employee to the country from which he was recruited, for such employment outside of the country in which such employment is performed.

(3) "United States", when used in a geographical sense, means the several States of the United States of America and the District of Columbia.

SEC. 2. Subject to regulations to be prescribed by or under authority of the President, the head of each department is authorized to provide, with respect to each employee under the jurisdiction of such department head, for the allotment by such employee of amounts out of his compensation for the support of his

dependents or for any other purpose deemed appropriate by such department head, if the evacuation of such employee or his dependents from a place outside the United States, or such other place as the President may designate, is ordered for military reasons or to protect the health or safety of such employee or dependents.

SEC. 3. (a) Subject to regulations to be prescribed by or under authority of the President, the head of each department is authorized—

(1) to provide for the payment, in advance, of compensation, allowances, and differentials, covering a period of not more than thirty days, to any employee under his jurisdiction, if the evacuation of such employee or his dependents from a place outside the United States, or such other place as the President may designate, is ordered for any reason specified in section 2 of this Act, such payment to be at the rate to which such employee was entitled immediately prior to evacuation, and

(2) to provide for the payment, at such rate, until such time as such payment is terminated by such department head, of compensation, allowances, and differentials to any such employee so evacuated who is prevented, by circumstances beyond his control and beyond the control of the Government of the United States, from performing the duties of the position which he held immediately prior to such evacuation.

(b) Any advance of funds under subparagraph (1) of subsection (a) of this section shall be recoverable by the Government of the United States from such employee or his estate—

(1) by setoff against accrued salary, pay, compensation, amount of retirement credit, or other amount due such employee from the Government of the United States, and

(2) by such other method as may be provided by law for the recovery of amounts owing to such Government.

The head of the department concerned is authorized, in accordance with regulations prescribed by or under authority of the President, to waive in whole or in part any right of recovery under this subsection, if it is shown that such recovery would be against equity and good conscience or against the public interest.

SEC. 4. The employment status of an employee (including, but not limited to, his insurance, leave, retirement, and other employment benefits) shall not be affected by the operation of this Act or by any evacuation effected for any reason specified in section 2 of this Act.

Mr. MORRISON. The general purpose of these proposals is to grant the President of the United States permissive authority to provide for the payment of compensation or allowances for Federal civilian personnel in the event an emergency evacuation is ordered for military reason or for protection of the employees or their dependents.

The original proposal on this subject was submitted by the Department of Defense in February 1959. The significance attached to the problem has prompted the Department of Defense, with the concurrence of the General Accounting Office, to establish procedures providing for such payments in the event of an emergency evacuation, pending congressional consideration of authorizing legislation. The proposals now before our subcommittee would provide such authorization.

Because of the very complex problems involved, there have been numerous staff conferences during the past 2 years in an attempt to find the best possible legislative authorization. As a matter of fact, the proposal submitted this year by the Department of Defense is a redraft of the original 1959 proposal. The matter has been reviewed again with representatives of the Department of the Air Force, the Civil Service Commission, and the General Accounting Office, and it was felt that certain additional technical changes were necessary. A new draft, which was printed as a committee print, was prepared after this review.

The new language in the committee print of April 6, 1961, will be inserted in the record at this point.

(The new language follows:)

That, for the purposes of this Act, the term—

(1) "department" means—

(A) each executive department of the Government of the United States of America;

(B) each agency or independent establishment in the executive branch of such Government;

(C) each corporation wholly owned or controlled by such Government; and

(D) the General Accounting Office.

(2) "United States", when used in a geographical sense, means the several States of the United States of America and the District of Columbia.

SEC. 2. (a) Subject to regulations prescribed by or under authority of the President, the head of each department is authorized to provide for the payment, in advance, of compensation, allowances, and differentials, or any of them, covering a period of not more than thirty days, to or for the account of each employee of such department (or, under emergency circumstances and on a reimbursable basis, an employee of any other department) whose evacuation (or that of his dependents or immediate family, as applicable) from a place within or outside the United States is ordered for military reasons or for the protection of the health or safety of such employee or of such dependents or immediate family.

(b) Subject to adjustment of the account of such employee in accordance with section 4 of this Act and other applicable law, such advance payment of compensation, allowances, and differentials shall be at rates then currently authorized with respect to such employee, on the date such advance payment is made, under procedures of such department governing advance payments under this subsection; but such rates so authorized shall not exceed the rates to which such employee was entitled immediately prior to the issuance of such order of evacuation.

(c) An advance of funds under subsection (a) of this section shall be recoverable by the Government of the United States from such employee of his estate—

(1) by setoff against accrued compensation, amount of retirement credit, or other amount due such employee from the Government of the United States, and

(2) by such other method as may be provided by law.

(d) The head of the department concerned is authorized, in accordance with regulations prescribed by or under authority of the President, to waive in whole or in part any right of recovery of an advance of funds under subsection (a) of this section, if it is shown that such recovery would be against equity and good conscience or against the public interest.

SEC. 3. (a) Subject to regulations prescribed by or under authority of the President, the head of each department is authorized—

(1) to provide for the payment of monetary amounts, covering a period of not more than six months, to or for the account of each employee of such department (or, under emergency circumstances and on a reimbursable basis, an employee of any other department)—

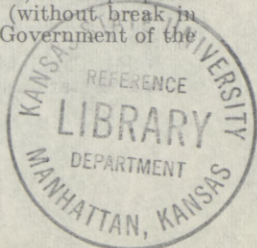
(A) whose evacuation from a place within or outside the United States is ordered for military reasons or for the protection of the health or safety of the employee, and

(B) who is prevented, by circumstances beyond his control and beyond the control of the Government of the United States, from performing the duties of the position which he held immediately prior to the issuance of such order of evacuation; and

(2) to provide for the termination of payment of such amounts.

(b) Subject to adjustment of the account of such employee in accordance with section 4 of this Act and other applicable law, each payment under this section shall be at rates of compensation, allowances, and differentials, or any of them, then currently authorized with respect to such employee, on the date such payment is made, under procedures of such department governing payments under this section; but such rates so authorized shall not exceed the rates to which such employee was entitled immediately prior to the issuance of the order of evacuation.

(c) Each period for which payment of amounts may be made under this section to or for the account of an employee shall be held and considered, for all purposes with respect to such employee, as a period of active service (without break in service) rendered by such employee in the employment of the Government of the United States.



SEC. 4. Subject to regulations prescribed by or under authority of the President, the head of each department—

(1) shall provide for the review of the account of each employee of such department in receipt of payments in accordance with section 2 or 3, or both, as the case may be, of this Act, and

(2) shall provide for the adjustment of the amounts of such payments on the basis of the rates of compensation, allowances, and differentials to which such employee would have been entitled, under applicable law other than this Act, for the respective periods covered by such payments, if he had rendered active service, in accordance with the terms of his appointment, during each such period in the position which he held immediately prior to the issuance of the applicable order of evacuation.

SEC. 5. Subject to regulations prescribed by or under authority of the President, the head of each department is authorized to establish procedures under which each employee of such department is permitted to make allotments of amounts out of his compensation for such purpose as such department head deems appropriate.

SEC. 6. (a) To the extent practicable in the public interest, the President shall coordinate the policies and procedures of the respective departments under this Act.

(b) The President shall prescribe and issue, or provide for the formulation and issuance of, such regulations as are necessary and appropriate to carry out the provisions and accomplish the purposes of this Act. Such regulations shall be issued on or before the ninetieth day following the date of enactment of this Act and shall become effective on the ninetieth day following the date of issuance.

(c) The head of each department is authorized to prescribe and issue such regulations as are necessary and appropriate to carry out his functions under this Act.

SEC. 7. Notwithstanding any provision of this Act or the repeal or amendment thereby of any provision of law, and until such time as regulations prescribed by or under authority of the President are issued under section 6(b) of this Act and become effective, allotments and assignments of pay may be made in accordance with such provisions of law so amended or repealed and the regulations issued thereunder; and such regulations may be amended or revoked in accordance with such provisions of law.

SEC. 8. Funds available to each department for payment of compensation, allowances, and differentials to or for the accounts of civilian officers and employees of such department also shall be available for payment of compensation, allowances, and differentials to or for the accounts of employees of any other department in accordance with this Act and on a reimbursable basis.

SEC. 9. (a) The following provisions of law are hereby repealed:

(1) The Joint Resolution entitled "Joint Resolution authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska", approved March 21, 1906 (34 Stat. 824; 48 U.S.C. 171);

(2) The second paragraph under the center heading "MISCELLANEOUS" and under the side heading "Paper Tests" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and ten", approved March 4, 1909 (35 Stat. 1057; 5 U.S.C. 529), which reads as follows:

"And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department.";

(3) The proviso contained in the second paragraph under the center heading "DEPARTMENT OF COMMERCE AND LABOR" and under the side heading "Office of the Secretary" in the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes", approved June 17, 1910 (36 Stat. 524; 5 U.S.C. 595), which reads as follows: "Provided, That the Secretary of Commerce and Labor is hereby authorized, under such regulations as he may prescribe, to permit officers and employees of the several bureaus and divisions of the Department of Commerce and Labor to assign their salaries while absent from Washington, District of Columbia, and employed in the field"; and

(4) The Act entitled "An Act authorizing allotment of pay by civilian personnel stationed abroad", approved May 14, 1937 (50 Stat. 166; 5 U.S.C. 75c).

- (b) Section 3689(d) of title 10 of the United States Code is amended—
- (1) by inserting the word "or" immediately following the semicolon at the end of clause (1);
 - (2) by striking out the word "or" immediately following the semicolon at the end of clause (2); and
 - (3) by striking out clause (3) which reads:
"(3) permanent civilian employee of the Department of the Army on duty outside the United States;"
- (c) Section 8689(d) of title 10 of the United States Code is amended—
- (1) by inserting the word "or" immediately following the semicolon at the end of clause (1);
 - (2) by striking out the word "or" immediately following the semicolon at the end of clause (2); and
 - (3) by striking out clause (3) which reads:
"(3) permanent civilian employee of the Department of the Air Force on duty outside the United States;"

Mr. MORRISON. We have representatives here today from the Department of the Air Force, which has been designated to speak for the administration, and from the General Accounting Office. It will be helpful to the subcommittee if the witnesses would discuss the provisions of the committee print as a part of their testimony.

We will hear first from the Department of the Air Force. The first witness is Mr. Joseph Hochreiter.

STATEMENT OF JOSEPH P. HOCHREITER, DEPUTY DIRECTOR OF CIVILIAN PERSONNEL, DEPARTMENT OF THE AIR FORCE, ACCOMPANIED BY MRS. ANN C. LAWS, DIRECTORATE OF ACCOUNTING AND FINANCE; ELLSWORTH WOLFSPERGER, CHIEF OF THE INTERNATIONAL DIVISION, DIRECTORATE OF CIVILIAN PERSONNEL, DEPARTMENT OF THE ARMY; L. W. WALTERS, HEAD OF THE EMPLOYEE-MANAGEMENT RELATIONS BRANCH, OFFICE OF INDUSTRIAL RELATIONS, AND RUSSELL V. HAGER, OFFICE OF THE CONTROLLER, DEPARTMENT OF THE NAVY

Mr. MORRISON. I understand you will have with you the representatives of the Department of the Army and Department of the Navy.

Mr. HOCHREITER. Yes, sir.

Mr. MORRISON. Will you proceed?

Mr. HOCHREITER. Mr. Chairman and members of the subcommittee. I am Joseph P. Hochreiter, Deputy Director of Civilian Personnel, Headquarters, U.S. Air Force, and I have with me representatives from the other military departments. Specifically, on my left, Mr. L. W. Walters, Head of Employee-Management Relations Branch, Office of Industrial Relations, Department of the Navy; Mr. Russell V. Hager, Office of the Controller, Navy.

