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# TO IMPROVE AND CLARIFY CERTAIN LAWS AFFECTING THE COAST GUARD

GOVERNMENT  
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## HEARING BEFORE THE MERCHANT MARINE SUBCOMMITTEE OF THE COMMITTEE ON COMMERCE UNITED STATES SENATE NINETY-FIRST CONGRESS

SECOND SESSION

ON


S. 3080, S. 3081, H.R. 13716, and H.R. 13816

FEBRUARY 20, 1970

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YOU

# TO IMPROVE AND CLARIFY CERTAIN LAWS AFFECTING THE COAST GUARD

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FRIDAY, FEBRUARY 20, 1970

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
MERCHANT MARINE SUBCOMMITTEE,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m. in room 5110, New Senate Office Building, Hon. Russell B. Long (chairman of the subcommittee) presiding.

Present: Senator Long.

Senator LONG. This morning we take up four bills relating to the Coast Guard and the Coast Guard Reserve.

S. 3081 and H.R. 13816 are companion bills to improve and clarify certain laws affecting the Coast Guard. Those bills make a number of revisions in titles 10, 14, and 37 of the United States Code including an increase in the number of Coast Guard Academy cadets, changes in housing allowances, and changes in certain services provided dependents.

(The bills and agency comments follow:)

Staff member assigned to this hearing: Emanuel Rauvelas.

91ST CONGRESS  
1ST SESSION

# S. 3081

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 1969

Mr. MAGNUSON (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce

---

## A BILL

To improve and clarify certain laws affecting the Coast Guard.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        That title 14, United States Code, is amended as follows:

4        (1) Section 2 is amended—

5                (A) by deleting the word “upon” and substituting  
6        therefor the words “on and under”, in the clause pre-  
7        ceding the first semicolon;

8                (B) by inserting “and under” after the phrase  
9        “life and property on” and deleting the word “on”  
10       after the phrase “the high seas and” in the clause pre-  
11       ceding the second semicolon; and

1 (C) by correctly spelling icebreaking as an unhy-  
2 phenated word and inserting “, under,” after the phrase  
3 “promotion of safety on” in the clause preceding the  
4 third semicolon.

5 (2) Section 41a (a) is amended by deleting the comma  
6 after the word components in the last sentence and inserting  
7 the words “or assigned to the Selective Service System,” in  
8 lieu thereof.

9 (3) The beginning of the first sentence of subsection  
10 (a) of section 88 is amended to read as follows:

11 “(a) In order to render aid to distressed persons, ves-  
12 sels, and aircraft on and under the high seas and on and under  
13 the waters over which the United States has jurisdiction and  
14 in order to render aid to persons and property imperiled by  
15 flood, the Coast Guard may:”

16 (4) Section 182 is amended—

17 (A) by striking the word “four” and inserting the  
18 word “six” in lieu thereof in the first sentence;

19 (B) by inserting the words “to complete the course  
20 of instruction at the Coast Guard Academy and” after  
21 the word “prescribe,” in the penultimate sentence;

22 (C) by designating the amended section as subsec-  
23 tion (a) ; and

24 (D) by adding a new subsection (b) as follows:

25 “(b) A cadet who does not fulfill his obligation to com-

1 plete the course of instruction or refuses to accept an ap-  
2 pointment as an officer in the Coast Guard may be trans-  
3 ferred by the Secretary to the Coast Guard Reserve in an  
4 appropriate enlisted grade or rating, and, notwithstanding  
5 section 651 of title 10, United States Code, may be ordered  
6 to active duty to serve in that grade or rating for such period  
7 of time as the Secretary prescribes, but not for more than  
8 four years.”

9 (5) The first sentence of section 190 is amended by  
10 inserting at the end thereof, the words “, nor shall they be  
11 required to retire at age sixty-two but may be permitted to  
12 serve until age sixty-four at which time unless earlier re-  
13 tired or separated they shall be retired”.

14 (6) Chapter 9 is amended by adding at the end thereof  
15 a new section 195 as follows:

16 **“§ 195. Admission of foreigners for instruction: restric-**  
17 **tions; conditions**

18 “(a) The Secretary may permit not to exceed four  
19 persons at a time from the Republic of the Philippines desig-  
20 nated by the President to receive instruction at the Academy.

21 “(b) A person receiving instruction under this section  
22 is entitled to the same pay and allowances, to be paid from  
23 the same appropriations, as cadets at the Academy.

24 “(c) Except as the Secretary determines, a person re-  
25 ceiving instruction under this section is subject to the same

1 regulations governing admission, attendance, discipline, resig-  
 2 nation, discharge, dismissal, and graduation as a cadet; how-  
 3 ever, a person receiving instruction under this section is not  
 4 entitled to an appointment in the Coast Guard by reason  
 5 of his graduation from the Academy.”

6 (7) The analysis of chapter 9 is amended by inserting  
 7 at the end thereof:

“Sec. 195. Admission of foreigners for instruction; restrictions; condi-  
 tions.”

8 (8) Section 271 is amended by striking the word  
 9 “eighteen” and inserting the word “twelve” in lieu thereof  
 10 in the first sentence of subsection (c).

11 (9) Subsection 332 (a) is amended by striking all after  
 12 the word “perform” and inserting a period at that point.

13 (10) Subsection (g) of section 432 is amended by  
 14 striking out the figures “5,100” and inserting in lieu thereof  
 15 the figures “7,500”.

16 (11) Section 475 is amended—

17 (A) by amending the catchline to read as follows:  
 18 “§ 475. **Leasing and hiring of quarters; rental of inade-**  
 19 **quate housing”;**

20 (B) by designating the existing paragraph as sub-  
 21 section (d); and

22 (C) by adding new subsections (a), (b), and (c)  
 23 as follows:

1       “(a) The Secretary is authorized to lease housing facil-  
2 ities at or near Coast Guard installations, wherever located,  
3 for assignment as public quarters to military personnel and  
4 their dependents, if any, without rental charge upon a deter-  
5 mination by the Secretary, or his designee, that there is a  
6 lack of adequate housing facilities at or near such Coast Guard  
7 installations. Such public housing facilities may be leased on  
8 an individual or multiple-unit basis. Expenditures for the  
9 rental of such housing facilities may not exceed the average  
10 authorized for the Department of Defense in any year.

11       “(b) Notwithstanding the provisions of any other  
12 law, members of the Coast Guard, with dependents, may  
13 occupy on a rental basis, without loss of basic allowance  
14 for quarters, inadequate quarters under the jurisdiction of  
15 the Coast Guard notwithstanding that such quarters may  
16 have been constructed or converted for assignment as public  
17 quarters. The net difference between the basic allowance  
18 for quarters and the fair rental value of such quarters shall  
19 be paid from otherwise available appropriations; however,  
20 no rental charge for such quarters shall be made against the  
21 basic allowance for quarters of a member of the Coast  
22 Guard in excess of 75 per centum of such allowance except  
23 that in no event shall the net rental value charged to the  
24 member's basic allowance for quarters be less than the cost  
25 of maintaining and operating the housing.

1       “(c) The Secretary is authorized, subject to regulations  
2 approved by the President—

3           “(1) to designate as rental housing such housing  
4 as he may determine to be inadequate as public quarters;  
5 and

6           “(2) to lease inadequate housing to members of  
7 the Coast Guard for occupancy by them and their  
8 dependents.”

9       (12) The analysis of chapter 13 is amended by striking  
10 out—

“475. Hiring of quarters for personnel.”

11 and inserting in lieu thereof

“475. Leasing and hiring of quarters; rental of inadequate housing.”

12       (13) Section 650 is amended—

13           (A) by designating the existing paragraph as sub-  
14 section (a); and

15           (B) by adding a new subsection (b) as follows:

16           “(b) Obligations may, without regard to fiscal year  
17 limitations, be incurred against anticipated reimbursement  
18 to the Coast Guard Supply Fund in such amount and for such  
19 period, as the Secretary, with approval of the Director of the  
20 Bureau of the Budget, may determine to be necessary to  
21 maintain stock levels consistently with planned operations  
22 for the next year.”

23       (14) By adding the following new section after sec-  
24 tion 656:

1 **“§ 657. Dependent school children; transportation of**

2 “Whenever the Secretary, under such regulations as he  
3 may prescribe, determines that schools located in the same  
4 area in which a Coast Guard facility is located are not ac-  
5 cessible by public means of transportation on a regular basis,  
6 he may provide, out of funds appropriated to or for the use  
7 of the Coast Guard, for the transportation of dependents  
8 of Coast Guard personnel between the schools serving the  
9 area and the Coast Guard facility.”

10 (15) The analysis of chapter 17 is amended by adding  
11 the following new item:

“657. Dependent school children; transportation of.”

12 SEC. 2. Title 10, United States Code, is amended as  
13 follows:

14 (1) The catchline of section 2002 is amended to read  
15 as follows:

16 **“§ 2002. Dependents of members of armed forces: language**  
17 **training”**

18 (2) Subsection (a) of section 2002 is amended—

19 (A) by deleting the comma after the phrase  
20 “Secretary of Defense” and inserting “or, with respect  
21 to the Coast Guard when it is not operating as a service  
22 in the Navy, the Secretary of Transportation,” in lieu  
23 thereof; and

24 (B) by deleting “Army, Navy, Air Force, or

1 Marine Corps” and inserting “armed forces” in lieu  
2 thereof in subparagraph (3).

3 (3) The analysis of chapter 101 is amended by striking  
4 out—

“2002. Dependents of members of Army, Navy, Air Force, or Marine  
Corps: language training.”

5 and inserting in lieu thereof

“2002. Dependents of members of armed forces: language training.”

6 SEC. 3. Title 37, United States Code, is amended as  
7 follows:

8 (1) Subsection (e) of section 201 is amended by strik-  
9 ing the word “or” before “Marine Corps” and by inserting  
10 the words “, or Coast Guard” after “Marine Corps”.

11 (2) The first sentence of subsection (b) of section 203  
12 is amended by adding the words “or as a member of the per-  
13 manent commissioned teaching staff at the United States  
14 Coast Guard Academy” after the words “United States Air  
15 Force Academy”.

16 (3) Subsection (e) of section 415 is amended by in-  
17 serting the words “or a warrant officer under section 213 of  
18 title 14,” after the words “section 214 of title 14,”.

