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# MISCELLANEOUS BILLS

GOVERNMENT  
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## HEARINGS BEFORE THE COMMITTEE ON ARMED SERVICES UNITED STATES SENATE EIGHTY-SEVENTH CONGRESS SECOND SESSION

ON

**H.R. 4330**

RETIRED ENLISTED PAY COMPUTATION

**H.R. 7719**

ROTC GRADUATES TO COAST AND GEODETIC SURVEY

**H.R. 7727**

PERMITTING MEMBERS OF THE ARMED FORCES TO ACCEPT  
SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

**H.R. 8045**

CHANGING THE NAME OF THE HYDROGRAPHIC OFFICE TO  
U.S. NAVAL OCEANOGRAPHIC OFFICE

**H.R. 218**

OATH OF ENLISTMENT

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JUNE 28, 1962  
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Printed for the use of the Committee on Armed Services



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## MISCELLANEOUS BILLS

THURSDAY, JUNE 28, 1962

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, D.C.

The committee met, pursuant to notice, at 10:30 a.m., in room 212, Senate Office Building.

Present: Senator Russell (presiding), Stennis, Symington, Thurmond, Bartlett, Cannon, Byrd of West Virginia, Saltonstall, Smith of Maine, and Bush.

Also present: William H. Darden, T. Edward Braswell, and Gordon A. Nease, professional staff members, Harry L. Wingate, Jr., Chief Clerk, and Herbert S. Atkinson, Assistant Chief Clerk.

### H.R. 7727—TO AMEND TITLE 10, UNITED STATES CODE, TO PERMIT MEMBERS OF THE ARMED FORCES TO ACCEPT FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS

Chairman RUSSELL. The first bill on the committee agenda today is H.R. 7727, which is a Department of Defense proposal to permit members of the Armed Forces to accept fellowships, scholarships, or grants.

(H.R. 7727 follows:)

[H.R. 7727, 87th Cong., 1st sess.]

AN ACT To amend title 10, United States Code, to permit members of the Armed Forces to accept fellowships, scholarships, or grants

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 155 of title 10, United States Code, is amended—*

(1) by adding the following new section at the end thereof:

#### “§ 2603. Acceptance of fellowships, scholarships, or grants

“Notwithstanding any other provision of law, a fellowship, scholarship, or grant may, under regulations to be prescribed by the President or his designee, be made by a corporation, fund, foundation, or educational institution that is organized and operated primarily for scientific, literary, or educational purposes to any member of the Armed Forces, and the benefits thereof may be accepted by him—

“(1) in recognition of outstanding performance in his field;

“(2) to undertake a project that may be of value to the United States; or

“(3) for development of his recognized potential for future career service.

The benefits of such a fellowship, scholarship, or grant may be accepted by the member in addition to his pay and allowances.”; and

(2) by adding the following new item at the end of the analysis:

“2603. Acceptance of fellowships, scholarships, or grants.”

SEC. 2. Section 221 of the Public Health Service Act, as amended (42 U.S.C. 213a), is amended by adding the following new clause at the end thereof:

“(9) Section 2603, Acceptance of fellowships, scholarships, or grants.”

Passed the House of Representatives August 7, 1961.

Attest:

RALPH R. ROBERTS, Clerk.

Chairman RUSSELL. The departmental witness on this bill is Capt. Peter S. Smith, who is Director of Instructional Standards and Materials Division, Bureau of Naval Personnel.

You may proceed, sir.

**STATEMENT OF PETER S. SMITH, CAPTAIN, U.S. NAVY, DIRECTOR, INSTRUCTIONAL STANDARDS AND MATERIALS DIVISION, BUREAU OF NAVAL PERSONNEL**

Captain SMITH. Mr. Chairman and members of the committee, the opportunity to appear in support of H.R. 7727 is appreciated. I am appearing before you today on behalf of the Department of the Navy which has been designated as the representative of the Department of Defense for this legislative proposal.

Enactment of this legislation would permit qualified members of the Armed Forces to accept, from nongovernmental sources, competitive scholarships, fellowships or grants, proffered by educational institutions and foundations in the United States, its territories and possessions, or in foreign countries.

Existing law prohibits a Government official or employee from receiving any salary in connection with his services from any source other than the Government of the United States.

An exception to the provisions of existing law for civilian officers and employees of the Government, including officers of the Coast and Geodetic Survey in the Department of Commerce, to accept contributions and awards incident to training in non-Government facilities has been provided by the Congress in 1958 through the Government Employees Training Act.

Consequently, the prohibition against acceptance of scholarships, fellowships, or grants from nongovernmental sources, would appear to apply only to the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Public Health Service.

It has been the policy and practice of the military departments to sponsor and participate in the annual Rhodes scholarship competition since at least 1928.

Such sponsorship permits Armed Forces personnel to apply to the Rhodes scholarship committee in their State with the understanding that if they are awarded a scholarship the military department concerned will order them to duty at Oxford University in an active-duty status for the duration of the tenure of the scholarship.

The policy of the military departments with regard to all other scholarships, fellowships, and grants varies and is determined on an individual case basis.

Generally, the acceptance of a scholarship, fellowship or grant by a member of the Armed Forces is determined:

- (1) by the availability of the individual for the training;
- (2) the value of the advanced education or study to the Government;
- (3) the requirement for individuals to be trained in the field and at the level of education for which the scholarship is made; and
- (4) the relationship of the proposed training to the military occupational field of the individual concerned.

In view of the prohibition against receipt of any salary for his services other than that paid by the Government, clear-cut authority is needed for the acceptance of grants and benefits by members of the Armed Forces such as the Fulbright scholarship, the Ford Foundation fellowship; the Carnegie fellowship; the Sloan fellowship; the Guggenheim fellowship, and others.

The Department of Defense hopes your committee will give favorable consideration to this bill and that it can be enacted during this session of the Congress. With me today are representatives from other services. If there are any questions we will endeavor to answer them.

Chairman RUSSELL. What set of circumstances caused this bill to be introduced, Captain?

Captain SMITH. In 1956 there was a ruling regarding a civilian employee of the Government that he could not accept a training offer made to him. This resulted in the passage of the Government Employees Training Act in 1958. In that Act, the military were specifically excluded.

Chairman RUSSELL. I don't suppose you have any idea of the number of civilian employees who have been trained under this act, do you?

Captain SMITH. No, sir, I do not.

Chairman RUSSELL. It is a relatively small number, is it not?

Captain SMITH. I would presume so.

Chairman RUSSELL. I have no reason to oppose the bill, and I can see where it would be very helpful in some areas, but there are times when I feel that certain branches of the service are already causing their personnel to spend more time in various schools and training than can be justified.

Of course, for educating people in the mysteries of outer space and in the atomic field you have all kinds of colleges through the armed services to train personnel that do not exist in the civilian agencies of the Government, do you not?

Captain SMITH. Yes, sir, that is correct.

Chairman RUSSELL. Have any of the larger foundations indicated any interest in making a contribution to this program?

Captain SMITH. I can't state that they have indicated any interest, sir. We have members of the armed services competing for some of these scholarships.

Chairman RUSSELL. Concerning the Fulbright scholarship, are persons in the armed services forbidden from accepting the Fulbright scholarship?

Captain SMITH. Yes, sir.

Chairman RUSSELL. Of course, a man receives all of his pay and allowances in addition to the funds he receives from the foundation, does he not?

Captain SMITH. Yes, sir.

Chairman RUSSELL. So he is not only paid by the Government but he gets his expenses over that.

Is there any provision in the bill that he has to increase the length of his services so that the Government won't suffer a total loss in that pay? I ask the members of the committee to excuse me for asking that question but I am just old-fashioned about asking about that.

Captain SMITH. Sir, there is nothing in this bill. There is in each of these services provisions whereby an officer or any member of the

service undergoing an educational program, does incur an obligated service. They vary depending upon the length of the program and the program itself.

I feel that the minimum obligated service that is incurred is a 2-year pay back for each year in any educational program.

Chairman RUSSELL. There is no law to that effect, is there?

Captain SMITH. Not to my knowledge.

Chairman RUSSELL. The only law we have is one for those who attend a service academy?

Captain SMITH. Yes, sir.

Chairman RUSSELL. We reported out a bill recently that lengthened the obligated service to 5 years, which I think is highly desirable. This is a good bill if it is properly applied, but I can see any number of opportunities for it to be abused. It is not quite as important as the atomic energy field, or space.

Would there be any objection to an amendment to this bill to provide that a man who accepts these grants, in addition to pay and allowances, would have his service increased for at least the length of time he is in the school?

Captain SMITH. No, sir.

Chairman RUSSELL. You have proceeded to permit any young man who was trained in the service schools to accept Rhodes scholarships without the benefit of any law.

I am not criticizing it.

Captain SMITH. Yes, sir.

Chairman RUSSELL. Is there a standard length of time for the Rhodes scholar as to years—is it a year, 2 years, 3 years or 4 years?

