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CLARIFY COAST GUARD LAWS

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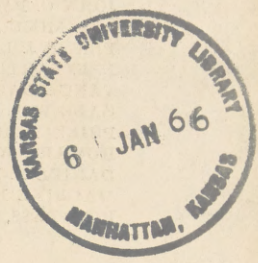
HEARING
BEFORE THE
SUBCOMMITTEE ON MERCHANT MARINE
AND FISHERIES
OF THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE
EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

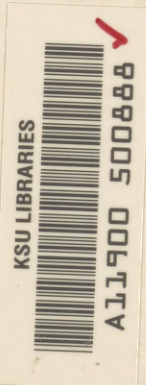
S. 2471

TO IMPROVE AND CLARIFY CERTAIN LAWS OF THE
COAST GUARD



SEPTEMBER 28, 1965

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CLARIFY COAST GUARD LAWS

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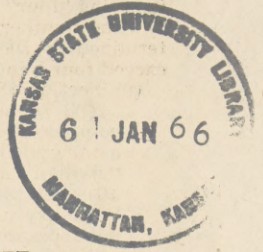
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CLARIFY COAST GUARD LAWS

TUESDAY, SEPTEMBER 28, 1965

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.



The subcommittee met, pursuant to notice, at 10:06 a.m., in room 5110, New Senate Office Building, Hon. E. L. Bartlett presiding. Senator BARTLETT. The committee will be in order.

The purpose of the hearing this morning is to hear testimony from the Coast Guard regarding the bill, S. 2471, to improve and clarify certain laws of the Coast Guard.

This legislation has been introduced to clarify certain provisions of the present law and to improve and simplify the administration of certain programs of the Coast Guard.

(The bill follows:)

[S. 2471, 89th Cong., 1st sess.]

A BILL To improve and clarify certain laws of the Coast Guard

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Section 4 is amended—

(A) by inserting the word "and" at the end of clause (d); and

(B) by striking out "; and" at the end of clause (e) and inserting a period in place thereof.

(2) Subsection (a) of section 42 is amended by striking out "three thousand five hundred" and inserting "four thousand" in place thereof so that the subsection will read as follows:

"(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed four thousand."

(3) Section 44 is amended by striking out "The position vacated by an officer appointed Commandant shall be filled by promotion according to law."

(4) Subsection (c) of section 46 is amended to read as follows:

"(c) An officer who is retired prior to the expiration of his term, while serving as Commandant, may, in the discretion of the President, be retired with the grade of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant."

(5) Subsection (d) of section 46 is repealed.

(6) Subsection (e) of section 47 is amended to read as follows:

"(e) An officer who is retired while serving as Assistant Commandant, or who, after serving at least two and one-half years as Assistant Commandant, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade and retired pay of vice admiral."

(7) Subsection (d) of section 47 is amended to read as follows:

"(d) An officer who, after serving less than two and one-half years as Assistant Commandant, is retired after completion of that service while serving in a lower rank or grade, shall be retired in his permanent grade and with the retired pay of that grade."

Staff counsel assigned to this hearing: William C. Foster.

(8) Section 182 is amended by striking out "three" in the first sentence and inserting "four" in place thereof so that the sentence will read as follows:

"The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed four hundred."

(9) Section 186 is amended—

(A) by striking the words "of the teaching staff" and the words "whose compensation shall be fixed in accordance with the Classification Act of 1949, as amended" in the first sentence, by inserting the word "faculty" between "civilian" and "members" in the first sentence, and by inserting a period after the word "require" so that the first sentence will read as follows: "The Secretary may appoint in the Coast Guard such number of civilian faculty members at the Academy as the needs of the Service may require."

(B) by redesignating the amended section as subsection (a).

(C) by adding a new subsection (b) as follows:

"(b) The compensation of persons employed under this section is as prescribed by the Secretary."

(10) Section 190 is amended by inserting the following after the first sentence: "The Secretary may retire any member of the permanent commissioned teaching staff who has completed thirty years' active service."

(11) Subsection (a) of section 211 is amended by striking out "four" in paragraph (4) and inserting "two" in place thereof so that the paragraph will read as follows:

"(4) licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer."

(12) Subsection (a) of section 214 is amended by striking out the period at the end of the sentence and adding ", and from licensed officers of the United States merchant marine."

(13) Subsection (b) of section 214 is amended by striking out the period at the end of the sentence and adding ", and from licensed officers of the United States merchant marine."

(14) Subsection (c) of section 214 is amended by striking out the period at the end of the sentence and adding ", and from licensed officers of the United States merchant marine."

(15) Subsection (a) of section 253 is amended by inserting "the officers eligible for consideration," after "to be considered,".

(16) Subsection (a) of section 256 is amended by inserting the words "who are eligible for consideration for promotion to the next higher grade and" before the words "who have not" in the second sentence.

(17) Clause (2) of section 258 is amended to read as follows: "the names and records of all officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion, with identification of those officers who are in the promotion zone."

(18) Subsection (b) of section 332 is amended by inserting the following sentence at the end thereof: "However, this limitation does not apply to retired officers of these grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year."

(19) The catchline of section 334 is amended to read as follows: "**§ 334. Grade on retirement**".

(20) By adding the following new section in chapter 11 following section 335:

§ 336. United States Coast Guard Band; composition; director

"(a) The United States Coast Guard Band shall be composed of a director and other personnel in such numbers and grades as the Secretary determines to be necessary.

"(b) The Secretary shall designate the director from among qualified members of the Coast Guard. Upon the recommendation of the Secretary, a member so designated may be appointed by the President, by and with the advice and consent of the Senate to a commissioned grade in the Regular Coast Guard.

"(c) The initial appointment to a commissioned grade of a member designated as director of the Coast Guard Band shall be in the grade of lieutenant (junior grade) or lieutenant.

"(d) A member who is designated and commissioned under this section shall not be included on the active duty promotion list. He shall be promoted under section 276 of this title. However, the grade of the director may not be higher than lieutenant commander.

"(e) The Secretary may revoke any designation as director of the Coast Guard Band. When a member's designation is revoked, his appointment to commissioned grade under this section terminates and he is entitled, at his option—

"(1) to be discharged from the Coast Guard; or

"(2) to revert to the grade and status he held at the time of his designation as director."

(21) By adding the following new sections after section 370:

"§ 371. Aviation cadets; procurement; transfer

"(a) The grade of aviation cadet is established as a special enlisted grade in the Coast Guard. Under such regulations as the Secretary prescribes, male citizens in civil life may be enlisted as, and male enlisted members of the Coast Guard with their consent may be designated as, aviation cadets.

"(b) Except in time of war or national emergency declared by Congress, not less than 20 per centum of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Coast Guard.

"(c) No person may be enlisted or designated as an aviation cadet unless—

"(1) he agrees in writing that, upon his successful completion of the course of training as an aviation cadet, he will accept a commission as an ensign in the Coast Guard Reserve and will serve on active duty as such for at least three years, unless sooner released; and

"(2) if under twenty-one years of age, he has the consent of his parent or guardian to his agreement.

"(d) Under such regulations as the Secretary prescribes, an aviation cadet may be transferred to another enlisted grade or rating in the Coast Guard, released from active duty, or discharged.

"§ 372. Aviation cadets; benefits

"Except as provided in section 402(c) of title 37, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits as are provided for enlisted members in pay grade E-4. While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.

"§ 373. Aviation cadets; appointment as Reserve officers

"(a) An aviation cadet who fulfills the eligibility requirements of section 6023(b) of title 10 for designation as a naval aviator may be appointed an ensign in the Coast Guard Reserve and designated a Coast Guard aviator.

"(b) Aviation cadets who complete their training at approximately the same time are considered for all purposes to have begun their commissioned service on the same date, and the decision of the Secretary in this regard is conclusive."

(22) Section 438 is amended by striking out "and section 438 of this title."

(23) Section 654 is amended by inserting the following catchline immediately after the section number: "**Public and commercial vessels and other watercraft: sale of fuel, supplies, and services**".

(24) Subsection (b) of section 755 is amended to read as follows:

"(b) The provisions of chapter 13 of this title, except for section 461, apply to members of the Reserve under the same conditions and limitations as are applicable to officers and enlisted men of the Regular Coast Guard."

(25) Section 771 is amended to read as follows:

"§ 771. Applicability of this subchapter

"(a) This subchapter applies—

"(1) only to the Coast Guard Reserve;

"(2) equally to women members of the Reserve except where the context indicates otherwise.

"(b) This subchapter does not apply to temporary members of the Coast Guard Reserve."

(26) The analysis of chapter 11 is amended—

(A) by striking out—

"334. Retirement in cases where higher grade has been held,"

and inserting in place thereof:

"334. Grade on retirement."

(B) by inserting the following new items:

"336. United States Coast Guard Band; composition; director.

"371. Aviation cadets; procurement; transfer.