91ST CONGRESS  
1ST SESSION

# H. R. 13816

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 1969

Mr. GARMATZ (for himself and Mr. CLARK) introduced the following bill:  
which was referred to the Committee on Merchant Marine and Fisheries

---

## A BILL

To improve and clarify certain laws affecting the Coast Guard.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        That title 14, United States Code, is amended as follows:

4        (1) Section 2 is amended—

5                (A) by deleting the word “upon” and substituting  
6        therefor the words “on and under”, in the clause preced-  
7        ing the first semicolon;

8                (B) by inserting “and under” after the phrase “life  
9        and property on” and deleting the word “on” after the  
10       phrase “the high seas and” in the clause preceding the  
11       second semicolon; and

1           (C) by correctly spelling icebreaking as an unhy-  
2           phenated word and inserting “, under,” after the phrase  
3           “promotion of safety on” in the clause preceding the  
4           third semicolon.

5           (2) Section 41a (a) is amended by deleting the comma  
6           after the word components in the last sentence and inserting  
7           the words “or assigned to the Selective Service System,” in  
8           lieu thereof.

9           (3) The beginning of the first sentence of subsection  
10          (a) of section 88 is amended to read as follows:

11          “(a) In order to render aid to distressed persons, ves-  
12          sels, and aircraft on and under the high seas and on and  
13          under the waters over which the United States has juris-  
14          diction and in order to render aid to persons and property  
15          imperiled by flood, the Coast Guard may:”

16          (4) Section 182 is amended—

17               (A) by striking the word “four” and inserting the  
18               word “six” in lieu thereof in the first sentence;

19               (B) by inserting the words “to complete the course  
20               of instruction at the Coast Guard Academy and” after  
21               the word “prescribe,” in the penultimate sentence;

22               (C) by designating the amended section as subsec-  
23               tion (a); and

24               (D) by adding a new subsection (b) as follows:

25               “(b) A cadet who does not fulfill his obligation to com-

1 plete the course of instruction or refuses to accept an appoint-  
2 ment as an officer in the Coast Guard may be transferred by  
3 the Secretary to the Coast Guard Reserve in an appropriate  
4 enlisted grade or rating, and, notwithstanding section 651 of  
5 title 10, United States Code, may be ordered to active duty  
6 to serve in that grade or rating for such period of time as the  
7 Secretary prescribes, but not for more than four years.”

8 (5) The first sentence of section 190 is amended by  
9 inserting at the end thereof, the words “, nor shall they be  
10 required to retire at age sixty-two but may be permitted to  
11 serve until age sixty-four at which time unless earlier retired  
12 or separated they shall be retired”.

13 (6) Chapter 9 is amended by adding at the end thereof  
14 a new section 195 as follows:

15 **“§ 195. Admission of foreigners for instruction: restric-**  
16 **tions; conditions**

17 “(a) The Secretary may permit not to exceed four per-  
18 sons at a time from the Republic of the Philippines designated  
19 by the President to receive instruction at the Academy.

20 “(b) A person receiving instruction under this section is  
21 entitled to the same pay and allowances, to be paid from the  
22 same appropriations, as cadets at the Academy.

23 “(c) Except as the Secretary determines, a person  
24 receiving instruction under this section is subject to the same  
25 regulations governing admission, attendance, discipline, resig-

1 nation, discharge, dismissal, and graduation as a cadet; how-  
2 ever, a person receiving instruction under this section is not  
3 entitled to an appointment in the Coast Guard by reason of  
4 his graduation from the Academy.”

5 (7) The analysis of chapter 9 is amended by inserting  
6 at the end thereof:

7 “Sec. 195. Admission of foreigners for instruction: restrictions; condi-  
8 tions.”

9 (8) Section 271 is amended by striking the word  
10 “eighteen” and inserting the word “twelve” in lieu thereof  
11 in the first sentence of subsection (c).

12 (9) Subsection 332 (a) is amended by striking all after  
13 the word “perform” and inserting a period at that point.

14 (10) Subsection (g) of section 432 is amended by  
15 striking out the figures “5,100” and inserting in lieu thereof  
16 the figures “7,500”.

17 (11) Section 475 is amended—

18 (A) by amending the catchline to read as follows:

19 **“Leasing and hiring of quarters; rental of inadequate**  
20 **housing”;**

21 (B) by designating the existing paragraph as sub-  
22 section (d); and

23 (C) by adding new subsections (a), (b), and  
24 (c) as follows:

25 “(a) The Secretary is authorized to lease housing faci-  
26 ties at or near Coast Guard installations, wherever located,

1 for assignment as public quarters to military personnel and  
2 their dependents, if any, without rental charge upon a de-  
3 termination by the Secretary, or his designee, that there is  
4 a lack of adequate housing facilities at or near such Coast  
5 Guard installations. Such public housing facilities may be  
6 leased on an individual or multiple-unit basis. Expenditures  
7 for the rental of such housing facilities may not exceed the  
8 average authorized for the Department of Defense in any  
9 year.

10 “(b) Notwithstanding the provisions of any other law,  
11 members of the Coast Guard, with dependents, may occupy  
12 on a rental basis, without loss of basic allowance for quarters,  
13 inadequate quarters under the jurisdiction of the Coast Guard  
14 notwithstanding that such quarters may have been con-  
15 structed or converted for assignment as public quarters. The  
16 net difference between the basic allowance for quarters and  
17 the fair rental value of such quarters shall be paid from other-  
18 wise available appropriations; however, no rental charge for  
19 such quarters shall be made against the basic allowance for  
20 quarters of a member of the Coast Guard in excess of 75 per  
21 centum of such allowance except that in no event shall the  
22 net rental value charged to the member’s basic allowance for  
23 quarters be less than the cost of maintaining and operating  
24 the housing.

1       “(c) The Secretary is authorized, subject to regulations  
2 approved by the President—

3               “(1) to designate as rental housing such housing as  
4 he may determine to be inadequate as public quarters;  
5 and

6               “(2) to lease inadequate housing to members of the  
7 Coast Guard for occupancy by them and their depend-  
8 ents.”

9       (12) The analysis of chapter 13 is amended by strik-  
10 ing out—

“475. Hiring of quarters for personnel.”

11 and inserting in lieu thereof

“475. Leasing and hiring of quarters; rental of inadequate housing.”

12       (13) Section 650 is amended—

13               (A) by designating the existing paragraph as sub-  
14 section (a); and

15               (B) by adding a new subsection (b) as follows:

16               “(b) Obligations may, without regard to fiscal year  
17 limitations, be incurred against anticipated reimbursement to  
18 the Coast Guard Supply Fund in such amount and for such  
19 period, as the Secretary, with approval of the Director of the  
20 Bureau of the Budget, may determine to be necessary to  
21 maintain stock levels consistently with planned operations  
22 for the next year.”

1 (14) By adding the following new section after section  
2 656:

3 **“§ 657. Dependent school children; transportation of**

4 “Whenever the Secretary, under such regulations as he  
5 may prescribe, determines that schools located in the same  
6 area in which a Coast Guard facility is located are not ac-  
7 cessible by public means of transportation on a regular basis,  
8 he may provide, out of funds appropriated to or for the use of  
9 the Coast Guard, for the transportation of dependents of  
10 Coast Guard personnel between the schools serving the area  
11 and the Coast Guard facility.”

12 (15) The analysis of chapter 17 is amended by adding  
13 the following new item:

“657. Dependent school children; transportation of.”

14 SEC. 2. Title 10, United States Code, is amended as  
15 follows:

16 (1) The catchline of section 2002 is amended to read  
17 as follows:

18 **“§ 2002. Dependents of members of armed forces: language  
19 training”**

20 (2) Subsection (a) of section 2002 is amended—

21 (A) by deleting the comma after the phrase “Sec-  
22 retary of Defense” and inserting “or, with respect to

1 the Coast Guard when it is not operating as a service in  
2 the Navy, the Secretary of Transportation," in lieu  
3 thereof; and

4 (B) by deleting "Army, Navy, Air Force, or  
5 Marine Corps" and inserting "armed forces" in lieu  
6 thereof in subparagraph (3).

7 (3) The analysis of chapter 101 is amended by striking  
8 out—

"2002. Dependents of members of Army, Navy, Air Force, or Marine  
Corps: language training."

9 and inserting in lieu thereof

"2002. Dependents of members of armed forces: language training."

10 SEC. 3. Title 37, United States Code, is amended as  
11 follows:

12 (1) Subsection (e) of section 201 is amended by strik-  
13 ing the word "or" before "Marine Corps" and by inserting  
14 the words ", or Coast Guard" after "Marine Corps".

15 (2) The first sentence of subsection (b) of section 203  
16 is amended by adding the words "or as a member of the per-  
17 manent commissioned teaching staff at the United States  
18 Coast Guard Academy" after the words "United States Air  
19 Force Academy".

20 (3) Subsection (e) of section 415 is amended by insert-  
21 ing the words "or a warrant officer under section 213 of title  
22 14," after the words "section 214 of title 14,".

DEPARTMENT OF THE NAVY,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, D.C., November 17, 1969.

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

DEAR MR. CHAIRMAN: Your request for comment on S. 3081, a bill "To improve and clarify certain laws affecting the Coast Guard" has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

This bill would make a number of changes in Coast Guard personnel laws and to laws relating to the Coast Guard Academy, the housing of Coast Guard personnel, and the transportation of their dependent school children. In addition, the bill would authorize incurrence of obligations against anticipated reimbursements to the Coast Guard Supply Fund, would liberalize the compensation of personnel of the former Lighthouse Service, and would extend to the Coast Guard a number of entitlements now authorized in titles 10 and 37, United States Code, for the other armed forces. The proposal would also make several technical and clarifying amendments to existing law.

The Department of the Navy, on behalf of the Department of Defense, interposes no objection to the enactment of S. 3081.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on S. 3081 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

JOHN D. H. KANE, JR.,  
*Captain, U.S. Navy, Deputy Chief.*

---

DEPARTMENT OF STATE,  
Washington, D.C., December 17, 1969.

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

DEAR MR. CHAIRMAN: Thank you for your letter of October 31 inviting the Department's comments on Senate Bills 3080 and 3081 relating to the United States Coast Guard.

S. 3081 would, *inter alia*, amend Title 14 of the United States Code to permit the admission of persons from the Philippines to receive instruction at the United States Coast Guard Academy.

The Department of State believes that opening the Coast Guard Academy to Filipinos is an excellent idea and favors legislation which would permit this. Filipinos, under existing statutes, regularly attend each of the other three United States service academies. In selecting candidates for these academies, the Philippines has followed a careful and objective selection process with the result, we understand, that Filipinos have traditionally made a fine record in those academies and have gone on to perform distinguished service to their country. We believe that Filipino attendance at the Coast Guard Academy would be marked by the same success.

