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# MISCELLANEOUS BILLS

## HEARING BEFORE THE COMMITTEE ON ARMED SERVICES UNITED STATES SENATE EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 724

TRANSFER OF CERTAIN CANAL ZONE PRISONERS TO CUSTODY OF  
ATTORNEY GENERAL

H.R. 5571

PAYMENT OF INCENTIVE PAY FOR SUBMARINE DUTY TO PERSON-  
NEL QUALIFIED IN SUBMARINES ATTACHED TO STAFFS OF SUB-  
MARINE OPERATIONAL COMMANDERS

H.R. 5665

AUTHORIZING DISBURSING OFFICERS OF THE ARMED FORCES TO  
ADVANCE FUNDS TO MEMBERS OF AN ARMED FORCE OF A  
FRIENDLY FOREIGN NATION

H.R. 9975

SHIPMENT, AT GOVERNMENT EXPENSE, TO, FROM, AND WITHIN  
THE UNITED STATES AND BETWEEN OVERSEA AREAS OF PRI-  
VATELY OWNED VEHICLES OF DECEASED OR MISSING PERSONNEL

H.R. 10234

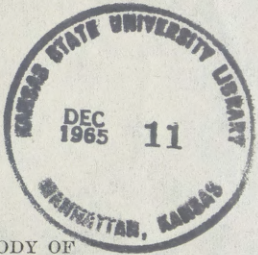
ELIMINATING REIMBURSEMENT PROCEDURE REQUIRED AMONG  
MEDICAL FACILITIES OF THE ARMED FORCES UNDER JURISDIC-  
TION OF MILITARY DEPARTMENTS

SEPTEMBER 30, 1965

Printed for the use of the Committee on Armed Services



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MISCELLANEOUS BILLS

HEARING

COMMITTEE ON ARMED SERVICES

U.S. SENATE

80TH CONGRESS

FIRST SESSION

XX



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II

# CONTENTS

## STATEMENTS

	Page
H.R. 724-----	11
Allen Sanders, legislative attorney for the Panama Canal Company--	12
H.R. 5571-----	1
Vice Adm. Vernon L. Lowrance, Commander, Submarine Force, U.S. Atlantic Fleet-----	2
Vide Adm. Charles B. Martell, Director, Antisubmarine Warfare Programs, Office of Chief of Naval Operations-----	2
H.R. 5665-----	13
Lt. Col. George J. Ginikowre, Office, Chief of Finance, Army-----	14
H.R. 9975-----	10
Lt. Comdr. Jacob D. Kohl, Head, Household Goods Branch, Bureau of Supplies and Accounts, Navy-----	10
H.R. 10234-----	7
Capt. Guy H. Morgan, Medical Service Corps, Deputy Comptroller of the Bureau of Medicine and Surgery, Navy-----	8

# CONTENTS

## PREFACE

1	Introduction
2	Chapter I. The History of the Subject
3	Chapter II. The Theory of the Subject
4	Chapter III. The Practice of the Subject
5	Chapter IV. The Future of the Subject
6	Chapter V. The Conclusion of the Subject
7	Chapter VI. The Appendix of the Subject
8	Chapter VII. The Index of the Subject
9	Chapter VIII. The Bibliography of the Subject
10	Chapter IX. The Glossary of the Subject
11	Chapter X. The List of Figures of the Subject
12	Chapter XI. The List of Tables of the Subject
13	Chapter XII. The List of Plates of the Subject
14	Chapter XIII. The List of Maps of the Subject
15	Chapter XIV. The List of Diagrams of the Subject
16	Chapter XV. The List of Equations of the Subject
17	Chapter XVI. The List of Formulas of the Subject
18	Chapter XVII. The List of Definitions of the Subject
19	Chapter XVIII. The List of Axioms of the Subject
20	Chapter XIX. The List of Theorems of the Subject
21	Chapter XX. The List of Lemmas of the Subject
22	Chapter XXI. The List of Corollaries of the Subject
23	Chapter XXII. The List of Problems of the Subject
24	Chapter XXIII. The List of Exercises of the Subject
25	Chapter XXIV. The List of Examples of the Subject
26	Chapter XXV. The List of Applications of the Subject
27	Chapter XXVI. The List of Illustrations of the Subject
28	Chapter XXVII. The List of References of the Subject
29	Chapter XXVIII. The List of Sources of the Subject
30	Chapter XXIX. The List of Authorities of the Subject
31	Chapter XXX. The List of Citations of the Subject
32	Chapter XXXI. The List of Quotations of the Subject
33	Chapter XXXII. The List of Translations of the Subject
34	Chapter XXXIII. The List of Adaptations of the Subject
35	Chapter XXXIV. The List of Modifications of the Subject
36	Chapter XXXV. The List of Additions of the Subject
37	Chapter XXXVI. The List of Deletions of the Subject
38	Chapter XXXVII. The List of Corrections of the Subject
39	Chapter XXXVIII. The List of Revisions of the Subject
40	Chapter XXXIX. The List of Updates of the Subject
41	Chapter XL. The List of Revisions of the Subject
42	Chapter XLI. The List of Revisions of the Subject
43	Chapter XLII. The List of Revisions of the Subject
44	Chapter XLIII. The List of Revisions of the Subject
45	Chapter XLIV. The List of Revisions of the Subject
46	Chapter XLV. The List of Revisions of the Subject
47	Chapter XLVI. The List of Revisions of the Subject
48	Chapter XLVII. The List of Revisions of the Subject
49	Chapter XLVIII. The List of Revisions of the Subject
50	Chapter XLIX. The List of Revisions of the Subject
51	Chapter L. The List of Revisions of the Subject

## MISCELLANEOUS BILLS

THURSDAY, SEPTEMBER 30, 1965

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

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

Present: Senators Russell (chairman), Jackson, Inouye, McIntyre, Saltonstall, Smith, and Thurmond.