Captain SMITH. I believe the standard was 2 years.

Chairman RUSSELL. That was my impression. But in some instances it is 3 years?

Captain SMITH. It may be extended.

Chairman RUSSELL. That is what I thought.

Senator SALTONSTALL?

Senator SALTONSTALL. Captain, this is done under regulations to be prescribed by the President or his designee. If Congress is going to authorize this should we not put in some time limit?

In other words, a man could go from one scholarship to another scholarship or grant and so on. That might be theoretical but supposing we said under regulations prescribed by the President or his designee but not to exceed, say, 5 years or 4 years or something like that. For example, take a man like your good self as a captain, what service would you be to the U.S. Government if you were constantly going, or had the opportunity to constantly go, from one school to the other.

Captain SMITH. I agree with what you say, sir. I can also assure you that the services do not permit people to go from one to the other, at least the Navy does not permit that sort of thing.

However, I would have no objection.

Senator SALTONSTALL. That is the only thought that occurs to me, Mr. Chairman.

Chairman RUSSELL. You require them to do 2 years' service between every 2 years of schooling now, I believe?

Captain SMITH. I don't believe that there is a specific policy on how much time between any two schools. I do know that selection

processes of people going to various programs would preclude anybody going from one to another and probably preclude them from going to one, skip a tour, and then go back.

Chairman RUSSELL. The Army, at least, does enforce some rule that they have to do some duty, I think it is 2 years for schooling. I had a young man who was an engineering graduate and he wanted to go ahead and get his Ph. D., but they wouldn't let him do it. They made him interrupt it, which I thought was all right.

Senator STENNIS.

Senator STENNIS. Mr. Chairman, I had to leave for a short time. I understand this will permit the acceptance of these scholarship awards while you are on duty.

Of course, you would draw your regular compensation at the same time, your quarters allowance?

Captain SMITH. Yes, sir.

Senator STENNIS. Do the civilian employees have that privilege now?

Captain SMITH. Yes, sir.

Senator STENNIS. That is what I understood. I believe that is all.

Chairman RUSSELL. Senator Smith.

Senator SMITH. I don't have any questions.

Chairman RUSSELL. Could you tell us for the record how many officers in the services are in training in other colleges at the present time.

Do we have considerable numbers at MIT and in Harvard and these other larger institutions in the East and the University of Michigan? Do you have any figures there that would indicate the number that are already being trained in these higher degrees?

Captain SMITH. I could give you a figure for the Navy, sir, and the Army and the Air Force are present and possibly they can give you for their services.

In the Navy we have a training allocation of some 1,100 officers in graduate work.

Chairman RUSSELL. How wide a scope of training does that embrace, everything from business administration on through law and everything else?

Captain SMITH. Yes, sir. No law.

Chairman RUSSELL. Yes, sir, you have a special law school down at the University of Virginia.

Captain SMITH. Excuse me, I was thinking of the Navy, sir. Yes, sir, we do have.

Chairman RUSSELL. Suppose you and the Air Force and the Army offer for the record the number of officers per year that you train in the higher degrees in different institutions and also give us some idea of the number in each institution so we can see something about the distribution.

Captain SMITH. All right, sir.

Senator STENNIS. Will you give the numbers, Mr. Chairman, that will be affected by this bill, the estimated number?

Chairman RUSSELL. We will be glad if they can furnish that but until they knew how these foundations were going to respond to it, I don't know how they could.

Captain SMITH. We would propose, sir, to limit this to probably not more than 20 in any 1 year from each of the services.

Chairman RUSSELL. You shake me a little there, Captain. I was hoping maybe these foundations would take some of the burden off the Government. We are paying to train thousands of these officers in these different schools, and I was hoping we might save just a few dollars somewhere by getting the Ford Foundation and some of these other larger foundations, Carnegie Foundation, to pay these men their way through schools and save us tuition and charges.

We are going to have to pay them their salary and other allowances. There is not much to the bill if it is just 20 and if you are going to add them on to the others you already have in the schools.

Captain SMITH. Yes, sir.

Chairman RUSSELL. Senator Bush?

Senator BUSH. You already are availing yourselves, the services are availing themselves of Rhodes scholarships?

Captain SMITH. Yes, sir.

Senator BUSH. How about the George Olmsted scholarships?

Captain SMITH. Yes, sir.

Senator BUSH. They must be availed of, are they not?

Captain SMITH. They are, sir, but the Navy, for example, does not accept the stipend that goes with the scholarship.

Senator BUSH. And the purpose of this bill really is to enable the acceptance of that?

Captain SMITH. Yes, sir.

Senator BUSH. That is really the purpose of the bill?

Captain SMITH. Yes, sir, that is the purpose of the bill.

Senator BUSH. In other words, they are taking advantage of scholarships at the present time but being deprived of the full benefit of the scholarship?

Captain SMITH. That is right. The Government is paying—

Senator BUSH. So it doesn't represent any real change in policy so far as education of personnel is concerned. It simply is designed to take advantage of the proffered emolument?

Captain SMITH. That is correct, sir.

Senator BUSH. That is all.

Chairman RUSSELL. Senator Symington?

Senator SYMINGTON. No questions, Mr. Chairman.

Chairman RUSSELL. Senator Thurmond?

Senator THURMOND. Thank you, Mr. Chairman.

As I understood a few years ago there was a young doctor graduated from West Point who wanted to study medicine, and he, according to the information I had, had to give up his desire to do so.

Isn't that correct?

Captain SMITH. I am sorry, sir, I am not familiar with this at all.

Senator THURMOND. I know the young man, although I haven't talked with him. But somebody else told me that he had to go off the Government payroll. He got a leave or some arrangement whereby he wouldn't lose his seniority in the Army, but at the same time the Army would not finance him in medical school.

And I am just wondering if this bill is going to bring about a different situation that would put those people in one class and the ones who receive the benefits of this bill under this class.

Captain SMITH. In answer to your first question, Major Jones from the Army is here and maybe he can give you more information on this particular case.

Major JONES. I am Major Jones of the Deputy Chief of Staff for Personnel.

It is true we have two or three officers at West Point who are taking advantage of a program that the Surgeon General has. It isn't a program but an exception to policy to study medicine. These officers are placed on excess leave for the period of time required. They do accrue their retirement time and service credit, but they don't receive any pay and allowances.

Senator THURMOND. What would be the difference in a young man in the Army who wanted to study medicine and if he goes off for 4 years, and doesn't draw any salary, and a young man here who wants to go to Oxford or somewhere else for 4 years and he would draw a salary? I mean how are you going to correlate the two, or be fair to both?

Captain SMITH. Sir, I would think that this would be within the Department itself, the need for graduate study being based upon a requirement within a department.

Senator THURMOND. Well, the Army certainly needs doctors, doesn't it? They have a very difficult time getting doctors, don't they?

Captain SMITH. I would think they would certainly fit into this particular bill. This is speaking of it—

Senator THURMOND. You mean under this bill here it is your construction that if an officer in the Army, in the case I am thinking about, the young man who has graduated from West Point, if he wants to study medicine, can go and study medicine under this bill just the same as he can go and study history or engineering in any other course?

Captain SMITH. If it were a scholarship, sir.

Senator THURMOND. If it were a scholarship, contemplated by the bill to which we are addressing ourselves.

If he obtained a scholarship under this he could do it?

Captain SMITH. Yes, sir.

Senator THURMOND. Then you are putting him in this position then, a young man who doesn't have a scholarship, but is willing to pay his own expenses, is going to be handicapped, compared with a man who gets the scholarship.

Captain SMITH. Yes, sir; this is right.

Senator THURMOND. In other words, he not only would have to pay his own tuition if he wanted to study medicine but he didn't have a scholarship, and he loses his salary in addition.

Under the provision of this bill he can retain his salary, draw his full salary, and also draw a scholarship.

Captain SMITH. Yes, sir; that is correct. Of course, the scholarship, I think generally is a competitive thing, and if he wins the scholarship under our proposed bill then he would be allowed to accept it.

Senator THURMOND. Who is going to determine whether he wins a scholarship, some professors at Oxford or the service people, in whom I have more confidence?

Captain SMITH. Well, the service people would certainly have to give him permission to go and accept the scholarship, to give him the time to do this.

Senator THURMOND. Under this bill, the institutions or the foundations would determine those who qualified rather than his army of service?

Captain SMITH. That is right. The criteria——

Senator THURMOND. For instance, if he is in the Army Engineers they would not be allowed to pick the man best qualified but the foundation would pick the man best qualified?

Captain SMITH. This is my belief, sir. That the foundation establishes the criteria.

Senator THURMOND. Are you familiar with the Reece report on these foundations and the influence they are having in this country today and the extent to which they are growing in various aspects of human life?

Captain SMITH. No, sir; I am not.