"372. Aviation cadets; benefits.

"373. Aviation cadets; appointment as Reserve officers."

(27) The analysis of chapter 13 is amended by striking out the following items:

- "462. Pay and allowances of rear admirals.
- "464. Allotment of pay.
- "465. Advance to officers ordered to and from sea or shore duty beyond the seas.
- "466. Settlement of accounts of deceased officers and men.
- "474. Compensation for travel tolls and fares.
- "504. Disposition of remains of personnel.
- "505. Escorts for deceased officers and enlisted men.
- "506. Issue of national flag free of cost."

SEC. 2. Title 37, United States Code, is amended as follows:

(1) Section 207 is amended by adding a new subsection (f) at the end reading as follows:

"(f) The director of the Coast Guard Band is entitled to the basic pay of an officer in the grade in which he is serving. However, his basic pay may not be less than that to which he was entitled at the time of his appointment as director."

(2) Subsection (e) of section 415 is amended by striking out "435" and inserting "214" in place thereof.

(3) Section 424 is amended by adding a new subsection (f) at the end reading as follows:

"(f) The director of the Coast Guard Band is entitled to the allowances of an officer in the grade in which he is serving. However, his allowances may not be less than those to which he was entitled at the time of his appointment as director."

(4) The second sentence of section 402(c) is amended by deleting "or" between Air Force and Marine Corps in both places that it appears and by inserting ", or Coast Guard" after Marine Corps in both places where the latter appears so that the sentence will read as follows: "An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively."

SEC. 3. Subsection (e) of section 5 of the Act of September 24, 1963 (77 Stat. 193), is amended by adding the following at the end thereof: "An officer of the Regular Coast Guard who was appointed as a permanent commissioned officer under any provision of law in effect prior to the effective date of this Act and who is serving on active duty shall be considered to have been appointed under section 211 of title 14, United States Code, and subject to the provisions thereof."

SEC. 4. Section 202 of the Classification Act of 1949, as amended (5 U.S.C. 1082), is further amended by adding the following paragraph:

"(36) civilian members of the faculty of the Coast Guard Academy whose compensation is fixed under section 186 of title 14, United States Code."

(The agency comments follow:)

THE SECRETARY OF THE TREASURY,
Washington, August 30, 1965.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, and improve and clarify certain laws of the Coast Guard.

The proposed bill would make numerous changes to title 14 of the United States Code relating to the Coast Guard and related changes in title 37. The proposed changes are of two types. The first type is for the purpose of clarifying certain provisions of the code and making technical corrections to remove errors and inconsistencies. They make no significant changes in substantive law.

The remaining changes would alter or add to substantive law in several general areas. The first of these would amend the provisions of law relating to the retirement of the Commandant and Assistant Commandant of the Coast Guard in order to provide flexibility in filling the offices. Under present law, the Assistant Commandant must serve in that office for 2½ years before he is eligible to retire in the grade of vice admiral. Because of this provision it is desirable in selecting an Assistant Commandant to select an officer who has at least 2½ years of service remaining before he is subject to mandatory retirement. Otherwise, an officer would serve in the office of Assistant Commandant without being able to retain in retirement the higher grade that goes with it. A practical result is that the flexibility in choice of an Assistant Commandant is limited since, as a practical matter, the senior admirals are eliminated from consideration. To rectify this, the proposed provisions would modify the 2½-year requirement to permit an Assistant Commandant to retire in the grade of vice admiral if he retired while serving in that position. The 2½-year requirement would be retained

if the Assistant Commandant continued to serve after vacating the position and retired while serving in another position. To provide uniformity of treatment with the Assistant Commandant and with the Chiefs of the other Armed Forces, a similar provision is made for the Commandant.

A second area of change would affect the Coast Guard Academy. The provisions dealing with the civilian faculty at the Academy would be amended to allow the Secretary to prescribe compensation schedules as well as regulations governing the conditions of employment. Such a change would permit the Academy to take steps to strengthen its civilian faculty and would bring the entire system into harmony with the practice presently authorized for the Naval Academy. If enacted, implementation of the authority would parallel, to the extent possible, the present program for civilian instructors at the U.S. Naval Academy. A related change to section 202 of the Classification Act of 1949, as amended, is also included.

In addition, the Secretary would be given authority to retire a member of the permanent commissioned teaching staff at the Coast Guard Academy who has more than 30 years of active service. At present, other officers in the service are subject to mandatory retirement after completion of 30 years' service if they are serving in the grade of captain. This provision does not apply to the commissioned teaching staff since it is not necessary in their case to guarantee a flow of promotion by requiring the automatic retirement of every member who completes 30 years' service. The proposed amendment would give the service flexible authority in this area which is more desirable for this small group.

In a related area, provisions are added which would give statutory recognition to the Coast Guard Band similar to that in effect for the bands of the other Armed Forces (10 U.S.C. 3536, 6221, 6222, 6969; 37 U.S.C. 207, 424). The Coast Guard Band is the only official musical organization representative of the Coast Guard. It is stationed at the Coast Guard Academy where it has become an increasingly valuable asset, both to the Academy and to the Coast Guard itself. By providing a statutory basis for its existence, the band's prestige, permanency, and stability within the organizational structure of the Coast Guard would be enhanced. Associated provisions would authorize the position of director of the band and provide for his appointment in a grade not below lieutenant (junior grade) and not above lieutenant commander. This proposed grade level would be consistent with the responsibilities to be exercised by the director.

Another area in which there would be changes in existing law deals with the procurement of licensed officers of the merchant marine as officers in the Coast Guard. In order to permit a greater degree of flexibility in procurement programs and to attract greater numbers of officers from this source, the bill would reduce the service required of a merchant marine officer for eligibility for appointment as a permanent commissioned officer. Additionally, other provisions would permit the appointment of officers from the merchant marine as temporary officers, a category now limited to sources within the Coast Guard.

Two changes which are made necessary by the growth of the Coast Guard in recent years involve the number of cadets at the Coast Guard Academy and the number of commissioned officers authorized in the Coast Guard. The bill would permit an increase in the number of annual appointments to the Academy to 400. The present limit of 300 will not permit an adequate input to meet the officer needs of the Coast Guard in the foreseeable future. The total number of commissioned officers authorized for the Coast Guard would be increased to 4,000 from the existing limit of 3,500. Studies recently completed on the long-range officer needs of the Coast Guard indicate that the existing limit will be reached sometime in 1968 or 1969.

The bill would also add several sections to title 14 which would authorize the enlisted grade of aviation cadet in the Coast Guard and permit the establishment of an aviation cadet training program. The authority provided in the bill is patterned after that for a similar program in the U.S. Navy. It is contemplated that the Coast Guard would establish a program using existing Navy facilities, and this authority would permit participating personnel to carry with them the same status as their Navy counterparts.

A change related to the officer promotion system would require notice to the service of those officers eligible for consideration for promotion when a selection board is convened. This provision, like several presently found in the officer personnel chapter of title 14, is designed to instill confidence in the promotion system on the part of the officers subject to it.

The remaining substantive amendment would add a provision to the authority permitting recall of retired officers to active duty allowing the recall of these officers in the grades of captain, commander, and lieutenant commander without regard to the statutory percentage limitation. The officer could only be recalled for specified purposes and the period of active duty after recall could not exceed 1 year. Because of the comparatively small number of officers authorized in these grades, the existing limitation means that no more than one captain, three commanders, or five lieutenant commanders may be recalled. Although this limitation is realistic for recall of retired officers for extended duty, situations have arisen where it would be desirable to recall officers of these grades in excess of these numbers for brief periods to serve as members of panels, boards, or special projects for which their talents or experience are particularly suited.

One of the clarifying amendments resulting from the enactment of Public Law 88-130 is the elimination of reference to "Regular Register Reserves" in 14 U.S.C. 771. Such officers are now included on the active duty promotion list.

Additional expenditures associated with the enactment of this legislation will depend, to a large measure, on the extent to which authority in certain of the provisions is implemented. The impact of two of the provisions can be predicted with some certainty, those permitting the appointment of a band director and permitting the establishment of a compensation schedule for the civilian faculty at the Academy. For the former, it is estimated that the ultimate annual costs would not exceed \$2,500. For the latter, it is estimated that the ultimate annual costs would not exceed \$20,000 assuming that the compensation scales presently used at the Naval Academy are adopted for the Coast Guard Academy. With respect to other features, it is estimated that the maximum costs which would be incurred in any 1 year for recall of retired officers to active duty would be \$15,000. For the increase in commissioned officer strength, it is estimated that the average annual cost for each 100 officers will be about \$1 million. Finally, for the increase in the number of appointments to the Academy it is estimated that ultimate annual costs when the Academy reaches its maximum planned strength will be about \$900,000. Since the Coast Guard is currently training enlisted men as aviators, the authority to establish the grade of aviation cadet will not incur additional costs.