Also present: William H. Darden, chief of staff; T. Edward Braswell, Jr., and Gordon A. Nease, professional staff members; Charles B. Kirbow, chief clerk; and Herbert S. Atkinson, assistant chief clerk.

### H.R. 5571

Chairman RUSSELL. The committee will come to order.

The first bill on the agenda this morning is H.R. 5571. This is a bill recommended by the Department of Defense to permit continued payment of incentive pay to persons on the staffs of submarine operational commanders.

Members of this committee will recall this bill has been discussed in executive session on two or three occasions but there were no hearings before the committee. We will have a hearing this morning, however, and the witness on the bill is Vice Adm. Vernon L. Lowrance, Commander, Submarine Force, Atlantic. He is accompanied by Vice Adm. Charles B. Martell, Director of Antisubmarine Warfare Programs, Office of the Chief of Naval Operations.

H.R. 5571 follows:

[H.R. 5571, 89th Cong., 1st sess.]

AN ACT To amend title 37, United States Code, to authorize payment of incentive pay for submarine duty to personnel qualified in submarines attached to staffs of submarine operational commanders

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 301(a)(2) of title 37, United States Code, is amended by inserting after the words, "personnel qualified in submarines," the words, "as a member of a submarine operational command staff,".

SEC. 2. The amendment made by the first section of this Act shall take effect March 1, 1965.

Chairman RUSSELL. You may proceed, Admiral Lowrance.

STATEMENT OF VICE ADM. VERNON L. LOWRANCE, U.S. NAVY,  
 COMMANDER, SUBMARINE FORCE, U.S. ATLANTIC FLEET;  
 ACCOMPANIED BY VICE ADM. CHARLES B. MARTELL, U.S.  
 NAVY, DIRECTOR, ANTISUBMARINE WARFARE PROGRAMS,  
 OFFICE OF THE CHIEF OF NAVAL OPERATIONS

Admiral LOWRANCE. Mr. Chairman, before I have your permission to read my statement, Vice Admiral Martell, the Naval Director of Antisubmarine Warfare, is here this morning. He has a short written statement and for the purposes of brevity I request that it be put in the record.

Chairman RUSSELL. All right, sir, we will have that printed in the record and if you desire he may sit at your side while you read your statement.

Admiral LOWRANCE. In his statement he reiterates the importance of the submarine and antisubmarine warfare.

Chairman RUSSELL. All right, sir.

(Admiral Martell's statement follows:)

STATEMENT OF VICE ADM. CHARLES B. MARTELL, U.S. NAVY, DIRECTOR, ANTI-SUBMARINE WARFARE PROGRAMS, OFFICE OF THE CHIEF OF NAVAL OPERATIONS

Mr. Chairman and gentlemen, I am very happy to have the opportunity to appear before you today in support of H.R. 5571. When I appeared before you last March in support of the Navy's ASW budget proposals, I said in part that the Navy had recognized the "urgent need to attract and retain the high quality necessary in our personnel, officers and enlisted, to operate and maintain these highly sophisticated antisubmarine warfare systems."

Today, the Navy is seeking legislation which will permit us to continue to implement this requirement in one small but vitally important operational area—the operational staffs of the submarine forces, Atlantic and Pacific. I cannot stress too strongly to this committee the importance of submarines to the anti-submarine warfare program. Antisubmarine warfare is the primary mission of all submarines with the exception of the fleet ballistic missile submarines. In other words, about 80 percent of the submarine force is engaged primarily in ASW.

It is my firm belief that if we are to maintain the high quality and professional excellence which has marked the entire U.S. Navy submarine force over many decades, it is vital that this legislation receive the unqualified endorsement of this committee.

We should remember that we are talking here of operational staffs—individuals who are habitually involved in the exercise of command and control of active fleet submarines and who are directly responsible to the fleet commanders for their readiness, employment, training, and safety.

Although there are relatively few people involved in this requested legislation, the impact of the performance of their duties upon the combat readiness of the forces which they operate has a direct relationship to the quality and caliber of the leadership they themselves demonstrate.

It is also worth while noting that considerable coordination and training are required by officers and enlisted personnel assigned to submarine staffs to achieve the type of antisubmarine warfare capability which we require in the fleet today. In the case of officers, these operational billets have been actively sought by members qualified in submarines, thus permitting the Navy to detail only the most effective and qualified personnel. Responsibility for operational and management control of this small but extremely important force of the Navy is therefore assigned to a leadership of the highest caliber. This is good management practice and this is what I have been seeking in all areas ever since I assumed duty as Director, Antisubmarine Warfare Programs. The financial incentive of being entitled to continuous submarine pay when assigned to an operational staff is an important adjunct to the desirability of these billets.

The submarine service has always been a volunteer service. In addition, the petty officers as well as officers assigned to flotilla, squadron, and division commander staff billets in submarines are selected on the basis of their proven

performance of duty in submarines. A very serious morale problem will be created for these petty officers who are selected for staff duty on the basis of their ability and capabilities, if they are denied submarine pay. This is particularly true when they are required by their duties to participate in submarine operations, especially realizing that for 20 years their predecessors serving in this capacity have been drawing this pay.