Senator THURMOND. That is all I have now, Mr. Chairman.

Chairman RUSSELL. Senator Bartlett?

Senator BARTLETT. Captain, I want to get this straight. My understanding is that we don't really need this bill at all. But that you want that for two reasons: One, is that these people can be sent to a school for advanced training without the further use of appropriated funds and, second, so you will have sanction under law for carrying out a better program in effect.

Captain SMITH. That is right.

Senator BARTLETT. Do you know how many scholars the Navy has had since 1928?

Captain SMITH. Yes, sir; 18.

Senator BARTLETT. And the Army?

Captain SMITH. Excuse me, 42.

Senator BARTLETT. The Air Force?

Captain SMITH. Four. Two and two next year, I believe, or one and three.

Senator BARTLETT. The Air Force has just started.

Captain SMITH. Yes, sir.

Senator BARTLETT. What allowance, in addition to salary does the Navy officer get at Oxford?

Captain SMITH. The stipend for the scholarship is something like \$2,100.

Senator BARTLETT. He doesn't receive that, though?

Captain SMITH. Yes, sir. That pays tuition, texts, educational material, travel, and all associated costs with the education.

Senator BARTLETT. And what in addition to his salary does the Navy give him while he is studying that?

Captain SMITH. He gets his salary and his pay and allowances.

Senator BARTLETT. And if he—if the Navy taps a man after he has been initially tapped by the Fulbright people, what does he get for a Fulbright scholarship or does it vary?

Captain SMITH. Yes, sir; it varies.

Senator BARTLETT. You need not give the details. But in any case the Navy, and I presume the Army and the Air Force do take the stipend that is granted in any case and make it available to the officer?

Captain SMITH. I can't answer this question exactly, sir. I don't know whether the stipend granted by the foundation is paid to the university in the form of his tuition or whether it is actually given to the officer himself. The purpose of it is to cover the educational costs.

Senator BARTLETT. But in any case the services, the Department of Defense, want this bill so that there will be a legal basis for continuation of the program?

Captain SMITH. Yes, sir; we would like the clear-cut authority to do this.

Senator BARTLETT. Thank you.

That is all, Mr. Chairman.

Chairman RUSSELL. Captain, does the Navy have undergraduates in colleges at Government expense as well as graduate students?

Captain SMITH. Yes, sir.

Chairman RUSSELL. How are they recruited, the regular students?

Captain SMITH. Would you say that again, sir?

Chairman RUSSELL. Where do they come from, the ones who are undergraduates? The man who has gone to the Naval Academy—you don't need to send him to an undergraduate school, do you?

Captain SMITH. No, sir. We in the Navy over the years have commissioned officers who have not had a baccalaureate degree so these are the people who are in the undergraduate program.

Chairman RUSSELL. If he has a degree under the Holloway program or Naval ROTC program he would not be eligible then for additional undergraduate work?

Captain SMITH. No, sir.

Chairman RUSSELL. This then is designed to help your chiefs and higher enlisted graduates who are making a career of the Navy get their commissions?

Captain SMITH. Yes, sir.

Chairman RUSSELL. All right, I met some very fine officers who have come up that way.

You might, when you furnish us the information for the record, show the number of undergraduates as compared with those who are in the graduate schools.

Any further questions?

If not, we thank you very much, Captain.

Captain SMITH. Thank you, sir.

Chairman RUSSELL. Do the representatives of the Air Force or Army have anything they desire to add to what Captain Smith has testified?

Very well, thank you.

There will be inserted in the record a statement of Congressman Carl Albert, of Oklahoma, in support of this bill.

STATEMENT OF HON. CARL ALBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA

Mr. Chairman, I appreciate the opportunity to express my support before this distinguished committee of H.R. 7727, a bill to amend the United States Code in regard to the acceptance of certain scholarships and fellowships by members of the Armed Forces.

This legislation, adopted by the House of Representatives in the closing days of the first session of this Congress, makes it possible for military personnel to benefit from the assistance provided by various educational foundations. Safeguards are contained to prevent the involvement of pressure groups as donors.

As military considerations become increasingly commingled with political policy, it becomes commensurately important that our military personnel avail themselves of every opportunity to keep abreast in all fields of learning, both scientific and cultural. This bill provides an important opportunity for advanced education which can be of great value to our Nation.

I respectfully request your favorable consideration of H.R. 7727.

(The information requested in the testimony of Captain Smith follows:)

*Military personnel pursuing a course of instruction at institutions leading to (1) a baccalaureate degree or (2) a graduate degree as of May 1, 1962*

## BACCALAUREATE DEGREES

Institution	Officers	Enlisted
AIR FORCE		
Arizona State University	72	121
Arizona, University of	48	52
Boston University	1	
California, University of Southern	12	
California, University of Los Angeles	6	
Chicago, University of	8	
Colorado, University of	55	4
Florida State University	19	13
George Washington University	7	
Georgia Institute of Technology	2	
Illinois, University of	47	
Indiana, University of	9	
Kansas, University of	1	
Kansas State University	8	
Maryland, University of	1	1
Massachusetts Institute of Technology	7	
Miami, University of (Florida)	1	
Michigan, University of	17	
Michigan State University	3	4
Nebraska, University of	3	
New Hampshire, University of	6	
New Mexico, University of	10	
North Carolina State College	7	
North Dakota, University of	23	
New York University	3	
Ohio State University	6	8
Oklahoma, University of	117	58
Oklahoma State University	92	42
Pennsylvania State University	39	9
Pittsburgh, University of	28	
Purdue University	6	
Sacramento State College	1	
San Francisco State College		5
Stanford University	12	
St. Louis University	14	
Syracuse University	1	
Tennessee, University of	7	15
Texas, University of	33	
Texas, A. & M. College of	119	
Texas Technological College	78	
Utah, University of	14	
Washington, University of	23	
Washington State University	20	20
Wisconsin, University of	5	
Wyoming, University of	42	59
Total	1,033	411
NAVY		
Auburn University		18
California, University of (Berkeley)	2	
California, University of (Los Angeles)	2	
Colorado, University of	1	29
Cornell University		8
General Linc & Naval Science School	256	
George Washington University	6	
Idaho University		20
Kansas, University of	4	20
Louisville, University of	1	12
Marquette University		27
Maryland, University of		21
Massachusetts Institute of Technology		9
Miami, University of	1	22
Michigan, University of	1	
Mississippi, University of	15	16
Nebraska, University of	1	17
New Mexico, University of	2	34
New York State Maritime College		7
North Carolina University		15
North Carolina State University		18
Ohio State University	3	
Oklahoma University		25
Pennsylvania State University		18
Purdue University		195
Rochester University	1	
Stanford University	8	
Texas, University of		18
Tulane University	2	

*Military personnel pursuing a course of instruction at institutions leading to (1) a baccalaureate degree or (2) a graduate degree as of May 1, 1962—Continued*

## BACCALAUREATE DEGREES—Continued

Institution	Officers	Enlisted
NAVY—continued		
Utah, University of.....		21
Vanderbilt University.....		19
Washington, University of.....	3	118
Total.....	300	715
ARMY		
Alabama, University of.....		5
Arizona, University of.....	1	1
Arkansas, University of.....		1
Brigham Young University.....		1
California State Polytechnic College.....		3
Colorado State University.....		1
Colorado School of Mines.....		1
Colorado, University of.....		1
Columbia University.....		1
Connecticut, University of.....		1
Detroit, University of.....		1
Florida State University.....		1
Georgetown University.....		2
Georgia State College.....		1
Georgia Tech.....	2	
Iowa, State University of.....		1
Kansas State University.....		3
Kansas, University of.....		1
Kent State University.....		1
Kentucky, University of.....		1
Louisiana State University.....		1
Maryland, University of.....		2
Michigan, University of.....		1
Milwaukee School of Engineering.....		19
Mississippi, University of.....		1
Missouri School of Mines.....	25	
Missouri, University of.....		1
New Hampshire, University of.....		1
Oklahoma State University.....		1
Oklahoma, University of.....		1
Orange Coast College.....		20
Oregon, University of.....		1
Pennsylvania State University.....		3
Rochester, University of.....		1
Rutgers—the State University.....		1
San Jose State College.....		2
Southern Illinois University.....		1
Stanford University.....	1	
State University of South Dakota.....		1
Stevens Institute.....	1	
Sul Ross State College.....		1
Tennessee, University of.....		2
Texas A. & M. College.....		1
Texas Technological College.....		2
Texas, University of.....		2
Toledo, University of.....		1
Trinity University.....		1
Washington State University.....	2	
Washington, University of.....		5
Wisconsin, University of.....		2
Total.....	32	103
MARINE CORPS		
Boston University.....	1	
Bowling Green State University.....	1	
California, University of.....	1	
Chapman College.....	2	
Colgate University.....	1	
Colorado, University of.....	1	
George Peabody College.....	1	
George Washington University.....	5	
Harvard University.....	1	
Hawaii, University of.....	1	
Idaho, University of.....	1	
Kentucky, University of.....	1	
Long Beach State College.....	2	
Los Angeles State College.....	1	
Maryland, University of.....	28	
Mitchell College of Long Island University.....	1	
New Mexico, University of.....	1	
North Texas State College.....	1	