I would be appreciated if you would lay this proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

JOSEPH W. BARR,
Acting Secretary.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., September 20, 1965.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2471, to improve and clarify certain laws of the Coast Guard.

The proposed legislation incorporates a draft of legislation prepared by this Department and submitted to the Congress on August 30, 1965.

In view of the above, the Department recommends the enactment of S. 2471. The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

FRED B. SMITH,
Acting General Counsel.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., September 28, 1965.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your letter of September 1, 1965, requesting our views on S. 2471, to improve and clarify certain laws of the Coast Guard.

We have no special information as to the need for this legislation. The general purpose of the bill, as we understand it, is to clarify existing provisions of title 14, United States Code, to provide for an increase in military personnel in certain categories, and to authorize retirement benefits for certain officers of the Coast Guard now provided for officers of the other uniformed services. Matters of this nature involve a question of policy for Congress to determine and we have no comments in that respect.

The bill would amend section 42 of the current law to increase the total number of commissioned officers, excluding commissioned warrant officers, on active duty authorized for the Coast Guard from 3,500 to 4,000. The Coast Guard has requested the increase in the total officer limitation on the basis of a long-range study of officer needs, which was completed in January 1965. We have not made a review of the Coast Guard officer needs and, therefore, cannot comment on the adequacy of the Coast Guard's long-range study.

Sections 182, 211, and 214 of the current law would be amended to provide for increasing the source of supply of Coast Guard officers. The proposed amendment to section 182 would increase the number of cadets who would be appointed annually to the Coast Guard Academy from 300 to 400. The proposed amendments to sections 211 and 214 are intended to provide for the transfer to the Regular Coast Guard of more licensed officers commissioned in the merchant marine. Apparently these proposals are considered necessary to meet the officer needs as indicated by the long-range study referred to in the above paragraph.

Sections 44, 46, and 47 of the current law, which relate to the retirement of the Commandant and Assistant Commandant of the Coast Guard, would be amended to provide flexibility in filling these positions. The amendment would delete the requirement that the Commandant and the Assistant Commandant serve 2½ years in their positions before being eligible for retirement benefits of the grades authorized for these positions. The 2½-year requirement would be retained if the Commandant or the Assistant Commandant remained in active service after vacating the positions of Commandant or Assistant Commandant. The proposed amendment would make the retirement benefits of the Commandant and Assistant Commandant similar to those given the chiefs of the other armed services (10 U.S.C. 5231 to 5233—Navy; 10 U.S.C. 3962—Army; 10 U.S.C. 8962—Air Force).

The proposed amendment to section 186 of the current law would allow the Secretary of the Treasury to prescribe compensation schedules and regulations governing the conditions of employment of civilian faculty members at the Coast Guard Academy. Under current law, the compensation of the civilian faculty members is fixed in accordance with the Classification Act of 1949, as amended. The proposed amendment would give the Secretary of the Treasury authority similar to that granted the Secretary of the Navy under 10 U.S.C. 6952.

Section 332 of the current law would be amended to delete the 1-percent limitation on the number of retired officers who can be recalled to active duty for special assignments of less than a 1-year period. We have no knowledge as to the extent of the need to recall retired officers.

Section 336 would provide statutory recognition of the Coast Guard Band and authorize the position of a band director. This section has now been enacted into law and should be deleted. (See Public Law 89-189, approved September 17, 1965.)

Sections 371, 372, and 373 would be added to the code and would authorize the enlisted grade of aviation cadet and permit the establishment of an aviation cadet training program. The authority provided in the bill is patterned after that for a similar program in the Navy under the authority of 10 U.S.C. 6911 and 6913.

In reviewing S. 2471, we noted a printing error in section 190 of title 14. The wording of the last sentence of this section reads "The povisions of the law" instead of "The provisions of the law".

Sincerely yours,

FRANK H. WEITZEL,
Acting Comptroller General of the United States.

Senator BARTLETT. We have with us this morning Vice Commandant of the Coast Guard, Admiral Shields, and if you will be good enough for the record, Admiral, to identify those who are with you at the witness table.

STATEMENT OF VICE ADM. WILLIAM D. SHIELDS, VICE COMMANDANT, U.S. COAST GUARD; ACCOMPANIED BY CAPT. VICTOR PFEIFFER, ASSISTANT CHIEF OF PERSONNEL; COMDR. HENRY CRETELLA, LEGAL OFFICER; AND CAPT. WILLIAM MORRISON, CONGRESSIONAL LIAISON OFFICER

Admiral SHIELDS. At my immediate right here is Capt. Victor Pfeiffer, who is Assistant Chief of our Office of Personnel. Admiral Scullion, who is Chief of Personnel, is making a visit to our troops in the Mediterranean and southern Europe. The other gentleman is Commander Cretella of our legal section, who is in charge of our legislative matters and legal office.

Senator BARTLETT. You are to be the principal witness, Admiral?

Admiral SHIELDS. That is correct; yes, sir.

Senator BARTLETT. Would you care to proceed, then?

Admiral SHIELDS. I have a statement here, sir. In the interest of saving time, I could read it, or if you would like to have it——

Senator BARTLETT. Why don't you read it. I am sure both Senator Dominick and I aren't too familiar with the bill and it might help if you would read it.

Admiral SHIELDS. Very well, sir.

Mr. Chairman, and other members of the committee, I am pleased to appear before you in support of a bill the Coast Guard has proposed to improve and clarify certain laws applying to the Coast Guard. While most of the provisions of this bill are of a technical nature, there are some which will change existing substantive provisions of law, and I will explain these in some detail a bit later in my statement.

Before doing so, however, I would like to take a moment to report on the operation of the promotion system introduced into the Coast Guard by Public Law 88-130. That legislation brought to the Coast Guard for the first time a system of selecting officers for promotion in grades below rear admiral on a best qualified basis. Other features of the legislation provide for the separation or retirement of officers not selected for promotion and for the termination of most officer careers at 30 years if not separated earlier.

This system has been in effect for 2 years, and every indication is that it is accomplishing the objectives envisioned for it at the time it was proposed. Reasonable rates of selection have been applied to provide for an orderly flow of promotion under the pyramidal structure which governs the distribution of officer grades in the service.

It is my opinion that the system has worked and worked well, and that it has been received with general approval by the officers of the service.

Public Law 88-130 was a major revision of the officer personnel laws of the Coast Guard and as with most major changes of a basic nature, experience under the system has disclosed refinements which are desirable to improve the operation of the system as well as certain

technical matters which were overlooked at the time of the bill, which became Public Law 88-130, was prepared. Most of the amendments proposed in the bill being considered by this subcommittee are of that nature.

Among the most important of these are (1) the provisions which would amend sections 256 and 258 of title 14 to clarify the meaning and intent of the sections; (2) the provision which removes a reference to "Regular Register Reserves" from section 771 of title 14 since these officers are now included on the active duty promotion list under the definition found in section 41(a); and (3) the provision which amends Public Law 88-130 to provide that officers appointed under any provision of law prior to the effective date of Public Law 88-130 are to be considered as having been appointed under new section 211 of title 14.

The remaining items of the proposal either add substantive provisions of law or amend existing provisions in a substantive manner. The first of these would amend the statutes relating to the retirement of the Commandant and Assistant Commandant. Under existing requirements, the Assistant Commandant must serve at least 2½ years before he is eligible to retire as a vice admiral; thus, in filling the position the choice is, as a practical matter, limited to an officer who has at least 2½ years remaining before becoming subject to mandatory retirement provisions. The change proposed would permit an Assistant Commandant to retire in the grade of vice admiral if he retired while serving in that position. In order that the Commandant and Assistant Commandant retirement provisions will be consistent, a similar provision is included for the Commandant.

I might mention here that with this change, the retirement provisions for both the Commandant and Assistant Commandant would be made similar to those for the Chiefs of the other Armed Forces.

The bill also includes provisions creating authority to establish an enlisted aviation cadet program similar to that in effect for the Navy. The Coast Guard is currently training enlisted men as aviators, but their status while undergoing training with the Navy is not the same as their Navy counterparts. It is considered desirable that the participating Coast Guard personnel should enjoy the same status as Navy trainees while undergoing the same training.

The Coast Guard Academy is the subject of several of the remaining changes. In order to allow a strengthening of the faculty at the Academy, a matter which has been of some concern to us, the Secretary would be given authority to establish regulations and compensation schedules for civilian faculty members. The latter would be excepted from the provisions of the Classification Act of 1949. It is contemplated that if this authority is enacted, regulations and compensation schedules similar to those in effect at the Naval Academy will be promulgated. The Naval Academy already has similar authority.

The Secretary would also be given authority to retire a member of the permanent commissioned teaching staff at the Academy who has more than 30 years' service. While it is not contemplated that the authority would be used extensively, the addition of this provision will give flexibility in dealing with this small group of officers.