In the case of officers, it would only be natural for the better and more aggressive officers to seek diversification in career broadening by duty elsewhere if the incentive for submarine duty in staffs were not available. Thus, with both officer and enlisted personnel, the Navy would, over a period of time, experience less and less selectivity in the filling of these vital managerial positions in the face of dynamic changes and increased complexity of these ships, their weapons, and their tactics.

And so, Mr. Chairman and members of this committee, it is my personal, considered, and firm position that it would not be in our best interests for the officers and enlisted men who are assigned to submarine staffs because of their outstanding qualifications to lose submarine pay. The returns we gain for the small amount invested will go far to further our long-term objectives.

Admiral LOWRANCE. With your permission, I would like to go ahead with my statement.

Chairman RUSSELL. You may proceed.

Admiral LOWRANCE. Mr. Chairman, and gentlemen, with the approval of the chairman I would be grateful for an opportunity to state the Atlantic submarine force commanders' professional opinion regarding the legislation in question, and then answer questions you may have.

Submarine operational commanders must have available to them on their staffs, experienced, qualified, informed professionals; capable of assisting the commander to discharge his responsibilities concerning operations, training, inspection, management, requirements determination, and procedural doctrine. These responsibilities embrace all the elements of safety, readiness and operational use, and improvement of the submarine force.

The operation of a submarine force is different because the communication links normally available between at-sea commands and operational staffs are not present. The submarine force commander can transmit to his forces at sea. Generally because of the nature of their operations they may not transmit to him. Thus, he and his staff must know, precisely, how a transmitted directive, a change, a procedural improvement will be translated into action by the at-sea forces. This method of operation sets in motion two requirements:

First. The commander and his staff must be ever aware of the status of at-sea units, their personnel, material, training, and operational readiness. The commander has no way to assess this readiness unless he and his staff members embark in the ships of the force, maintain their professional expertise, and continually assess at-sea force readiness.

Second. The incentives which attract and hold qualified submarine staff personnel to staff duty must not penalize them when they are ordered to such duty. Today we need increasing numbers of officer and enlisted personnel on operational staffs, qualified in the professionalism of nuclear propulsion and Polaris missile systems—relatively new areas of submarine experience—so new in fact that nearly all those having such training and experience have been required for duty at sea to operate the submarines. Those who are only now becoming available for assignment to staff duty understand, accept, and compete for this duty—since it affords them the professional

challenge and satisfaction they seek and does not deprive them of income.

In fact, the competition for these billets permits the Navy to assign only the best qualified. A very serious morale problem would be created for these enlisted men, who are selected for staff duty on the basis of their ability and performance at sea, if assignment to an important billet based on excellence of performance resulted in a loss of money through being denied submarine pay.

From the force commander's point of view this selection process assures him of top management and supervisory talent at the operational staff level. It has been thus since 1944, when continuous submarine pay initially was authorized for qualified members of operational staffs.

It should be noted that not all members assigned to operational submarine staffs are authorized submarine pay on a continuing basis. There are presently 1,100 members serving on submarine command staffs. Of these, 932 are serving in designated billets for which submarine pay has been authorized: 377 are officers and 555 are enlisted personnel. These people are, in general, the professional submariners required for staff support of the operational commander because of their technical background and operational knowledge of the modern submarine navy. In addition to the technical ratings, the enlisted staff personnel include such ratings as yeomen and stewards qualified in submarines.

While neither the law nor statute have required a specific number of days at sea in a specific time period, it is axiomatic that a reasonable amount of duty must be performed on a submarine by submarine operational staff members before entitlement to continuous submarine pay is proper. Therefore, the Navy recognizes that a minimum performance criteria may be desirable.

Mr. Chairman, that completes my statement. I will be happy to answer any questions the committee may have concerning this bill.

Chairman RUSSELL. Admiral, there has been a great deal of concern on the part of some people who have at least public duties that bring them in contact with the Department of Defense and its several operations that we had gone rather far in special payments for special skills and what were regarded at one time as special risks.

I am sure you are aware of the controversy about flying pay.

Admiral LOWRANCE. Yes, sir.

Chairman RUSSELL. We have reached a stage where if a man has flown so many years he is drawing flying pay even though the doctors won't let him fly. Flying is no longer the hazard that it was, and, of course, women and children fly in airplanes now in large numbers. It is a commonplace thing.

We have had a number of these extraordinary payments made that run into large sums of money which are costing the Department of Defense monumental sums, and that have caused us to try to be very careful while dealing justly and fairly, not to just be handing out these payments indiscriminately because a man has certain designated jobs or a certain MOS.

I have frankly had some doubts about this bill. I can understand where a man who is actually serving on a submarine should draw this pay; but for these staff members, is there any requirement as to the hours they shall serve on submarines?

Admiral LOWRANCE. In the law there has been no requirement.

Chairman RUSSELL. Consequently, some of them are busy about other things at their desks and they don't get aboard submarines for long periods of time.

Admiral LOWRANCE. All our people have been going to sea in submarines regularly each month.

Chairman RUSSELL. What is your regulation on that? What do you require of them?

Admiral LOWRANCE. We have required up to this time that they average about 4 hours' submerged time a month. Some of them average more than that, but it would depend on the type of duty they had, how often they got to the submarines to try to straighten out various problems they had. It would vary somewhat with the type of job they had on the staff, but all of them have been going to sea, sir, for some period of time in the last years.

Chairman RUSSELL. Do you think that 4 hours a month is adequate?

Admiral LOWRANCE. That was 4 hours' submerged time. That was not counting the time they were underway.

Chairman RUSSELL. That is submerged time.