*Military personnel pursuing a course of instruction at institutions leading to (1) a baccalaureate degree or (2) a graduate degree as of May 1, 1962—Continued*

## BACCALAUREATE DEGREES—Continued

Institution	Officers	Enlisted
MARINE CORPS—continued		
Oklahoma State University.....	10	-----
Omaha, University of.....	54	-----
Oregon State University.....	1	-----
Portland State University.....	1	-----
Redlands, University of.....	1	-----
San Diego State University.....	6	-----
Southeast Missouri State College.....	1	-----
Southern California, University of.....	1	-----
St. Thomas, College of.....	1	-----
Texas Technological College.....	1	-----
Virginia, University of.....	1	-----
Washington, University of.....	1	-----
William and Mary, College of.....	1	-----
Total.....	131	-----

## GRADUATE DEGREES

Institution	1 year	2 years	3 or more years
AIR FORCE			
Arizona State University.....	1	24	-----
Arizona, University of.....	-----	23	-----
Aix, University of.....	-----	1	-----
Arkansas University.....	-----	1	-----
Baylor University.....	-----	3	-----
Boston University.....	-----	6	-----
Brazil, University of.....	-----	1	-----
Cambridge, University of (England).....	-----	1	-----
California Institute of Technology.....	-----	8	-----
California, University of (Berkeley).....	-----	4	-----
California, University of Southern.....	2	13	-----
California, University of (Los Angeles).....	-----	9	-----
Case Institute of Technology.....	-----	15	-----
Catholic University.....	-----	1	-----
Chicago, University of.....	45	7	-----
Cincinnati, University of.....	-----	2	-----
Colorado State College.....	-----	2	-----
Colorado, University of.....	15	53	-----
Columbia, University of.....	-----	3	-----
Connecticut, University of.....	23	1	-----
Denver, University of.....	-----	4	-----
Florida State University.....	-----	16	-----
Florida, University of.....	-----	7	-----
Geneva, University of.....	-----	1	-----
George Washington University.....	29	5	-----
Georgetown University.....	-----	3	-----
Georgia Institute of Technology.....	-----	3	-----
Gottingen, University of.....	-----	1	-----
Harvard University.....	-----	19	-----
Idaho, University of.....	-----	1	-----
Illinois, University of.....	-----	43	-----
Indiana, University of.....	5	1	-----
Iowa State University.....	-----	4	-----
Johns Hopkins University.....	-----	1	-----
Kansas, University of.....	-----	2	-----
Kentucky, University of.....	-----	2	-----
Madrid, University of.....	-----	1	-----
Maryland, University of.....	-----	5	-----
Massachusetts Institute of Technology.....	-----	54	-----
McGill University (Canada).....	-----	1	-----
Michigan, University of.....	1	92	-----
Michigan State University.....	21	2	-----
Michigan College of M. & T.....	-----	1	-----
Mississippi Southern College.....	-----	1	-----
Munich, University of.....	-----	1	-----
Nebraska, University of.....	-----	2	-----
New Hampshire, University of.....	-----	8	-----
New Mexico, University of.....	-----	9	-----
North Carolina, University of.....	-----	6	-----
North Carolina State College.....	-----	16	-----
North Dakota, University of.....	-----	1	-----
Northwestern University.....	-----	1	-----

Military personnel pursuing a course of instruction at institutions leading to (1) a baccalaureate degree or (2) a graduate degree as of May 1, 1962—Continued

## GRADUATE DEGREES—Continued

Institution	1 year	2 years	3 or more years
AIR FORCE—continued			
New York University		6	
Ohio State University	1	27	
Oklahoma, University of		28	
Oklahoma State University		31	
Oregon, University of		3	
Oxford University		1	
Pennsylvania, University of		12	
Pennsylvania State University		21	
Pittsburgh, University of	4	12	
Princeton University		12	
Purdue University	13	49	
Rensselaer Polytechnic Institute		2	
Rutgers University		1	
San Francisco State College		2	
Southern Methodist University		2	
Stanford University		59	
Stockholm University		2	
St. Louis University		13	
Syracuse University	15	9	
Tennessee, University of	14	3	
Texas, University of		31	
Texas, A. & M. College of		39	
Texas Technological College		13	
Tulane University		1	
Utah, University of		18	
Vanderbilt University		4	
Washington, University of		26	
Washington State University		7	
Wisconsin, University of		8	
Wyoming, University of		13	
Yale University		1	
Total	189	943	
NAVY			
American University	9	2	
Brown University		3	
California, University of (Berkeley)	9	1	
California, University of (Los Angeles)		2	
California, University of (San Diego)		1	2
California, University of Southern		1	
California Institute of Technology	2		2
Case Institute	1		
Catholic University	1		
College of Aeronautics		2	
Cologne, University of	1		
Cornell University			2
Duke University			2
Florida State University		1	
George Washington University	28		
Gottingen, University of	1		
Harvard University	8	9	
Illinois, University of		4	2
Iowa State University	2		1
Iowa, University of		1	
Johns Hopkins University		1	2
Kansas, University of	3		
Maryland, University of		3	
Massachusetts Institute of Technology	3	1	46
Michigan, University of	8	3	2
Minnesota, University of			1
Naval Intelligence School	45		
Naval Postgraduate School:			
(a) Engineering School	160	407	150
(b) Management School	86		
New York University		1	
Northwestern University	3		
Ohio State University		3	
Pennsylvania State University		2	
Pennsylvania, University of			1
Pittsburgh, University of	2		
Princeton University	7		1
Purdue University	2		
Rensselaer Polytechnic Institute	25		
San Diego State College	7		
Southern Methodist University	1		
Stanford University	6	12	2

Military personnel pursuing a course of instruction at institutions leading to (1) a baccalaureate degree or (2) a graduate degree as of May 1, 1962—Continued

## GRADUATE DEGREES—Continued

Institution	1 year	2 years	3 or more years
NAVY—continued			
Tennessee, University of		1	
Texas, University of	1	1	
Tufts University		5	
Union Theological Seminary	2		
Utah, University of			1
Virginia, University of	1		
Washington, University of		6	4
Webb Institute			9
Yale University			1
Total	424	473	231
ARMY			
Alabama, University of	4	23	1
Alliance Francaise	4		
American University	3	16	
Arizona, University of	2	49	
Boston University	1		
Babson Institute		10	
Bryn Mawr College		1	
California, University of (Berkeley)	2	2	
California, University of (Los Angeles)		5	
Carnegie Institute of Technology		1	
Chicago, University of		10	
Cincinnati, University of		1	
Colorado, University of	1	1	
Columbia University	12	6	9
Connecticut, University of		1	
Cornell University	3	4	
Delaware, University of		2	
Denver, University of		1	
Emory University	1		
Florida State University		1	
Florida, University of	1		
Geneva, University of		1	
Georgetown University	1	4	
George Washington University	7	2	
Georgia Tech		31	
Harvard University	1	12	
Heidelberg, University of	2		
Houston, University of	1		
Illinois, University of	2	21	
Indiana, University of	5	3	
Iowa State University (S. & T.)	13	7	
Iowa, State University of		2	
Kansas, University of		2	
Lehigh University	3	1	
Long Island University	1		
Louisiana State University	4	1	
Loyola University	1		
Lyons, University of		1	
Maryland, University of	1	3	
Massachusetts Institute of Technology		11	
Massachusetts, University of	2	1	
Madrid, University of	2		
Miami, University of		9	
Michigan State University	4	8	
Michigan, University of	2	12	
Minnesota, University of	2		
Mississippi, Southern University	1		
Mississippi State University		8	
Mississippi, University of		1	
Missouri, University of		2	
Missouri School of Mines	1	1	
New Mexico State University		18	
New York University	1		
North Carolina State University		5	
North Carolina, University of	1	1	
Northeastern University		1	
Northwestern University		6	
Notre Dame University		1	
Ohio State University	1	16	
Oklahoma University	1	5	
Oklahoma State University		4	
Pennsylvania State University		8	
Pennsylvania, University of	1	9	
Pittsburgh, University of	3		

Military personnel pursuing a course of instruction at institutions leading to (1) a baccalaureate degree or (2) a graduate degree as of May 1, 1962—Continued

## GRADUATE DEGREES—Continued

Institution	1 year	2 years	3 or more years
ARMY—continued			
Princeton University.....	7	3	1
Purdue University.....	7	34	
Rensselaer Polytechnic Institute.....	9	1	
Rutgers University.....	2		
Southern California, University of.....		21	
St. John's University.....		1	
Stanford University.....	6	5	
Stevens Institute.....		11	
Syracuse University.....	2	29	
Tennessee, University of.....	1	15	
Texas, A. & M. College of.....	2	11	
Texas, University of.....	3	1	
Tufts University.....	1		
Tulane University.....		18	1
Utah, University of.....		2	
Vanderbilt University.....	1	3	
Virginia Polytechnic Institute.....	1	15	
Virginia, University of.....		4	2
Washington State University.....	3		
Washington, University of.....	1	8	
West Virginia, University of.....		2	
Wisconsin, University of.....	2	12	
Oxford University (Rhodes schools).....			9
Total.....	141	548	14

## MARINE CORPS

None.