In this connection, I note that the Philippine Coast Guard, created in 1967, is relatively new. It was established as an element of the Philippine Navy with responsibilities in such areas as customs and aids to navigation, particularly important for an archipelagic nation. Philippine graduates of the United States Coast Guard Academy presumably would take up commissions in their own Coast Guard and would become assets to that service as it discharges its assigned tasks. The Department therefore views the proposed legislation as a timely and appropriate measure which would recognize the important role of the Philippine Coast Guard and make a constructive contribution to Philippine-American relations.

With respect to the other provisions of S-3081 and to S-3080, the Department has no objection on foreign policy grounds.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

H. G. TORBERT, Jr.,  
Acting Assistant Secretary for Congressional Relations.

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., December 22, 1969.

HON. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter of October 31, 1969, requesting our comments on S. 3081, a bill to improve and clarify certain laws affecting the Coast Guard.

The bill would make changes to titles 10, 14, and 37 of the United States Code, some of a clarifying nature and some involving substantive changes in the law, relating to Coast Guard personnel, administration of the Coast Guard Academy, family housing, and transportation of school children.

It would, among other things, increase the number of authorized appointments to the Coast Guard Academy; require a cadet who does not fulfill his service obligations as an officer to serve on active duty as an enlisted member for not more than 4 years; provide that certain Coast Guard Academy staff members will not be subject to mandatory retirement prior to age 64; authorize the promotion of ensigns after 12 months' service instead of after 18 months' service; provide permanent authority for the Coast Guard to lease family housing for assignment to Coast Guard personnel and to rent inadequate quarters to them; provide transportation of dependents between schools and Coast Guard facilities where public transportation is not provided on a regular basis; authorize language training for dependents of Coast Guard personnel in anticipation of the member's assignment to permanent duty outside the United States; provide a uniform allowance to an enlisted member appointed a warrant officer; and authorize additional pay of \$250 a month to certain members of the permanent commissioned teaching staff at the Coast Guard Academy.

On the basis of the justification contained in the letter of transmittal of the draft of the bill to the President of the Senate, we have no objection to favorable consideration of S. 3081 except that, in view of the general policy of the Congress to provide uniform legislation for the several armed services, we offer the following comments with respect to family housing for the consideration of your Committee.

The bill would amend 14 U.S.C. 475 to provide *permanent* legislation not only to lease privately owned housing facilities in the United States for assignment as public quarters to Coast Guard personnel and their families, but to provide inadequate family housing for them on a rental basis. Original authority to lease family housing within the United States was first authorized for the Army, Navy and Air Force, by section 515 of the act of July 15, 1955, ch. 368, 69 Stat. 352, and has been authorized only on a temporary basis since that time.

Governmental leasing of private family housing for assignment to military personnel has not been regarded as a desirable method of providing quarters for military personnel and has been authorized temporarily for the Department of Defense only because of the housing shortage and subject to various conditions and annual limitations. See note to 10 U.S.C. 2674, Supp. IV. The Congress has consistently refused to authorize the Department of Defense to lease family housing in the United States on any basis other than an individual basis as opposed to block leasing (see the various military construction authorization acts cited in the above note), and no longer authorizes the initial designation of inadequate family housing for assignment on a rental basis (see 42 U.S.C. 1594j).

While the situation with respect to family housing available for members of the Coast Guard may be different than that for the other military services, we doubt that there is justification for the enactment of permanent legislation authorizing the Coast Guard to assign additional inadequate family housing on a rental basis. The difference in the situation of Coast Guard family housing apparently has warranted the granting of temporary authority to lease family housing on an individual or multiple unit basis, such as that contained in the act of June 8, 1968, Public Law 90-334, 82 Stat. 173, authorizing the leasing of multiple unit through June 30, 1970.

In view of the policy of the Congress in the past to authorize the leasing of family quarters in the civilian sector for Coast Guard and military personnel only on a temporary basis with periodic reviews by the Congress on the need to continue such authorization, we think that your Committee may want to consider whether it is appropriate to grant permanent authority to the Coast Guard to lease family housing in the civilian sector without any limitations or conditions other than those contained in the present bill.

Under the provisions of law in 42 U.S.C. 1594j the military services, including the Coast Guard, were formerly authorized to designate housing as inadequate and rent such quarters to military personnel without loss to them of the basic allowance for quarters. Later the Congress required that housing so designated as inadequate be either altered or improved so as to qualify as public quarters, or be demolished or otherwise disposed of prior to certain dates there stated. For various reasons the Congress has found it appropriate to make special temporary provisions for the exemption of some quarters therefrom under the conditions there stated.

It is understood that the Coast Guard presently is renting quarters previously designated as inadequate to members in Cape May, New Jersey, and Yorktown, Virginia. Granting new permanent authority to the Coast Guard to designate public quarters as inadequate and rent them to members of the Coast Guard without loss of the basic allowance for quarters would grant authority to the Coast Guard not presently granted to the other military services.

Sincerely yours,

R. F. KELLER,

*Assistant Comptroller General, of the United States.*

Senator LONG. S. 3080 and H.R. 13716 are companion bills to improve and clarify certain laws affecting the Coast Guard Reserve. These bills relate, for the most part, to the manner in which Reserve officers are selected for promotion and the time of their promotion.

(The bills and agency comments follow:)

91ST CONGRESS  
1ST SESSION

## S. 3080

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### IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 1969

Mr. MAGNUSON (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce

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## A BILL

To improve and clarify certain laws affecting the Coast Guard Reserve.

- 1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*  
 3        That title 14, United States Code, is amended as follows:  
 4            (1) Subsection (b) of section 762 is amended by strik-  
 5        ing out the words “, but not above the grade of captain”.  
 6            (2) Section 770 is amended by striking out the figure  
 7        “795” in both of the places it appears and inserting in lieu  
 8        thereof, the figure “798”; by redesignating clause “(9)” as  
 9        “(10)”; and by adding a new clause “(9)” as follows:  
 10        “(9) the ‘active duty promotion list’ is as defined in  
 11        section 41a of this title.”

II

1           (3) Section 772 is amended by inserting before the  
2 period in the second sentence of subsection (b) the phrase  
3 “or because an excess results directly from the operation of  
4 mandatory provisions of this or other laws”.

5           (4) Section 774 is amended to read as follows:

6           “A Reserve officer must be in an active status to be  
7 eligible for consideration for promotion and to be promoted  
8 under this subchapter. Officers retained in an active status  
9 and excluded from promotion by the provisions of section 787  
10 of this title are not eligible for consideration for promotion.”

11          (5) Section 775 is amended by adding a new subsec-  
12 tion (f) to read as follows:

13          “(f) Whenever a selection board is convened to con-  
14 sider officers of the Women’s Reserve not serving on active  
15 duty, membership of the board shall include, when reason-  
16 ably available, not less than two members of the Women’s  
17 Reserve not serving on active duty.”

18          (6) Section 780 is amended—

19           (A) by amending subsections (c) and (d) to read  
20 as follows:

21           “(c) Each selection board, from among those officers  
22 whose names are submitted to it as determined by section  
23 783 of this title, shall recommend for promotion to the next  
24 higher grade:

25           “(1) those male officers serving in the grade of

1 lieutenant (junior grade) or above whom it considers to  
2 be best qualified;

3 “(2) those male officers serving in the grade of  
4 ensign whom it considers to be fully qualified;

5 “(3) those officers of the Women’s Reserve serving  
6 in the grade of lieutenant or below whom it considers to  
7 be fully qualified; and

8 “(4) those officers of the Women’s Reserve serving  
9 in the grade of lieutenant commander or above whom it  
10 considers to be best qualified. The recommendation of a  
11 selection board shall be based on comparative fitness for  
12 the duties to which officers of the Women’s Reserve are  
13 normally assigned.”

14 “(d) Before convening a board to recommend officers  
15 for promotion to any grade above lieutenant (junior grade),  
16 the Secretary shall determine the total number of officers to  
17 be selected for promotion to that grade. Unless the Secretary  
18 takes action pursuant to the provisions of subsection (c) of  
19 section 772 of this subchapter, this number shall be equal  
20 to the number of vacancies existing in the grade, plus the  
21 number of vacancies estimated for the next twelve months,  
22 less the number of officers on the promotion list for that  
23 grade.”

24 (B) by adding a new subsection (i) to read as  
25 follows:

1       “(i) Vacancies in all grades shall be filled by the  
2 combined total of those officers, male and female, who have  
3 been selected for promotion. Selection opportunity for officers  
4 of the Women’s Reserve to grades above lieutenant com-  
5 mander shall be equivalent to that prescribed for male officers  
6 of the same grades. Officers of the Women’s Reserve being  
7 considered for promotion to the grades of lieutenant com-  
8 mander or below shall be considered and selected in their  
9 order of precedence up to the number designated to be  
10 selected.”

11       (7) Section 781 is amended to read as follows:

12       “Officers of the Reserve shall have rank and take prece-  
13 dence in their respective grades among themselves and with  
14 officers of the same grades on the active duty promotion list  
15 and the permanent commissioned teaching staff in accordance  
16 with the dates of rank as stated in their commissions. When  
17 Reserve officers and officers on the active duty promotion  
18 list or the permanent commissioned teaching staff have the  
19 same date of rank in a grade, such officers shall take prece-  
20 dence as determined by the Secretary.”