On my right, Mr. Wolfspenger, Chief, International Division, Directorate of Civilian Personnel of the Army, and Mrs. Ann C. Laws, Directorate of Accounting and Finance, Controller of the Air Force.

My statement is in the blue book you have before you.

The proposed legislation, as set out by the new language of Committee Print No. 1, dated April 6, 1961, would provide permissive authority, subject to Presidential regulations, to the heads of Government Departments, agencies, and establishments to allow civilian

employees to draw up to 30 days advance pay under certain specified emergency conditions. It would also provide for the continuance of pay for a period not to exceed 6 months of such civilian employees if they were ordered to evacuate their places of duty under the specified conditions. Furthermore, it would authorize employees to make allotments out of their compensation for those purposes considered appropriate by department heads.

The Comptroller General of the United States authorized the Department of Defense to install a detailed procedural evacuation payment plan developed by that Department. The plan provides for the continued payment of evacuated oversea employees not to exceed 6 months and for allotments of pay to dependents of such employees who are located with them at their duty stations. In his approval, by letter B-61937, February 5, 1957, the Comptroller General stated that he was not aware of any special authority for the Department of Defense, or general statutory authority for the various departments and establishments of the Government, to continue salary payments to civilian employees who have been evacuated * * * and who, because of such evacuation, are not performing official duties.

He also stated he, however, would not object to the use of the then proposed Defense Department procedures and forms pending congressional consideration of authorizing legislation. He agreed, however, that the establishment of procedures for the payment of pay and allowances to employees and to previously designated dependents * * * where such persons are ordered evacuated * * * is desirable and that the proposed procedures would provide a practical solution to a difficult operating problem.

Under the legislative authority to be established by enactment of H.R. 2555, the procedures installed by the Department of Defense will be revised to include authority for advance of pay not to exceed 30 days and will be made permanent.

It is considered necessary that such a program be authorized to insure that these particular civilian employees of the Government and their families will not be placed in extreme financial difficulties if, for emergency reasons, they should be required to evacuate the area in which they are assigned for duty.

The benefits to evacuated employees and their dependents to be provided by this legislation and its implementing programs, are obvious. The benefits to the U.S. Government include the elimination of a requirement for duplicate civilian payroll records at alternate sites; a media for reconstruction of an employee's pay account in the event the records of his employing installation are destroyed; the assured productivity of employees not evacuated because they would know that the financial welfare of their evacuated dependents has been provided; and provision for auditable records on all payments made to civilian employees.

Although sponsored by the Department of Defense, this legislation is so written as to be applicable to all Federal employees of the executive department and the General Accounting Office.

This bill, as it is now worded in Committee Print No. 1, is somewhat broader in its coverage than the Department of Defense proposal submitted to Congress. With one exception, the Department of Defense has no objection to this broader coverage should the bill be enacted as written. This exception relates to the provisions of

section 5 of the committee print which would authorize the establishment of new allotment procedures for the pay of civilian employees of the Government. After consultation with the Bureau of the Budget, it appears that these provisions present questions affecting a number of departments which cannot be satisfactorily resolved within the time available.

Accordingly, the Department of Defense recommends either that the original provisions carried in section 2 of the bill be substituted for the provisions of section 5 and related portions of section 9 or that action be deferred pending further study.

Thank you for the opportunity to give you our views on this subject. Please ask any questions you may have. I will attempt or my colleagues with me will attempt to answer any questions you may have.

Mr. MORRISON. Mr. Ichord, any questions?

Mr. ICHORD. The Department of Defense has had an evacuation payment plan in operation?

Mr. HOCHREITER. We have, sir. It has been an administrative plan approved by the Comptroller General. However, that plan cannot, since we have no statutory authority, provide for an advance payment.

Mr. ICHORD. But that authority, the existing authority, only applied to the Department of Defense?

Mr. HOCHREITER. That is right.

Mr. ICHORD. This bill will cover all agencies?

Mr. HOCHREITER. This bill will cover all of the executive departments and the General Accounting Office.

Mr. ICHORD. Thank you, Mr. Chairman.

Mr. MORRISON. Before we have any other questions, let the record show that in addition to Mr. Hochreiter's testimony that all the documents attached thereto be made a part of his testimony.

(The documents referred to are as follows:)

DEPARTMENT OF DEFENSE PROPOSAL TO AUTHORIZE EMERGENCY PAY
PROCEDURES FOR CIVILIAN EMPLOYEES IN CASE OF EVACUATIONS

SUMMARY EXPLANATION

Extreme financial difficulties may be the lot of the families of Government employees abroad in cases of emergency evacuation of civilians from troubled areas unless authority is granted for allotment of pay and advances of pay of the employees for their families and themselves.

This legislative proposal of the Department of the Air Force, on behalf of the Department of Defense, is designed to ease these difficulties.

The Department of Defense has already established pay procedures to use in case of such emergency evacuations. (See pp. 10-26.) The Comptroller General of the United States has stated that he will not object to these procedures pending congressional consideration of authorizing legislation. (See p. 26.)

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, January 3, 1961.

HON. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation to provide for allotment and advancement of pay with respect to civilian employees of the United States in cases of emergency evacuations from certain areas, and for other purposes.

This proposal is a part of the Department of Defense legislative program for 1961 and the Bureau of the Budget has advised by letter dated December 23, 1960, that it has no objection to its submission to the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to provide permissive authority to the heads of Government departments, agencies and establishments to allow civilians employed on duty at places outside the United States, or at such other places as the President may designate, to, under specified emergency conditions, make allotments from their pay for the support of their families or for other purposes that are considered proper, and to draw up to 30 days' advance pay. It would also provide for the continuance of pay of such civilian employees if they are required to evacuate their overseas places of duty under the specified conditions.

It is considered a necessity that a program be developed to insure that these particular civilian employees of the Government and their families will not be placed in extreme financial difficulties, if for emergency reasons, they should be required to evacuate the area in which they are assigned for duty. Under the authority to be established by enactment of this proposal, it will be possible for department and agency heads to implement programs for these employees which will provide substantially for the following: (1) supplying each such civilian officer or employee with a mobile, pocket-size pay data card which will authorize him to receive pay from any U.S. disbursing officer at locations other than his place of employment if he is required to evacuate that place of employment under specified emergency conditions; (2) permitting each such officer or employee to designate adult members of his family, or other adult persons acting in his behalf, to receive, under certain circumstances, payment of a portion of his pay in the event they are required to evacuate under the same emergency conditions; and (3) supplying each such designated person with an emergency payment record card which that person may use to draw an allotment in an amount specified thereon from any U.S. disbursing officer in the event he becomes separated from his sponsor during the evacuation or in the event he is required to evacuate without his sponsor. This program contemplates that the necessary pay data card will contain emergency standby evacuation travel orders as an integral part of the card. The officer or employee and his designee would thus have, at all times, in their possession authorizations which would automatically become effective if an evacuation from the place of duty were ordered.

In addition, this proposal would establish authority for evacuated civilian officers and employees to draw advances of pay not to exceed 30 days. It is recognized that because of the relatively slight degree of control over the continued employment of civilian officers and employees, authority to draw advance pay under normal conditions has not ordinarily been granted. However, under emergency conditions such authority may well constitute the only means by which a Government civilian officer or employee could supply his family immediately with funds to defray their essential expenses during an evacuation.

It is contemplated that implementing directives will establish controls over the length of time payments may be continued. For example, assignment to a new duty station, abandonment of position, transfer to the retirement rolls, death, or a finding that the employee is within the purview of the Missing Persons Act, would be cause for immediate stoppage of the payments authorized by section 3(a)(2) of the proposal. It is expected that normally within a 6-month period the employee would be returned to his assigned station or reassigned, at which time normal pay procedures and allotments would be reestablished.

It should be noted that while this proposal is sponsored by the Department of Defense, it is so written as to be applicable to and may well be of value to other agencies of the Government. In short, enactment of this proposal coupled with implementation by all agencies concerned of a program such as described above would provide, for areas outside the United States or for such other places as the President may designate, a complete emergency payment system comprised of standby evacuation orders and emergency payment cards for civilian officers and employees of the Government and their allottees.

COST AND BUDGET DATA

It is not possible to estimate the additional costs which may result from the enactment of the proposed legislation. It is conceivable that unforeseen conditions during an actual evacuation may result in additional costs to the Government. The administrative costs involved in implementing the emergency evacuation payment plan, which would be made possible through the enactment of the proposed legislation, are insignificant and will be absorbed in applicable appropriations.

Sincerely yours,

DUDLEY C. SHARP,
Secretary of the Air Force.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, March 20, 1961.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference Department of the Air Force communication to the Speaker of the House, dated January 3, 1961, forwarding a legislative proposal of the Department of Defense, to provide for allotment and advancement of pay with respect to civilian employees of the United States in cases of emergency evacuations from certain areas, and for other purposes.

On March 2, 1961, the Bureau of the Budget advised that from the standpoint of the present administration's program, there is no objection to the submission of this proposal for the consideration of the Congress.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force.

1 July 1960

AFM 177-104

Part Six

EMERGENCY PAYMENTS FOR EVACUATED CIVILIAN EMPLOYEES AND
THEIR DEPENDENTS

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1 July 1960

AFM 177-104
60101

Part Six

EMERGENCY PAYMENTS FOR EVACUATED CIVILIAN
EMPLOYEES AND THEIR DEPENDENTSChapter 1
GENERAL**60101. Policy**

Pending Congressional consideration of authorizing legislation, a civilian employee in an evacuation status will continue to be paid at the rate to which he was entitled at the time of evacuation regardless of whether duties are performed. This will apply to employees overseas and in the states of Alaska and Hawaii who, by reason of emergency conditions at their assigned duty station, temporary duty station, or leave point cannot return to or reach their assigned duty station. Payment will be made until the employee is returned to his employing base or assigned to a new duty station but not for a period of more than six months. Oversea employees may authorize allotments from their pay for direct payment to their dependents or designated representative while dependents are in an evacuation status.

60102. Application of Procedures

This part of the manual is applicable to Air Force bases located outside of the 48 adjoining states and the District of Columbia. However, the procedures outlined in chapter 3, this part, are applicable to all Air Force bases, world-wide, effective upon ordered evacuation by proper authority for military or other reasons which create imminent danger to life. These procedures will cease to apply to an employee and his de-

pendents or designated representatives when the employee is determined to be covered by the provisions of the Missing Persons Act (see paragraph 50206).

60103. Specialized Terms

For the purpose of this part of the manual the following specialized terms will apply:

a. *Employee.* Civilian employee of the Department of Defense who is a United States citizen or United States national and who is assigned for duty at a base outside of the 48 adjoining states and the District of Columbia; or a civilian employee who is not a citizen or national of the country in which employed and who was recruited outside of the country in which employed under a transportation agreement which provides for return transportation to the country from which recruited.

b. *Adult Dependents.* Wives, children over sixteen years of age, and relatives over sixteen years of age who are dependent upon the employee for support and residing with the employee.

c. *Designated Representative.* An adult dependent of a fellow employee or military member designated by an employee not having an adult dependent, but having minor dependent children, to receive funds for the care of such minor dependents (see paragraph 60202).

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60104. Issuance of Emergency Cards

The supervisor of the civilian pay area will program the issuance and review of DD

Form 1203, Civilian Employee Emergency Payroll Card, and DD Form 1204, Dependent Emergency Payment Record Card, in such manner as to avoid peak workloads.