We are making tremendous developments in the operational functions of submarines, and a man who doesn't keep his hand in it pretty close, if he should happen to be transferred from staff to the actual command of a submarine, could be sorely handicapped in the performance of his duties.

What would be the attitude of the Department of the Navy toward some requirement that they actually serve on a submarine, not necessarily under water or submerged, for as much as 48 hours a month?

Admiral LOWRANCE. I think that is a reasonable amount of time. That would be the minimum time, Mr. Chairman, that I would insist on.

Chairman RUSSELL. You would not object to an amendment that would carry that requirement?

Admiral LOWRANCE. No, sir.

Chairman RUSSELL. Senator Saltonstall?

Senator SALTONSTALL. Admiral, I was reading in your statement 932 men are now serving in designated billets for which submarine pay has been authorized.

Now how many of those, we will say, would be affected by the amendment that the chairman has suggested? What would happen to your command if these 932 had to serve 48 hours in a submarine a month?

Admiral LOWRANCE. They have been serving approximately that amount of time, anyway, sir.

Senator SALTONSTALL. They have been serving that much time in the submarine anyhow?

Admiral LOWRANCE. Yes, sir.

Senator SALTONSTALL. So the chairman's amendment would not in any way affect the command structure?

Admiral LOWRANCE. No, sir.

Senator SALTONSTALL. Of the submarines.

Admiral LOWRANCE. It is necessary for them to go to sea to maintain their expertise and what is going on in the force and also to lend their experience to the submarines.

Senator SALTONSTALL. What this bill would do then would, in substance, permit additional pay for these 932 people?

Admiral LOWRANCE. That is right.

Senator SALTONSTALL. Thank you, Mr. Chairman.

Chairman RUSSELL. Senator Inouye has been particularly interested in this bill.

Senator, do you have any questions.

Senator INOUE. Mr. Chairman, I am most grateful to you for scheduling hearings on this bill this morning. I concur with the admiral that this matter affects the morale of our submariners to a high degree.

As you know, Mr. Chairman, Pearl Harbor is the home port for many of our men who serve in our submarines, and I am happy to see that this problem can be resolved today. I am happy to note that the 48-hour minimum is acceptable to the Navy, sir.

Thank you very much.

Chairman RUSSELL. Senator McIntyre represents considerable submarine interests.

Senator MCINTYRE. Thank you, Mr. Chairman.

I could expound at great length about the submariners and the great job they are doing. Of course, Portsmouth Naval Shipyard is very close to my heart, but in the interests of brevity this morning I will pass.

Chairman RUSSELL. Senator Thurmond, who has big Polaris business in his State.

Senator THURMOND. Admiral, concerning the 932 given on page 3 of your statement, 932 out of the 1,100 serving in designated billets for which submarine pay has been authorized, they are now receiving the submarine pay?

Admiral LOWRANCE. Yes, sir.

Senator THURMOND. Well, then, the difference would be between 932 and 1,100.

Admiral LOWRANCE. No, sir; the other people are not yet in submarine pay nor would they get submarine pay.

Senator THURMOND. How many additional officers and men would this bring into—

Admiral LOWRANCE. Not any. This would merely continue what has been going on before.

The Chief of Naval Operations sends out an authorized list each quarter of designated billets that draw submarine pay and this 932 is the number that have been drawing submarine pay. This bill wouldn't affect that at all. They would continue to draw it.

Senator THURMOND. In other words, the reason you have this bill here is because the Comptroller General ruled that it wasn't lawful to do it.

Admiral LOWRANCE. The Comptroller General questioned the legality of the payment.

Senator THURMOND. They have been drawing it all the while?

Admiral LOWRANCE. Yes, sir; 20 years.

Senator THURMOND. For the last 20 years, I see.

Admiral LOWRANCE. Not that number, but the staffs.

Senator THURMOND. And the total number that are affected by this?

Admiral LOWRANCE. 932.

Senator THURMOND. What about the 168? The balance of the 1,100?

Admiral LOWRANCE. Those people aren't qualified in submarines or if they have jobs on the staff that require them to go to sea on the submarines. They are not qualified submarine people.

Senator THURMOND. As I understand it, 932 do go to sea?

Admiral LOWRANCE. Yes, sir.

Senator THURMOND. They are submarine operational people?

Admiral LOWRANCE. Yes, sir; they are qualified.

Senator THURMOND. And they are subjected to a greater hazard than the other 168?

Admiral LOWRANCE. Yes, sir.

Senator THURMOND. That is all, thank you, Mr. Chairman.

Chairman RUSSELL. Senator Smith is interested in all that pertains to submarines as the Department of Defense is well aware.

Senator Smith?

Senator SMITH. Thank you, Mr. Chairman.

Admiral, what is the estimated cost of this?

Admiral LOWRANCE. \$1 million.

Senator SMITH. \$1 million.

Thank you, no further questions.

Chairman RUSSELL. Thank you.

If there are no further questions, we thank you both.

(Subsequently in executive session, the committee voted to report H.R. 5571, with an amendment, as covered by S. Rept. 809.)

#### H.R. 10234

Chairman RUSSELL. The next bill is H.R. 10234, which would eliminate the requirement for reimbursement of one military department by another when a member of the Armed Forces or dependent receives inpatient medical care in a service facility different from the one of which he is a member.

(H.R. 10234 follows:)

[H.R. 10234, 89th Cong., 1st sess.]