(Subsequently, in executive session, the committee voted to report H.R. 7727, with amendments, as covered by S. Rept. 1675.)

### H.R. 7719—TO AUTHORIZE CERTAIN PERSONS WHO COMPLETE A RESERVE OFFICERS' TRAINING CORPS PROGRAM TO BE APPOINTED AS COMMISSIONED OFFICERS IN THE COAST AND GEODETIC SURVEY

Chairman RUSSELL. The next bill is H.R. 7719, a bill sponsored by the Department of Commerce that would permit persons who graduate from the ROTC program to accept appointments as commissioned officers in the Coast and Geodetic Survey instead of a commission in a reserve component of the Armed Forces.

(H.R. 7179 follows:)

[H.R. 7719, 87th Cong., 1st sess.]

AN ACT To amend section 6(d) of the Universal Military Training and Service Act (50 App. U.S.C. 456(d)) to authorize certain persons who complete a Reserve Officers' Training Corps program to be appointed as commissioned officers in the Coast and Geodetic Survey

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6(d) of the Universal Military Training and Service Act (50 App. U.S.C. 456(d)) is amended—

(1) by amending the fourth sentence of paragraph (1) by striking out the word "Upon" and inserting the words "Except as provided in paragraph (5), upon" in place thereof; and

(2) by adding the following new paragraph at the end thereof:

"(5) Notwithstanding paragraph (1), upon the successful completion by any person of the required course of instruction under any Reserve Officers' Training Corps program listed in clause (A) of the first sentence of paragraph (1) and subject to the approval of the Secretary of the military depart-

ment having jurisdiction over him, such person may, without being relieved of his obligation under that sentence, be tendered, and accept, a commission in the Coast and Geodetic Survey instead of a commission in the appropriate reserve component of the Armed Forces. If he does not serve on active duty as a commissioned officer of the Coast and Geodetic Survey for at least six years, he shall, upon discharge therefrom, be tendered a commission in the appropriate reserve component of the Armed Forces, if he is otherwise qualified for such appointment, and, in fulfillment of his obligation under the first sentence of paragraph (1), remain a member of a reserve component until the sixth anniversary of the receipt of his commission in the Coast and Geodetic Survey. While a member of a reserve component he may, in addition to as otherwise provided by law, be ordered to active duty for such period that, when added to the period he served on active duty as a commissioned officer of the Coast and Geodetic Survey, equals two years."

Passed the House of Representatives August 7, 1961.

Attest:

RALPH R. ROBERTS, *Clerk.*

Chairman RUSSELL. The witness on this bill before the committee is Capt. Edgar F. Hicks, who is assistant to the Director of the U.S. Coast and Geodetic Survey.

Captain Hicks, will you come forward, please, and explain this bill to the committee?

#### STATEMENT OF CAPT. EDGAR F. HICKS, ASSISTANT TO THE DIRECTOR, COAST AND GEODETIC SURVEY

Captain HICKS. Mr. Chairman and members of the committee, it is a pleasure to appear here to present the views of the Department of Commerce with respect to H.R. 7719, a bill to amend section 6(d) of the Universal Military Training and Service Act.

The purpose of this bill is to amend that act so as to authorize certain persons who complete a Reserve Officer's Training Corps program, subject to the approval of the Secretary of the military department having jurisdiction over them, to accept appointment as a commissioned officer in the Coast and Geodetic Survey in lieu of accepting a commission in the appropriate Reserve component of the Armed Forces.

The proposed legislation does not relieve ROTC graduates commissioned in the Coast and Geodetic Survey from their obligation under section 6(d)(1) of the Universal Military Training and Service Act.

It does allow them to substitute active duty as a commissioned officer of the Survey for active duty and reserve duty in the Armed Forces.

Under the terms of the proposal, any individual who does not serve on active duty in the Survey for at least 6 years would be required, if qualified, to serve in the appropriate Reserve component of the Armed Forces for a period of time, which added to his service in the Coast and Geodetic Survey, would total 6 years.

Under existing legislation our officer recruitment program is quite restricted because many of the physically qualified engineering students are enrolled in an Armed Forces ROTC program.

The are required to accept a commission in the Armed Forces or a Reserve component upon graduation. Thus, we are precluded from offering those persons a commission in the Survey.

The commissioned corps of the Coast and Geodetic Survey is, in reality, a potential reserve corps of the Armed Forces as under the

act of May 22, 1917, the President may transfer commissioned officers of the Survey to the Armed Forces during periods of national emergency by Executive order.

During World War II out of 171 officers on active duty, 91 were actually transferred to the Armed Forces. Most of those transferred served in areas of actual combat. Hence, any program which strengthens the Coast and Geodetic Survey also strengthens the Armed Forces.

Enactment of this proposal would materially aid the Coast and Geodetic Survey in our officer recruitment program. It would not materially affect the Armed Forces Reserve program as only a comparatively few persons, 20 to 30, would be recruited annually. The Department of Commerce recommends favorable consideration of this proposed legislation.

Chairman RUSSELL. How many commissioned officers do you have in the Coast and Geodetic Survey at the present time?

Captain HICKS. 185.

Chairman RUSSELL. 185. Where are they generally recruited from?

Captain HICKS. They are recruited from the civilian colleges throughout the whole United States, that is, the colleges which offer courses in science, engineering or allied with the work we do.

Chairman RUSSELL. How do your physical standards compare with those of the armed services?

Captain HICKS. They are identical.

Chairman RUSSELL. They are identical?

Captain HICKS. Yes, sir.

Chairman RUSSELL. I am a little hazy as to just where the responsibility of the Coast and Geodetic Survey ends with respect to the coasts and where that of the Navy takes up.

I was traveling around some last year, I won't give the area, but I ran into a considerable number of ships of almost destroyer size the Navy had out surveying all around, coastal waters and this country and other countries.

How far offshore does the Coastal Survey go?

Captain HICKS. There is no limit now to the area that we can go in. In fact, the Coast Survey and the Navy, you might say, have duplicate authority over the area but by agreement with each other, we have avoided a duplication of work in the same area.

Chairman RUSSELL. You have ships of this type?

Captain HICKS. We have ships approximately the size of the destroyers, yes, sir. About 3,000 to 3,200 tons.

Chairman RUSSELL. Specially constructed and outfitted for this work?

Captain HICKS. Yes, sir.

Chairman RUSSELL. You use the same type ship that the Navy does?

Captain HICKS. It will be the same type—we could not get a destroyer, of course.

Chairman RUSSELL. I understand these ships would have no value immediately as destroyers, they are equipped for survey work now?

Captain HICKS. Yes, sir, and the Navy has ships equipped for survey work the same.

Chairman RUSSELL. Where is work coordinated, on what level is it determined what is operated by the Coast and Geodetic Survey and what by the Navy?

Is that done on a secretarial level or where?

Captain HICKS. It is mostly done by mutual agreement between the Hydrographer of Navy and the Director of the Coastal Survey, and as a rule we have, up until the present time at least, restricted our work to about a practice which goes out to the Continental Shelf.

That is our main work, except with some incidental work outside; now with the oceanographic—

Chairman RUSSELL. In some places that would take you a pretty good ways offshore.

Captain HICKS. Yes, sir; it goes some way.

Now, the oceanographic work we are now in has gotten into a world-wide program and there the areas would be monitored so that each agency participating would have its area to work in, and another agency would have its area, and so you don't have the two working in the same area.

Chairman RUSSELL. Are your crews civil service employees?

Captain HICKS. They are civil service rather than enlisted.

Chairman RUSSELL. The Navy has a considerable number of civil service people working in the area, too, in addition to ships operated by naval personnel; they also have civil service employees?

Captain HICKS. Yes, sir. I believe they have civil service employees.

Chairman RUSSELL. I have been somewhat confused by it and I greatly fear there is going to be a considerable overlapping and duplication in effort here.

That has no relation to this bill. I am in favor of the bill. I know no reason why it shouldn't go through, but, of course, it won't be the only instance where we will have two departments doing the same work.

That is all through the Government. Sometimes you have four or five. You don't know of any other agency of Government or department that has vessels that are carrying on surveys of the waters of the sea, do you, besides you and the Navy?

Captain HICKS. Well, it would be a rather difficult problem with the oceanography to distinguish between them because the surveying is all oceanography.