21       (8) Section 782 is amended—

22       (A) by amending subsection (a) to read as follows:

23       “(a) Each officer of the Reserve in an active status not  
24 on the active duty promotion list shall be assigned a running  
25 mate who shall be the officer of the same grade on the active

1 duty promotion list who is next senior to him in precedence as  
2 determined in the manner prescribed in section 781 of this  
3 title. Officers who are extra numbers, who have twice failed  
4 of selection, or who have not been recommended for con-  
5 tinuation under section 289 of this title shall not be assigned  
6 as running mates under this section.”;

7 (B) by amending clause (1) of subsection (b) to  
8 read as follows:

9 “(1) If a running mate is promoted from below the  
10 promotion zone, is removed from the active duty promotion  
11 list, suffers loss of numbers, or fails to qualify for promotion,  
12 the new running mate shall be the officer of the same grade  
13 on the active duty promotion list who was next senior to the  
14 old running mate or if there be no such officer then the most  
15 senior officer in that grade on the active duty promotion list.  
16 If the old running mate was on a list of selectees for pro-  
17 motion, the new running mate shall be on a list of selectees.”;

18 (C) by amending clause (2) of subsection (b) by  
19 striking the words “of the regular Coast Guard, exclusive  
20 of extra numbers,” and inserting in lieu thereof the words  
21 “on the active duty promotion list.”;

22 (D) by amending clause (3) of subsection (b) to  
23 read as follows:

24 “(3) If an officer of the Reserve is considered for pro-

1 motion at approximately the same time as his running mate  
2 and fails of selection, fails to qualify for promotion after  
3 selection, or declines an appointment after having been se-  
4 lected for promotion and his running mate is promoted, the  
5 new running mate shall be the next senior officer remaining  
6 in the same grade on the active duty promotion list whose  
7 name is not on a list of selectees and who is eligible for con-  
8 sideration for promotion.”;

9 (E) by amending clause (4) of subsection (b) to  
10 read as follows:

11 “(4) If an officer of the Reserve was not considered  
12 for promotion at approximately the same time as his running  
13 mate, and the Reserve officer subsequently is considered and  
14 fails of selection or fails to qualify for promotion, such failure  
15 shall be deemed to have occurred at the same time as his run-  
16 ning mate was considered. His new running mate shall be the  
17 next senior officer remaining in the same grade on the active  
18 duty promotion list whose name was not on a list of selectees  
19 at the time the original running mate was selected.”;

20 (F) by adding a clause (5) to subsection (b) to  
21 read as follows:

22 “(5) In any situation not expressly covered by this  
23 subsection or where the assignment of a running mate would  
24 result in an inequitable change in precedence, the Secretary  
25 may assign an appropriate running mate to effect the intent

1 of this section that no unjust benefit or detriment will result  
2 to any officer from the operation of this section.”;

3 (G) by adding a clause (6) to subsection (b) to  
4 read as follows:

5 “(6) A Reserve officer on the active duty promotion list  
6 shall become the running mate of all the inactive duty Re-  
7 serve officers who are junior to him and had a running mate  
8 in common with him at the time of his being placed on the  
9 active duty promotion list.”; and

10 (H) by adding a subsection (c) to read as follows:

11 “(c) The Secretary is authorized to adjust, as neces-  
12 sary, the dates of rank of Reserve officers not on active  
13 duty so that the dates will correspond with those of the  
14 running mates assigned to them in accordance with the  
15 provisions of this section. However, the dates of rank  
16 of those Reserve officers whose names are on a list of  
17 selectees for promotion to the next higher grade at the  
18 time of enactment of this subsection, shall not be adjusted  
19 until such time as the officers have been promoted. If  
20 overpayments of pay and allowances will have resulted from  
21 the adjustment of dates of rank, such overpayments shall  
22 not be subject to recoupment.”

23 (9) Section 784 is amended by designating the exist-  
24 ing section as subsection (a) and by adding a new sub-  
25 section (b) as follows:

1       “(b) Notwithstanding any other provision of law, a  
2 Reserve real admiral shall become entitled to the pay and  
3 allowances of the upper half for duty performed from the  
4 date his running mate becomes so entitled.”

5       (10) Section 787 is amended—

6           (A) by striking out the first sentence in subsection  
7       (a) and inserting in lieu thereof the sentence “Officers  
8       of the Women’s Reserve in the grades of lieutenant  
9       (junior grade) and lieutenant failing of selection for  
10       promotion to the next higher grade, and all other Re-  
11       serve officers after failing of selection for promotion to  
12       the next higher grade for a second time, may be retained  
13       in or eliminated from an active status in the discretion of  
14       the Secretary.”;

15           (B) by striking out the word “Other” in the sec-  
16       ond sentence and inserting in lieu thereof the word  
17       “Those”;

18           (C) by striking out the words between “officers”  
19       and “shall” in the second sentence and inserting in lieu  
20       thereof the words “who are not retained in an active  
21       status”; and

22           (D) by striking the column heading “Total com-  
23       missioned service years” and inserting in lieu thereof the  
24       heading “Total years of commissioned service”.

25       (11) Section 790 is amended—

9

1 (A) by deleting the words "or her" after the word  
2 "his";

3 (B) by deleting the words "in the Regular Coast  
4 Guard" after the word "mate";

5 (C) by deleting the word "Regular" before the  
6 words "running mate" in the two places they appear;  
7 and

8 (D) by deleting the words "in the Regular service"  
9 after the word "mate" in subsection (a).

10 (12) Section 791 is amended to read as follows:

11 "(a) While serving on active duty other than active  
12 duty for training, or other than for duty on a board, a Reserve  
13 officer shall not be eligible for consideration for promotion or  
14 for promotion under the provisions of this subchapter. Such  
15 an officer shall be considered for promotion and promoted pur-  
16 suant to appropriate provisions contained elsewhere in this  
17 title. If so promoted, such an officer shall be considered as  
18 having been promoted under this subchapter and shall be  
19 considered as an extra number in the grade to which pro-  
20 moted for the purpose of grade distribution prescribed in this  
21 subchapter and shall not be counted in such distribution until  
22 he is released from active duty.

23 "(b) Notwithstanding provisions of subsection (a) of  
24 this section a Reserve officer who, at the time he reports for  
25 active duty has been recommended for promotion to the next

1 higher grade under the provisions of this subchapter, shall be  
2 promoted to such grade subject to the same conditions as  
3 though selected under provisions of law applicable to a Re-  
4 serve officer serving on active duty.

5 “(c) A Reserve officer who, at the time he is released  
6 from active duty, has been recommended for promotion to the  
7 next higher grade under provisions of law applicable to a  
8 Reserve officer serving on active duty, shall be promoted to  
9 such grade subject to the same conditions as though selected  
10 under provisions of this subchapter.

11 “(d) A failure of selection for promotion to the next  
12 higher grade shall be counted for all purposes regardless of  
13 whether it occurred under the provisions of this subchapter  
14 or under other provisions of law.”

15 (13) The following new sections are added:

16 **“§ 796. Failure of selection for promotion**

17 “(a) A Reserve officer, other than an officer serving  
18 in the grade of captain, who is, or is senior to, the junior  
19 officer in the promotion zone established for his grade, fails  
20 of selection if he is not selected for promotion by the selection  
21 board which considered him, or if having been recommended  
22 for promotion by the board, his name is thereafter removed  
23 from the report of the board by the President.

24 “(b) An officer shall not be considered to have failed of  
25 selection if he was not considered by a selection board be-

1 cause of administrative error. If he is selected by the next  
2 succeeding selection board after the error is discovered and  
3 is promoted, he shall be given the date of rank and precedence  
4 that he would have held if he had been recommended for  
5 promotion by the selection board which would have con-  
6 sidered him but for the error.

7 “(c) Those officers of the Women’s Reserve in the  
8 grades of lieutenant and lieutenant (junior grade) who are  
9 junior to the last officer selected by a board pursuant to sub-  
10 section (i) of section 780 of this title shall not be con-  
11 sidered to have failed of selection, and the names of such  
12 officers shall be submitted to the next ensuing selection  
13 board.”

14 **“§ 797. Promotion; acceptance; oath of office**

15 “(a) An officer who has been appointed under the pro-  
16 visions of this subchapter is considered to have accepted such  
17 appointment unless delivery of the appointment cannot be  
18 effected.

19 “(b) An officer who has served continuously since he  
20 subscribed to the oath of office prescribed in section 3331 of  
21 title 5, United States Code, is not required to take a new  
22 oath upon his appointment in a higher grade.”

23 **“§ 798. Rear admiral; maximum service in grade**

24 “A Reserve rear admiral, unless retained in or removed  
25 from an active status under other provisions of law, shall be

1 removed from an active status on the date he completes five  
2 years of service in the permanent grade of rear admiral.”

3       SEC. 2. (a) Reserve officers in each grade who have  
4 been recommended as qualified for promotion under laws and  
5 regulations in effect the day before the effective date of this  
6 Act but not promoted to the grade for which they were rec-  
7 ommended shall be placed on a list in the order of their prec-  
8 edence, and they shall be promoted as if they had been  
9 selected for promotion in the approved report of a selection  
10 board convened under the provisions of title 14, United  
11 States Code, as amended by this Act.

12       (b) Reserve officers who have failed of selection for  
13 promotion to the next higher grade under laws and regula-  
14 tions in effect the day before the effective date of this Act  
15 shall be deemed to have failed of selection for promotion to  
16 the next higher grade under the provisions of title 14, United  
17 States Code, as amended by this Act.

18       (c) The enactment of this Act does not terminate the  
19 appointment of any officer.

91ST CONGRESS  
1ST SESSION

# H. R. 13716

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1969

Mr. GARMATZ (for himself and Mr. CLARK) introduced the following bill;  
which was referred to the Committee on Merchant Marine and Fisheries

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## A BILL

To improve and clarify certain laws affecting the Coast Guard  
Reserve.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That title 14, United States Code, is amended as follows:

4 (1) Subsection (b) of section 762 is amended by strik-  
5 ing out the words “, but not above the grade of captain”.

6 (2) Section 770 is amended by striking out the figure  
7 “795” in both of the places it appears and inserting in lieu  
8 thereof, the figure “798”; by redesignating clause “(9)”  
9 as “(10)”; and by adding a new clause “(9)” as follows:

10 “(9) the ‘active duty promotion list’ is as defined  
11 in section 41a of this title.”

1 (3) Section 772 is amended by inserting before the  
2 period in the second sentence of subsection (b) the phrase  
3 "or because an excess results directly from the operation of  
4 mandatory provisions of this or other laws".

5 (4) Section 774 is amended to read as follows:

6 "A Reserve officer must be in an active status to be eli-  
7 gible for consideration for promotion and to be promoted  
8 under this subchapter. Officers retained in an active status and  
9 excluded from promotion by the provisions of section 787 of  
10 this title are not eligible for consideration for promotion."

11 (5) Section 775 is amended by adding a new subsection  
12 (f) to read as follows:

13 "(f) Whenever a selection board is convened to con-  
14 sider officers of the Women's Reserve not serving on active  
15 duty, membership of the board shall include, when reason-  
16 ably available, not less than two members of the Women's  
17 Reserve not serving on active duty."