AN ACT To amend section 1085 of title 10, United States Code, to eliminate the reimbursement procedure required among the medical facilities of the armed forces under the jurisdiction of the military departments

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1085 of title 10, United States Code, is amended to read as follows:

**"§ 1085. Medical and dental care from another executive department: reimbursement**

"If a member or former member of an armed force under the jurisdiction of a military department, or his dependent receives inpatient medical or dental care in a facility under the jurisdiction of the Secretary of Health, Education, and Welfare, or if a member or former member of a uniformed service not under the jurisdiction of a military department, or his dependent, receives inpatient medical or dental care in a facility of an armed force under the jurisdiction of a military department, the appropriation for maintaining and operating the facility furnishing that care shall be reimbursed at rates established by the Bureau of the Budget to reflect the average cost of providing such care."

SEC. 2. The analysis of chapter 55 of title 10, United States Code, is amended by striking out the following item:

"1085. Medical and dental care from another uniformed service: reimbursement."

and inserting the following item in place thereof:

"1085. Medical and dental care from another executive department: reimbursement."

Chairman RUSSELL. The witness on this bill is Capt. Guy H. Morgan, Medical Service Corps, Deputy Comptroller of the Bureau of Medicine and Surgery, Department of the Navy.

We are glad to have you, Captain Morgan. We will be glad to have you give us a thumbnailed explanation of the importance of this bill.

**STATEMENT OF CAPT. GUY H. MORGAN, MEDICAL SERVICE CORPS,  
DEPUTY COMPTROLLER OF THE BUREAU OF MEDICINE AND  
SURGERY, DEPARTMENT OF THE NAVY**

Captain MORGAN. Mr. Chairman, I have a prepared statement I will submit for the record, and I will try to briefly give you a thumb-nail sketch of it, sir.

If this legislation is enacted: first, no funds will be required as a result thereof; second, it will simplify the budgets of the medical departments; third, it will eliminate a lot of unnecessary paperwork; and, fourth, it will be conducive to better financial management.

At the present time the funds are allocated by Congress to the Army, and the Army will pay the Navy and the Air Force for taking care of their patients, and it works the other way—the Air Force and the Navy will pay the Army for taking care of theirs. So, in effect, no additional money will be required over what is now appropriated, and what it will eliminate are the activities in the field and the departments from billing each other, processing and keeping categories of patients in order that they may bill properly.

Chairman RUSSELL. Captain, why is there such a tremendous difference in the per capita charges now transferred for a serviceman and for his dependents? It is \$27 a day, as I recall—and I believe you say in your statement for the active duty personnel—and \$42 per day for dependents who receive care facilities.

Captain MORGAN. Well, sir, that was a formula that was designed and usually the difference, sir, is military pay. We do not try to bill each other for military pay.

Chairman RUSSELL. That still doesn't explain to me why there is such a difference.

Captain MORGAN. No, sir; but that is the difference between the \$27 and \$42. Now why it was done, sir, I do not know.

Chairman RUSSELL. I see. The cost of hospitalization has increased considerably since you first became associated with the Navy, I assume, Captain?

Captain MORGAN. Yes, sir; from \$3.50 up to \$40 something now, sir.

Chairman RUSSELL. Senator Saltonstall.

Senator SALTONSTALL. As I read the bill, Doctor, it simply would change it among the military but not among the other executive departments.

Captain MORGAN. That is right.

Senator SALTONSTALL. Thank you, Mr. Chairman.

Chairman RUSSELL. Senator McIntyre.

Senator MCINTYRE. No questions, Mr. Chairman.

Chairman RUSSELL. Senator Smith?

Senator SMITH. No questions.

Chairman RUSSELL. Senator Thurmond?

Senator THURMOND. No questions.

Chairman RUSSELL. Thank you very much, Captain.

Captain MORGAN. Thank you, sir.

(The prepared statement of Captain Morgan follows:)

Mr. Chairman and members of the Senate Committee on Armed Services, I am Capt. Guy H. Morgan, Medical Service Corps, U.S. Navy, Deputy Comptroller of the Bureau of Medicine and Surgery, Department of the Navy. I am pleased to appear here before you today to support enactment of legislation which will allow the Department of Defense to discontinue reimbursements between the military departments for medical care of certain of their patients in Army, Navy, or Air Force facilities.

Under existing law when a member or former member of a uniformed service (or an eligible dependent) receives inpatient care in a medical facility of another uniformed service, the service furnishing the care must be reimbursed by the member's service at rates established by the Bureau of the Budget.

The current rates are \$27 per day for active duty personnel receiving care in facilities of another military service and \$42 per day for dependents receiving care in facilities of a military service other than that of the sponsor.

Reimbursement for services constitutes a significant share of the funds available to the military medical departments. The failure of any actual earned reimbursement to compare with an estimated reimbursement either when reimbursable patients in facilities are fewer than estimated or when patients in other uniformed facilities exceed those estimated, necessitates a deviation from planned uses of funds, sometimes to the financial detriment of other medical care responsibilities.

Such disparities defy sound planning inasmuch as their cause is beyond the control of the personnel of the various medical departments. Estimates are subject to the following variable factors:

The actual number of unforeseeable admissions to other service facilities due to emergency medical/surgical conditions.

The mix of cross-serviced patients—each at a different reimbursement rate.

The current requirement for reimbursement is a costly and unnecessary paper-exchange function. The procedures require fairly extensive recordkeeping and the processing of many reimbursement vouchers by all medical facilities and their respective headquarters. Such paper-processing procedures contribute nothing to effect financial management or to effective utilization of manpower.

The artificialities of this situation can be reduced best by eliminating the reimbursement practices. Enactment of this legislation will not change the Department of Defense costs up or down and any possible changes to the funds of a particular military department will be reflected in a compensatory manner in the funds of the other services.