Now, fisheries, they have oceanographic vessels, of course, the Navy, the Coast Survey.

Chairman RUSSELL. Does Space have any?

Captain HICKS. Not that I know of.

Chairman RUSSELL. They operate a considerable fleet; I didn't know whether they had any vessels of this type.

Captain HICKS. I don't think they have any survey vessels that I know of.

Chairman RUSSELL. How many civilian personnel do you have on the ships?

How many does it take to operate one of them?

Captain HICKS. To operate one ship?

Chairman RUSSELL. Yes, sir.

Captain HICKS. Well, that would all depend on the size ship. They range, I think, from 9 in the small ships to about 80 on the larger ships.

Chairman RUSSELL. You have less personnel than the Navy would have on a ship of comparable size?

Captain HICKS. I believe so, yes, sir.

Chairman RUSSELL. Unquestionably. They have around 125 in a ship that size.

Senator Smith?

Senator SMITH. Mr. Chairman, when I was in South America last fall, I heard something about some surveys or studies that were being carried on.

Is that under your direction or under the Navy?

Captain HICKS. I imagine that was under the Army, under the Inter-American Geodetic Survey.

Senator SMITH. You don't know whether it is?

Captain HICKS. I would not know; no, Senator.

Senator SMITH. Thank you, Mr. Chairman.

Chairman RUSSELL. That is a topographic survey more or less; isn't it? The Army has an enormous number of civil engineers all over South America.

Captain HICKS. They have a topographic force engaged quite greatly with the South Americans.

Chairman RUSSELL. There is a large operation down in Panama.

Senator Symington?

Senator SYMINGTON. No questions.

Chairman RUSSELL. Senator Bush?

Senator BUSH. No questions.

Chairman RUSSELL. Senator Bartlett?

Senator BARTLETT. No questions.

Chairman RUSSELL. Was there any other witness on this bill?

Thank you very much, Captain.

Captain HICKS. Thank you, sir.

(Subsequently, in executive session, the committee voted to report H.R. 7719, without amendment, as covered by S. Rept. 1674.)

**H.R. 4330—TO PROVIDE UNIFORM COMPUTATION OF RETIRED PAY FOR ENLISTED MEMBERS RETIRED PRIOR TO JUNE 1, 1958, UNDER SECTION 4 OF THE ARMED FORCES VOLUNTARY RECRUITMENT ACT OF 1945, AS AMENDED**

Chairman RUSSELL. The next bill is H.R. 4330, a Department of Defense bill that would validate small overpayments of retired pay to a restricted group of enlisted personnel.

(H.R. 4330 follows:)

[H.R. 4330, 87th Cong., 1st sess.]

AN ACT To provide uniform computation of retired pay for enlisted members retired prior to June 1, 1958, under section 4 of the Armed Forces Voluntary Recruitment Act of 1945, as amended by section 6(a) of the Act of August 10, 1946 (60 Stat. 995)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That members retired prior to June 1, 1958, pursuant to section 4 of the Armed Forces Voluntary Recruitment Act of 1945, as amended by section 6(a) of the Act of August 10, 1946 (60 Stat. 995), are authorized to include active service performed to the date of retirement as creditable service in the computation of basic pay upon which retired pay is based.

Passed the House of Representatives May 15, 1961.

Attest:

RALPH R. ROBERTS, *Clerk.*

Chairman RUSSELL. The witness is Lt. Col. Wilbern L. Packett from the Office of the Chief of Finance; Colonel Packett, will you take a seat, please.

Very well, you may proceed.

**STATEMENT OF WILBERN L. PACKETT, LIEUTENANT COLONEL,  
OFFICE OF THE CHIEF OF FINANCE, DEPARTMENT OF THE ARMY**

Colonel PACKETT. Mr. Chairman and members of the committee, I am Lt. Col. Wilbern L. Packett, Office of the Chief of Finance, U.S. Army. It is a pleasure to appear before you in support of this bill on behalf of the Department of the Army which has been designated as the representative of the Department of Defense.

The purpose of this legislation is to prevent the reduction and collection of retired pay which was paid and received in good faith. The personnel here concerned are Regular Army and Air Force members retired prior to June 1, 1958, under section 4 of the Armed Forces Voluntary Recruitment Act as amended by section 6(a) of the act of August 10, 1946 (60 Stat. 995).

Section 4 of the act provides that whenever any enlisted man of the Regular Army shall have completed not less than 20 or more than 29 years of active service, he may upon his own request be transferred to the Enlisted Reserve Corps and at the same time be retired from the Regular Army. The law provided retired pay at the 2½ percent rate. It specifically authorized the use of active duty pay being received on the date of retirement as a basis for the computation. This active duty pay included service performed to the last day of duty. The maximum years of service for percentage purposes was limited to 29 years.

Section 4 was amended by section 6(a) of the act of August 10, 1946 (60 Stat. 995 and 996) to provide that an enlisted man so transferred and retired shall receive, monthly retired pay at the rate of 2½ percent of the base and longevity pay of the enlisted grade held at the time he made application for retirement.

In making payments under this provision of law the 1946 restriction was interpreted by the services as applying only to the grade held at the time application for retirement was made, and that the service performed until the actual date of retirement was properly for credit.

This interpretation was based on the provisions of the Pay Readjustment Act of 1942 as amended which clearly provides that for the purposes of computing pay members will be credited with full time for all periods during which they were enlisted or held commissions as officers or held appointment as warrant officers.

No doubt had existed in this respect in the military departments concerned, particularly since claims certified by the Claims Division of the General Accounting Office for approximately 12 years included such service.

Payments were made under this policy until March 1958. At that time the Air Force Audit Branch of the General Accounting Office took exception to payments so made on the basis that under the Armed Forces Voluntary Recruitment Act, as amended, pay must be computed not only on the grade held at the time of application for retirement, but also on the service completed as of the date of the application.

Section 6(8) of the Military Pay Act of 1958 (Public Law 85-422) now specifically provides that service will be credited for pay purposes until the actual date of retirement.

It was the view of the services that this provision would clarify whatever doubt the Comptroller General might have as to the intent of the Congress with respect to the computation of retired pay for personnel in this category.

In view of the fact that the Claims Division and the Audit Branch of the General Accounting Office had conflicting views, and the belief of the services that the payments were, in fact, proper, the Comptroller General of the United States was requested to resolve the matter.

In a decision dated December 18, 1958 (38 Comp. Gen. 440), the Comptroller General upheld the Audit Branch and advised the Secretary of Defense that such payments were considered by him not to be authorized by the amended section 4.

The obvious result of this decision is that members retired prior to June 1, 1958, may not count active service for basic pay purposes between date of application for retirement and actual date of retirement for purposes of computing their retired pay, whereas members retired subsequent thereto may count such service.

In view of this decision, collection action must now be taken by the services, the extent of which may not be determined without a screening of approximately 27,000 records. It is estimated, however, that percentage-wise comparatively few retired enlisted members are involved.

The enactment of this proposal would cause no increase in budgetary requirements for the Department of Defense. Although some personnel who retired between March and June 1958 would be entitled to increased retired pay upon enactment of the legislation, the volume is negligible and the cost can be absorbed in the present budget.

This concludes my statement, Mr. Chairman.

Chairman RUSSELL. Of course, it would have some cost, Colonel, waiving any claim to recoupment that could be made, in addition to paying other claims, wouldn't it?

Colonel PACKETT. It would have some costs. The cost would be small; yes, sir.

Chairman RUSSELL. Negligible costs have different meaning to different people, and certainly in the three services, some of them are much more deeply aware of what money means and how hard it used to be to get than others.

But I suppose we have to take a negligible estimate.

Do you have any ideas, can you guess what is the negligible cost of the bill?

Colonel PACKETT. No, sir; I couldn't give a figure, sir. But it would be very small and could be absorbed within the budget.

Chairman RUSSELL. I understand it could be absorbed. It would be no very great feat to absorb a large sum of money in a \$50 billion budget. I was not talking about what you could absorb. You could absorb a considerable sum of money out of any number of appropriations without there being any great impact.

Colonel PACKETT. These are all enlisted men, sir.

Chairman RUSSELL. It would be absorbed out of the pay account of the Army?

Colonel PACKETT. Yes, sir.

Chairman RUSSELL. And you think it would be subject to the transfer provisions of the appropriations act, in case they want to transfer it from some other account, procurement account.

You know we have a provision in the bill which permits transfer ability of funds at times in the appropriation bill, and I just wondered if you thought that it could be absorbed out of the pay account without any necessity for transferring something from procurement over to—

Colonel PACKETT. Yes, sir; I believe it could.

Chairman RUSSELL. Does this principally affect the Air Force?

Colonel PACKETT. The Army and the Air Force; yes, sir.

Chairman RUSSELL. It can't have any future application; it applies only to those who have retired?