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Chapter 2

ADMINISTRATIVE PROCEDURES

60201. Initial Action at Home Station

The civilian pay area supervisor at the employee's home station will:

a. Have each employee serviced by his office, who has dependents residing with him, indicate the amount of money to be paid to his dependents or designated representative in the event of evacuation by completing DD Form 1202, Authorization and Consent Agreement. (See figure 6-1 and paragraphs 60202 and 60203.) This form will be signed by the employee, the dependent or his designated representative, and the supervisor after which it will be filed along with other DD Forms 1202 in the same order that individual pay records are filed.

b. Issue DD Form 1203, Civilian Employee Emergency Payroll Card, to each permanent or temporary employee carried on his rolls and thereafter to each new employee. (For temporary employees, indicate date of employment termination, appropriately labeled, immediately after the name.) He will enter under "Dependent Emergency Allowance" the amount shown on DD Form 1202. The "pay period ending" block will be completed to indicate the last day of the pay period immediately preceding the date of issue. The "total deductions" block need not be completed. DD Form 1203 will be signed by the employee. (See figure 6-2).

c. Issue DD Form 1204, Dependent Emergency Payment Record Card, for each dependent or designated representative identified on DD Form 1202. The "pay period ending" date shown on the employee sponsor's DD Form 1203 will be recorded on DD Form 1204 in the space "Payment Record." DD Form 1204 will be signed by the em-

ployee and the dependent or designated representative. (See figure 6-3).

d. Sign the DD Forms 1202, 1203, and/or 1204. A signature stamp may be used for the signature and may also identify the organization and station of the civilian pay area if different from that of the employee.

e. Make arrangements with the local travel issuing authority to have appropriate spaces on the travel order part of DD Forms 1203 (figure 6-2) and 1204 (figure 6-3) completed as follows:

(1) Enter the employing major command to which the employee or dependent will be reported for disposition instructions.

(2) Cite the appropriation symbol or fund chargeable. To simplify the travel order preparation and to avoid clerical error in posting to payment vouchers, limit the number of digits in the citation to the Air Force appropriation from which the employee is paid suffixed by the operating agency code for the appropriate major command. Include an asterisk in the citation instead of the fiscal year designator so that the evacuation orders will not require changing each fiscal year.

Example of Citation for Air Force Employee Assigned to an Organization of USAFE

	57	*	3400	80
Air Force Agency Code				
Fiscal Year Designator				
O & M Appropriation				
USAFE Operating Agency Code				

(3) Complete appropriate spaces to indicate mileage and per diem rates and properly authenticate the order by completing the authority line and affixing signature, typed name and title. If facsimile signature is used, the official seal of the issuing authority

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is required. A travel order number is not required and a reservation of funds will not be made.

f. Caution employee, dependents and designate representatives who are issued emergency cards that these cards are their authority for payment in the event of an evacuation and must be kept in their personal possession at all times. See paragraph 60207 for information concerning lost, stolen, mutilated or destroyed cards.

60202. Employee Without Adult Dependent

If an employee does not have an adult dependent but has dependent minor children, he should arrange to have his minor children evacuated with an adult dependent of a fellow employee or military member. Under such condition, the employee must sign DD Form 1202 designating the individual and specifying the amount payable to the individual for his minor dependents.

60203. Employee With More Than Two Adult Dependents

An employee can designate no more than two adult dependents on DD Form 1202 to receive payments. DD Form 1203 will in such cases include both amounts (separately) under "Dependent Emergency Allowance." A separate DD Form 1204 will be issued to each adult dependent.

60204. Review of DD Forms 1203 and 1204

a. *Review Program.* A DD Form 1203 or 1204 not revalidated within 90 days from the anniversary date of issuance or revalidation will automatically become void unless being used for evacuation payments. Therefore an annual review program will be established to determine if DD Forms 1203 and 1204 are current. The program will include an anniversary date for revalidation, revocation, or reissuance, as appropriate, of all DD Forms 1203 and 1204.

b. *Processing Changes.* If, during the annual review program, changes in DD Forms

1203 and 1204 are necessary, new forms will be issued and the old forms will be destroyed unless payments are recorded thereon (see paragraph 60310). If changes are minor and can be annotated on the previously issued form without obstructing space required for payment information, such action is permissible. However, in such cases, in addition to completing the validation block, the signature of the civilian pay area supervisor (or facsimile) will be required.

c. *Revalidation.* DD Forms 1203 and 1204 issued to new employees or reissued to any employee subsequent to the anniversary date established under a above may be revalidated during the first annual review program period following such action in order that they may be included in subsequent annual review programs. Revalidation of DD Forms 1203 and 1204 will be accomplished by the civilian pay area supervisor's signing or initialing and inserting the date of revalidation in the appropriate spaces on the forms.

60205. Employee's Desired Changes

An employee will not be permitted to execute a new DD Form 1202 for the purpose of making voluntary changes in designated dependents and amounts until he surrenders previously issued DD Forms 1203 and 1204.

60206. Employee Transfer or Termination

Upon transfer to another base, the employee must surrender both DD Forms 1203 and 1204 to the civilian pay area of the gaining base for issuance of new cards. Upon termination of employment, the employee will surrender both forms to the civilian pay area. These forms will be destroyed unless payments are recorded thereon (see paragraph 60310).

60207. Lost, Stolen, Mutilated or Destroyed Emergency Card

The accounting and finance officer must approve a request for issuance of a duplicate DD Form 1203 or 1204 to replace one lost,

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stolen, mutilated or destroyed. Authorization for replacement must be in writing and will be based on written application by the employee providing facts and circumstances concerning the loss in order to justify re-

placement. The authorization together with the application will be filed with the employee's payroll records. The duplicate DD Form 1203 or 1204 will be conspicuously stamped or otherwise marked "Duplicate."

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AUTHORIZATION AND CONSENT AGREEMENT		DATE
ORGANIZATION AND STATION		30 June 1959
HO USAF, APO 633, N.Y., N.Y.		
NAME OF EMPLOYEE		
John J. Doe		
WIFE (or designated representative)		AMOUNT
Mary S. Doe		\$ 50.00
OTHER ADULT DEPENDENT (Name and relationship)		AMOUNT
		\$
IN THE EVENT OF EVACUATION OF MYSELF AND/OR THE PERSON(S) DESIGNATED ABOVE, ORDERED BY PROPER AUTHORITY, I, THE UNDERSIGNED. HEREBY AUTHORIZE FUNDS (basic pay) TO BE PAID TO INDIVIDUALS AND IN AMOUNTS SPECIFIED ABOVE EACH PAY PERIOD. I FURTHER AUTHORIZE THAT FUNDS SO PAID SHALL BE CHARGED AGAINST ANY ITEMS OF PAY OR ALLOWANCES DUE OR TO BECOME DUE ME SUBSEQUENT TO DATE OF PAYMENT.		
SIGNATURES		
EMPLOYEE	DEPENDENT OR DESIGNATED REPRESENTATIVE	
<i>John J. Doe</i>	<i>Mary S. Doe</i>	
ADDITIONAL ADULT DEPENDENT	CIVILIAN PAYROLL CERTIFYING OFFICER (Witness)	
	<i>M. S. Doe</i>	
DD FORM 1202		
1 MAY 57		
Form approved by Comptroller General, U. S. February 5, 1957 GPO 860157		

Figure 6-1. Authorization and Consent Agreement.

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CIVILIAN EMPLOYEE EMERGENCY PAYROLL CARD			
(This card will be used to make 15 days (15) months after initial entry date.)			
LAST NAME - FIRST NAME - MIDDLE INITIAL		PASSPORT NUMBER	
Doe, John J.		126847	
JOB TITLE AND SERIES CODE		GRADE	
Accounting Officer - 8601		GS-12	
BASIC PAY PER PERIOD		STEP RATE	
\$330.40		2	
PERIOD DURING			
27 June 1959			
DEDUCTIONS		ADDITIONAL ALLOWANCES	
FICA		QUARTERS ALLOWANCE	
REIMBURSEMENT TAX \$54.80		REIMBURSEMENT ALLOWANCE	
FICA 2.25		OTHER	
RETIREMENT 21.48		TOTAL ADDITIONAL ALLOWANCES	
ALLOTMENTS		VALIDATION DATES	
BONDS		SEE DATE	
DEPENDENT EMERGENCY ALLOWANCE 50.00		Jul 59 M.A.P.	
TOTAL DEDUCTIONS		EMPLOYEE RIGHT HAND NUMBER	
201.87			
NET BASIC PAY DUE			
Hq. USAF, APO 633, N.Y., N.Y.			
SIGNATURE OF EMPLOYEE			
Mary C. Pearson			
SIGNATURE OF CIVILIAN PAYROLL CERTIFICATION OFFICER			
PATRYST RECORD			
(Payment will be made based on (1) months from date of evacuation (2))			
DATE	PAID BY	VOUCHER NUMBER	AMOUNT
10 Jul 1959	Walter Cory Lt Col, USAF S676300	1258	\$201.87

TRAVEL ORDER	
DATE OF EVACUATION	
10 Jul 59	
By direction of the Commander-in-Chief, Hq USAF	
John J. Doe	
(Name)	
Hq USAF, AF	
(Installation, Major Command, and Agency or Department)	
Chicago, Ill.	
(Point to which employee is entitled to return transportation by equipment agreement, if applicable)	
or to such other points as may be directed. This order will be effective upon ordered evacuation by proper authority whether or not there is a declaration of war, or national emergency by Congress and/or the proclamation of a national emergency by the President. Individual and/or dependents will proceed as directed by the commander or his designated representative upon receipt of notification. Travel by Government or commercial transportation, or privately owned conveyance at \$ per mile, as more advantageous to the Government, is hereby authorized. Movement of household goods and effects other than personal belongings is not authorized by this order. TDY \$11.00 per day is authorized for travel performed under this order. Advance per diem payment not to exceed 60 days is hereby authorized. Payment while away from official duty station or residence under authority of this order and upon presentation of passport or other identification is chargeable to appropriation or fund symbol 57*3400 80	
Receiving installations will report the name, grade, job title and series code of this employee to Hq. USAF, APO 633, N.Y., N.Y.	
The authority of this order will cease to be effective six months after date of initial evacuation.	
BY ORDER OF THE COMMANDER-IN-CHIEF:	
R. U. WRIGHT, Capt, USAF	
Adjutant	
CHARGED TO ADDITIONAL ALLOWANCES AND DATE(S) OF EVACUATION	

Figure 6-2. Civilian Employee Emergency Payroll Card (Front and Back).

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DEPENDENT EMERGENCY PAYMENT RECORD CARD			
(This card will be valid 12 months from date of validation date.)			
CIVILIAN EMPLOYEE (Last name - first name - middle initial)		PASSPORT NUMBER	
Doe, John J.		126847	
Payments in amounts totaling not more than \$ 50.00 per pay period have been authorized to be made to Doe, Mary S. (Last name - first name - middle initial)			
Passport number 126848 dependent or designated representative of above-named employee of AF Agency The following information will be necessary for identification purposes and will be furnished prior to authentication of this document by affixing the Headquarters Official Seal:			
VALIDATION DATES			
VALID DATE	BY		
1 July 1958			
ORGANIZATION OR STATION OF EMPLOYEE			
Hq USAF, APO 633, N.Y., N.Y.			
SIGNATURE OF EMPLOYEE			
<i>John J. Doe</i>			
SIGNATURE OF DESIGNATED REPRESENTATIVE			
<i>Mary S. Doe</i>			
SIGNATURE OF CIVILIAN PERSONAL IDENTIFICATION OFFICER			
<i>M. A. Person</i>			
DO NOT FOLD (Transmittal to be submitted by Headquarters)			
PAYMENT RECORD			
(Payment will not be made beyond 12 months from date of validation.)			
DATE	PAID BY	VOUCHER NUMBER	AMOUNT
10 Jul 1959	Walter Cory Lt Col, USAF S676300	1258	\$50.00

DD FORM 1204

TRAVEL ORDER	
DATE OF EXPIRATION	
10 Jul 59	
By direction of the Commander-in-Chief, Hq USAF - Mary S. Doe is ordered to evacuate from Hq USAF, APO 633, N.Y., N.Y. (Indicate, if appropriate, the Command, and Agency or Department)	
to Chicago, Ill. (Place to which entitled in return transportation, if applicable)	
or to such other points as may be directed. This order will be effective upon ordered evacuation by proper authority whether or not there is a declaration of war, or national emergency by Congress and/or the proclamation of national emergency by the President. Dependents will proceed as directed by the commander or his designated representative upon receipt of notification. Travel by Government or commercial transportation, or privately owned conveyance at 8 per mile, as more advantageous to the Government, is hereby authorized. Movement of household goods and effects other than personal belongings is not authorized by this order. Payment while away from official duty station or residence under authority of this order and upon presentation of appropriate identification is chargeable to appropriation or fund symbol 57*3400 80	
Receiving installations will report the name of this dependent, along with the name of the civilian sponsor to Hq USAF, APO 633, N.Y., N.Y.	
The authority of this order will cease to be effective six months after date of initial evacuation.	
BY ORDER OF THE COMMANDER-IN-CHIEF:	
<i>R. U. Wright</i>	
R. U. WRIGHT, Capt, USAF	
Adjutant	
PAYMENT RECORD	
(Payment will not be made beyond 12 months from date of validation.)	
DATE	PAID BY

DD FORM 1205

Figure 6-3. Dependent Emergency Payment Record Card (Front and Back).