The limit on the number of cadets who can be admitted to the Academy annually would be raised from 300 to 400. This increase

will enable beginning classes at the Academy to be of a size adequate to provide the number of officers the Coast Guard will need in the future from this source.

One item affecting the Academy is no longer required to be included in the bill, since the bill to provide for the administration of the Coast Guard Band, H.R. 727, containing identical provisions, was enacted and has been approved. Clause (20) of section 1 and clauses (1) and (3) of section 2 can be deleted.

The remaining substantive changes deal with problems which have become apparent in recent periods. One would raise the limit on the number of commissioned officers authorized in the Coast Guard from 3,500 to 4,000. A second would relax requirements for length of service for merchant marine officers to be appointed Regular officers in the Coast Guard. A third would permit the appointment of temporary officers in the Coast Guard from qualified officers of the merchant marine.

The final change in this category would permit the temporary recall of retired officers to active duty in a number in excess of existing statutory limitations. The recall would be for a limited period of time and for certain stated purposes.

I have touched upon the highlights only of what certainly appears to be a complicated piece of legislation. I am prepared to discuss any particular aspect of the bill in detail in response to any questions you may have.

Thank you very much.

Senator BARTLETT. Thank you, Admiral.

You spoke in the opening page of your statement about the selection process brought into being by Public Law 88-130. And you said—and I quote:

It is my opinion that the system has worked and worked well, and that it has been received with general approval by the officers of the service.

Would you tell the committee what advantages have come to the public and to the functioning of the Coast Guard itself by reason of this selective process? What I am referring to here: here you say the officers are delighted with this. Is the public interest served by this?

Admiral SHIELDS. I think the public interest is served to the extent that our officers, knowing that their promotion will be on a best qualified basis, have more ambition to do a better job, because this will show up on the record and through doing a better job, which definitely increases their chances of promotion, thereby giving more benefits to the public by doing a better job all the way around.

Senator BARTLETT. If you will, Admiral, give us some background on this. What was the selection process before the passage of the law to which you referred?

Admiral SHIELDS. Over the past years, Senator Bartlett, the Coast Guard has been in a growing situation and up until recently, until we came to the hub of officers that were taken in during the wartime, we normally had enough requirements for officers in the higher grades to take care of promotion on what was known as a fully qualified system. In other words, if an officer was considered by a promotion board as being fully qualified for the next rank, he was so promoted.

When we got this extra number of officers in the Coast Guard, as a result of taking in an extra number during World War II, a lot of them stayed in and we got to a place where the people in the higher

ranks were in such great number that if we kept them, there would be very little opportunity for the officers in the lower ranks to move up. So it was necessary to set up some kind of a system whereby officers going to higher grades would be selected for promotion on a best-qualified basis. This was the system that was put in by this Public Law 88-130.

So that officers now going from any rank above the first—promotion from ensign to JG is on a fully qualified basis—all other promotions are by board action on a best qualified basis.

Senator BARTLETT. Has retirement been speeded up as a consequence?

Admiral SHIELDS. You mean in numbers or in the time of the men in service?

Senator BARTLETT. In numbers.

Admiral SHIELDS. Yes, sir; they have.

Captain PFEIFFER. Yes, sir; that is correct.

Senator BARTLETT. How many enlisted men are there in the Coast Guard?

Admiral SHIELDS. Right now I think our number is about 27,000, sir.

Senator BARTLETT. How many officers?

Admiral SHIELDS. Around 3,500, sir; that is, 3,500 is our statutory limit. We ask in here that it be raised to 4,000.

Senator BARTLETT. Why?

Admiral SHIELDS. As the population of the United States increases, there naturally is going to be an increase in the amount of people that are required to administer them from a Federal standpoint. There will also be a requirement for an increase in the services that the Coast Guard is required by law to give the general public.

In order to give this service to a greater number of people, the Coast Guard will be required to have an increase in their overall strength in order to provide these services.

Senator BARTLETT. You want how many additional officers?

Admiral SHIELDS. The present statutory limit is 3,500 officers. And in this bill we are asking for an increase to 4,000.

Senator BARTLETT. You want 500 more?

Admiral SHIELDS. We want 500 more; yes, sir.

Senator BARTLETT. But you want 4,000 officers over the same number of enlisted men?

Admiral SHIELDS. I don't think that our enlisted strength is set by statute, is it?

Captain PFEIFFER. No, sir; it is not.

Admiral SHIELDS. So the number of enlisted people we would have is normally controlled by our appropriation.

Senator BARTLETT. You can go to any limit?

Admiral SHIELDS. I know of no top limit for the number of enlisted men, sir.

Senator BARTLETT. It is intended to seek to increase the number of enlisted men?

Admiral SHIELDS. We would do that, sir, by asking for more appropriations in our operating expense to pay for the increased number of men which we feel we need under any new program or in general increase in our activities.

Senator BARTLETT. Do you intend to do this?

Admiral SHIELDS. Yes, sir; we ask each year for increases in the money to pay additional men for our additional requirements.

Senator BARTLETT. How many additional enlisted men do you think you would need during the next fiscal year?

Admiral SHIELDS. I don't have that figure.

Captain Pfeiffer, do you happen to have it?

Captain PFEIFFER. I don't have the exact figure, Senator. We are, as you know, in the process of acquiring a number of icebreakers which the Navy is transferring to us, and this will increase our strength considerably because of the icebreaker transfer alone.

Our other requirements, for which we are budgeting calls for some additional enlisted personnel. However, the total numbers are more in the nature of 300 or 400 per year. The icebreaker transfer will call for an increase of about 1,100 military personnel.

Senator BARTLETT. Do you have any trouble in respect to getting the required number of men under voluntary enlistments?

Admiral SHIELDS. In the enlisted ranks, sir?

Senator BARTLETT. Yes.

Admiral SHIELDS. While in the early spring last year our recruiters were having a little difficulty in meeting their quotas, but now, since the step-up of the draft and things like that, we have been over-subscribed, if you will.

Senator BARTLETT. No problem?

Admiral SHIELDS. No problem at all. And, in fact, in all categories now, we have waiting lists.

Senator BARTLETT. If a man enlists in the Coast Guard, he enlists for how long?

Admiral SHIELDS. Four years is the present enlistment; yes, sir. That is in the Regulars. Now, of course, there is a different category for reservists.

Senator BARTLETT. Tell us something about the Reserves.

Admiral SHIELDS. Well, the Reserves, we have a program whereby they enlist for 6 years' total obligation. For the first 6 months they would be going to boot training or recruit training, and then be on a Coast Guard unit for the rest of the 6 months. After that they go back to their home and become a part of an Organized Reserve unit, which has certain requirements as to weekly and monthly drills and, also, certain requirements for a number of days of active duty each year to keep up their training qualifications and to permit them to advance.

Senator BARTLETT. The reservists give first full year to the Coast Guard then?

Admiral SHIELDS. No, sir. It is a different program. The one program is 6 months. We have other programs whereby they go 9 or 12 months, depending on specialized training. In other words, some of the lads that come into, say, electronics, in order to train them it would take almost 12 months of training so that they would have 1 year, or 12 months, on full duty, and then the other 5 years in the Reserve unit training status.

Senator BARTLETT. Going back to my previous question, obviously what I am trying to get at is this: Why do you want authority for 500 additional officers when you are not quite clear as to how the numbers of enlisted men are going to increase in the years ahead?

How many men generally does an officer have under him? How does that average out?

Admiral SHIELDS. Well, the numbers are set by percentages for the total number of officers. As far as I know, there is nothing which ties the number of commissioned officers to the number of enlisted people. There is no direct connection in there.

Senator BARTLETT. Well, this changes the ratio of officers to enlisted men?

Admiral SHIELDS. No, sir, I don't think there has been any change in that. I think that possibly in some cases you will find that the Coast Guard may have a few more officers to the ratio of enlisted men, but that is because of our type of duties.

For instance, our merchant marine safety, in order to have inspectors go aboard the ships, they have to have some rank. In other words, it wouldn't do for an enlisted man to go aboard a merchant vessel and make an inspection, and because of things like that, our percentage of commissioned officers to enlisted men may be a little bit higher than in some of the other services.

Senator BARTLETT. What if we gave this authority for 500 officers and you used it immediately. Let's say that you received the money for it in the next appropriation bill. Wouldn't that automatically shift this ratio, right then and there?

Admiral SHIELDS. I don't think we would be prepared to take all of that 500 in any one fiscal year, sir. This is something which we are looking forward to the future. I think according to our present projected officer plans, we would not reach that 4,000 ceiling possibly until about 1972.

Senator BARTLETT. You are just looking ahead?

Admiral SHIELDS. We are just looking ahead, so we have this authority.

Senator BARTLETT. How many commanders in the Coast Guard?

Admiral SHIELDS. Captain Pfeiffer?

Captain PFEIFFER. Approximately 380, Senator.

Senator BARTLETT. How many captains?

Captain PFEIFFER. One-half of that, or 190.