Favorable enactment will provide the opportunity for more meaningful financial planning, more effective use of funds and the improvement of financial management.

The present method of providing for intradefense outpatient service offers a precedent in this area. Outpatient care has been accomplished on a nonreimbursable, common-service basis within the Department of Defense since the inception of the Department; prior to that, no reimbursable rates were established for outpatient service between the Departments of War and Navy. Common servicing in the outpatient area reflects an efficient operation inasmuch as unnecessary administrative expense is avoided.

The proposed legislation provides for discontinuance of the present statutory system of reimbursable cross-servicing for inpatient medical care within the Department of Defense. The funding now identified with these reimbursable services could be made a part of the direct funding program of the military service providing the care.

On behalf of the Department of Defense, enactment of this item is recommended.

(Subsequently, in executive session, the committee voted to report H.R. 10234, without amendment, as covered by S. Rept. 805.)

**H.R. 9975**

Chairman RUSSELL. The next bill the committee will consider is H.R. 9975, which will amend the Missing Persons Act to authorize shipment of vehicles owned by deceased or missing persons when the vehicle is located within the United States. Under the present law entitlement for such shipment exists in those cases in which the vehicle is outside the United States.

(H.R. 9975 follows:)

[H. R. 9975, 89th Cong., 1st sess.]

AN ACT To authorize the shipment, at Government expense, to, from, and within the United States and between oversea areas of privately owned vehicles of deceased or missing personnel, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 12 of the Missing Persons Act, as amended (50 U.S.C. App. 1012), is amended by striking the words "in those cases where the vehicle is located outside the continental limits of the United States or in Alaska".*

Chairman RUSSELL. The witness on this bill is Lt. Comdr. Jacob D. Kohl, Head of the Household Goods Branch, Bureau of Supplies and Accounts, Department of the Navy.

We are glad to hear from you, Commander Kohl.

**STATEMENT OF LT. COMDR. JACOB D. KOHL, HEAD, HOUSEHOLD GOODS BRANCH, BUREAU OF SUPPLIES AND ACCOUNTS, NAVY DEPARTMENT**

Commander KOHL. Mr. Chairman, I have with me as backup witness Mr. Joseph R. Cohn, Special Assistant for Legal and Legislative Matters, Bureau of Supplies and Accounts, Navy Department. I also have a prepared statement which I would be happy to read, or if you prefer I will summarize it and submit it for the record, sir.

Chairman RUSSELL. Very well, sir.

Commander KOHL. Under the current provisions of the Missing Persons Act, section 12 of the act of March 7, 1942, amended, title 50, United States Code, appendix 1012, the privately owned vehicle of missing or deceased personnel may be shipped to a designated home location only in those cases when the vehicle is located outside the continental United States or in Alaska at the time the casualty status occurs. The absence of legislation to authorize shipments at Government expense from locations within the continental United States has caused considerable hardships to the widows or other survivors of deceased personnel or to the dependents of missing personnel. Substantial hardships are particularly prevalent in those instances in which there are children or aged parents in the family of the deceased or missing person. Under these conditions such personnel must improvise as best as they can to get the family car to their new home.

In some instances, due to the distance involved and the emotional and physical condition of the survivors or dependents, it is not practical for such persons to pick up the vehicle at the member's last duty station. As a result, the consequent absence of authority to ship the automobile within the United States poses a significant morale problem.

It is estimated that the enactment of this proposal will result in an additional cost of approximately \$173,000 for each of the fiscal years 1966 through 1970.

The Bureau of the Budget has advised that there would be no objection to the request of the Department of Defense for favorable consideration of this legislation by Congress which the Department of Defense recommends be enacted.

Mr. Chairman, I would be happy to answer any questions you may have.

Chairman RUSSELL. In other words, under existing law if a member of the Marine Corps were stationed on Wake Island and had a car and was sent to Vietnam and was killed there, his dependents could have that car shipped back to the States at Government expense. But if he went out there from Camp Pendleton in California, and his wife joined her parents in an imaginary case in Missouri, they would have to get that car back from Pendleton as best they could?

Commander KOHL. Yes, sir.

Chairman RUSSELL. And the Government wouldn't have any responsibility at all for it?

Commander KOHL. That is correct, sir.

Chairman RUSSELL. And this would put it all on the same basis.

Commander KOHL. Yes, sir.

Chairman RUSSELL. Senator Smith?

Senator SMITH. I haven't any questions, Mr. Chairman.

Chairman RUSSELL. Senator McIntyre?

Senator McINTYRE. No questions.

Chairman RUSSELL. Senator Thurmond?

Senator THURMOND. No questions, Mr. Chairman.

Chairman RUSSELL. Thank you.

(Subsequently, in executive session, the committee voted to report H.R. 9975, without amendment, as covered by S. Rept. 804.)

### H.R. 724

Chairman RUSSELL. The next bill is H.R. 724, a measure sponsored by the Canal Zone Government which would permit the transfer of U.S. citizens convicted of offenses in the Canal Zone to the custody of the U.S. Attorney General for imprisonment within the United States.

(H.R. 724 follows:)

[H.R. 724, 89th Cong., 1st sess.]

AN ACT To authorize the transfer of certain Canal Zone prisoners to the custody of the Attorney General

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5003 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The term 'State' as used in this section includes any State, territory, or possession of the United States, and the Canal Zone."

SEC. 2. (a) Subsection (b) of section 6503 of title 6, Canal Zone Code, is amended by striking out "this section" and inserting in lieu thereof "subsection (a) of this section".