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Chapter 3

ACTIONS DURING EVACUATION

60301. Evacuated Employee Payroll Records

Unless it is definitely determined that an employee will not be returned to the base from which evacuated, payroll records will be maintained in a status quo condition pending final disposition instructions.

60302. Evacuation Station Actions

a. *At First Evacuation Station.* The date of initial evacuation on the travel order part of DD Form 1203, Civilian Employee Emergency Payroll Card, or DD Form 1204, Dependent Emergency Payment Record Card, will be entered by the civilian pay area at the first station to which any Department of Defense employee or dependent is evacuated. If the exact date of evacuation is not known or cannot be furnished by the evacuee, the evacuation date will be the date the entry is made. If the date of the entry is used as the evacuation date, explanation will be furnished on the "Payment Record" portion of the card, i.e., "Evacuation Date Unknown—Date of Entry Used."

b. *At All Evacuation Stations.* The civilian pay area at each evacuation station will record under "Changes to Additional Allowances" any entitlement (including per diem if applicable) which varies from that previously recorded on DD Form 1203 and the date such entry is made. Evacuation date(s) other than the initial evacuation date completed under a above will be recorded on this part of the DD Form 1203.

60303. Payment Authority

Properly completed DD Form 1203 or DD Form 1204 presented with a passport (if

appropriate), government-issued identification card, or other acceptable identification will be sufficient authority for any military disbursing officer to make payments. If employee and dependents are evacuated together, the employee or the employee and his adult dependent or designated representative must present both the DD Form 1203 and the DD Form 1204 to receive payment.

60304. Amount of Payment

a. *Employee and Dependent Evacuated Together.* Payment per pay period will not exceed the "net basic pay due" the employee as recorded on DD Form 1203. Payment per pay period to dependent will not exceed the amount authorized on DD Form 1204.

b. *Employee Not Evacuated With Dependents.* The amount paid to an employee per pay period who is not evacuated with his dependent or designated representative will not exceed the "net basic pay due" the employee as recorded on DD Form 1203. Normal pay procedures will be used for the payments and for deductions for taxes, FICA, Civil Service retirement, life insurance, allotments, and savings bonds. Payments in the reduced amount (net basic pay due) will continue for six months (thirteen bi-weekly pay periods) from the date of evacuation of his dependent or designated representative unless such persons are permanently relocated earlier and the DD Forms 1204 issued to them are recalled and/or the employing base has received a record of such payments.

c. *Computation of Pay Period.* The date shown after "Pay Period Ending" on DD Forms 1203 and 1204 will be used to compute pay periods accruing subsequent to such dates.

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d. *Items Listed as Deductions on DD Forms 1203.* Items listed as deductions on DD Forms 1203 will not be paid by civilian pay areas at intermediate evacuation points.

60305. Making and Recording Payments

a. *Forms Used for Payments.* DD Form 399, Casual Payment Receipt, modified as indicated in b below will be used to make payments and will be prepared as a sub-voucher to DD Form 592, Payroll for Personal Services. These payment documents can be prepared by the civilian pay area or other area designated by the commander of the station from or to which evacuated.

b. *Preparation of DD Form 399.* DD Form 399, modified as indicated below, will be prepared in triplicate for each evacuation payment. (See figure 6-4.)

(1) In the block "Name," insert the name of the payee as it appears on DD Form 1203 or DD Form 1204.

(2) In the block "Identification Card No.," insert the passport number of the payee (if appropriate); prefixed with the abbreviation "PN" or the identification card number. (See paragraph 60303.)

(3) In the block "Permanent Station," insert the permanent station of the employee and, in parentheses, the abbreviation of the employing department, i.e., (AF), (A), (N), (MC), or (OSD). If the payee is a dependent or designated representative, include in the block "Permanent Station" the name and permanent station of the employee, as shown on DD Form 1204, and the employing department.

(4) In the block "Pay Group and Appropriation" insert the appropriation or fund symbol shown in the travel order part of DD Form 1203 or 1204, and complete such citation to show the fiscal year designator of the current year.

(5) In the block "Custodian of Pay Record," type or stamp the words "Civilian Personnel Evacuation Payment."

c. *Recording Payments.* Payment will be recorded as follows:

(1) By obtaining the signature of the

payee on each copy of DD Form 399. To avoid fraudulent payments, a careful comparison will be made between the signature on DD Form 1203 and 1204 and the signature on DD Form 399.

(2) By completing DD Form 1203 or 1204 to identify the payment, i.e., date of payment, name and accounting and disbursing station number, voucher number and amount.

d. *Preparation of DD Form 592.* Separate DD Forms 592 will be prepared to cover payments made to employees (and their dependents) of each department. To identify the vouchers, the statement "Evacuation Payments to (name of Department) Employees and/or Dependents" will be inserted in the block "Department or Establishment" on each DD Form 592. Because of the emergency nature of the payments and because they do not involve a reservation of funds, the printed certificates on the DD Forms 592 pertaining to "Sufficiency of Funds" need not be completed.

e. *Number of Copies of Payment Vouchers.* In addition to the normal requirements for copies of disbursement vouchers, additional copies of DD Forms 399 and 592 will be made to insure distribution to central accounts office of Office, Secretary of Defense, Army, Navy and Marine Corps, where payments are made to employees and/or their dependents of these departments.

60306. Relocating Employee and Dependents

The commander of a base to which any Department of Defense employee or his dependent is evacuated will take expeditious action to relocate such persons or otherwise report them to the reporting headquarters shown on the travel order so that final relocation or return to point from which evacuated may be expedited. (See paragraph 60201.) The reporting base will furnish the date of initial evacuation as shown on DD Form 1203 or 1204, and, in the case of an Air Force employee, will state if the employee can be effectively utilized at the base.

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60307**60307. Employee Placed on Rolls of Another Air Force Base**

a. *Establishment of DD Form 883.* When an Air Force employee, evacuated under these procedures, is picked up on the rolls of another Air Force base, he must surrender his DD Forms 1203 and 1204 to the civilian pay area. These forms will be used to establish a new DD Form 883, Individual Pay Record, and new DD Forms 1203 and 1204 will be issued. The Air Force Accounting and Finance Center will be requested to forward the total amount paid under initial evacuation orders.

b. *Settlement of Pay Due Prior to Evacuation.* If the information requested of the employee's last station cannot be furnished because the records were destroyed, it will be assumed that the employee drew all amounts due and payable to him as of the last pay date prior to evacuation unless the employee can furnish definite proof of not receiving such payment. The civilian pay area will reconcile all amounts paid and amounts due the employee and prepare a final settlement of the employee's pay account subsequent to the last normal payment. (This action includes the issuing of savings bonds and deducting amounts due for items such as FICA, Civil Service retirement, withholding tax, and life insurance, which were suspended during the evacuation period, as well as the issuance of TD Form W-2, Withholding Tax Statement, and TD Form 941, Employer's Quarterly Federal Tax Return.) DD Forms 1203 and 1204, upon which payments were made, will be filed in the civilian pay area of the receiving base.

c. *Delayed Turn-in of DD Forms 1204.* In any case where DD Form 1204 cannot be obtained from the dependent, normal payments to the employee will not be resumed until 6 months has expired from date of evacuation of his dependents or until DD Form 1204 is surrendered, whichever is earlier.

60308. Employee Returned to Employing Base

The payment information and reconcilia-

tion action outlined in paragraph 60307 will be accomplished by the civilian pay area at the original employing base when an evacuated employee has returned to such base.

60309. Employee in Official Missing Status

When the Missing Persons Act applies to an Air Force employee, his dependents and designated representatives must surrender the DD Forms 1204 issued to them. In such cases, allotments of pay to eligible dependents are established by the Air Force Accounting and Finance Center in accordance with chapter AF P9.13, AFM 40-1. When an allotment of pay is so established, that headquarters will require the dependents and designated representatives issued DD Forms 1204 under this regulation to surrender such forms. Accounting and finance officers, supervisors and other officials who have knowledge of persons to whom DD Forms 1204 were issued and who may have direct contact with such persons will assist the Air Force Accounting and Finance Center by requesting such persons to surrender to them their DD Forms 1204. When received, the forms will be forwarded by the most expeditious means to the Air Force Accounting and Finance Center.

60310. Disposition of DD Forms 1203 and 1204

DD Forms 1203 and 1204 surrendered for new cards or for other purposes, and on which payments have not been made, will be destroyed by the civilian pay area supervisor except as provided in paragraphs 60307 and 60308. DD Forms 1203 and 1204 on which payments are recorded and which come into the custody of persons not having jurisdiction will be forwarded to the Air Force Accounting and Finance Center with information as to how they were acquired.

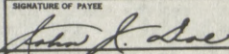
60311. Cross-Disbursing Agreements

Specific cross-disbursing agreements are not required to implement these procedures for paying personnel of other military agencies.

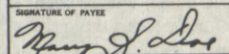
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201.87	PAY GROUP AND APPROPRIATION 5703400 980-1234	VOUCHER NO. 1258	SUB VOUCHER NO. 24	DATE 10 July 1959	PAID BY Walter Cory Lt Col, USAF Finance AFB APO 633 NY NY S676300
NAME Doe, John J.	P438 S676300 L637	GRADE GS-12	SERVICE NO.	IDENTIFICATION CARD NO. PW 126847	
PERMANENT STATION (If being transferred, old and new station) Hq USAF, APO 633, NY NY (AF)					
RECEIVED THE SUM OF Two hundred and one and 87/100- - - - - DOLLARS				☒ BY CASH ☐ BY CHECK	
(Custodian of pay record) CIVILIAN PERSONNEL EVACUATION PAYMENT				I certify that the amount stated above has been earned by me, represents a casual payment of the pay and allowances due me, and was received by me this date in cash or check as indicated above.	
				SIGNATURE OF PAYEE 	
DD FORM 399 1 NOV 50		CASUAL PAYMENT RECEIPT		Form approved by Comp. Gen., U. S. January 18, 1961	

EVACUATION PAYMENT TO EMPLOYEE

50.00	PAY GROUP AND APPROPRIATION 5703400 980-1234	VOUCHER NO. 1258	SUB VOUCHER NO. 25	DATE 10 July 1959	PAID BY Walter Cory Lt Col, USAF Finance AFB APO 633 NY NY S676300
NAME Doe, Mary S.	P438 S676300 L637	GRADE	SERVICE NO.	IDENTIFICATION CARD NO. PW 126848	
PERMANENT STATION (If being transferred, old and new station) John J. Doe Hq USAF, APO 633, NY NY (AF)					
RECEIVED THE SUM OF Fifty and 00/100 - - - - - DOLLARS				☒ BY CASH ☐ BY CHECK	
(Custodian of pay record) CIVILIAN PERSONNEL EVACUATION PAYMENT				I certify that the amount stated above has been earned by me, represents a casual payment of the pay and allowances due me, and was received by me this date in cash or check as indicated above.	
				SIGNATURE OF PAYEE 	
DD FORM 399 1 NOV 50		CASUAL PAYMENT RECEIPT		Form approved by Comp. Gen., U. S. January 18, 1961	

EVACUATION PAYMENT TO DEPENDENT

Figure 6-4. Casual Payment Receipts.