Senator BARTLETT. How many rear admirals?

Admiral SHIELDS. Twenty. One full admiral, 1 vice admiral, and 20 rear admirals. There are 22 flag officers all together, sir.

Senator BARTLETT. In this increase you ask to 4,000, would there be an intention to have more admirals?

Admiral SHIELDS. Well, they would be on a percentagewise basis, but my impression is that the Commandant's policy on this is that he would not ask for other flag ranks unless he had some particular billet to put them into which he felt would require flag rank. In other words, we actually in the past several years have not appointed or asked for the number of flag officers that our percentages entitled us to.

Isn't that correct?

Captain PFEIFFER. That is correct.

Senator BARTLETT. You are entitled to 22 now, and you have 22?

Admiral SHIELDS. No, sir. Percentagewise, we would be entitled to 24.

Captin PFEIFFER. The actual percentage is three-fourths of 1 percent of our officer strength would be the authorized number of flag officers. This is approximately 24 at the moment, sir.

Senator BARTLETT. And you have 22?

Admiral SHIELDS. And we have 22; yes.

Senator BARTLETT. Turning to the second page of your statement, Admiral Shields, you are discussing there the amendments to Public Law 88-130, which the bill before us seeks to bring about. And among the more important of these you relate is the amendment dealing with the provisions which would amend sections 256 and 258 of the title 14, "to clarify the meaning and intent of the sections."

Will you explain that in detail, please?

Admiral SHIELDS. I think, with your permission, that Captain Pfeiffer could explain this a little bit better. I think it is something that we are actually doing now in order to advise the people in the service concerning promotion. This would just be to put it into the law, something that we are actually doing now.

Senator BARTLETT. If we could have an explanation of what sections 256 and 258 now do, and what the amendments propose to be done.

Captain PFEIFFER. Section 256 relates to establishment of promotion zones. The intent of the amendment is to clarify the notice which we give to the service of the forthcoming selection board action. We intend to advise everyone who is eligible for consideration by this board that this board is to be convened.

The way section 256 currently reads, there is some question whether it requires us to advise all personnel who are eligible for consideration for promotion. It appears to only require us to advise those who are in the zone—

Senator BARTLETT. What do you mean by zone?

Captain PFEIFFER. Promotion zone is established by the Secretary. It is a number based on our anticipated vacancies in that particular grade for the next year. The size of the zone would authorize the board to recommend a certain number—certain percentage of that zone to be promoted.

Perhaps I could give you an example. We recently held a selection board for promotion to lieutenant commander. The zone consisted of approximately 140 officers serving in the grade of lieutenant. We specified that 95 percent of them should be recommended for promotion. The number to be recommended for promotion in relation to the size of the zone controls promotion opportunity, and at the same time it controls the flow of promotion.

For example, if we anticipate that our promotions are slowing down—that is, personnel are taking a greater number of years of service to be promoted to the next higher grade than we feel is appropriate—we can reduce the number to be selected while retaining the size of the zone relatively large. This would reduce promotion opportunity, it would speed up promotion, but it would at the same time, of course, require a certain number of officers to be screened out.

Our promotion opportunities are projected over a period of 7 or 8 years to assure a reasonable flow of promotion among our officers and to give succeeding year groups essentially the same opportunity for selection.

I hope that answers in some way your question, sir.

Senator BARTLETT. I won't reply to that.

When the Coast Guard uses the word "zone," that word has no geographical connotations?

Captain PFEIFFER. No, sir. It is merely a number of officers on the active duty promotion list.

Senator BARTLETT. From what you said earlier, I inferred—and probably incorrectly—that heretofore all officers have not been notified, all officers who are eligible for promotion.

Admiral SHIELDS. No, sir; that is not correct. I intended to indicate that we have actually notified all our officers, but the law as presently written is somewhat unclear as to the requirement for us to do so.

We would like to clarify the law so that it definitely requires us to notify all officers to be considered by the board; that this particular board will convene in the immediate future.

Senator BARTLETT. Is there one selection board located in Washington, or do you have boards here and there and the next place?

Admiral SHIELDS. No, sir; all of the selection boards for officer promotion are located in Washington, and there is a separate board for each grade.

Senator BARTLETT. And how is a board constituted?

Admiral SHIELDS. A board is constituted by the convening authority, the Commandant, and the board members have to be senior to the people that are being considered.

Senator BARTLETT. And may be of any rank so long as they are senior?

Admiral SHIELDS. Legally; yes, sir. Normally we have them probably just one rank above the ones that are to be considered, because you have to save the other ones for the next higher board. So rear admirals would make selections of other officers for promotion from captain to rear admiral, and captains normally would be on the board to select officers from commander to captain, and so on down the line.

Senator BARTLETT. Captain, will you point out in the bill the language you propose to give this clarification that you suggest is desirable?

Captain PFEIFFER. We would suggest that the phrase "who are eligible for consideration for promotion to the next higher grade" be inserted after the phrase "active duty promotion list" in the second sentence of section 256(a).

Admiral SHIELDS. Would you like him to read as it would read with the inserts? I think that would be plainer.

Senator BARTLETT. I think that would be helpful.

Captain PFEIFFER. Subsection (a) would then read:

The promotion zone for each grade shall consist of the most senior officers of that grade on the active duty promotion list who are eligible for consideration for promotion to the next higher grade and who have not previously been placed in a promotion zone for selection for promotion to the next higher grade.

Senator BARTLETT. That seems to be reasonable enough.

Now, Admiral, if you will enlighten us in this process of education on No. 2 on page 2. You want to amend the provision which removes a reference to "Regular Register Reserves" from section 771. What is this all about?

Admiral SHIELDS. When we started this new promotion system, some of the officers on active duty were Reserve officers. The Regular officers were placed on a list which was called the active duty promotion list and there were separate lists in the Coast Guard register of officers for Reserve officers who were on active duty. Since this

new law went into effect, all Reserve officers who are on active duty are placed on this active duty promotion list with the Regular officers, so that they have their same promotion opportunities. Therefore, there is no such thing anymore as a Regular Register Reserve. He is on the active duty promotion list.

Senator BARTLETT. They join the equality of opportunity ranks then?

Admiral SHIELDS. Well, it gives them equal opportunity and it just removes another list that really has no meaning.

Senator BARTLETT. Right. Now, tell us something about No. 3, will you please?

Admiral SHIELDS. If I may, this gets into a little legal language and I would like to have Commander Cretella comment on that, if you please, sir.

Commander CRETELLA. With respect to section 3, there are certain provisions of Public Law 88-130 which deal with the separation of officers or their severance after they have failed of selection, particularly sections 282 and 283 of title 14. These are Regular lieutenants (junior grade) and Regular lieutenants who fail of selection and then are going to be separated or perhaps continued. Under Public Law 88-130, the reference in these sections is to officers who have been appointed under section 211.

Now, this is fine for officers who have been appointed since the enactment of Public Law 88-130, but it did not cover lieutenants (junior grade) or lieutenants who had been appointed previously to that time. This provision would consider these officers to have been appointed under that section, if it had been in existence, provided they were Regular lieutenants (junior grade) or lieutenants before the effective date of Public Law 88-130.

Senator BARTLETT. A technical amendment?

Commander CRETELLA. Yes, sir.

Senator BARTLETT. Lieutenant (junior grade) has to be promoted within what period of time if he is to remain in the service?

Admiral SHIELDS. An ensign is promoted to lieutenant (junior grade) usually after 18 months of service.

Senator BARTLETT. And if he isn't promoted, then what?

Admiral SHIELDS. Well, if he isn't promoted, he is either given severance pay or, of course, if he is not promoted because of a physical disability, he might be given a physical retirement; that is, if it was service-connected disability. And, some of them are temporary officers whose permanent status might be that of an enlisted man and in that case, they might revert to an enlisted status to serve out the rest of their enlistment or they might revert to an enlisted status and be discharged.

Senator BARTLETT. Do many go up through the ranks to achieve officer grade?

Admiral SHIELDS. We have quite a few; yes, sir. We have an officer candidate school at Yorktown, Va., and there are regular classes twice a year, which not only give an opportunity to our enlisted people to make commissions, but also at this officer candidate school, we take in people from the outside, college graduates and people who meet other qualifications that we have for officer candidate school.

Senator BARTLETT. How many men can be accommodated at this school?

Admiral SHIELDS. 175 in 1 class. We have two classes a year.

Senator BARTLETT. And a class lasts for how long?

Admiral SHIELDS. Three months' course.

Senator BARTLETT. How large a faculty do you have there?

Admiral SHIELDS. I don't have that offhand. We can get you that.

Senator BARTLETT. Do you have a civilian faculty?

Captain PFEIFFER. They are all military, sir. We have no civilian instructors at our officer candidate school. Actually, the officers candidate school is only one function that is performed at our Reserve Training Center at Yorktown. Therefore, it is somewhat difficult to separate the faculty as far as the officer candidate school is concerned with other schools that are going on at the same time.