Colonel PACKETT. That is correct, sir.

Chairman RUSSELL. Senator Saltonstall?

Senator SALTONSTALL. Do I understand, Cononel, that this money has already been paid to these people?

Cononel PACKETT. Yes, sir; except for a very small—

Senator SALTONSTALL. The chairman says it has not been paid in all cases?

Cononel PACKETT. I said yes, sir, except for a very few who may not have been paid for the period March through June 1958.

Senator SALTONSTALL. So in some cases, there would be more money to be paid out, but it would be for the period between March and June of 1958?

Colonel PACKETT. That is correct, sir.

Senator SALTONSTALL. And you have no estimate as to how much has been already paid or how much is owed, but wouldn't you have to go through, to review, the record of the 2,700 enlisted personnel in any event?

Colonel PACKETT. Yes, sir. To make that determination, we would have to review 27,000 records.

Chairman RUSSELL. You don't proposed to do it if this bill passes, do you?

Colonel PACKETT. No, sir.

Chairman RUSSELL. He is just going to let it go. It would no doubt cost more to ascertain it than to pay the money.

Senator SALTONSTALL. I don't see, Mr. Chairman, why they wouldn't have to go through the records unless it is a question of a man not applying. I suppose they would always have to go through the records of the men who applied, who hadn't received their pay already and had applied.

Chairman RUSSELL. Yes.

Senator SALTONSTALL. Thank you.

Chairman RUSSELL. Senator Stennis?

Senator STENNIS. I have no questions.

Chairman RUSSELL. Senator Smith?

Senator SMITH. Yes, Mr. Chairman.

I just wonder if that isn't one of those matters that comes under the overall pay study directed by the Secretary of Defense, Mr. McNamara, and if it shouldn't be delayed until they come up with their report the first of the year.

Chairman RUSSELL. I think there is some merit in that suggestion. Of course, this applies to persons already receiving the higher pay. There is that distinction.

Senator SMITH. It sounds quite like a bill we recently delayed because it comes under—

Chairman RUSSELL. No; I couldn't agree with my distinguished friend on that because that bill is for payment over a long number of years in the future, and this is all in the past.

Senator Symington?

Senator SYMINGTON. No questions, Mr. Chairman.

Chairman RUSSELL. Senator Bush?

Senator BUSH. No, sir.

Chairman RUSSELL. Thank you very much, Colonel.

(Subsequently, in executive session, the committee voted to report H.R. 4330, without amendment, as covered by S. Rept. 1673.)

### H.R. 8045—TO CHANGE THE NAME OF THE HYDROGRAPHIC OFFICE TO U.S. NAVAL OCEANOGRAPHIC OFFICE

Chairman RUSSELL. The last bill on the agenda is H.R. 8045. This bill proposes to change the name of the U.S. Navy Hydrographic Office to the U.S. Naval Oceanographic Office.

(H.R. 8045 follows:)

[H.R. 8045, 87th Cong., 1st sess.]

AN ACT To change the name of the Hydrographic Office to United States Naval Oceanographic Office

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 639 of title 10, United States Code, is amended by striking out the word "Hydrographic" and inserting the words "United States Naval Oceanographic" in place thereof in—

- (1) the chapter heading;
- (2) the catchline and first and second sentences of section 7391;
- (3) the catchline and clause (1) of section 7392;
- (4) the catchline and subsections (a) and (b) of section 7393; and
- (5) section 7394.

(b) The chapter analysis of chapter 639 of title 10, United States Code, is amended by striking out the following items:

"7391. Hydrographic Office: establishment and duties.

"7392. Hydrographic Office: maps, charts, and books.

"7393. Hydrographic Office: pilot charts."

and inserting the following item in place thereof:

"7391. United States Naval Oceanographic Office: establishment and duties.

"7392. United States Naval Oceanographic Office: maps, charts, and books.

"7993. United States Naval Oceanographic Office: pilot charts."

SEC. 2. The analyses of subtitle C and part IV of subtitle C of title 10, United States Code, are each amended by striking out the following item:

"639. Hydrographic Office and Naval Observatory..... 7391"

and inserting the following item in place thereof:

"639. United States Naval Oceanographic Office and Naval Observatory..... 7391".

Passed the House of Representatives August 21, 1961.

Attest:

RALPH R. ROBERTS, *Clerk.*

Chairman RUSSELL. The witness on this bill is Rear Adm. E. C. Stephan, Oceanographer of the Navy.

Have a seat, Admiral.

We are glad to see you back on the Hill and have you before the committee, Admiral.

STATEMENT OF E. C. STEPHAN, REAR ADMIRAL, U.S. NAVY,  
HYDROGRAPHER AND OCEANOGRAPHER OF THE NAVY

Admiral STEPHAN. Thank you.

Mr. Chairman, and members of the committee, I am Rear Adm. E. C. Stephan, commanding officer of the U.S. Navy Hydrographic Office. I am privileged to appear before you in connection with H.R. 8045, a bill to change the name of the U.S. Naval Hydrographic Office to the U.S. Naval Oceanographic Office.

I think it would be useful to the committee if I took just a minute to try to distinguish between hydrography and oceanography.

Hydrography relates to the shape of the ocean floor with particular emphasis on the shape of the floor close to the shoreline. It had been for many years the responsibility of the Hydrographic Office, in connection with its responsibility not only to the Navy but to the merchant fleet, to provide maps and charts which display to the mariner the ocean bottom, with particular emphasis on what is required to be known in order to keep a ship from going aground.

This is hydrography.

Oceanography is a much broader subject which includes as one of its primary elements hydrography but it also includes not only the shape of the ocean floor but the substructure underneath that floor, the geological structure of the ocean floor. It also includes the ocean itself with all of its chemical, physical, and biological content, and the atmosphere above the ocean. Thus oceanography is a much broader subject which includes hydrography as one of its principal elements.

For the past 20 years, the hydrographic office has been in a much broader field than just hydrography, it has been deeply involved in oceanography. The change of the title of the Hydrographic Office to the Oceanographic Office would more accurately describe the work that is now being carried on at the Hydrographic Office.

Furthermore, it would indicate the very extensive programs which the Navy is carrying on in oceanography.

There would be no costs involved in this bill. The only effect that it would have as far as money is concerned would be in the printing of the title on the charts and publications which are published by the Hydrographic Office.

These would not be changed except as they came up for reprint, and there would be no cost involved in making that change.

That completes my statement, Mr. Chairman.

In connection with a couple of the questions that were asked as to the cooperation between the Coast and Geodetic Survey and the Navy, I would like to say that generally the Coast and Geodetic Survey has responsibility for the charts of the continental United States, and its oversea States. The Hydrographic Office has the responsibility for all other charts of the world.

As to hydrographic and oceanographic surveys: these are coordinated by the Interagency Committee for Oceanography, which has each year a survey plan in which the Navy, the Coast and Geodetic Survey and other agencies such as the Bureau of Commercial Fisheries participate.

In these surveys, regardless of the ultimate user of the information, each ship at sea attempts to collect all the information that is required in the oceanographic program regardless of whether its sponsoring

department has a particular interest in that information or not. Thus the survey work of the Hydrographic Office, and of the Coast and Geodetic Survey is quite thoroughly coordinated and there is no duplication.

Thank you, sir.

Chairman RUSSELL. Well, there should be a final responsibility somewhere, Admiral.

Last year we had a hurricane that changed the channels and the locations of islands and reefs and inlets that were once navigable and have now been closed.

Who has the primary responsibility for recharting of that area of the coast from New Jersey down to Wilmington where all these great changes took place?

Admiral STEPHAN. This responsibility is very definitely in the Coast and Geodetic Survey, although in this effort where it is possible for the Navy to cooperate and assist, they do work together.

I think this is the responsibility which is shared by the Coast and Geodetic Survey and the Army Beach Erosion Board which has a responsibility for knowing the conditions of the beaches and of the structures that protect the beaches.

Chairman RUSSELL. The Beach Erosion Board has no responsibility for navigation of a stream, has it?

Admiral STEPHAN. No, sir, not for the actual survey, but they have a large interest in the structure of ocean bottom off of the beach inasmuch as that affects very much the protection that is available to a beach or the channels.

Chairman RUSSELL. Of course, the engineers, I believe, do have the responsibility of keeping open the inland waterway which was affected by this storm.

Admiral STEPHAN. Yes, sir.

Chairman RUSSELL. Do they generate their own information where it is necessary to go back and dredge, or do you tell them, or does the Coast and Geodetic Survey go back and tell them?

Admiral STEPHAN. This is done by the Army Beach Erosion Board which is a part of the Army Engineers.

Chairman RUSSELL. Just what advantage is gained from changing this, Admiral? I guess Admiral Maury would recognize the functions of this board under this new name.

Admiral STEPHAN. I think Admiral Maury would recognize it more than some of the people who came along later. He was involved in oceanography and made a tremendous contribution to the study of currents.