18 (6) Section 780 is amended—

19 (A) by amending subsections (c) and (d) to read  
20 as follows:

21 "(c) Each selection board, from among those officers  
22 whose names are submitted to it as determined by section  
23 783 of this title, shall recommend for promotion to the next  
24 high grade:

25 "(1) those male officers serving in the grade of

## 3

1 lieutenant (junior grade) or above whom it considers  
2 to be best qualified;

3 “(2) those male officers serving in the grade of  
4 ensign whom it considers to be fully qualified;

5 “(3) those officers of the Women’s Reserve serving  
6 in the grade of lieutenant or below whom it considers  
7 to be fully qualified; and

8 “(4) those officers of the Women’s Reserve serving  
9 in the grade of lieutenant commander or above whom it  
10 considers to be best qualified. The recommendation of  
11 a selection board shall be based on comparative fitness  
12 for the duties to which officers of the Womens’ Reserve  
13 are normally assigned.”

14 “(d) Before convening a board to recommend officers  
15 for promotion to any grade above lieutenant (junior grade),  
16 the Secretary shall determine the total number of officers to  
17 be selected for promotion to that grade. Unless the Secretary  
18 takes action pursuant to the provisions of subsection (c) of  
19 section 772 of this subchapter, this number shall be equal  
20 to the number of vacancies existing in the grade, plus the  
21 number of vacancies estimated for the next twelve months,  
22 less the number of officers on the promotion list for that  
23 grade.”

24 (B) by adding a new subsection (i) to read as  
25 follows:

1       “(i) Vacancies in all grades shall be filled by the com-  
2 bined total of those officers, male and female, who have been  
3 selected for promotion. Selection opportunity for officers of  
4 the Women’s Reserve to grades above lieutenant commander  
5 shall be equivalent to that prescribed for male officers of the  
6 same grades. Officers of the Women’s Reserve being con-  
7 sidered for promotion to the grades of lieutenant commander  
8 or below shall be considered and selected in their order of  
9 precedence up to the number designated to be selected.”

10       (7) Section 781 is amended to read as follows:

11       “Officers of the Reserve shall have rank and take prece-  
12 dence in their respective grades among themselves and with  
13 officers of the same grade on the active duty promotion list  
14 and the permanent commissioned teaching staff in accordance  
15 with the dates of rank as stated in their commissions. When  
16 Reserve officers and officers on the active duty promotion list  
17 or the permanent commissioned teaching staff have the same  
18 date of rank in a grade, such officers shall take precedence  
19 as determined by the Secretary.”

20       (8) Section 782 is amended—

21             (A) by amending subsection (a) to read as fol-  
22 lows:

23       “(a) Each officer of the Reserve in an active status  
24 not on the active duty promotion list shall be assigned a  
25 running mate who shall be the officer of the same grade on

1 the active duty promotion list who is next senior to him in  
2 precedence as determined in the manner prescribed in sec-  
3 tion 781 of this title. Officers who are extra numbers, who  
4 have twice failed of selection, or who have not been recom-  
5 mended for continuation under section 289 of this title  
6 shall not be assigned as running mates under this section.”;

7 (B) by amending clause (1) of subsection (b)  
8 to read as follows:

9 “(1) If a running mate is promoted from below  
10 the promotion zone, is removed from the active duty  
11 promotion list, suffers loss of numbers, or fails to qualify  
12 for promotion, the new running mate shall be the officer  
13 of the same grade on the active duty promotion list  
14 who was next senior to the old running mate or if there  
15 be no such officer then the most senior officer in that  
16 grade on the active duty promotion list. If the old  
17 running mate was on a list of selectees for promotion,  
18 the new running mate shall be on a list of selectees.”;

19 (C) by amending clause (2) of subsection (b) by  
20 striking the words “of the regular Coast Guard, exclu-  
21 sive of extra numbers,” and inserting in lieu thereof the  
22 words “on the active duty promotion list.”;

23 (D) by amending clause (3) of subsection (b) to  
24 read as follows:

## 6

1           “(3) If an officer of the Reserve is considered for  
2           promotion at approximately the same time as his running  
3           mate and fails of selection, fails to qualify for pro-  
4           motion after selection, or declines an appointment after  
5           having been selected for promotion and his running mate  
6           is promoted, the new running mate shall be the next  
7           senior officer remaining in the same grade on the active  
8           duty promotion list whose name is not on a list of selec-  
9           tees and who is eligible for consideration for promotion.”;

10           (E) by amending clause (4) of subsection (b) to  
11           read as follows:

12           “(4) If an officer of the Reserve was not considered  
13           for promotion at approximately the same time as his  
14           running mate, and the Reserve officer subsequently is  
15           considered and fails of selection or fails to qualify for  
16           promotion, such failure shall be deemed to have occurred  
17           at the same time as his running mate was considered. His  
18           new running mate shall be the next senior officer re-  
19           maining in the same grade on the active duty promotion  
20           list whose name was not on a list of selectees at the time  
21           the original running mate was selected.”;

22           (F) by adding a clause (5) to subsection (b) to  
23           read as follows:

24           “(5) In any situation not expressly covered by this  
25           subsection or where the assignment of a running mate

1 would result in an inequitable change in precedence, the  
2 Secretary may assign an appropriate running mate to  
3 effect the intent of this section that no unjust benefit  
4 or detriment will result to any officer from the operation  
5 of this section.”;

6 (G) by adding a clause (6) to subsection (b) to  
7 read as follows:

8 “(6) A Reserve officer on the active duty promo-  
9 tion list shall become the running mate of all the inactive  
10 duty Reserve officers who are junior to him and had a  
11 running mate in common with him at the time of his  
12 being placed on the active duty promotion list.”; and

13 (H) by adding a subsection (c) to read as follows:

14 “(c) The Secretary is authorized to adjust, as necessary,  
15 the dates of rank of Reserve officers not on active duty so that  
16 the dates will correspond with those of the running mates  
17 assigned to them in accordance with the provisions of this  
18 section. However, the dates of rank of those Reserve officers  
19 whose names are on a list of selectees for promotion to the  
20 next higher grade at the time of enactment of this subsection,  
21 shall not be adjusted until such time as the officers have been  
22 promoted. If overpayments of pay and allowances will have  
23 resulted from the adjustment of dates of rank, such overpay-  
24 ments shall not be subject to recoupment.”

25 (9) Section 784 is amended by designating the existing

1 section as subsection (a) and by adding a new subsection  
2 (b) as follows:

3 “(b) Notwithstanding any other provision of law, a Re-  
4 serve rear admiral shall become entitled to the pay and al-  
5 lowances of the upper half for duty performed from the date  
6 his running mate becomes so entitled.”

7 (1) Section 787 is amended—

8 (A) by striking out the first sentence in subsection  
9 (a) and inserting in lieu thereof the sentence “Officers  
10 of the Women’s Reserve in the grades of lieutenant  
11 (junior grade) and lieutenant failing of selection for pro-  
12 motion to the next higher grade, and all other Reserve  
13 officers after failing of selection for promotion to the next  
14 higher grade for a second time, may be retained in or  
15 eliminated from an active status in the discretion of the  
16 Secretary.”;

17 (B) by striking out the word “Other” in the second  
18 sentence and inserting in lieu thereof the word “Those”;

19 (C) by striking out the words between “officers”  
20 and “shall” in the second sentence and inserting in lieu  
21 thereof the words “who are not retained in an active  
22 status”; and

23 (D) by striking the column heading “Total com-  
24 missioned service years” and inserting in lieu thereof the  
25 heading “Total years of commissioned service”.

1 (11) Section 790 is amended—

2 (A) by deleting the words “or her” after the word  
3 “his”;

4 (B) by deleting the words “in the Regular Coast  
5 Guard” after the word “mate”;

6 (C) by deleting the word “Regular” before the  
7 words “running mate” in the two places they appear;  
8 and

9 (D) by deleting the words “in the Regular service”  
10 after the word “mate” in subsection (a).

11 (12) Section 791 is amended to read as follows:

12 “(a) While serving on active duty other than active  
13 duty for training, or other than for duty on a board, a Re-  
14 serve officer shall not be eligible for consideration for pro-  
15 motion or for promotion under the provisions of this sub-  
16 chapter. Such an officer shall be considered for promotion  
17 and promoted pursuant to appropriate provisions contained  
18 elsewhere in this title. If so promoted, such an officer shall  
19 be considered as having been promoted under this subchapter  
20 and shall be considered as an extra number in the grade to  
21 which promoted for the purpose of grade distribution pre-  
22 scribed in this subchapter and shall not be counted in such dis-  
23 tribution until he is released from active duty.

24 “(b) Notwithstanding provisions of subsection (a) of  
25 this section a Reserve officer who, at the time he reports for

1 active duty has been recommended for promotion to the next  
2 higher grade under the provisions of this subchapter, shall be  
3 promoted to such grade subject to the same conditions as  
4 though selected under provisions of law applicable to a Re-  
5 serve officer serving on active duty.

6 “(c) A Reserve officer who, at the time he is released  
7 from active duty, has been recommended for promotion to  
8 the next higher grade under provisions of law applicable to  
9 a Reserve officer serving on active duty, shall be promoted  
10 to such grade subject to the same conditions as though se-  
11 lected under provisions of this subchapter.

12 “(d) A failure of selection for promotion to the next  
13 higher grade shall be counted for all purposes regardless of  
14 whether it occurred under the provisions of this subchapter or  
15 under other provisions of law.”

16 (13) The following new sections are added:

17 **“§ 796. Failure of selection for promotion**

18 “(a) A Reserve officer, other than an officer serving  
19 in the grade of captain, who is, or is senior to, the junior  
20 officer in the promotion zone established for his grade, fails  
21 of selection if he is not selected for promotion by the selection  
22 board which considered him, or if having been recommended  
23 for promotion by the board, his name is thereafter removed  
24 from the report of the board by the President.

25 “(b) An officer shall not be considered to have failed

1 of selection if he was not considered by a selection board  
2 because of administrative error. If he is selected by the next  
3 succeeding selection board after the error is discovered and  
4 is promoted, he shall be given the date of rank and prece-  
5 dence that he would have held if he had been recommended  
6 for promotion by the selection board which would have  
7 considered him but for the error.

8 “(c) Those officers of the Women’s Reserve in the  
9 grades of lieutenant and lieutenant (junior grade) who are  
10 junior to the last officer selected by a board pursuant to sub-  
11 section (i) of section 780 of this title shall not be considered  
12 to have failed of selection, and the names of such officers  
13 shall be submitted to the next ensuing selection board.

14 **“§ 797. Promotion; acceptance; oath of office**

15 “(a) An officer who has been appointed under the  
16 provisions of this subchapter is considered to have accepted  
17 such appointment unless delivery of the appointment can-  
18 not be effected.

