

PROVIDING FOR ADMISSION TO ST. ELIZABETHS HOSPITAL FOR CERTAIN UNITED STATES CITIZENS ADJUDGED INSANE IN FOREIGN COUNTRIES

JULY 1, 1952.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BARDEN, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H. R. 1950]

The Committee on Education and Labor, to whom was referred the bill (H. R. 1950) to provide for the admission to St. Elizabeths Hospital in the District of Columbia of certain citizens of the United States adjudged insane in foreign countries, report favorably thereon with amendments and recommend that the bill do pass.

The committee amendments are as follow:

(a) Page 1, line 7, after the comma insert the following: "or certified by appropriate authorities (as determined by the Administrator) to be in need of care and treatment in a mental hospital,".

(b) On page 2, lines 12 to 14, strike out the words "An Act to provide for the repatriation of certain insane American citizens", approved March 2, 1929, and the Act entitled".

PURPOSE OF THE BILL

The purpose of the bill is to make applicable to American citizens in any foreign country the provisions of existing law which now authorizes the admission to St. Elizabeths Hospital of American citizens who have been adjudged legally insane in Canada and whose legal residence in a State, Territory, or the District of Columbia it has been impossible to establish. In addition, the bill would provide an alternative to adjudication of insanity by a foreign court by authorizing admission to St. Elizabeths Hospital also where the American citizen, though not adjudicated insane in the foreign country, has been certified as mentally ill and in need of hospitalization by an appropriate authority, designated by the Federal Security Administrator, in such foreign

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country. In view of the need for flexibility in this respect, such designation has been left to administrative determination rather than being specified in the bill. For example, in cases in which a medical officer of the Public Health Service qualified to make the necessary diagnosis is stationed in the country in question, the Administrator may find certification by such officer to be most appropriate. Again in some other cases certification by a consular officer upon the basis of examination by a qualified physician may be found the more appropriate method. In still other cases, the Administrator may find certifications by qualified foreign authorities acceptable.

As explained below, the bill as amended would also repeal, as no longer necessary in view of the amendment made by the bill, an existing statute providing for repatriation and admission to St. Elizabeths of legally adjudged insane American Foreign Service officers.

GENERAL STATEMENT

It should be noted that in virtually all jurisdictions in this country a stated period of residence in the State involved immediately preceding admission to a public mental hospital is required. Thus an American citizen—for example, a businessman or missionary who has been abroad for an extended period of time—may, although he remains an American citizen, suffer the loss of the requisite State residence. If in such circumstances he becomes afflicted with a mental illness which requires hospitalization for care and treatment and he is not eligible for admission to a mental hospital in one of the States or Territories or the District of Columbia because of such loss of residence status, it seems appropriate to afford an opportunity for his hospitalization in a Federal institution. If, as the committee believes, this is fair and desirable in the case of American citizens in Canada, the opportunity of equal treatment as well as considerations of humanity require that Americans who become mentally ill in other foreign countries should not be discriminated against in this respect. This bill would eliminate such discrimination.

At the same time the committee believes that to restrict eligibility for admission to St. Elizabeths Hospital in such cases to persons who have been legally adjudicated insane in such foreign country it seems unnecessarily stringent. The laws of some countries on the subject of legal adjudication of insanity are extremely complex, and the requirement has tended to work a hardship on those concerned. The committee, therefore, has recommended an amendment to the bill whereby, as above indicated, an appropriate certification from designated authorities in a foreign country could take the place of a legal adjudication of insanity in such country for the purpose of admission to the hospital. After such admission, appropriate commitment proceedings could of course be instituted in the District of Columbia if the patient does not desire to remain in the hospital as a voluntary patient and if the patient's release would create a danger to him or to others. Under the terms of the bill, as under the existing law relating to Canada, of course, even a patient legally adjudged insane in a foreign country will be entitled on his own request or upon request of any relative or friend to have a judicial hearing in the District of Columbia

upon his mental condition and upon the right of a superintendent of the hospital to hold him for treatment.

The bill would repeal the act of October 29, 1941 (55 Stat. 756), which provides for the admission to St. Elizabeths Hospital of insane persons belonging to the Foreign Service of the United States. The reason for such repeal is that enactment of the bill would make this statute unnecessary.

The bill as introduced would also have repealed the act of March 2, 1929, already mentioned, relating to the admission to St. Elizabeths Hospital of American citizens adjudged insane in Canada. The committee amendment would strike out this repealer and thus leave the act of March 2, 1929, in force despite the more inclusive terms of the substantive provisions of the bill. The reason for this committee amendment is that the committee has been advised by the Department of State that such patients, committed to Canadian institutions, are deported by the Canadian Government and delivered direct to St. Elizabeths Hospital at Canadian expense, and to leave this statute in force would make it clear that there is no intent to affect this arrangement.

CONCLUSIONS

The committee therefore recommends enactment of the bill, as amended.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman):

PUBLIC LAW 284, SEVENTY-SEVENTH CONGRESS

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the application of the Secretary of State, the Federal Security Administrator is authorized to admit to Saint Elizabeths Hospital in the District of Columbia, for treatment, American citizens who are Foreign Service officers, as defined in section 2 of the Act of May 24, 1924 (43 Stat. 140), as amended by the Act of February 23, 1931 (46 Stat. 1207; 22 U. S. C. 2), or who are clerks in the Foreign Service classified as provided in section 1 of the Act of February 23, 1931 (46 Stat. 1207; U. S. C. 23 (a)), or who are employees in the Foreign Service and stationed outside the United States, and who are legally adjudged insane in any foreign country and whose legal residence in one of the States, Territories, or the District of Columbia, it has been impossible to establish. Upon the ascertainment of the legal residence of persons so admitted to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.]

[Upon the request of any such patient, his relatives or friends, he shall have a hearing in the District Court of the United States for the District of Columbia upon his mental condition and the right of the superintendent of Saint Elizabeths Hospital to hold him for treatment.]

[PUBLIC LAW 935, SEVENTIETH CONGRESS

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the application of the Secretary of State, the Federal Security Administrator is authorized to transfer to Saint

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Elizabeths Hospital, in the District of Columbia, for treatment, all American citizens legally adjudged insane in the Dominion of Canada, whose legal residence in one of States, Territories, or the District of Columbia, it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.

【Upon the request of any such patient, his relatives or friends, he shall have a hearing in the Supreme Court of the District of Columbia upon his mental condition and the right of the superintendent of Saint Elizabeths Hospital to hold him for treatment.】