Chairman RUSSELL. His study of the currents of the sea and height of the tide in various areas of the world still holds good today, does it not?

Admiral STEPHAN. Some of the very best work. I think with the advent of the steamship replacing the sailing ship the interest in these currents decreased. Now it is being very much revived because of our interest in more of the ocean than just the bottom.

I think the principal advantage of this bill would be that it would more accurately describe the functions being carried on by the Hydrographic Office.

Chairman RUSSELL. It seems to me a rather involved and increased scope. Do you think it is going to cause any new personnel to keep

up with the Joneses and other organizations that may have changed their names?

Admiral STEPHAN. I don't believe so, Mr. Chairman.

There is no question but what there is an increased scope in the job that we are doing, which, of course, does involve increased money. But I don't think the changing of the name would have that effect.

Chairman RUSSELL. The operations of this office, of course, are many times what they were prior to World War II?

Admiral STEPHAN. Yes, sir.

Chairman RUSSELL. Are the personnel on all our ships enlisted naval personnel or do you have some of them operated by civil service?

Admiral STEPHAN. We have both. We have enlisted personnel that operate approximately 12 ships at the present time. We have other ships engaged in survey work that are operated by MSTs and have civilian personnel. I think there is a tendency for us to go to more civilian personnel operation.

Chairman RUSSELL. Do you find that more economical?

Admiral STEPHAN. We find it as economical, and we find we can reduce the number of people and have a little more control over how much operating time we get out of the ship by the ability to shift the civilian personnel more easily.

Chairman RUSSELL. That is a rather remarkable conclusion to me. Civilian personnel are protected by all kinds of laws as to the hours they can work and the enlisted personnel in the Navy have no protection at all except what you see fit to give them.

Admiral STEPHAN. Well, we have and are bringing a civilian ship in and replacing its crew and sending it back to sea a little more easily than we can bring in a Navy ship and do that.

Chairman RUSSELL. How many hours a week do these civilian personnel work?

Admiral STEPHAN. They are presently working the 40-hour week.

Chairman RUSSELL. If they work overtime, of course, they get paid——

Admiral STEPHAN. I failed to make clear, Senator, the hydrographic work that we are doing is done by a small group of naval personnel that are aboard the ship. The deckhandling and the engineering functions are being performed by the civilians.

Chairman RUSSELL. I am well aware of that, I have been aboard some of these ships.

All of the hydrographic work is done by naval personnel although in some cases civil service people are in command of the ship and the whole crew is civil service personnel.

Admiral STEPHAN. That is correct.

Chairman RUSSELL. But I am utterly amazed that with a 40-hour workweek for civilian employees you find it more economical to operate a ship with civil service personnel than the enlisted personnel in the Navy. That surely wasn't our experience in World War II.

Senator Saltonstall?

Senator SALTONSTALL. I have no questions.

Chairman RUSSELL. Senator Stennis?

Senator STENNIS. No questions, thank you.

Chairman RUSSELL. Senator Smith?

Senator SMITH. I have no questions.

Chairman RUSSELL. Senator Bush?

Senator BUSH. No, sir.

Chairman RUSSELL. Senator Symington?

Senator SYMINGTON. No questions.

Chairman RUSSELL. Senator Thurmond?

Senator THURMOND. No questions.

Chairman RUSSELL. Senator Byrd?

Senator BYRD. No, thank you, Mr. Chairman.

Chairman RUSSELL. I congratulate you, Admiral; we saved the big brass for the last and the committee had no questions.

(Subsequently, in executive session, the committee voted to report H.R. 8045, without amendment, as covered by S. Rept. 1667.)

Senator RUSSELL. Senator Smith has an inquiry.

Senator SMITH. Mr. Chairman, I would like to inquire as to the status of H.R. 218, the bill requiring taking of an oath by members of the armed services and passed by the House last year and reported by that committee.

(H.R. 218 follows:)

[H.R. 218, 87th Cong., 1st sess.]

AN ACT To provide that individuals enlisted into the Armed Forces of the United States shall take an oath to support and defend the Constitution of the United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of title 10, United States Code, is amended as follows:*

**“§ 501. Enlistment oath: who may administer**

“Each person enlisting in an armed force shall take the following oath:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.”

This oath or affirmation may be taken before any commissioned officer of any armed force.”

SEC. 2. Section 304 of title 32, United States Code, is amended to read as follows:

**“§ 304. Enlistment oath**

“Each person enlisting in the National Guard shall sign an enlistment contract and subscribe to the following oath:

“I do hereby acknowledge to have voluntarily enlisted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the \_\_\_\_\_ National Guard of the State of \_\_\_\_\_ for a period of \_\_\_\_\_ year(s) under the conditions prescribed by law, unless sooner discharged by proper authority.

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and of the State of \_\_\_\_\_ against all enemies, foreign and domestic; that I will bear true faith and allegiance to them; and that I will obey the orders of the President of the United States and the Governor of \_\_\_\_\_ and the orders of the officers appointed over me, according to law and regulations. So help me God.”

This oath may be taken before any officer of the National Guard of the State or territory, or of Puerto Rico, the Canal Zone, or the District of Columbia, as the case may be, or before any other person authorized by the law of the jurisdiction concerned to administer oaths of enlistment in the National Guard.”

SEC. 3. This Act does not affect any oath taken before one year after its enactment.

Passed the House of Representatives August 7, 1961.

Attest:

RALPH R. ROBERTS, Clerk.

Senator SMITH. I would like to ask two specific questions on it: (1) The identity of those persons having expressed their opposition to the bill to the committee, and their reasons for such opposition; and (2) if it is planned to have hearings on the bill and for the committee to act on the bill this year.

Chairman RUSSELL. There have been some letters filed here. I don't remember what group it was. Mr. Darden, do you remember whose group it was?

Mr. DARDEN. We can produce the docket of the individual letters, Mr. Chairman. I believe the American Humanist Society is among those opposing it on the grounds that the addition of the phrase "so help me God" at the end of the oath is an abridgment of religious freedom.

Senator SMITH. Have there been similar requests for the bill?

Chairman RUSSELL. A great deal of interest on the part of those persons who favor adding "support and defend the Constitution" to the oath taken by enlisted personnel.

I have no objection to considering the bill. I am apprehensive that this present Supreme Court will knock it out if it ever got up there. But if we give them something else to do in this field, it might keep them out of other areas. They have upset not only religion, but the segregation laws in the South, and all the laws of the States against Communists.

Senator THURMOND. Mr. Chairman, we couldn't hear just down at this end of the table what—

Chairman RUSSELL. It is the House bills proposes to amend the oath taken by the enlisted men to require support of the Constitution and to add the three or four words "so help me God" at the end of the oath. It is a bill that we have on our tentative schedule for consideration this year, but we had not arrived at any particular date for hearings. I looked at the list Mr. Darden brought to me the week before last and he had that bill on it. We had intended to reach it at some time.

I don't know whether the Supreme Court decision on prayer will affect this or not.

Senator SMITH. You mean about whether there should be hearings or whether there should be action.

Chairman RUSSELL. No; not as to action. The Supreme Court decision wouldn't influence me on action to be taken at all. I would in some areas welcome all opportunities to express not only my disagreement, but contempt for some of the rulings that they have made.

Senator THURMOND. Mr. Chairman, it might be a wholesome thing to pass a bill now that would insert the words "so help me God" to show that the Congress disapproves of the Supreme Court decision.

Chairman RUSSELL. We will have to have hearings on it, Senator Thurmond, but we can't take it up today. I have no objection to having hearings and passing the bill, for that matter, but in view of the fact a number of people have requested an opportunity to be heard, we would be deviating from our regular procedure, and I wouldn't want to do that.

Senator BUSH. It already has passed the House, Mr. Chairman.

Chairman RUSSELL. Yes; it has passed the House.

Senator SMITH. I was only trying to determine whether hearings were being planned.

Chairman RUSSELL. We had not arrived at any date, but it was on the list of bills which the staff of the committee submitted to me about a week or 10 days ago. I have no objection to having hearings. I don't know how drawn out they will get since this decision has been made.

Senator BUSH. It probably would be fun.

Chairman RUSSELL. We can have the hearing, or if it looks as though we will have too many witnesses we can appoint a subcommittee and let them have a hearing and bring it before the committee.

Senator SMITH. I felt sure the chairman felt like I did, this would be very timely to have hearings.

Chairman RUSSELL. I have no objection to the bill. We take the oath to defend the United States.

Senator SMITH. Thank you very much.

(Subsequently the following subcommittee was appointed to consider H.R. 218: Messrs. Thurmond (chairman), Bartlett, Byrd of West Virginia, Smith of Maine, and Beall.)

Chairman RUSSELL. Anything further before we go into executive session?

If not, the committee will resolve itself into executive session.

(Whereupon, at 11:40 a.m., the committee went into executive session.)





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