19 “(b) An officer who has served continuously since he  
20 subscribed to the oath of office prescribed in section 3331 of  
21 title 5, United States Code, is not required to take a new oath  
22 upon his appointment in a higher grade.

23 **“§ 798. Rear admiral; maximum service in grade**

24 “A Reserve rear admiral, unless retained in or removed  
25 from an active status under other provisions of law, shall be

1 removed from an active status on the date he completes five  
2 years of service in the permanent grade of rear admiral."

3 SEC. 2. (a) Reserve officers in each grade who have  
4 been recommended as qualified for promotion under laws and  
5 regulations in effect the day before the effective date of this  
6 Act but not promoted to the grade for which they were rec-  
7 ommended shall be placed on a list in the order of their prec-  
8 edence, and they shall be promoted as if they had been  
9 selected for promotion in the approved report of a selection  
10 board convened under the provisions of title 14, United  
11 States Code, as amended by this Act.

12 (b) Reserve officers who have failed of selection for  
13 promotion to the next higher grade under laws and regula-  
14 tions in effect the day before the effective date of this Act  
15 shall be deemed to have failed of selection for promotion to  
16 the next higher grade under the provisions of title 14, United  
17 States Code, as amended by this Act.

18 (c) The enactment of this Act does not terminate the  
19 appointment of any officer.

DEPARTMENT OF THE NAVY,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, D.C., November 17, 1969.

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

DEAR MR. CHAIRMAN: Your request for comment on S. 3080, a bill "To improve and clarify certain laws affecting the Coast Guard Reserve," has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

This bill would amend title 14, United States Code, so as to conform the promotion system for male officers of the Coast Guard Reserve on inactive duty to that employed for officers of the Regular Coast Guard, and provide an equitable system of promotion for officers of the Women's Reserve. The purpose of the legislation is to alleviate the present stagnation of promotions to the grades of captain, commander, and lieutenant commander in the Coast Guard Reserve.

The bill would provide a best-qualified system of promotion and attrition for male commissioned officers above the grade of ensign and Women's Reserve officers above the grade of lieutenant serving on inactive duty, while retaining for male ensigns and Women's Reserve officers below the grade of commander a fully qualified promotion system. It would eliminate the dual system of promotion for Reserve officers serving on active duty, and would provide for elimination from active duty of Reserve officers who have failed of selection for promotion to the next higher grade or have completed stated amounts of service. This bill would also modify the running mate system, stabilize Reserve officers in their lineal position of precedence, and provide that a promotion appointment is deemed to be accepted on its effective date unless delivery cannot be made. Finally, the bill would place a five-year limitation on service in an active status of a Reserve rear admiral serving on inactive duty.

The Department of the Navy, on behalf of the Department of Defense, defers to the views of the Department of Transportation with respect to this bill.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on S. 3080 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

JOHN D. H. KANE, JR.,  
*Captain, U.S. Navy, Deputy Chief.*

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., December 5, 1969.

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

DEAR MR. CHAIRMAN: Reference is made to your letter of October 31, 1969, requesting our comments on S. 3080, 91st Congress, "A BILL To improve and clarify certain laws affecting the Coast Guard Reserve."

The bill relates to the promotion, retention, and elimination of officers of the Coast Guard Reserve. It would establish a new promotion system for male Reserve officers similar to that applicable to Regular officers, under which officers are selected for promotion on a best-qualified basis rather than on the basis of a modified seniority system under which all qualified officers formerly were promoted. It would retain the fully qualified method of selection of officers of the Women's Reserve through the grade of lieutenant commander and establish a best-qualified system for the higher grades. It would revise provisions relating to the retention and elimination of Reserve officers by adopting standards and procedures similar to those applicable to Regular officers.

The basic purposes of the bill are to provide an orderly system of promotion so that officers selected for retention and promotion may expect to be promoted to the grades of lieutenant commander, commander and captain at regular intervals; to alleviate the present stagnation in promotion to the senior grades; and to enhance the quality of the Coast Guard Reserve officers.

The bill is the legislative proposal which, with accompanying explanatory material, was transmitted to the President of the Senate by the Department of Transportation and subsequently referred to your Committee. On the basis of the justification contained in the letter of transmittal, this Office has no objection to favorable consideration of S. 3080.

Concerning our comments on S. 3081, a bill to improve and clarify laws affecting the Coast Guard, also requested in your letter of October 31, 1969, it is expected that our report will be completed within the next two weeks.

Sincerely yours,

R. F. KELLER,  
*Assistant Comptroller General of the United States.*

Senator LONG. In each instance, the House adopted certain amendments to the bills as introduced and we have before us both the House and Senate versions.

We will take up S. 3081 and H.R. 13816 first. Our only witness on these bills is Rear Adm. William L. Morrison.

**STATEMENT OF REAR ADM. WILLIAM L. MORRISON, CHIEF,  
OFFICE OF CHIEF COUNSEL, ACCOMPANIED BY CAPT. ROBERT  
JOHNSON, COMDR. CLIFFORD F. DEWOLF AND HENRY M.  
TENNEY, U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION,  
WASHINGTON, D.C.**

Admiral MORRISON. I have a very brief statement to make in support of S. 3081, sir.

Mr. Chariman, I am pleased to appear today in support of a bill the Coast Guard has proposed to improve and clarify laws affecting the Coast Guard. A number of the changes proposed are of a technical nature or effect minor substantive changes.

All but several of the proposed amendments have the effect of aligning the statutory law pertaining to the Coast Guard more closely with existing provisions affecting the other Armed Forces. None of the provisions have significant monetary impact. All of them are important with regard to resolution of ambiguities, or to correct certain inequities, to create greater parity between Coast Guard personnel and members of the other services.

Changes which relate to personnel include the authority to recall to active duty retirees over the age of 62 in peacetime. Present law permits their recall other than in times of peace. Inasmuch as the individual's consent is a statutory prerequisite in peacetime, there appears little logic to the distinction the law now makes.

In somewhat similar vein is the provision which would permit members of the permanent commissioned teaching staff at the Coast Guard Academy to continue to serve 2 years beyond the present age 62 limitation. Also, S. 3081 provides for some increase in pay to commissioned professors who teach beyond 36 years. Both of these amendments affecting the Academy teaching staff derive from provisions which now pertain to the permanent commissioned staffs of the other service academies.

Several other changes affect the Academy. There is an increase from 400 to 600 in the number of cadets who may be appointed annually. Projections suggest the need for a gradually increasing input to meet changing officer demands in the Coast Guard. The bill would also permit us to protect the Government's investment by requiring cadets

who do not complete their academy training, or who do not accept a commission upon graduation, to serve on active duty for periods up to 4 years in the Coast Guard Reserve.

A third change would permit the appointment to the Academy of not more than four cadets from the Republic of the Philippines. The Navy has similar authority. Our proposal is in response to a request, through appropriate channels, of course, from the Philippine Republic.

A significant provision, particularly for the seven persons involved, raises the civilian lighthouse keeper basic compensation limitation from \$5,100 to \$7,500. The section of title 14 which pertains affords the Coast Guard administrative flexibility to adjust the pay for this unique occupation but only in relation to the basic compensation limiting figure. The more senior civilian lighthouse keepers have been disadvantaged because that figure does not reflect recent and substantial pay increases for other Government employees. We are anxious to correct the inequity.

The provision concerning the authority to lease property in satisfaction of the Coast Guard's continuing need for public housing is similar to that contained in Public Law 90-334 which expires on June 30, 1970. S. 3081, as drafted, provides that expenditures for such rentals cannot exceed the average authorized for the Department of Defense in any year.

The Coast Guard's greatest need for the leasing of property to be assigned as public quarters is frequently at facilities in or near major cities where living costs are highest. The Defense Department ceiling is often inadequate in those places. To resolve that dilemma the House amended H.R. 13816, the companion bill to S. 3081, to permit the Coast Guard to exceed the Defense Department average when it is necessary to obtain housing. Because the amendment does not increase overall costs but merely permits an allocation of a greater proportion of available funds to areas of greatest need, we support that amendment.

Other than several technical amendments the remaining changes all relate to similar provisions now affecting the other armed forces and which have been determined as desirable for incorporation in the statutory law affecting the Coast Guard.

These include authority for language training for dependents in anticipation of assignment of members to overseas locations, authority to transport dependent schoolchildren under certain circumstances, shortening the period of time after which ensigns may be selected for promotion to lieutenant junior grade, permitting greater flexibility in the handling of the supply fund, and permitting the payment of a uniform allowance to enlisted men upon initial promotion to warrant officer grade.

That concludes my prepared statement. I shall be happy to respond to any questions you may have.

Senator LONG. Admiral Morrison, how many cadets do you actually have at the Academy now, and approximately how many applications did you receive for these positions?

Admiral MORRISON. As of this date, sir, the total number is 856.

Senator LONG. How many applications did you have?

Admiral MORRISON. There were several hundred applications, Senator. I don't have the exact figure, but it was somewhere in the vicinity of 4,500 for this last incoming class.

Senator LONG. How many are in that class?

Admiral MORRISON. How many are in that class now?

Senator LONG. Yes. You say you had about 4,500 applications.

How many positions did you have that they were applying for? They could only apply class by class, I take it?

Admiral MORRISON. In the fourth class right now, sir, which is the class that went in this summer, as of the 20th of February, 352.

Senator LONG. And you say you had about 4,500 applications?

Admiral MORRISON. More or less. I can give you a more accurate figure for the record.

Senator LONG. Would you, please?

(The information requested follows:)

The total number of applications for the last class that entered the Academy was 4,549.

Senator LONG. Will the increase from 400 to 600 in the number of cadets who may be appointed annually require a substantial increase in the Academy's facilities?

Admiral MORRISON. At the present moment I think the facilities are substantially adequate, Mr. Chairman. A recently completed barracks up there now permits our having just two cadets to a room which is a desirable situation for study purposes.

We do have, I think you understand, a deferred project which relates to a new library which I think was mentioned yesterday by the commandant in his testimony.

Senator LONG. The bill would allow you to require the cadet who does not accept a commission to serve 4 years of active duty.

Have you had trouble with cadets who refused to accept commissions?

Admiral MORRISON. No, we have not had any particular problem in that regard, sir. I think the main impact of this suggestion of ours is to at least get some return on our investment for those who do not complete the course. But as to refusal on graduation, I don't think we have had any particular experience in that regard.

Senator LONG. Can you tell me how many have refused to accept commissions after graduation?