(b) Section 6503 of title 6, Canal Zone Code, is further amended by adding at the end thereof the following new subsection:

"(c) Pursuant to the provisions of section 5003 of title 18, United States Code, the Governor may contract with the Attorney General for the transfer to the custody of the Attorney General of prisoners who are citizens of the United States."

Chairman RUSSELL. The witness on this bill is Mr. Allen Sanders, legislative attorney for the Panama Canal Company.

We are glad to have you here, Mr. Sanders. You may proceed.

**STATEMENT OF ALLEN SANDERS, LEGISLATIVE ATTORNEY FOR  
THE PANAMA CANAL COMPANY**

Mr. SANDERS. Mr. Chairman—

Chairman RUSSELL. Are you stationed in Washington or in the Panama Canal Zone?

Mr. SANDERS. In our Washington office, Mr. Chairman. I have a very brief prepared statement which I believe I can read or submit it for the record at your pleasure.

Chairman RUSSELL. If you would, submit your statement for the record and answer a few questions and tell us how many people a year would be affected by this bill.

Mr. SANDERS. At the present time, Mr. Chairman, there are only three U.S. citizen inmates in the Canal Zone penitentiary, and this is the real reason of the need for legislation.

The small number of U.S. citizen inmates in the Canal Zone penitentiary makes it impractical in terms of economic justification to devise a rehabilitation program that is designed to meet the needs of these U.S. citizen prisoners. If they could be transferred to the custody of the Attorney General in the United States they could be assigned to a Federal penitentiary—Federal penal or correctional institution—that had specialized treatment or training facilities that would meet the needs of these inmates.

(The prepared statement of Mr. Sanders follows:)

H.R. 724 would amend section 5003 of title 18, United States Code, so as to make that section applicable to the Canal Zone. That amendment, together with a corresponding amendment of section 6503 of title 6 of the Canal Zone Code, would authorize the transfer of U.S. citizen prisoners convicted in the Canal Zone to the custody of the Attorney General for imprisonment in Federal penal and correctional institutions in the United States.

This legislation is needed because the small number of U.S. citizen inmates (only 3 U.S. citizens are incarcerated at the present time) makes it difficult in terms of economic justification to establish a rehabilitation program specially suited to their needs. The bill would authorize the transfer of these U.S. citizens to the United States where they would be assigned by the Attorney General to a Federal penal institution having specialized treatment or training facilities capable of meeting the needs of the particular inmate.

In addition to the foregoing consideration, cases arise from time to time indicating that transfer of a U.S. citizen prisoner to the United States to the custody of the Attorney General would clearly be in the best interests of the prisoner in that it would return the prisoner to his home environment, thus permitting visits from relatives and friends and, in general, improve the likelihood of his successful rehabilitation. Moreover, the likelihood of making appropriate arrangements for parole of a U.S. citizen prisoner who is not a Canal Zone resident would in the normal case be greatly enhanced by his transfer to the custody of the Attorney General.

The bill would amend title 18, United States Code, section 5003, which authorizes the Attorney General to admit State prisoners to Federal penal and correctional institutions when facilities are available, so as to make that section applicable to the Canal Zone. The legislative history of title 18, United States Code, section 5003 (see 1952 U.S. Code Cong. and Adm. News, p. 1420), indicates that the section was enacted because State officials had frequently requested the Bureau of Prisons to undertake the custody, treatment, and training of State prisoners where specialized types of institutions and training programs were needed but were not available in the States. Similar considerations make it desirable to extend the section to the Canal Zone.

It should be noted that title 18, United States Code, section 5003(a) requires reimbursement to the United States for all costs or other expenses involved. In view of the small number of persons involved (probably only three or four per year) and because the Canal Zone Government would be obligated to maintain the prisoners in any event, it is not anticipated that enactment of this legislation

would cause an appreciable increase in expenditures by the Canal Zone Government. In addition, since the Panama Canal Company is obligated to reimburse the U.S. Treasury for the unrecovered costs of the Canal Zone Government, this legislation can be implemented at no cost to the U.S. taxpayer.

Chairman RUSSELL. The U.S. judge we confirmed down there in the zone then doesn't have a great deal to do.

Mr. SANDERS. Well, these are only U.S. citizen inmates.

Chairman RUSSELL. I understand. But about all they get to try are U.S. citizens.

Mr. SANDERS. No, sir; the Canal Zone penitentiary has an average population of from 90 to 100 prisoners, but the other, the remaining, are made up of Panamanian, Spanish-speaking individuals.

Chairman RUSSELL. Does this apply to misdemeanor convictions as well as felonies?

Mr. SANDERS. Only felonies.

Chairman RUSSELL. Only felonies?

Mr. SANDERS. Yes, sir.

Chairman RUSSELL. Senator Smith?

Senator SMITH. I have no questions, Mr. Chairman.

Chairman RUSSELL. Senator Jackson?

Senator JACKSON. I see there are only three U.S. citizens now.

Chairman RUSSELL. Senator McIntyre?

Senator MCINTYRE. No questions, Mr. Chairman.

Chairman RUSSELL. Senator Thurmond?

Senator THURMOND. No questions.

Chairman RUSSELL. Thank you very much.

(Subsequently, in executive session, the committee voted to report H. R. 724, without amendment, as covered by S. Rept. 799.)

### H. R. 5665

Chairman RUSSELL. The last bill for consideration in open session is H. R. 5665, which would authorize disbursing officers of our Armed Forces to advance funds to disbursing officers or members of an armed force of friendly nations on a reimbursable basis.

(H. R. 5665 follows:)

[H. R. 5665, 89th Cong., 1st sess.]