Number 7200.5
Date May 24, 1957
ASD(Comp)

DEPARTMENT OF DEFENSE INSTRUCTION

Subject: Emergency Orders and Payment for Evacuated Civilian Employees and Their Dependents

Reference: (a) DoD Instruction 1400.11, "Evacuation of Civilian Employees and Their Dependents from Overseas Posts in the Interest of Safety," February 25, 1957.

I. PURPOSE

The purpose of this Instruction is to authorize procedures for payment of civilian employees of the Department of Defense and/or their dependents who have been evacuated from their assigned station or location for military or other reasons which create imminent danger to life.

II. SCOPE

A. The provisions of this Instruction are applicable to all overseas installations including territorial possessions and Alaska, and are effective immediately, except that actual payments are effective only upon ordered evacuation by proper authority. The provisions of this Instruction are applicable to the Zone of Interior except for payments to dependents or designated representatives which will become applicable only upon enactment of appropriate legislation.

B. When an employee has been determined to be missing, interned, etc., as established by Section 2 of the Missing Persons Act, 50 U.S.C. 1002, the provisions of this Instruction will no longer be applicable to such an employee or his dependents.

III. STATUTORY AUTHORITY

5 U.S.C. 73b-1(d), 75C, 835-842, 10 U.S.C. 3689, 8689, and Comptroller General letter B-61937 of 5 February 1957.

IV. DEFINITIONS

A. For the purpose of this Instruction the following definitions apply:

1. Department of Defense—The Military Departments and the Office of the Secretary of Defense.

2. Civilian Employee—An employee of the Department of Defense who is a United States Citizen or United States National, or an employee who is not a citizen or national of the country in which employed and who was recruited outside of the country in which employed under employment agreement which provides for return transportation to the country from which recruited.

3. Adult Dependent—Wives, regardless of age; children over sixteen years of age; and relatives over sixteen years of age dependent upon the employee for support and residing with the employee.

V. FORMS PRESCRIBED

A. DD Form 1202, Authorization and Consent Agreement.

B. DD Form 1203, Civilian Employee Emergency Payroll Card and Travel Order. (A three-fold card)

C. DD Form 1204, Dependent Emergency Payment Record Card and Travel Order. (A three-fold card)

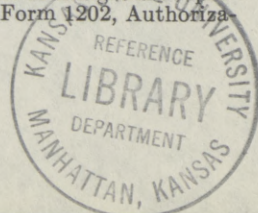
D. DD Form 399, Casual Payment Receipt.

E. DD Form 592, Payroll for Personal Services, or other approved substitute form.

VI. APPLICABLE PROCEDURES

A. Where these procedures are utilized activities or installations will:

1. If the installation is located outside the continental limits of the United States, have each employee serviced by his office, who has dependents, determine the amount of money to be paid to his dependents or designated representative in the event of evacuation by executing DD Form 1202, Authoriza-



tion and Consent Agreement (see pars. *E* and *G* below). The Authorization and Consent Agreement will be filed with the employee's payroll records.

2. Issue DD Form 1203, Civilian Employee Emergency Payroll Card and Travel Order, for each employee carried on his rolls. This card must be signed by the civilian employee and the Civilian Payroll Certifying Officer.

3. Issue DD Form 1204, Dependent Emergency Payment Record and Travel Order, for each dependent or designated representative identified on the Authorization and Consent Agreement executed under 1 above. This card must be signed by the civilian employee, adult dependent (or designated representative), and the Civilian Payroll Certifying Officer.

4. Complete the travel order part of the emergency cards to show a central headquarters to which the employee or dependent will be reported for disposition instructions and have the orders properly authenticated.

B. DD Form 1203, Civilian Employee Emergency Payroll Card and Travel Order will be issued to each new employee as a part of normal processing-in procedures.

C. Employees, dependents, and designated representatives issued emergency cards under *A* above will be warned that these emergency cards are their authority for payment in the event of an evacuation and as such must be kept on their personal possession at all times.

D. Emergency cards will be reviewed at least once annually to determine if changes have occurred, in which event a new payroll card will be issued and a new Dependent Emergency Payment Record Card will be issued if necessary. The old cards will be destroyed. Cards not requiring change will be revalidated by initialing and dating the cards. Cards not revalidated ninety days after the yearly review date will automatically become void unless being used for evacuation payments. Upon termination of employment, and as otherwise specified by the employing agency, both the Emergency Payroll Card and the Dependent Emergency Payment Record Card must be surrendered. If payment has not been made by use of these cards, they will be destroyed. Before an employee can change the Authorization and Consent Agreement, the Emergency Payroll Card and the Dependent Emergency Payment Record Card(s) will be surrendered.

E. In the event a civilian employee does not have an adult dependent but has dependent minor children he should be encouraged to arrange to have his minor children evacuated with an adult dependent of a fellow employee or military member. Under such conditions, the employee stationed overseas must sign a DD Form 1202 designating the individual and the amount payable for care of his minor dependents.

F. The travel order part of the emergency cards, DD Forms 1203 and 1204, will be completed to cite the symbol of the appropriation or fund chargeable. To simplify preparation of the travel orders and to avoid clerical error in posting the appropriation or fund citation to payment vouchers, the number of digits in the appropriation or fund citation will be limited to essential symbols and codes only, so far as practicable and consistent with accounting requirements. For example, when the appropriation or fund symbol normally cited for the payment of a civilian employee includes a code which identifies a higher headquarters (such as a central office, field headquarters, major command, or technical service), the code for the employing installation might be eliminated. An asterisk will be included in the appropriation or fund citation on the order in lieu of the fiscal year designator, in order that evacuation orders will not require change each fiscal year. Following is an example of a simplified appropriation citation for an Air Force employee assigned to any organization of USAF Europe:

	57	*	3400	80
Air Force Agency Code	_____	_____	_____	_____
Fiscal year designator	_____	_____	_____	_____
Appropriation symbol	_____	_____	_____	_____
USAFE Hq Code	_____	_____	_____	_____

G. In the event an employee has two or more adult dependents to each of whom he wishes payments be made under evacuation procedures, the procedures herein prescribed will be modified as follows:

1. Not more than two adult dependents may be so designated.

2. The Civilian Employee Emergency Payroll Card will include both amounts (separately stated) under "Dependent Emergency Allowance."

3. A separate Dependent Emergency Payment Record Card and Travel Order, DD Form 1204, will be provided for each such adult dependent.

H. The Civilian Payroll Certifying Officer or other appropriate official at the first station to which an employee or dependent is evacuated will enter the date of evacuation from initial station of assignment on the order.

I. Civilian Payroll Certifying Officers at the station to which a civilian employee and/or his dependents are evacuated will record on the Emergency Payroll Card under "Changes to Additional Allowances" any entitlements which vary from that recorded on the card (including per diem if applicable) along with the date the employee and/or dependents were evacuated to the station.

J. Unless it has been definitely determined that civilian employees will not be returned to the station from which evacuated individual civilian personnel payroll records will be maintained in a status quo condition pending final disposition instructions.

K. Expeditious action will be taken by the base, post or station to which a civilian employee and/or dependents are evacuated, to relocate such civilian employee and his dependents or otherwise identify them to the headquarters specified on the travel order in order that final relocation or return to point from which evacuated may be expedited. When an employee is evacuated to an installation of the employing agency, he will be reported to the headquarters specified on the travel order with a request for disposition instructions. Date of initial evacuation will be furnished. When the installation can effectively utilize such employee, notification to that effect will be included. The central headquarters will make every effort to issue disposition instructions as soon as possible, and in all instances prior to expiration of termination of payment authorization, i.e., six months after evacuation date.

L. When a civilian employee, who has been evacuated under these procedures, is picked up on the rolls of another installation overseas or within the United States, the Emergency Payroll Card, DD 1203, and the Dependent Emergency Payment Record Card, DD 1204, will be surrendered and will become the basis for establishing a new Payroll Data Card. New Emergency Payroll Card, DD 1203, and Dependent Emergency Payment Record Card, DD 1204, will be issued. Notification will be sent to the appropriate central accounting office of the service or department of such employment, with a request for submission of total amounts paid under initial evacuation orders. A notification will also be sent to his previous station of assignment, informing them of his current assignment with a request for information as to last date paid and other pertinent information. Should such information and records have been destroyed, it will be assumed that the employee had drawn all amounts due and payable to him as of the last pay date prior to evacuation, unless the employee can furnish definite proof of not receiving such payment to the satisfaction of the Civilian Payroll Certifying Officer. A reconciliation of all amounts paid and amounts due will then be accomplished at his new station of assignment. A final payroll will be prepared in settlement of the employee's pay account subsequent to last normal payment.

M. When it is determined that the Missing Persons Act applies, the Dependent Emergency Payment Record Card will be recalled.

VII. PAYMENT PROCEDURES

A. Under emergency evacuation procedures, presentation of passport (if appropriate) or other identification, and Emergency Payroll Card, DD 1203, or Dependent Emergency Payment Record Card, DD 1204, shall be sufficient authority for payments of amounts specified therein by any duly authorized disbursing officer of the United States Government. In the event dependents are evacuated with the civilian employee sponsor, both the Emergency Payroll Card, DD 1203, and the Dependent Emergency Payment Record Card, DD 1204, must be presented by the employee or the employee and his adult dependent or designated representative, as authority for payment of amounts specified. Action will not be taken by en route disbursing officers to pay items listed as deductions.

B. Disbursing officers making payments under this procedure will record such payments on the Emergency Payroll Card, DD 1203, and/or the Dependent

Emergency Payment Record Card, DD 1204, and will execute a DD Form 399, Casual Payment Receipt, in triplicate, on which the signature of the civilian employee and/or his adult dependent or designated representative will be obtained. DD Form 399 for dependents will also include the name and permanent station of the employee under "Permanent Station." Disbursing officers will type or stamp the words "This is a civilian personnel evacuation payment" on the DD Form 399 immediately below the name of the "Custodian of Pay Record," i.e., appropriate central accounting office of the department. Passport number or identification card number will be inserted under "Service Number." DD Form 399 will cite the appropriation or fund symbol shown on the travel order but will be completed to show the fiscal year designator of the current year. Two copies of DD Form 399 will be attached to DD Form 592, Payroll for Personal Services, or an approved substitute transmittal voucher, as subvouchers and will be forwarded to the central accounting office of the paying department. The above statement will be inserted on DD Form 492 in the block titled "Department or Establishment."

C. One copy of the DD Form 399 will be used by the central accounting office for the purpose of providing the payment information to be requested under paragraph VI.

D. Specific cross-disbursing agreements are not required for implementation of these procedures insofar as payment of personnel of other governmental departments and establishments is concerned.

VIII. EFFECTIVE DATE

This Instruction is effective immediately.

IX. IMPLEMENTATION

Implementing instructions should be issued as soon as possible, and two copies thereof furnished this office.

W. J. McNEIL,
Assistant Secretary of Defense (Comptroller).

B-61937

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., February 5, 1957.

The Honorable the SECRETARY OF DEFENSE.

DEAR MR. SECRETARY: We have received from the Deputy Comptroller for Accounting Policy, Office of the Assistant Secretary of Defense (Comptroller), a memorandum dated December 20, 1956, requesting our approval of procedures entitled "Emergency Orders and Payments for Evacuated Civilian Employees and Their Dependents," and related forms. The proposed forms are captioned as follows:

- "Authorization and Consent Agreement."
- "Civilian Employee Emergency Payroll Card" (front), "Travel Order" (reverse).
- "Dependent Emergency Payment Record Card" (front), "Travel Order" (reverse).