Admiral MORRISON. I don't think there have been any, sir. This proposal is merely in anticipation that it might occur some time.

Senator LONG. What do you estimate will be the total cost to the Government if this bill is passed?

Admiral MORRISON. Enactment would result in certain defined increases which amount to about \$30,000 annually at first and which increase to about \$37,000 within the next 5 years. Additional costs would result from the anticipated exercise of discretionary authority. Those estimated costs, exclusive of leased housing, are \$170,000 for fiscal 1971 and about \$290,000 annually for the several following fiscal years. The leased housing program which was undertaken in fiscal year 1967 under periodically renewed authority is funded currently at \$957,000. Plans envision continued gradual growth to about \$2 million annually over the next several years.

Senator LONG. I have some additional questions on various aspects of these two bills which I will submit to you in writing. I would like for you to answer those for the record.

(Responses to questions on S. 3081 and H. R. 13816 follow:)

*Question 1. You stated that you supported the amendment adopted by the House of Representatives authorizing the Secretary to exceed the average rental housing expenditures of the Department of Defense. Why do you need that authority more than any of the other Armed Services?*

Answer 1. Lack of public quarters for Coast Guard personnel has been most apparent in and around metropolitan areas where the nature of Coast Guard functions such as marine inspection and port safety, for example, requires the permanent stationing of personnel. Major metropolitan facility development such as Governor's Island in New York City also tends to aggravate the housing deficiency. Coast Guard facilities are also generally concentrated in the coastal and beach areas where resort and related activities frequently increase housing pressure and costs.

The Defense Department average relates to a broad geographic spectrum. Volume and dispersal of personnel are the prime factors which account for Defense's ability to maintain leasing costs at the statutory average. There are a sufficient number of Department of Defense installations in low and middle-cost rental areas to offset the high cost metropolitan rentals. The average as a limiting figure is unresponsive, however, to the Coast Guard's higher percentage of urban (and other high cost areas) housing need. Experience has shown that compliance with the average has sometimes precluded acquisition of adequate housing in areas where Coast Guard need has been greatest.

*Question 2. The bill would amend 14 U.S.C. 475 to provide permanent authority to lease privately owned housing for assignment as public quarters and to provide inadequate family housing. The Comptroller General has pointed out that the Army, Navy and Air Force have such authority only on a temporary basis, Why do you need that authority on a permanent basis?*

Answer 2. The Department of Defense houses over 30% of its military families in publicly owned housing. The amount of Coast Guard owned housing is so limited that it is occupied by less than 10% of Coast Guard families. Comparability for the Coast Guard would require construction of between four and five thousand additional housing units. Within current and projected funding expectations the Coast Guard anticipates the construction of not more than 200 units per year. Even a static housing requirement could not be satisfied by public housing alone for a period of over 20 years. Conjunctive long term leasing authority furnishes a practical and necessary alternative. Also, it obviates the need for construction in places where a long term commitment (over 15 years) cannot be identified. The Department of Defense, even with its greater availability of public housing, has been able to justify the need for "temporary" but continuous leasing authority since 1955.

The authority to declare certain existing quarters inadequate is intended only to correct an apparent legislative oversight. Public Law 85-241 (1957) authorized the Coast Guard, as well as the other armed forces, to determine the adequacy of public quarters and to rent, rather than assign, those which were inadequate to military families. The statute required that inadequate quarters be improved, disposed of or demolished by July 1, 1960. Because of the continuing need for utilization of quarters which are safe and sanitary, but nonetheless inadequate, the deadline was extended several times. Additionally, the statute was amended to permit the Secretary of Defense to continue to exempt inadequate quarters, without time limitation, from the requirement for improvement or demolition if certain conditions were satisfied. Lack of extension of that authority to the Secretary of Treasury for the Coast Guard was presumably not intended. Because other quarters are simply unavailable in several locations inadequate quarters, satisfying the statutory conditions, continue in use by the Coast Guard. The deficiency in exempting authority would be overcome by the authority to designate inadequacy. To the extent indicated the provision results in parity of effect, if not form, with the authority exercised by the other armed forces.

*Question 3. At what rate do you plan to increase the number of cadets admitted to the academy if the authorized number is raised to 600 as provided in this bill?*

Answer 3. It is estimated that the increase in the number of cadets admitted will average approximately 25 to 30 per year.

*Question 4. If you plan additional facilities at the academy as a result of the increase in the number of cadets, would you indicate what your current plans for additions are?*

Answer 4. Since it is expected that growth of the academy will be gradual, not reaching the 600 appointments per year level before 1980, a phased facility ex-

pansion program over the next ten years should suffice. In addition to the cadet barracks extension and library authorized and appropriated in the last session of this Congress, major projects over the next five years can be expected to include additional applied and physical science teaching facilities, increased cadet dining capacity and a further increase in cadet barracks.

*Question 5. Do you have proposed regulations under the provision authorizing the Secretary to require that a cadet serve on active duty if he fails to complete his academy training or refuses his commission? Specifically, since this authority is to protect the government's investment, would the active duty requirement apply to cadets who dropped out shortly after admission or only to those who stayed some specified amount of time?*

Answer 5. We have not yet developed proposed regulations to implement this provision. Our intention is to reflect a policy like that of the Defense Department. Enlisted service would not generally be required of cadets separated before their third academic year, or for demonstrated unsuitability, unfitness or physical disqualification for military service.

*Question 6. Section 1 of the bill makes explicit your mission under the seas. Have you encountered some specific problem to which this is a response?*

Answer 6. The Coast Guard has not encountered a specific problem and interprets section 2 of title 14 as defining Coast Guard authority and responsibilities as within as well as upon the surface of the sea. However, the rapid and anticipated development of undersea activity suggests the desirability of clarifying the point to assure no possible hiatus in federal enforcement, rescue, and other activity.

Senator LONG. We will now proceed to the other two bills. I believe that Rear Adm. John D. McCubbin, Chief, Office of Reserve, accompanied by Capt. George I. Garner, Capt. Robert E. Livingstone, and Cmdr. Eleanor C. L'Ecuyer, will testify to these two bills.

**STATEMENT OF REAR ADM. JOHN D. McCUBBIN, CHIEF, OFFICE OF RESERVE, ACCOMPANIED BY CAPT. GEORGE I. GARNER, CAPT. ROBERT E. LIVINGSTONE, AND COMDR. ELEANOR C. L'ECUYER, U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION, WASHINGTON, D.C.**

Admiral McCUBBIN. Good morning, Mr. Chairman. It is my pleasure to have this opportunity to discuss with you the recommended changes to chapter 21, title 14, United States Code, concerning promotion procedures for Reserve officers serving on inactive duty.

S. 3080 will initiate a best qualified system of promotion for Coast Guard Reserve officers on inactive duty. The resulting Reserve promotion system would then more closely parallel that currently applicable to officers of the Regular Coast Guard and enable fuller compliance with the intent of the Reserve Officer Promotion Act of 1954 (ROPA).

In addition, the current requirement for duplicated promotion procedures for active duty Reserve officers by both active and inactive duty boards would be eliminated. It will correct discrepancies in precedence which have occurred under the running mate assignment system, establish the maximum time in grade for Reserve rear admirals as 5 years, and provide equitable promotion opportunity for officers of the Women's Reserve.

S. 3080 contains the same provisions as H.R. 13716 which was also sponsored by the administration and was passed by the House with one amendment. This amendment confirms a provision of ROPA and eliminates conflict between the Coast Guard's active duty promotion statutes and ROPA with respect to the seniority of Reserve ensigns when called to active duty.

In addition, the House committee in its report on H.R. 13716 suggested that the Secretary of Transportation should exceed grade limitations for a period of the next 5 years to insure a degree of equality of treatment in the conversion to the new system. The Coast Guard has no objection to either the amendment to H.R. 13716 or the House committee suggestion.

The implementation of a best qualified system of promotion for inactive duty officers will relieve the current severe stagnation in the grades of captain, commander, and lieutenant commander. The problem has developed because greatly increased numbers of the more senior officers are now eligible for selection for promotion under the provisions of ROPA, but vacancies do not exist to enable adequate promotion flow.

This situation results from the incompatibility of the Reserve fully qualified promotion system and the Regular service's best qualified promotion system, when joined with the running mate requirements of the Reserve Officer Promotion Act. If not corrected, the present slower rate of inactive duty promotions will increase the difficulty of attracting and retaining high-quality Reserve officers because of the adverse effects upon their morale and incentive. The proposed change will provide the necessary machinery to permit those officers who possess the greatest knowledge, judgment, and leadership ability to be promoted, and to eliminate the less qualified individual.

The dual system of promotion currently in effect for Reserve officers serving on active duty is discontinued by the bill. The proposed inactive Reserve system would parallel that presently used for officers on active duty, and a promotion under either system would be automatically recognizable by the other. In addition, minor but confusing discrepancies in precedence which have occurred under the present dual selection system would be prevented.

It is also considered necessary and desirable to limit the active status service of the two inactive Reserve rear admirals to 5 years in grade. This will provide promotion opportunity for Reserve captains, while assuring the desired level of experience necessary for those officers promoted to flag rank.

In order to provide equitable promotion opportunity to the limited number of officers of the Women's Reserve, the current fully qualified method of selection through the grade of lieutenant commander must, and would, be retained.

Finally, there are included some minor changes for clarification of existing statutory language in chapter 21, title 14, United States Code, which are purely technical in nature.

This concludes my prepared statement, and I welcome the opportunity to answer any questions you may have concerning it or to discuss any of my comments in greater detail.

Senator LONG. Thank you very much.

The budget for fiscal year 1971 proposes a phaseout of the selected Reserve.

How does that affect this bill and the need to which the bill is a response?

Admiral McCUBBIN. Sir, the Coast Guard proposes to continue to retain a Reserve. The full impact of the phaseout of the Selected Reserve has not been fully staffed and I am not prepared to answer in detail that question, other than the fact that we would continue to

require officers and enlisted men in the Reserve. To provide an incentive for this we would like to place those officers on the same promotion basis as the officers of the Regular service in respect to promotion.

Senator LONG. Would you briefly summarize the difference between the best qualified promotion system which you favor and the fully qualified system which you now have?

Admiral McCUBBIN. With the fully qualified system an officer meeting certain minimum requirements is promoted off the top of the seniority list. With the best qualified promotion system in effect, there is a zone of officers considered. The selectees numbering fewer in number than those in the zones, those not selected are then passed over, thereby eliminating the lesser qualified officers through non-selection.