Senator BARTLETT. I understand.

Now, Admiral, let's get down to this matter of the Commandant and Assistant Commandant. I'm not quite clear on what this is all about. Will you give an explanation, please.

Admiral SHIELDS. Yes, sir. Under the provisions now, the Commandant and the Assistant Commandant must serve at least 2½ years in those respective offices before they can retire with the rank and pay which they hold as Commandant and Assistant Commandant. The provisions of the law would permit either one of these officers, if they retired while holding those positions, to retire with that position without a limitation as to the amount of time.

Senator BARTLETT. Now the Commandant under existing law must serve for 2½ years before he can retire with the rank of full admiral.

Admiral SHIELDS. That is correct, sir, unless he retires for physical purposes. If he gets a physical retirement—you may recall Admiral Morrison, my predecessor, had a heart attack and retired with the grade of vice admiral, inasmuch as it was a physical retirement.

Senator BARTLETT. The same stipulations of law which apply to Commandant are likewise applicable to the Assistant Commandant.

Admiral SHIELDS. Yes, sir; the provisions at the present time are the same. Of course, the Commandant is appointed for a 4-year term by the President, whereas the Assistant Commandant is also appointed by the President, but there is no particular length or no particular term in which he serves.

Senator BARTLETT. This wouldn't affect a Commandant then, it couldn't possibly?

Admiral SHIELDS. Yes, sir; it would, because under the law now, he is required to have at least served 2½ years as Commandant before he can retire with that rank.

Senator BARTLETT. The only reason for retirement would be on the grounds of physical disability and then he would be retired as a four-star admiral.

Admiral SHIELDS. I know of no case where this has happened, but conceivably, a personal situation might exist with a Commandant where he would want to retire say at the end of 2 years and, in that case, if he asked for retirement because of personal desires, he could not then under the present law retire as a four-star admiral.

Senator BARTLETT. How would he retire?

Admiral SHIELDS. He would retire at his permanent rank, which would be a rear admiral, sir.

Senator BARTLETT. All right. Let's say that were to occur. What difference in retirement pay would that make? I suppose you couldn't give an exact figure on that, every case would differ. Would there be any substantial difference?

Admiral SHIELDS. Retirement pay, I think, might be in the amount of \$250 to \$300 a month, sir. As far as the Assistant Commandant is concerned, the present situation that exists now is covered by this situation.

Senator BARTLETT. Has any Assistant Commandant ever served less than 2½ years and had to revert?

Admiral SHIELDS. None that I can remember.

Senator BARTLETT. All right, let's go down to the faculty of the Coast Academy. You want the Secretary to have authority to establish regulations and compensation schedules for civilian faculty members. He has no such authority now?

Admiral SHIELDS. No, sir; they are under the Classification Act of 1949.

Senator BARTLETT. That is civil service?

Admiral SHIELDS. Civil service; yes, sir.

Senator BARTLETT. You want to remove them from that?

Admiral SHIELDS. We want to remove them from that and put them on the same level as the instructors at the Naval Academy. This will give us a better opportunity in our recruitment program because we will not be competing, for example, with the Naval Academy for these people.

Senator BARTLETT. Are the members of the athletic faculty under civil service now?

Admiral SHIELDS. The civilian members are; yes, sir.

Senator BARTLETT. If your recommendations were to be followed, all members of the faculty would be removed from civil service?

Admiral SHIELDS. All the civilian members; yes, sir.

Senator BARTLETT. Let me ask you this: If those organizations of Federal employees, which are very much concerned with the maintenance of the civil service standards and so forth hear about this, aren't they going to bellow?

Admiral SHIELDS. I don't believe so, sir. This proposed legislation has been cleared with the Civil Service, and they registered no objections.

Senator BARTLETT. You have had no objection from any source?

Admiral SHIELDS. On this legislation, sir?

Senator BARTLETT. On this provision?

Admiral SHIELDS. None that I know of, sir, and we specifically wrote the Civil Service about it.

Senator BARTLETT. Have the members of the faculty been advised that the Coast Guard was going to seek this change?

Admiral SHIELDS. I'm quite sure they have, sir, because they are very interested in keeping comparability with the people at the Naval Academy.

Senator BARTLETT. And they acquiesce in this change?

Admiral SHIELDS. Yes, sir.

Senator BARTLETT. You referred to comparability. What does this mean? Don't the faculty members of the Naval Academy have civil service status now?

Admiral SHIELDS. No, sir. Our provision here is taken right after the authority the Naval Academy has and if this passes, of course, our internal rules and regulations concerning them would be patterned almost exactly the same as the Naval Academy has now. I think, in general, it would mean a slight increase in pay to the people that are holding those positions at the Academy at the present time.

Senator BARTLETT. Who would determine the rates of pay?

Admiral SHIELDS. The Secretary, sir, Secretary of the Treasury.

Senator BARTLETT. What would the retirement provisions be for those faculty members?

Admiral SHIELDS. Captain Pfeiffer, please.

Captain PFEIFFER. There would be no change in the retirement provisions, Senator. They would still come under the civil service laws on retirement.

Senator BARTLETT. They would remain as is?

Captain PFEIFFER. Yes, sir.

Senator BARTLETT. The Government would make a contribution to the retirement fund for each individual and the individual would do likewise?

Captain PFEIFFER. Yes, sir.

Senator BARTLETT. What would that be under the Ramspeck Act?

Captain PFEIFFER. I can't answer that question.

Senator BARTLETT. How many members of the faculty are civilians?

Captain PFEIFFER. I believe the current figure is 17, sir. We have 17 civilian members of the faculty; 12 members on the permanent commission teaching staff and approximately 45 rotating military instructors at the Academy.

Senator BARTLETT. Thank you. What fiscal effect would follow if the Secretary is given the authority to retire a member of the permanent commission teaching staff at the Academy who has more than 30 years' service? On these you are referring to military people, Coast Guard people?

Captain PFEIFFER. Yes, sir; these would be members of the permanent commission teaching staff that are military.

Senator BARTLETT. Doesn't that authority exist now?

Captain PFEIFFER. No, sir; it does not.

Admiral SHIELDS. This is an authority that we would not expect to use very long, but since these are commissioned officers, they should have the same rules affecting retirement as the other commissioned officers of the Coast Guard.

Senator BARTLETT. How is it that the situation is as it is?

Admiral SHIELDS. Because this permanent commissioned group is a separate list. They are not on this active duty promotion list, which we spoke about a little bit earlier, and they are not required to retire at the end of 30 years' service. In other words, if we required that now, we would lose some very valuable instructors, but we do want this authority which I am sure will not be used very extensively, but just to make more comparable the group of laws for the commission teaching staff with the other officers.

Senator BARTLETT. You have commissioned people in the Academy who do that and nothing else. They don't rotate at all?

Admiral SHIELDS. Yes, sir; that is the permanent commissioned staff and then we have rotating commissioned officers who go out and serve away from the Academy and so come back and bring back

to the Academy their service experience, which is needed to be imparted to the cadets as well as academic and scholastic training.

Senator BARTLETT. Perhaps the captain will mention the number of these permanent members. Have you mentioned them?

Captain PFEIFFER. There are currently 12, sir.

Senator BARTLETT. Now you want the limit on the number of cadets who can be admitted to the Academy raised from 300 to 400. How many cadets are there in the Academy?

Admiral SHIELDS. Right now, sir, the whole thing?

Captain PFEIFFER. Our last count was 687.

Senator BARTLETT. When did the academic year start?

Captain PFEIFFER. The academic year started in early September. The entering class numbered 255 cadets.

Senator BARTLETT. Based on past experience, how many of those will remain at the end of the academic year of the 255? What is the rate of attrition?

Captain PFEIFFER. The rate of attrition for the entire 4 years is currently 50 percent. I don't have the figures on the steps for the individual years.

Admiral SHIELDS. I would like to point out, sir, that this increase is for the entering group; in other words, the number that could be admitted to the Academy in any one year.

Senator BARTLETT. Yes; I understand. The next question on that point is this: Do you have the physical facilities?

Admiral SHIELDS. Yes, sir, for this number. We expect to have to increase our cadet corps in the years to come and we are looking forward to increasing our facilities up there. But one of the difficulties is that knowing that there will be some attrition, we have to offer more appointments than we expect to keep in the new class that comes in. And the law as it reads now indicates those who can be admitted, so even though you know that you are going to lose maybe 25 or 30 of the candidates immediately after they report to the Academy, you still have to offer appointments to a greater number than that in order to get the number you want. This is where this difficulty in numbers comes in.

Senator BARTLETT. If S. 2471 becomes a law right away or soon, would you have room enough, dormitory room and the rest of it, to admit 400 next fall?

Admiral SHIELDS. Not right now, sir. I think probably we would go up to possibly 350 by doubling up a little bit. But this is another one like the commissioned officers' ceiling, it is something we want to have a little leeway for the next couple of years.

