Mr. Means, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 16080]

The Committee on Claims, to whom was referred the bill (H. R. 16080) for the relief of Calvin H. Burkhead, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 2098, Sixty-ninth Congress, second session, which is appended hereto and made a part of this report.

[House Report No. 2098, Sixty-ninth Congress, second session]

The Committee on Military Affairs, to which was referred the bill H. R. 16080, for the relief of Calvin H. Burkhead, having considered the same report thereon with the recommendation that it do pass.

During the period from July 1, 1922, to September 5, 1924, inclusive, Capt. Calvin H. Burkhead, Signal Corps, United States Army, was on duty in Alaska under the provisions of paragraph 6, Special Orders, No. 121, Ninth Corps Area, Presidio of San Francisco, Calif., dated May 24, 1922, and orders subsequently issued. During this period he was away from his permanent designated post of duty for 317 days, and under the original orders as issued was enabled to collect only $428.40 for mileage, at the rate of 5 cents per mile for travel performed. His actual expenses for the 317 days of absence from his permanent post of duty amounted to $2,400. On September 28, 1922, he received a telegram from the officer in charge, Washington-Alaska Military Cable & Telegraph System, at Seattle, stating he was on a per diem basis instead of mileage. Again in paragraph 47, Special Orders, No. 172, War Department, dated July 25, 1923, it was indicated to Captain Burkhead that he would be reimbursed on a per diem basis. Every effort to collect on a per diem basis has been disallowed by the Finance Department, they contending that the orders were illegal and should not have been issued. Therefore the amount expended by Captain Burkhead from his personal funds for actual expenses while on this duty under orders is $1,971.60 more than he has been able to recover from the Finance Department.

The War Department, appreciating the fact that it is an injustice upon the personnel of the Army to spend their own money while obeying orders of the Military Establishment, submitted to the Committee on Military Affairs a draft of a bill which would, in the future, allow the Chief of Finance to pay the actual
expenses of officers who would be in the same predicament as Calvin H. Burkhead is now in. This draft was introduced into Congress, passed both Houses, and is now a public law. However, the bill was not retroactive and Captain Burkhead continues to be out $1,971.60. Your committee feels that Captain Burkhead should be reimbursed for the actual money he paid out of his own pocket and most earnestly recommends the passage of the bill.

The letter from the Secretary of War is made a part of this report, as follows:

FEBRUARY 5, 1927.

DWIGHT F. DAVIS, Secretary of War.