The stated purpose of these procedures and forms is to provide for the payment of pay and allowances to U.S. civilian employees, and for the payment to their dependents of amounts previously authorized to be deducted from the employee's pay, where such persons have been evacuated from their assigned station or location for military or other reasons which create imminent danger to their lives. The memorandum further states that it is considered desirable that the procedures be authorized for general use by all agencies so that payments could be made by any disbursing officer to any authorized person under emergency conditions.

We note that the parenthetical phrase, "(Payment will not be made beyond 6 months from date of evacuation)," is shown in the payment record on both the civilian employee emergency payroll card and dependent emergency payment record card. We are not aware of any special authority for the Department of Defense, or general statutory authority for the various departments and establishments of the Government, to continue salary payments to civilian employees who have been evacuated from their designated duty stations and who, because of such evacuation, are not performing official duties. Accordingly, and as the laws here involved specifically provide for regulations by the department or

agency concerned, it would be inappropriate for our office to issue instructions concerning the use of the proposed procedures or regulations on a Government-wide basis.

Our Office agrees, however, that the establishment of procedures for the payment of pay and allowances to U.S. civilian employees, and to previously designated dependents or authorized representatives, where such persons are required to be evacuated from their assigned station or location for military or other reasons creating imminent danger to their lives, is desirable and that the proposed procedures may provide a practical solution to a difficult operating problem. Therefore, the proposed procedures and forms have been reviewed and certain changes, which have been informally discussed with representatives of your Department, have been noted on copies of the procedures and forms which are returned herewith. The proposed forms should be designated as Department of Defense forms instead of standard forms as cited in the proposed procedures, since consideration of these forms and procedures has been restricted to use by the Department of Defense.

We will not object to the use of these procedures and forms pending congressional consideration of authorizing legislation both as to persons stationed overseas and in the Zone of the Interior, and with the understanding that our approval upon the basis stated may be withdrawn in the event that prompt action is not taken to obtain such legislation.

Subject to the acceptance of the suggested changes to the proposed forms, and with the understanding that prompt action will be taken to obtain authorizing legislation, DD Form No. —, Authorization and Consent Agreement; DD Form No. —, Civilian Employee Emergency Payroll Card (front) and Travel Order (reverse); and DD Form No. —, Dependent Emergency Payment Record Card (front) and Travel Order (reverse) are approved. We request that, when printed, four copies of each be furnished to our office.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Mr. MORRISON. Mr. Broyhill?

Mr. BROYHILL. I wonder if you give us a hypothetical case or example of how this evacuation would be effected, and the differences between your present procedure and the procedure that would be covered by this legislation.

Mr. HOCHREITER. I think I can, sir. Let's take the only recent, within the past couple of years, where that could have happened and that is the Lebanon situation. Had that been a little more acute, we very definitely could have evacuated a number of employees out of Lebanon. Under the present procedures, those employees, when they were evacuated, they would have been evacuated to some point which would have previously been decided upon, and provisions would have been made under our administrative procedures in the regulations, to take care of paying those employees for jobs that would be found for them in the evacuation, at the evacuation point or the installations to which they would be assigned from the evacuation point.

Mr. BROYHILL. In the meantime they would have lost no pay or allowance?

Mr. HOCHREITER. No, sir; they would not have. However, we would not have had the authority to pay them any advance. For example, if we tell Joe Doakes today or this afternoon, you will be on an airplane with your family and will be evacuated to Wiesbaden, Germany.

Joe Doakes may or may not have any money. We would not have had any authority to pay him any advance pay. The difference then would be that this bill would authorize us to allow, or authorize us to give, him an advance of pay up to 30 days, depending upon the

circumstances, with of course appropriate provisions within the bill for recoupment of that advance.

Mr. BROYHILL. How about the 6 months' provision?

Mr. HOCHREITER. The 6 months' provision specifically would operate this way, that—let's say the employee would be evacuated for example to Wiesbaden, Germany. There may or may not be a particular job for that employee which would be equivalent to the job he was performing at the point from which he was evacuated.

This bill would allow us, up to a maximum of 6 months, to continue his pay. However, it would be assumed and he would be required, to perform some sort of duty during that period of time. But his pay, and his rate of pay and allowances would be at the rates which were applicable to the position he held and the grade he held at the time he was evacuated.

Mr. BROYHILL. I asked for a hypothetical example. Have there been any actual cases of evacuation in recent years?

Mr. HOCHREITER. There have not been within the Defense Department. I understood in the State Department there have been a few cases.

Mr. BROYHILL. Thank you, Mr. Chairman.

Mr. MORRISON. Mr. Johansen?

Mr. JOHANSEN. Yes, Mr. Chairman. Do I understand from the last statement you made, Mr. Hochreiter, that this, so far as the Defense Department is concerned, involves dealing with a hypothetical situation which has not heretofore occurred?

Mr. HOCHREITER. We have not had an actual situation occur, where we have had the necessity of evacuation of employees under the circumstances presupposed by this legislation.

Mr. JOHANSEN. In the past, back before we had the number of civilian personnel around the world that we have now, to what extent—I am thinking particularly of the early days after Pearl Harbor—to what extent have we had that kind of a problem and how has it been dealt with and to what extent has it been found unsatisfactory?

Mr. HOCHREITER. Sir, I think the best answer to your question probably would be that the only experience that we have had in that connection has been in the Pacific. I say this primarily due to the fact we have not had the numbers of employees overseas during the period of time you indicated, except in the Pacific area, and of course there we had the problem with respect to Pearl Harbor, not that employees were evacuated, but specifically with respect to Wake Island and a couple of the other islands in the Pacific, which came under the domination of the Japanese.

But to the best of my knowledge, I think I am quite sure on this point, previously we just have not had it, because we have not had the numbers of employees overseas and particularly in the European side of the world.

Mr. JOHANSEN. What I fail to undersand is this 6-month provision. Under what circumstances would you anticipate that an evacuee would have to be retained on either made work or no work as the result of an evacuation, that would extend for that period of time?

Mr. HOCHREITER. Well, sir, the 6 months is put in the bills as an outside limitation in order to allow as much flexibility as possible. I would believe it would be very difficult, that is it would be an extremely unusual situation, where that much time would be required.

But the regulations that would be developed to implement this would recognize that point and of course would provide that that amount of time, within that 6-month period, would be as short as possible, within the circumstances that might be dictated by the particular situation at that time.

Mr. JOHANSEN. It seems to me there is a potential danger there of feet dragging in the matter of relocating these people and putting them in productive work, if you have a 6 months' lag?

Mr. HOCHREITER. That would depend, sir, upon management and management then would have the responsibility of making sure these employees would either be reassigned back to the States, reassigned somewhere else, in a nondanger area, or back to the point of original employment, depending upon the circumstances.

Mr. JOHANSEN. Would the provisions of this bill be applicable to local nationals, who are civilian employees?

Mr. HOCHREITER. Local nationals are not included in this bill. Let me say it this way: Under present regulations, there is a provision that does cover local nationals under certain circumstances. I might give an example. It would only apply in the case of third country nations. By that, I mean let's take an example in Libya. Because of the necessity at Wheelus Air Force Base for certain types of skills, which we cannot find within the local labor market, within Libya, so far as local national employees are concerned, we do a certain amount of recruiting in Germany, and bring Germans for certain periods of time into Libya.

The present regulations, minus of course the 30-day advance payment provision, since we have no authority for that, would allow those employees, third country nations, the Germans in Libya under those circumstances, to be covered. And I believe the provisions of this bill are broad enough that that could be covered within the regulations.

Mr. JOHANSEN. I am interested to know in view of your statement, if I understood you correctly, whether the only experience, actual experience with this kind of a problem, has been in the State Department.

Mr. HOCHREITER. I believe that is true, sir; I am not positive.

Mr. JOHANSEN. I am interested to know, Mr. Chairman, why we should not have someone from the State Department to testify on this matter. It seems to me we are dealing with a completely hypothetical situation, without any supporting testimony based on actual experience with the problem and if they have it, I would think they would be the ones also to be heard on that point.

Mr. MORRISON. If the gentleman will yield.

Mr. JOHANSEN. Surely.

Mr. MORRISON. The representatives of the State Department were not invited to testify. The Bureau of the Budget designated the Air Force to represent the administration on this bill. If the gentleman from Michigan feels that the State Department testimony would be of material assistance, I see no reason why we should not have it.

Mr. JOHANSEN. I do so feel and in no derogation of these witnesses, but I feel that way on the basis of the testimony already taken, that they are the ones that have had, allegedly had, practical experience with the problem.

Mr. HOCHREITER. As I indicated, sir, I believe they are the only ones who have had this experience.

Mr. JOHANSEN. I think by all means we ought to have the benefit of that experience. Will the Peace Corps recruits be covered by this?

Mr. HOCHREITER. No, sir; they would not.

Mr. MORRISON. Mr. Rousselot?

Mr. ROUSSELOT. I noticed in here you mentioned for emergency reasons and you have already indicated ones you think would be good examples. Lebanon was one. Can you think of other emergency reasons?

Mr. HOCHREITER. I might think of one that might be obvious and that is, I don't believe it would be impossible to assume this could happen in Berlin.

We have a considerable number of employees there.

Mr. JOHANSEN. Will the gentleman yield?

Mr. ROUSSELOT. Yes.

Mr. JOHANSEN. Am I to understand there is not existing authority under the emergency powers of the President of the United States, in such a case, to cope with that situation?

It seems to me we have given the President just about every kind of emergency power that is conceivable and I just cannot imagine that, to deal with that kind of an acute situation, in an interim, if Congress was not in session, would not fall within the power of the President.

Mr. MORRISON. I think, if the gentleman will yield there, I can answer that. I think if he did have the necessary powers, there would not be a request for this legislation and this gives him the necessary authority and the necessary legal status to so act.

Mr. HOCHREITER. Particularly with reference to the matter of the financial aspects of what we are proposing in this bill.

Mr. BROYHILL. Will the gentleman yield to me?

Mr. ROUSSELOT. Yes.

Mr. BROYHILL. You mentioned the State Department had experience in this problem?

Mr. HOCHREITER. I believe so, sir.

Mr. BROYHILL. Do they have authority to make these advance payments?

Mr. HOCHREITER. To the best of my knowledge, they have no more authority that we have.

Mr. BROYHILL. This legislation would give them the same authority?

Mr. HOCHREITER. That is right.

Mr. BROYHILL. Thank you.

Mr. ROUSSELOT. I wanted to ask further questions on this 6-month provision. I know you have probably considered this very carefully. It seems difficult for me, and I am probably very limited in my point of view, to understand why 6 months is called for in this bill. Why didn't you come up with 2 or 3 months? Why 6? Is there something sacred about that?

Mr. HOCHREITER. There was quite a bit of difficulty on that point, and 6 months was generally agreed upon as an outside limit. I don't know if I could give you any extremely good reason why it was 6 months as opposed to 2 months.

As I indicated before, I certainly would believe that it would be an extremely rare situation where we would ever have a need to utilize the 6 months' period.

Mr. ROUSSELOT. I would think usually the normal processes of Government payroll and everything else could be adjusted in that time. It just seems to me 6 months is a long period of time.

Mr. JOHNSON. Mr. Chairman, the staff does not usually interfere but there is an answer. I participated in the original staff negotiations on this point, Mr. Rousselet. One of the factors that has not been emphasized enough is that the legislation is based on an order of evacuation. There may be some inference that it applies only to actual evacuation, where the man is taken out of the country and put somewhere else not under enemy domination. The theory of this legislation is that there must be an order for an evacuation. There are many instances in which evacuation has been ordered and will be ordered in which an employee cannot actually be evacuated because of an invasion.