Senator BARTLETT. You want standby authority predicated upon your hope and belief that you will receive appropriations to improve the physical facilities at the Academy?

Admiral SHIELDS. Yes, sir; that is correct and, also, we want a reasonable leeway so that we do not have to come back to you gentlemen every year and ask for an increase as we need it. We are looking a little bit to the future.

Senator BARTLETT. What is the rank of the commandant of the Academy?

Admiral SHIELDS. He is a rear admiral, sir, Rear Admiral Bender, who has recently been in command of the 9th Coast Guard District in Cleveland.

Senator BARTLETT. Will you explain a bit to us about your desire for merchant marine officers to be admitted to the Coast Guard?

Admiral SHIELDS. The present rules require that a merchant marine officer have at least 4 years' experience in the merchant marine before he can be considered for a commission in the Coast Guard. This we would like to reduce to 2 years to increase the number of eligible people, number of eligible officers in the merchant marine who would be interested in coming into the Coast Guard.

Senator BARTLETT. Would they come in at different grades, grades based upon their experience in the merchant marine?

Admiral SHIELDS. Normally, we would bring them in up to a limit. I don't think we would bring in any over lieutenant commander. He is the senior one and, of course, we try to base it on the man's experience and his age, so he fits in the same officer group that he would normally be in. You wouldn't want a 45-year-old ensign or something like that. You would try to fit his experience and age with the group that he would be working with.

Senator BARTLETT. The skipper of the *United States* wouldn't come in as an admiral, then?

Admiral SHIELDS. No, sir; I don't believe so.

Senator BARTLETT. What is the need for the change relating to the temporary recall of retired officers for active duty?

Admiral SHIELDS. At present, we have a limitation on the number of retired officers that we can recall to active duty. This limitation rather cramps us if we want to call back retired officers for short periods of duty to serve on boards, to serve on special details, which their experience and knowledge especially qualifies them to do. These normally would be just maybe for 3 or 4 months or periods like that in order to do one particular job and then they would be released again to inactive duty. Sometimes it would be quite a savings in money to the public because of the location of these officers if they could be recalled for certain of these duties in connection with boards or advisory capacities and committees and things like that.

Senator BARTLETT. Admiral, have you ever been to St. Paul Island in the Pribiloffs way out in the Bering Sea?

Admiral SHIELDS. Yes, sir; I have been.

Senator BARTLETT. That was in connection with your official duties when you were in command of the 17th Coast Guard District?

Admiral SHIELDS. That is correct, sir.

Senator BARTLETT. You are aware of the fact that the Coast Guard has a detachment of somewhere around 30 officers and men there?

Admiral SHIELDS. Yes, sir; we have the St. Paul loran station there.

Senator BARTLETT. Are you aware of the fact that although this post is very remote, there is a community nearby, but the Coast Guard has no family quarters whatsoever there?

Admiral SHIELDS. The Coast Guard has no family quarters on St. Paul; no, sir.

Senator BARTLETT. A subcommittee of this very committee held a hearing on St. Paul Island recently in connection with the fur seals and while there, we took advantage of the opportunity to visit the loran station. There was a very fine lieutenant, Lieutenant Haines, in charge. The officers and men are doing a great job, in our opinion,

but we saw a need there, real need, on this little island way out in nowhere, to have some family quarters so those people could take up their wives and children. One member of the Coast Guard told us there he would just as soon serve there forever, he liked it so well, if his family could be with him. I express the personal hope, not related to this bill, that sometime or other—and very soon, in fact—a budgetary request might come up for family quarters on St. Paul Island.

Off the record.

(Discussion off the record.)

Senator BARTLETT. Senator Dominick.

Senator DOMINICK. Thank you, Mr. Chairman. I'm sorry I couldn't be here for all of the examination of the witnesses. I have only just a couple of short questions. First of all, it deals with the aviation cadet program that you refer to on page 3 of your statement.

You say in this, I gather, that you want to have their status, while undergoing training, the same as their Navy counterparts. What is the difference now?

Admiral SHIELDS. The difference now is that our men are there strictly as enlisted men and they don't have this status of the naval aviation cadet. I am not positive as to what the exact difference is. I think Captain Pfeiffer may be able to give you just a little bit more background on it. The rules and what we have asked for in this section concerning aviation cadets is the same that is in title 10 for Navy aviation cadets. Captain Pfeiffer, can you expand on that a little, please?

Captain PFEIFFER. The aviation cadet wears a distinctive uniform and he also draws the basic pay of an E-4. Many of our enlisted personnel, who are going through the flight training in Pensacola with the Navy aviation cadets are in lower pay grades. They do not wear the distinctive uniform and yet, essentially, they are in the same program undergoing the same training as their Navy counterparts.

Senator DOMINICK. When they graduate successfully, are they commissioned?

Captain PFEIFFER. Yes, sir; they are. We are currently commissioning them as ensigns in the Coast Guard Reserve.

Admiral SHIELDS. And they are given a designation as a naval aviator.

Senator DOMINICK. Do we have any kickback from the Navy on this request?

Admiral SHIELDS. No, sir. In fact, as the captain pointed out, we have 10 people down there undergoing training now, the same training that the naval aviation cadets are getting, but they are in an enlisted status and, therefore, have to wear the different uniform from the aviation cadets and also receive a different rate of pay.

Senator DOMINICK. But the question that I was interested in was whether the Navy would object to the passage of this portion of the legislation?

Admiral SHIELDS. No, sir; this has been cleared with the Navy.

Senator DOMINICK. What would this mean in terms of increase in pay and appropriations, do you know?

Admiral SHIELDS. I think it would be rather small, sir. The rate of pay in those particular categories is rather low.

Senator DOMINICK. Off the record.

(Discussion off the record.)

Senator DOMINICK. Back on the record again. The chairman asked you a question which I didn't quite get the answer to. That was the need—why you feel there is a need for recalling retired officers to active duty at this time and increasing the number of your commissioned officers at the same time?

Admiral SHIELDS. The recall of the retired officers is primarily to give us an opportunity to use the experience and knowledge of these officers in special cases where it would be advisable to use it. They would be recalled for committee work, for board work, probably for a very small period of time, maybe 2 or 3 weeks, maybe a couple of months, depending on the particular project that they were assigned to. As it is now, the limits that we have only permit actually one captain, I believe, and then correspondingly the same number down the ranks that we can recall to active duty.

There have been cases just recently where we wanted certain proposed legislation reviewed and things like that, where we could have very beneficially used the services and knowledge of some of these retired officers. In some cases, they would be in locations where to get a reasonable number of officers on a board or committee, it might be cheaper to recall for a short period of time, maybe 3 or 4 days or a week, some retired officers to sit on these boards and committees. That is the purpose of requesting the lifting of the limitation on the number of retired officers we would be permitted to recall to active duty.

On the increase in the overall number of officers in the Coast Guard, this is not a top limit that we expect to reach in the next couple of years but we do wish to have it so we do not have to come back to you gentlemen every year or so for an increase. Because of the increase in the population of the United States, the increase in recreational boating, and all types of activities that the Coast Guard is responsible for and has to do with, we see nothing but the necessity to increase the size of the Coast Guard in order to take care of these requirements and responsibilities.

Senator BARTLETT. Didn't you say, Admiral, while the Senator was out of the room, that perhaps you might reach that limit, if it is granted, by 1972?

Admiral SHIELDS. That is one of our projections, sir. This was made, I think, earlier in the year before we knew about the taking over of the icebreakers, so that top limit might be reached even before the 1972 period, depending on these extra programs that are coming into being now.

Senator DOMINICK. On page 2 of your statement, you have a subsection (3) in the first paragraph, which because of my lack of experience in this particular field, I simply don't understand. I wonder if you could tell me what this does? Here you say:

* * * officers appointed under any provision of law prior to the effective date of Public Law 88-103 are to be considered as having been appointed under new section 211 of title 14.

What does that do?

Admiral SHIELDS. Commander Cretella answered that question. If I may defer to him.

Commander CRETELLA. Under existing provisions of the law that came about as a result of Public Law 88-103, severance of officers who were not promoted, who fail in selection for promotion, is covered in sections 282 and 283, but these two sections refer to officers appointed under section 211 and they could not have been so appointed until after the passage of Public Law 88-103. All this provision would do would be to consider this category of officer, who might have been appointed under preexisting authority before Public Law 88-103 in the same category and allow us to apply severance procedures or separation procedures or retirement procedures, as the case may be, to these officers. These are lieutenants and lieutenants, junior grade.

Senator DOMINICK. That is all I have, Mr. Chairman. Thank you.

Senator BARTLETT. I think you started at one time and I interrupted you, Admiral, to tell us more about these icebreakers that are coming to you.