AN ACT To authorize disbursing officers of the Armed Forces to advance funds to members of an armed force of a friendly foreign nation, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That under regulations to be prescribed by the Secretary of Defense and the Secretary of the Treasury in their respective areas of responsibility, an officer of the Army, Navy, Air Force, Marine Corps, or Coast Guard accountable for public money may advance funds to cashiers, disbursing officers, or members of an armed force of a friendly foreign nation for the purpose of paying pay and allowances to those members or enabling that armed force to purchase necessary supplies and services. An advance may not be made under this Act unless the President has entered into an agreement with the nation concerned which, in addition to any other provision that he considers necessary to carry out this Act and to safeguard the interests of the United States, shall require the United States to be reimbursed for any funds so advanced and shall require the appropriate authority of that nation to advance funds to members of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States on a reciprocal basis.

Chairman RUSSELL. The departmental witness on this bill is Lt. Col. George J. Ginikowre, Office, Chief of Finance, Department of the Army.

We are glad to have you here, Colonel, and we are glad to have your statement on this bill.

**STATEMENT OF LT. COL. GEORGE J. GINIKOWRE, OFFICE, CHIEF OF FINANCE, DEPARTMENT OF THE ARMY**

Colonel GINIKOWRE. Thank you, Mr. Chairman.

I am Lt. Col. George J. Ginikowre, Chief, Disbursing and Currency Branch, Financial Services Division, Office, Chief of Finance, Department of the Army. The Department of the Army has been designated as the representative of the Department of Defense for this legislation. I represent the Department of the Army for this purpose. It is a pleasure to appear before you in support of this bill.

The purpose of the proposed legislation is to authorize officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard who are accountable for public money to make advances of funds, under exigent circumstances, to members of specified friendly foreign armed forces.

There is no legislative authority for disbursing officers of the Armed Forces of the United States to make such advances now. On the other hand, disbursing officers of the armed services of Britain and Canada do have authority to make advances to members of the Armed Forces of the United States as well as to each other in peace or war. In the interest of maintaining friendly relations, it is desirable that the Armed Forces of the United States have legislative authority to reciprocate the benefits offered by Britain and Canada. In addition, it is felt that such legislation should enable advances of funds to be made to military personnel of other nations as well as Britain and Canada.

The circumstances under which advances should be made could be determined by the Secretary of Defense and the Secretary of the Treasury, respectively, subject to the existence of bilateral agreements providing for reimbursement and reciprocity.

It is believed that such legislation should not be predicated upon the existence of a state of war. During World War II and the Korean war, advances were made by U.S. Army disbursing officers, based on exigencies of the moment, to Canadian and British Army personnel through the use of emergency war powers.

However, in recent years we have experienced numerous situations short of war which resulted in the quick assembly of troops of several allied nations. U.S. commitments to the United Nations, North Atlantic Treaty Organization, Organization of American States, Southeast Asia Treaty Organization, and Central Treaty Organization of the Middle East increase the possibility of circumstances under which small groups of troops may not have a disbursing capability of their own. Legislation now rather than emergency war powers is desirable in the public interest.

The Bureau of the Budget advised that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for consideration of the Congress.

The enactment of this proposal would cause no increase in budgetary requirements for the Department of Defense; funds advanced would be recoverable from nations to which advanced.

Mr. Chairman, that concludes my prepared statement.

Chairman RUSSELL. Colonel Ginikowre, if we advance these payments to the armed forces of any other country in the form of dollars, are they repaid in dollars or in the currency of the country?

Colonel GINIKOWRE. Sir, we would require repayment in the type of currency that we advanced where possible, and in return give U.S. currency, or the type of currency that we advanced, in the area that we are in, that we are using.

Chairman RUSSELL. You say this law will only apply under exigent circumstances. Who is to make that determination, the commanding officer in the field?

Colonel GINIKOWRE. No, sir; the commanding officer in the field would submit a request to the Department of Defense, through channels, outlining the conditions over there and the fact that this requirement exists to aid an ally of ours in the same area.

The Secretary of Defense would then make that determination.

Chairman RUSSELL. Under ordinary circumstances this law would not be applicable. It is just requested in the nature of emergency legislation to handle certain small situations that might arise?

Colonel GINIKOWRE. Yes, sir.

Chairman RUSSELL. Senator Smith?

Senator SMITH. I haven't any questions, Mr. Chairman.

Senator JACKSON. I have no questions.

Chairman RUSSELL. Senator McIntyre?

Senator MCINTYRE. Colonel, could you give me an example of how this situation could arise where you would need to make advances to, say 10 troops of South Korea or India?

Colonel GINIKOWRE. If they were in an area with our troops for the same purpose, and allies of ours at the time, and let's say they have liaison personnel with our troops, and let's say there are personnel, the chances are they would not have a disbursing capability in the area. Therefore, we may be approached by the commander of that group of 10, to say, "Would you advance our people \$50 or \$10 or some amount or pay them their pay and allowances for a fixed amount only, a fixed amount of dollars every month or periodically, and we in turn will reimburse you immediately." This will facilitate paying these personnel, say, at the end of the month and reimbursement would be a matter of days or weeks or so depending on the location.

Senator MCINTYRE. Thank you, Mr. Chairman.

That is all.

Chairman RUSSELL. Senator Thurmond?

Senator THURMOND. No questions, Mr. Chairman.

Chairman RUSSELL. Thank you very much, Colonel.

The committee will now go into executive session.

(Whereupon, at 11:10 a.m., the committee went into executive session.)

(Subsequently, in executive session, the committee voted to report H.R. 5665 without amendment, as covered by S. Rept. 801.)