These bills would provide authority for payment of an employee's salary, on his account, either to him if he is actually evacuated or, if he cannot be evacuated, to his dependents.

In World War II, on some of the South Pacific islands many civilians were not able to get out for up to 2 years after the Japanese invasion. Some of the members will recall a special law was passed to compensate many of these people, not only Federal employees but private contractor employees, for the damages they sustained by being kept under Japanese domination.

This bill would permit a reasonable period of compensation to be paid to dependents, in cases where employees were not able to be evacuated.

That is why the wording was proposed by the Department of the Air Force that said "ordered evacuated" rather than "actually evacuated."

I think this goes to Mr. Johansen's point. This should not be an assumption that there has to be an evacuation. There may not be an opportunity for evacuation. It may be 6 months or a year before an employee can be gotten out and this will be the only way there will be authority to pay his wife and family.

Mr. JOHANSEN. In the situation in World War II you have described, where there were Federal civilian employees detained, and they had dependents in the States, was there then any provision by regulation or emergency legislation, for the allotment of their salary to the dependents at home during that period of confinement?

Mr. JOHNSON. The only thing I have actual knowledge of is the Missing Persons Act passed in 1942 authorizing compensation to be continued while an employee was missing or interned in a hostile country. There were, of course, authorizations to make allotments, but in case of an order for emergency evacuation, and the employee could not be evacuated, I don't believe there was legislative authority to continue to pay the salary of an employee who was prevented from performing his duties because the Japanese had taken over. This is foresight, rather than the hindsight we had in 1942.

Mr. MORRISON. Mr. Gross?

Mr. GROSS. Thank you, Mr. Chairman.

In view of the fact the gentleman has no examples of any actual difficulty, I don't know that I have any questions to ask except this. Do you know of any difficulty in the evacuation of our people from Cuba?

Mr. HOCHREITER. No, sir. I will ask the Navy Department people.

Mr. HAGER. Not that I am aware of, no.

Mr. JOHANSEN. What was that answer?

Mr. HAGER. I said, "No, sir; not that I am aware of."

Mr. MORRISON. If there are no further questions then, thank you very kindly for your testimony and the committee will now hear from Mr. F. H. Barclay and Mr. Eckert.

Mr. BROYHILL. Let me ask one more question. Would it be an oversimplification of the situation or an inaccurate statement to state what we are doing here is making the same provision, the same authority, to pay civilian employees that is already granted now for military personnel under similar situations?

Mr. HOCHREITER. Well, in a certain manner that is certainly true, because the military personnel are entitled to their pay regardless of the particular location he is in or the particular job he is in.

Mr. BROYHILL. This is not providing any more to the civilian employee than the military personnel now has?

Mr. HOCHREITER. That is correct.

Mr. JOHANSEN. Do the military personnel have the privilege of advance of up to 30 days' pay?

Mr. HOCHREITER. Military personnel can draw partial payment of their pay.

Mr. JOHANSEN. Under circumstances of evacuation?

Mr. HOCHREITER. Well, I believe under ordinary circumstances even here in the States they are entitled to. Am I correct there?

Mrs. LAWS. Yes, they are entitled to draw up to the current amount of their pay, if they wish to draw a partial payment.

Mr. JOHANSEN. You mean on the 10th of July, I can draw 10 days' pay for July?

Mrs. LAWS. That is right, sir.

Mr. JOHANSEN. If it was the 1st of July, it would be pretty skimpy.

Mr. ROUSSELOT. They can draw on their leave-of-absence pay, you said?

Mrs. LAWS. No, sir.

Mr. JOHANSEN. Actually, there is not anything corresponding to the 30-day advance, unless you happen to be in the 30th day of July?

Mrs. LAWS. If we relate your question to the evacuation of their dependents, there is legislation proposed to cover the military evacuation of dependents. That is evacuation of dependents of military personnel, and the related advancement of additional pay to cover their financial requirements.

Mr. JOHANSEN. But that is proposed, not already existing legislation?

Mrs. LAWS. That is right.

Mr. ICHORD. Mr. Chairman.

Mr. Hochreiter, I understood you to say the bill was limited in its application to citizens of the United States who were employees of the Federal Government?

Mr. HOCHREITER. No, I did not say that, sir.

Mr. ICHORD. The original bill did.

Mr. HOCHREITER. I believe it is correct to say the bill as presently drafted could be in its wording applicable to other than U.S. citizens, with particular reference to third country nationals.

Mr. MORRISON. Thank you very kindly, and the committee will now hear from Mr. Barclay and Mr. Eckert.

STATEMENT OF F. H. BARCLAY, JR., ATTORNEY, OFFICE OF GENERAL COUNSEL, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY C. EDWARD ECKERT, LEGISLATIVE ATTORNEY, OFFICE OF THE GENERAL COUNSEL

Mr. BARCLAY. Mr. Chairman and members of the subcommittee, I am Henry Barclay, attorney, General Accounting Office. Accompanying me today is Mr. C. E. Eckert, legislative attorney of our office.

I have before me a prepared statement which, with your permission, I would like to present at this time.

Mr. MORRISON. Proceed.

Mr. BARCLAY. On February 9, 1961, the chairman of the House Post Office and Civil Service Committee requested our report on H.R. 2464 and H.R. 2555, relating to pay and allowances of civilian employees of the United States in cases of emergency evacuations from overseas areas "or such other place as the President may designate." In our reply to the chairman on March 20, we pointed out that certain details of the bills in which clarification seemed desirable had been discussed with the committee staff. We recommended favorable consideration of the proposed legislation.

The purpose of the legislative proposal is to provide definitive authority for payment of compensation, allowances, and differentials when a civilian employee or his dependent is ordered to be or is evacuated from the employee's official duty station under specified conditions. Permissive authority would be provided under which the employee could make allotment from his pay for support of his family and draw up to 30 days advance payments.

Provision is made for insuring recovery of any advance. Waiver of the recovery could be authorized by the head of the department upon the required determinations having been made. Continuance of the employee's compensation, allowances, and differentials would be permitted when he is evacuated from his official duty station, notwithstanding no actual services may be performed during the period of evacuation.

Payments during the period involved would be limited to the rate the employee was entitled to immediately prior to evacuation. A provision is included specifying that the employment status of the employee for benefits such as leave, retirement, insurance, would not be affected by operation of the procedures authorized.

Committee Print No. 1 on H.R. 2555 does not alter the basic purpose of the proposed legislation. It does, however, contain fundamental differences from the original proposal which we believe clarify and strengthen the bill.

Under the committee print evacuation from a place within the United States is covered by specific language in lieu of the more general—but no less broad in possible application—phrase "or such other place as the President may designate."

A limitation of 6 months is placed on the monetary payments that may be allowed to employees upon the ordered evacuation. It is anticipated that, generally, within that period the employee would

either be returned to his official duty station or relocated at a new place of duty. The 6 months' period is a maximum limitation only. Termination of the benefits are permitted and doubtless will occur at an earlier date in many instances.

The committee print more clearly specifies that for all purposes the period for which payments may be authorized is to be considered as a period of active service in the position held immediately prior to issuance of the order of evacuation. A separate provision covering adjustment of payments is included consistent with and in furtherance of that concept.

Allotments of compensation for such purpose as the Department head concerned deems appropriate could be made by civilian employees. This provision would be a general authority. It is not limited to evacuation cases. Other allotment of pay provisions covering civilian employees would be repealed.

We would like at this point to emphasize that under the proposed legislation, upon final adjustment as required therein, no employee would be entitled to receive any compensation, allowances, or differentials other than he would have been entitled to under existing law had active service in fact been performed during the period involved in the position he occupied immediately prior to the order of evacuation.

All rights under the legislative proposal are subject to coordination by the President and to regulations to be prescribed by or under authority of the President. Upon final adjustment, funds of the Department in which the employee is employed will be charged with the compensation, allowances, and differentials of the employee concerned.

This concludes our statement, Mr. Chairman. We will be glad to answer any questions you or other members of the subcommittee may have.

Mr. MORRISON. Thank you.

Mr. Ichord?

Mr. ICHORD. Sir, do you have any information as to what the cost would have been if this legislation had been in operation during some of the evacuations we have had?

Mr. BARCLAY. We have no actual data on this proposition. At the time this originally came up, which was approximately 1956, we had discussions with the Air Force on the proposal which they now have in their administrative regulations, and which we agreed to, subject to their getting definitive legislation. There was some discussion as to what possible costs would be involved. I think probably the best we can say is that in fact there may be additional costs in this sense. We may have an employee, to take again what is a hypothetical case, who is stationed at a point, let us say, in Iraq, and he may be evacuated to Rome, Italy. If in fact the employee is evacuated, generally he will be considered in a travel status, and within the authority of the Department, they could pay him a per diem allowance for the period of evacuation. If he was on regular temporary duty he could draw per diem but it is clearly an additional cost that arises because of this evacuation.

In that sense there could be a substantial bit of money involved additionally which, however, may be offset by the fact that certain of his allowances and differentials, under the existing regulations,

would be cut down. For instance, as a concrete example, we have in certain countries what we call a differential, based on conditions of hardship, which runs up to 25 percent of the man's basic salary. That may continue if a man is placed on temporary duty away from his official headquarters for a period of 42 days.

If the point to which this man is evacuated, and taking the figure of the maximum of 6 months, is a place where no differential is authorized, on the final adjustment under this proposal he would draw only the 42 days of the differential, not the entire 6 months which he would have drawn had he stayed at his official station. Therefore, there will be a cutoff for approximately 5 months of his evacuation of his 25-percent differential, assuming he is evacuated to a place for which no differential is authorized.

Mr. ICHORD. You are speaking only of Department of Defense?

Mr. BARCLAY. No, I am speaking of all departments. It is limited to certain areas, only hardship areas. It is under regulations of the State Department, which apply to all departments by law, so far as the differential. In the territories, and also in Hawaii, the situation is different. I don't believe there is any hardship differential in either Alaska or Hawaii, although there is a cost-of-living allowance. But there is this possible offset, as far as the differential or allowances, that may cut the increased costs of per diem down substantially or wipe it out entirely, depending on the situation and what the Department has authorized for per diem.

Mr. ECKERT. Generally speaking, however, we are talking about the allotment of money which is due the employee. So, except for this variance, which will be comparatively small, we are not speaking in terms of additional costs.

Mr. BARCLAY. That is correct, as Mr. Eckert points out. We pointed out in our statement, that the rights the employee would have are rights that are today authorized under existing law if he were performing active service. A basic purpose of this legislation is to give a man authority to draw his pay when in fact he may not be performing any duty whatsoever. That was the part of the administrative regulations that we had considerable difficulty with in our approval 4 years ago when we said the Department should get definitive legislation. I might point out that it was brought up in very close proximity to the Suez crisis which I believe may have been one of the factors that caused the Department of the Air Force to bring it up at that time.

Mr. ICHORD. Thank you.

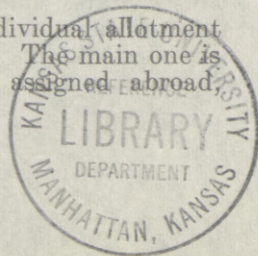
Mr. MORRISON. Mr. Broyhill?

Mr. BROYHILL. Following through on this allotment, I think you stated a moment ago and in your statement, this would be a general authority, and not limited to evacuation cases but you also stated that it would repeal other allotment or pay provisions covering civilian employees.

Mr. BARCLAY. That is correct.

Mr. BROYHILL. Apparently there is a provision now that we are changing, that this legislation would change. How are we changing it? Are we improving it?

Mr. BARCLAY. This will in fact broaden the individual allotment authorities that exist. There are several of them. The main one is an allotment provision dealing with employees assigned abroad.



under which all civilian employees can allot their pay for the support of their family or their relatives.