Admiral SHIELDS. The Coast Guard and the Navy both have been operating icebreakers. Under an agreement, which was recently signed, the operation of all icebreakers will be done by the Coast Guard. The Navy will turn over to the Coast Guard on a phased basis the icebreakers which they have now. And we will operate all these icebreakers with Coast Guard crews and we will be responsible for the maintenance and upkeep of these icebreakers from now on.

In this phased program, we will receive the first one in November of this year and then the others on a phased basis as we get enough personnel to take care of them.

Senator BARTLETT. When was this agreement entered into?

Admiral SHIELDS. It was just signed within about the last 6 weeks, sir.

Senator BARTLETT. How many icebreakers is the Coast Guard now operating?

Admiral SHIELDS. We operate three icebreakers now, plus one in the lakes. The *Mackinaw* operates in the Great Lakes and the *Northwind*, the *Westwind*, and the *Eastwind* are operated in the Arctic and Antarctic. The Arctic and Antarctic operations are in cooperation with the Navy and along with this cooperation in the polar work, of course, we do some icebreaking on our own.

Senator BARTLETT. You have four?

Admiral SHIELDS. We have four: One in the Great Lakes was built especially for the Great Lakes operation and I doubt very much whether she would be suitable for ocean work.

Senator BARTLETT. But including the one in the Great Lakes, that makes a total of four?

Admiral SHIELDS. Makes a total of four; yes, sir.

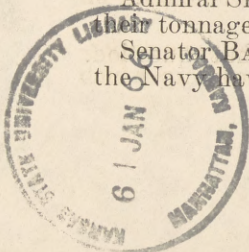
Senator BARTLETT. Were all of these ships built specifically for this purpose?

Admiral SHIELDS. For the purpose of icebreaking, they were; yes.

Senator BARTLETT. Leaving aside the one in the Great Lakes, the *Mackinaw*, how large are they?

Admiral SHIELDS. These are 269 feet long and I don't remember their tonnage, sir. We can get that for you.

Senator BARTLETT. That is enough. How many icebreakers does the Navy have?



Admiral SHIELDS. They have five, sir. All of them are of the same type as the *Eastwind*, *Northwind*, and *Westwind*, except the newest one they have, which is the *Glacier*, which is a larger type icebreaker.

Senator BARTLETT. They were built for this purpose, too?

Admiral SHIELDS. They were built for the purpose of icebreaking, too.

Senator BARTLETT. How old are the Coast Guard icebreakers?

Admiral SHIELDS. They were built during the early part of the war. Several were turned over to the Russians for operation and then turned back to us after the war.

Senator BARTLETT. What shape did they come back in?

Admiral SHIELDS. From the Russians, sir?

Senator BARTLETT. Yes.

Admiral SHIELDS. Not very good, sir.

Senator BARTLETT. How old is the *Glacier*?

Admiral SHIELDS. The *Glacier* is about 6 years old, I believe, sir.

Senator BARTLETT. That is the newest one?

Admiral SHIELDS. That is the newest one of the whole group.

Senator BARTLETT. And the other Navy icebreakers are of an age comparable to the Coast Guard?

Admiral SHIELDS. Yes.

Senator BARTLETT. How do these icebreakers compare in effectiveness, if you know, with the Soviet nuclear-powered breaker?

Admiral SHIELDS. Well, the Soviets, of course, are pretty tight-mouthed about anything they give out, but we believe for our particular purposes right now, our icebreakers will be able to do the job for several more years. We have plans in our program to replace the icebreakers and we are going to make a study of it to see exactly what we expect them to do and what type of vessel should be built. I think it is a little premature right now to say how these vessels will be powered, how big they will be, or any details on it.

Senator BARTLETT. There has been a little talk, Admiral, extending over a considerable number of years, about building a nuclear-powered icebreaker for the Coast Guard. Does the Coast Guard have the advisability of this under consideration now?

Admiral SHIELDS. It certainly will be a consideration in our study as to what we need in our icebreakers for the future. We realize that whatever we plan right now will probably last us operationally pretty close to the year 2000, so we want to be forward looking in whatever type of power, whatever type of ship we design for this work.

Senator BARTLETT. Well, from what you have read about the Soviet ship—is it the *Lenin*?

Admiral SHIELDS. Yes, sir.

Senator BARTLETT. Would you say it has been a success?

Admiral SHIELDS. Yes, sir; I think it has been. One of the things I understand about it, it is of considerable more draft than our icebreakers, so the places it could go might be limited by its draft somewhat. That is another consideration you have to give in your design, where are these vessels going to operate? That would put a limit on the amount of the draft of the vessel.

Senator BARTLETT. This wouldn't preclude or foreclose your opportunity for the Coast Guard to design a nuclear-powered ship which would operate in shallower waters, would it?

Admiral SHIELDS. No, sir.

Senator BARTLETT. The mere fact that the Russians have one of deeper draft, wouldn't foreclose you?

Admiral SHIELDS. I think it is primarily the size of this Russian icebreaker. I don't know whether the size was because of the location where she was expected to operate or because the size of the powerplant was such that it required a bigger ship. I'm not qualified to give an opinion.

Senator BARTLETT. Mr. Foster.

Mr. FOSTER. Mr. Chairman, if I may just follow that up. As I understand it then, the Navy will turn over these vessels to the Coast Guard at which time the Coast Guard will have one icebreaker that is approximately 6 years old and the remaining ones that they will have were built in the early war years—that is, they are approximately 25 years old—and the Coast Guard has no immediate plans underway for the replacement of the 25-year-old fleet of icebreakers?

Admiral SHIELDS. We have it in our long-range plans.

Mr. FOSTER. They are 25 years old at this very time and you have in your long-range plans consideration of replacing these 25-year-old vessels?

Admiral SHIELDS. That is correct. We are starting on the design of them now.

Mr. FOSTER. Admiral, the Coast Guard has a statute revision program underway, is that correct?

Admiral SHIELDS. A what?

Mr. FOSTER. A statute revision program underway.

Admiral SHIELDS. Title 46, are you referring to?

Mr. FOSTER. Yes.

Admiral SHIELDS. We have a revision of it; yes, sir, and this is one of the things that we were concerned about in asking for this provision about recall of some retired officers. There are several officers who have had long experience with shipping and it would be very valuable to us in a study of this type.

Mr. FOSTER. Did any of the suggested amendments that are included in this bill come out as a result of your statute revision program?

Admiral SHIELDS. Not that I know of.

Mr. FOSTER. Does the Coast Guard anticipate that as a result of that program of just a general review of your present law, that any other legislative proposals similar in nature to the ones that you have in this bill will be forthcoming in the next year?

Admiral SHIELDS. Nothing of any great size that we know of. This particular one dealt with personnel, as you realize, and I think anything in this revision of the other one would not be along personnel lines. It would be more along regulatory lines and our relation with the shipping industry.

Mr. FOSTER. One final question, Mr. Chairman. On page 4 of your statement, the first full paragraph, the last sentence refers to clause (2) of section 1 and then (1) and (3) of section 2 can be deleted. Is that correct; clause (2) of section 1 is to be deleted?

Admiral SHIELDS. I think that is clause 20, sir.

Mr. FOSTER. I have no further questions, Mr. Chairman.

Senator BARTLETT. Admiral, you and the Coast Guard have proposed a series of amendments in S. 2471. Let me ask you this: Were

any of these amendments originally incorporated in the bill which became Public Law 88-130 and suffered the fate of death at the hands of the committee?

Mr. FOSTER. No, sir; they were not.

Senator BARTLETT. Mr. Kenney, do you have any questions?

Mr. KENNEY. Thank you, sir. With respect to the proposed increase in the officer strength of the Coast Guard, would this result in eventually a much greater enlargement in the administrative staff of the Coast Guard here, or would most of these officers be engaged in the activities in the field?

Admiral SHIELDS. Most of the officers would be engaged in activities in the field, so to speak, rather than here at headquarters, but I mean every time you increase field activities, why you do have a slight increase in administrative forces. There is no way of getting around this.

Senator BARTLETT. That comes under another law.

Admiral SHIELDS. Murphy's law or something like that, I believe.

Mr. KENNEY. The committee recently reported a bill dealing with the pension benefits of former lighthouse service employees and the committee at that time had some concern about the necessity of enacting a separate law or separate legislation for the lighthouse service employees. I understand the Coast Guard is working on legislation in this area. Would that be feasible to add to this bill?

Admiral SHIELDS. May I refer that to Commander Cretella.

Commander CRETELLA. At the present time, that proposal is being studied and we don't think it will be feasible to include it here because we have yet to develop a formula which will tie the lighthouse service people to increases in civil service annuities.

Mr. KENNEY. You hope to get this bill enacted sooner than that?

Commander CRETELLA. Yes, sir.

Senator BARTLETT. Thank you, Admiral and gentlemen.

There seems to be no further questions. The committee will stand adjourned.

Admiral SHIELDS. Thank you.

(Whereupon, at 11:20 a.m., the committee was adjourned.)