Mr. BROYHILL. They can now?

Mr. BARCLAY. That is correct. The employees would normally do it in advance, under the proposed setup. The way they work it, they would actually make the allotment and they would have a little card, which is provided for in the regulations now in being and it would be presumed a similar type of procedure would be involved if this legislation were enacted. The card the Air Force has shows exactly what the man agreed to as an allotment from his pay. If a man draws \$200 a month, let's say, he may allot to his dependent \$50 of that.

Mr. BROYHILL. It is still not clear to me how we are improving the present provisions.

Mr. BARCLAY. Yes, sir. There are several provisions, including those for the Department of the Air Force and the Department of the Army, providing special authority for permanent civilian employees stationed overseas, to make allotments from their pay.

The Department of Agriculture had a special provision, within the United States, and that provision is subject to use for any purpose the Secretary of Agriculture sees fit. That is a special authority within that Department. The Department of Interior likewise has certain special authorities, within the United States.

Mr. BROYHILL. This is all done by separate legislation.

Mr. JOHANSEN. Special authority to do what? something with relation to allotments?

Mr. BARCLAY. Allotment of pay?

Mr. JOHANSEN. Or with respect to advance drawing of pay?

Mr. BARCLAY. This was allotment of pay. It had no relationship to advances. The thought was to take these various authorities and place them into one piece of legislation. They were worded differently, for different purposes, some of them were restrictive, some were not. It was thought perhaps this was the time to consider the putting together in one place, subject to regulations of the President and heads of the departments, one single allotment authority. That was the basic idea. It is broader than the original bill, which was limited to emergency evacuation.

Mr. BROYHILL. So we are making one uniform provision, not necessarily liberalizing it or making it more restrictive.

Mr. BARCLAY. It is liberalized so far as that within the United States there exists no general allotment authority similar to the one where employees are stationed outside of the United States. It is broader in that sense.

Mr. BROYHILL. That is all.

Mr. JOHANSEN. In section 2 of the committee print on page 5, we read "Subject to regulations prescribed by or under the authority of the President," and so on, "the head of each department is authorized to provide for the payment, in advance, of compensation," and so on, "to civilian employees whose evacuation or that of their dependents or immediate family, as applicable, from a place within or outside the United States is ordered for military reasons, or for the protection of the health or safety of such employee, or of such dependents or immediate family."

I am interested in two aspects of this: One, is the provision extending this to any place within the United States; and second, the provision with respect to the protection of the health of the employee. What kind of a blanket authority is that? If I am located in a Government job where my asthma is worse, does this relate to that section?

Mr. BARCLAY. This provision, actually, is somewhat of a takeoff from the provision which exists in law today concerning the payment of travel expenses in connection with evacuations. I would like, if I may, to read very briefly from a provision which now appears in section 1(d) of the Administrative Expenses Act, which was amended to include this provision in 1950. This provides that—

When civilian employees of the United States are at places designated by the respective departments as within zones from which their immediate families should be vacated for military or other reasons, which create imminent danger to life or property or adverse living conditions seriously affecting the health, safety, or accommodations of said families, or upon transfer of assignment of duty of such civilian employees to places where their immediate families are not for the aforesaid reasons permitted to accompany them, the immediate family and household goods may be transported at Government expense, under regulations as the heads of the respective departments and agencies may prescribe, to such locations as may be designated.

The provision appearing in the proposed legislation, is an attempt to tie it in with this travel authority.

Mr. JOHANSEN. This provision you have just quoted relates only to travel authority. Now we are extending it to advance of pay.

Mr. BARCLAY. That is correct. It goes to the advance. But, of course, this advance is an advance of his pay which he will presumably later be entitled to. The idea was that if some quick evacuation became necessary, either for military reasons or if some health reason was present in the way of pestilence, or let's take an example of yellow fever in some area, if that could still happen, there could be an evacuation of the immediate family and perhaps of the employee. We don't know. It is a rather broad provision.

Mr. JOHANSEN. I will agree with that statement.

What type of situation is contemplated as occurring or developing within the United States, that this law would be applicable to?

Mr. BARCLAY. I believe it was felt that we could have, at least certainly for military reasons, the same type of situation that we would have outside of the United States.

In case of an attack on a particular area in the United States, where an evacuation was necessary, to another part of the United States, there would be a possible application of this statute. It would be permitted.

Now, the original bill was not specific, did not specifically pinpoint within the United States, but it did have language which is just as broad, where it said, "or such place as may be designated by the President."

We felt it should be pointed up to the subcommittee, that this language was broad enough to cover within the United States and if that was what was meant, it should be so stated.

Mr. JOHANSEN. I agree with that, the bill ought to state what is meant and not obscure it.

I understood you to say the General Accounting Office had considerable difficulty in approving or justifying the regulations that had

been set forth, but apparently you overcame that difficulty in part on the basis of a condition that the Congress enact legislation.

How long were these regulations to have the effect of law, before the General Accounting Office deemed it necessary to rescind them, because Congress had not, in its wisdom or lack of it, seen fit to act?

Mr. BARCLAY. I might point out in that connection, and this is taken from our decision dated February 5, 1957, and is directed to the Secretary of Defense:

We will not object—
this is to quote—

We will not object to the use of these procedures and forms pending congressional consideration of authorizing legislation both as to persons stationed overseas and in the zone of interior, and with the understanding that our approval upon the basis stated may be withdrawn in the event prompt action is not taken to obtain such legislation.

Mr. JOHANSEN. This was 4 years ago?

Mr. BARCLAY. Yes, sir. However, the Department immediately did propose legislation at that time and transmitted it to the Bureau of the Budget for their consideration, and as I recall, that matter was then sent to the Congress. It is true no final action has been taken, but the matter has been a continuing proposition, and we heard that this year there was a chance that consideration would be given to the bill.

I believe we are in the position, in fact, of saying that if action is not taken at this session, we certainly will have to consider very seriously whether or not this authority should be withdrawn.

Mr. ECKERT. I wonder if I could add one thought, that you must recall, too, Mr. JOHANSEN. There have been no payments under this. This is a procedure that was established.

Mr. JOHANSEN. But there could have been.

Mr. ECKERT. Yes, and there might be any day.

Mr. JOHANSEN. My only comment is that I have always held the General Accounting Office in the highest regard as an arm of the Congress. I must say, however, and I hope you will convey to the Comptroller General, my very great concern over the fact that apparently this arm of the Congress, now assumes the authority to approve procedures without legislative action, on the premise that maybe some day we will act.

I am disturbed by that.

Mr. BARCLAY. I would like to point out that we did not feel at the time that our authorization was in quite that status. For instance, so far as the advance of payments, we did not authorize any such payments, because there is a statute prohibiting advance of payments, unless otherwise authorized by law.

So far as the continuance of compensation, there has always been a great question as to the extent of the authority of heads of departments to consider employees in an administratively excused capacity. It has, of course, been done in many situations on a limited basis. The problem we felt was involved here was that we did not like too much the extent to which this could go, that is the 6 months; but as to what limit we would set by a determination of ours in lieu of the determination by the head of the department as to an administrative excusing, we felt we were not in a position to so state his limitations in that respect.

So far as I am aware, they have never been stated precisely and it was on that basis we approved the procedures, but with reservations in the sense we felt there was a possibility of abuse of the authority.

Mr. JOHANSEN. Am I correct in my understanding that what you did authorize does not involve advance payments?

Mr. BARCLAY. That is correct, sir.

Mr. JOHANSEN. Then I modify my criticism to that extent because I was under the impression it also involved advance payment.

Mr. BARCLAY. No, sir.

Mr. JOHANSEN. You do testify, however, that there are quite a number of devices by which the equivalent of advance or continuing payment could be provided for a limited time in an emergency, even without this legislation.

Mr. BARCLAY. Not so far as advances. Advances could not be provided.

I am stating only that a man's right to his compensation can in fact continue under the present authority of excusing by the head of the department, there being nothing in the law that precisely sets up the limit of his authority in that respect.

Mr. ROUSSELOT. Is it your personal feeling the 6-month limitation is needed?

Mr. BARCLAY. I would like to answer that this way, if I may: The original H.R. 2462 and 2555 contain no limitation whatsoever. We were concerned, when we discussed the changes to the bills, that there should be some limitation. As to whether it should be 2 months, 6 months, I have no views on that.

Mr. ROUSSELOT. From your experience of having dealt with this problem of advancement, is it needed for 6 months? Would 2 or 3 months be satisfactory?

Mr. BARCLAY. I don't think we can answer what types of situations may be involved. I think it is impossible to really come to grips with it in an absolute term.

Mr. ROUSSELOT. How much advancement can you get say for per diem?

Mr. BARCLAY. Per diem is permitted to be advanced to the extent of anticipated travel expenses you will have in the way of per diem. There is no time limitation in the per diem law so far as advances.

Mr. ROUSSELOT. What about dollar amount?

Mr. BARCLAY. No limitation so far as dollar amount. It is the particular travel one may be involved on.

Mr. ROUSSELOT. Except as established by the agency?

Mr. BARCLAY. The agency may set limitations on it. The Director, Bureau of the Budget, has regulatory authority. He promulgated regulations but they have not been definitive except in the sense that they limit the advance to the approximate travel costs. There is no 3, 30 days, 60 days limitation on advances so far as the regulations of the Bureau.

Mr. MORRISON. Mr. Gross?

Mr. GROSS. Mr. Barclay, under the very broad health and welfare provision on page 7, I assume that the employee within the continental United States who might be evacuated—call it whatever you want—relocated, would come under the same 6-month provision. Is that correct?

Mr. BARCLAY. Yes, that is correct.

Mr. GROSS. So he or she could be in a state of suspended animation in the United States for 6 months, under that provision?

Mr. BARCLAY. I can see no difference, so far as the proposal, to within or outside the United States. The authority is as broad within as outside, as now worded.

Mr. GROSS. Don't you think that goes a long way with respect to employees within the continental United States?

Mr. BARCLAY. Perhaps, sir; but I believe that actually is subject to the 6-month limitation, within regulations of the President and the Department head.

Mr. GROSS. But that is terrifically broad authority. Now let me ask you this question, Mr. Barclay.

I think you will agree with me there was a substantial evacuation of personnel from Korea, in 1950?

Mr. BARCLAY. Yes, sir.

Mr. GROSS. Why has no legislation been proposed, if there was difficulty encountered in Korea? I can remember a private bill that went through Congress, which I objected to originally and saved the taxpayers some \$300,000 to \$400,000 in indemnification for loss of personal property but I heard no one complain at that time or any necessity for legislation of this kind as a result of the Korean evacuation.

Why, in all of these years, hasn't there been the contention that this legislation was needed on the basis of the Korean evacuation which certainly was substantial?

Mr. BARCLAY. It certainly was substantial numberswise. So far as civilians I do not know the numbers. However, there existed and still exists, of course, the authority to return the man to the United States to his place of residence in the event the Government decides that he no longer should stay in a given area in a duty status because of various conditions.

So the Department already has the authority to bring him back to his place of residence in the United States, or to relocate him in another position, if they have one, in which they can place him, during the period of evacuation from a given point. And they may have operated on that basis. I assume they'd did.

Mr. GROSS. Mr. Chairman, I make this observation, with your permission. Up to this point there have been no witnesses before this subcommittee to substantiate the necessity for this legislation and I hope that the State Department can do a better job than the witnesses have thus far.

Mr. MORRISON. Mr. Dulski, have you any questions?

Mr. DULSKI. No, Mr. Morrison.

Mr. MORRISON. I wish to take this opportunity to thank the witnesses who have appeared today for their most diligent effort. They certainly have gone to a lot of preparation and their testimony has been most beneficial and helpful to the committee and the committee will stand adjourned until further notice.

(Whereupon at 11:25 a.m., the subcommittee was adjourned.)