Senator LONG. What happens to those less qualified officers that are not selected? Are they supposed to drop out?

Admiral McCUBBIN. Two times at bat and they are out, sir.

Senator LONG. I guess you have some knowledge of how this system works, and I would assume when an officer is passed over that is demoralizing to that officer?

Admiral McCUBBIN. Yes, sir.

Senator LONG. What percentage of those officers would you be required to pass over when you promote the best qualified?

Admiral McCUBBIN. In captains we would pass over about 70 percent; in commanders we would pass over about 40 percent. This is necessary through the disparity in the percentage of Reserve officers allowed in each of these grades as compared to the Regular service percentages.

For example, the captains' percentage is 6 percent in the regular service; 1½ percent in the Reserve.

Senator LONG. You say in your statement that you have no objection to the amendments in the House bill.

Does that mean you are in favor of them, or would you mind explaining what the merits of the amendment are as you see them?

First, do you favor the amendment or just take no position at all?

Admiral McCUBBIN. I think our official position was we had no objection to those amendments.

Senator LONG. Would you mind explaining the merits of them?

Admiral McCUBBIN. With regard to the promotion of ensigns they would then by reason of the amendment be treated as ensigns in other services, their date of precedence would be the date they were commissioned rather than the date they were called to active duty. This would give them the same treatment that the officers in other services have when commissioned.

Senator LONG. I have some additional questions which I will submit to you and you can answer those for the record.

(The questions and answers referred to follow:)

*Question. How many Reserve officers does the Coast Guard now have?*

Answer. As of 31 January 1970, the Coast Guard Reserve had a total of 4,467 officers in an active status, which includes 1,764 in the Selected Reserve, 1,132 on extended active duty, 53 in the Standby Reserve (Active Status) and 1,518 in the Active Status Pool of the Ready Reserve.

*Question. What is the authorized number of Reserve officers?*

Answer. 14 USC 772(a) states that "the authorized number of officers in the Coast Guard Reserve in active status is 5,000".

*Question How will these numbers be affected if the proposal to phase out the Selected Reserve is carried out?*

Answer. Over an estimated 10 year period, the number of Reserve officers in an active status should stabilize at approximately 1,300 officers. Phase out of the Selected Reserve will probably induce many junior officers to transfer to other services or to request transfer to either the Standby Reserve (Inactive Status) or Retired Reserve, or to be discharged. Other officers, primarily those more senior officers in grades of lieutenant commander and above, will probably wish to continue active participation in the Coast Guard Reserve and accrue retirement points through correspondence courses or volunteer (non-paid) training, in order to complete 20 satisfactory years of service to qualify for retirement with pay. The net effect, however, is certain to be a substantial net decrease in the number of inactive duty officers who remain in an active status in the Coast Guard Reserve.

The composition of the officer corps which would remain in an active status after the end of the 10 year period, would principally include officers from Officer Candidate School who are obligated under law to remain in the Reserve for a six year period. Other remaining officers would be those who would variously be commissioned for special active duty, from maritime academies, law schools, engineering schools and for aviation programs, when released from their active duty obligation.

*Question. Relating to S. 3080 and H.R. 13716, why is it necessary to exceed grade limitations during the transition period?*

Answer. Our implementation of this legislation would be over a five year period. During that time, we would utilize the excess grade strengths for the purpose of a more equitable elimination of the problem area of the hump, while simultaneously minimizing the disruptive effects of increasing the rate of promotion flow. Without the excess number provision, it would be necessary to hold more drastic continuation boards to remove large numbers of senior officers for the purpose of providing billets for those officers in lower grades who are selected for promotion. Such heavy use of continuation boards would create additional adverse effects on the morale and interest of our Reserve officers. The excess provisions would also reduce to a minimum the attrition caused disruption of the training program, by the temporary retention in an active status of a limited number of experienced instructors/administrators who would otherwise have to be removed if we were to remain within our current grade limitations.

*Question. Would enactment of S. 3080 or H.R. 13716 result in additional government cost for salaries and retirement pay?*

Answer. The additional cost of this legislation is small, approximately only 0.086% of our current Reserve costs on a yearly basis.

*Question. Do you have an itemized estimate of the additional costs which the government will incur if S. 3080 or H.R. 13716 is enacted?*

Answer. Costs of this legislation are in two categories:

a. Additional pay and allowances for officer drill pay and Active Duty for Training. In the first year after enactment of the legislation, we expect an additional cost of \$38,000 for officer pay and allowances. This added cost is estimated to decrease to zero in a linear fashion over the next four years.

b. Additional retired pay expense. This expense is estimated to be a maximum of \$18,000/year average cost for a 24 year period, with actual funds obligations to commence approximately eight years hence.

*Question. In summary, for what purpose have you proposed this legislation?*

Answer. The legislation would provide for a change to a Reserve promotion system based on best qualified standards, in contrast to the current Reserve system based on fully qualified standards.

*Question. For what reasons is the current promotion system unsatisfactory?*

Answer. The current system is incompatible with the best qualified system used by the Regular Coast Guard since 1963, and maintains a dual promotion system for Reserve officers on the active duty promotion list.

*Question. How will this proposal correct the inadequacies of the current system?*

Answer. It will provide the means to accelerate the flow of promotion, permitting Reserves to stay current with their contemporaries on active duty and will enhance the quality of the Reserve officer corps by removing the less qualified officers before they are promoted.

*Question. For what reason have you proposed a separate promotion system for officers of the Women's Reserve?*

Answer. SPARs are restricted in their assignments to inactive duty training and active duty for training primarily in administrative fields. Since most SPAR officers do not perform extended active duty, their training and experience is

limited in comparison to male officers and a best-qualified promotion system, wherein they would directly compete with male officers, would be highly inequitable.

*Question. Will this legislation, if enacted, solve your problems in Reserve promotions?*

Answer. In general, yes, as it will provide a means to alleviate the major problem area with which our current promotion system was not designed to deal. We currently have a larger number of officers eligible for promotion to captain, commander, and lieutenant commander than there are vacancies in these grades. This hump situation evolved because large numbers of officers who entered the Reserve during World War II and the Korean Emergency have remained active in the Reserve program. In addition, it is compounded by differences in promotion opportunity and in authorized grade strengths between the Regular service and the Reserve.

*Question. What reaction do you believe the Reserve officer corps has to the problem area of the hump?*

Answer. Because of the deceleration of promotion and the extension of times in grade before selection, we believe it has had serious effects upon the morale of the Reserve officer corps. For example, promotions to the grade of captain have been slowed to the point where a Reserve officer can not expect promotion until nearly four years after his Regular contemporaries.

*Question. If a best qualified promotion system were enacted, what do you believe would be the reaction of the Reserve officers corps?*

Answer. A best qualified promotion system has the support of most of the Reserve officer corps.

*Question. Will a best qualified promotion system affect the incentives for junior officers to enter the Reserve program?*

Answer. It is believed a best qualified promotion system would enhance the attractiveness of the program to junior officers through the incentive of accelerating promotion to the same rate used by the regular service.

*Question. How would you utilize the best-qualified promotion system to eliminate the hump?*

Answer. We would plan to administer a best qualified promotion system in conjunction with continuation boards authorized by 14 USC 787a in order to gradually phase out the hump.

*Question. Do you plan to temporarily exceed grade strengths to ease the implementation of this legislation in accordance with the recommendations of the House Committee report?*

Answer. We would use it to eliminate the hump more rapidly. However, we would plan to use it in such a manner as to not be disruptive to the unit training program. If this congressional assent provision is authorized we could eliminate the hump in two years versus the five, otherwise planned.

*Question. Will there not be other additional costs for your Reserve Training appropriation, if you are permitted to exceed authorized grade strengths for a five-year period?*

Answer. Our estimates indicate minimal additional costs. In a majority of cases, the officers who would comprise these excess numbers would not be performing training with pay, hence the cost to the training appropriation itself would be minimal. Correspondence courses, participation in Volunteer Training Units and appropriate duty without pay are examples of such non-paid training. It is also noted that the greatest portion of our training pay is received by officers in the grades of lieutenant commander and below, and the excess number provision would therefore, have little affect.

*Question. Of what use, then, is the new system to individual officers other than those in the hump situation?*

Answer. Over the very short run, this new system would have minimal effect upon junior officers promotions. However, as previously noted, the long term benefit for the best qualified system is in its attractiveness to the most highly qualified officer. Obviously, this is the individual we seek to attract and retain.

*Question. Assuming that the Selected Reserve were continued, what effect would this promotion system have upon your Reserve units?*

Answer. Any action we would take that results in acceleration of the flow of promotion will increase turnover in our Reserve units. However, the disruptive effects of adoption of a best qualified promotion system can be minimized by an orderly implementation of the system. We believe such effects will be compensated for through the incentive to remain active in the program afforded by the opportunity for a more attractive rate of promotion. To provide minimal disruption to the units, it is emphasize that this system must be implemented in an orderly fashion. We expect this can be accomplished by eliminating the hump over a two year period.

*Question. If this legislation were not enacted into law, would it be possible for you to eliminate the hump through use of continuation boards only?*

Answer. Although this method of resolving the problem of the hump is possible, it is not considered feasible because of the adverse effects continuation boards have on the officer corps morale as it denies them the opportunity for competitive selection for promotion among their contemporaries.

*Question. Why is a dual promotion system undesirable?*

Answer. Under current law, a Reserve officer on active duty receives duplicate appointments on the active duty promotion list and the inactive list. Since this overlap is unnecessary, we propose that the promotion of a Reserve officer while on active duty would continue and be recognized when he was released to inactive duty.

Senator LONG. Our next witness is Col. John T. Carlton of the Reserve Officers Association.

Colonel Carlton, we are pleased to see you here. You have been around the Hill for quite a long time, it seems to me; almost as long as I have, maybe longer.

#### STATEMENT OF COL. JOHN T. CARLTON, EXECUTIVE DIRECTOR, RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

Colonel CARLTON, Thank you, Mr. Chairman.

Mr. CHAIRMAN. I have a very brief statement here, and if it would please you, I will merely submit it for the record. We, of course, support the bill as passed by the House, and we think it is long overdue, and I believe the Senate bill substantially seeks the same purpose.

I would like to comment, if you don't mind, Mr. Chairman, on a question you asked Admiral McCubbin.

Senator LONG. We will print your statement in the record at this point.

(The statement in full follows:)

#### STATEMENT OF COL. JOHN T. CARLTON, EXECUTIVE DIRECTOR, RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

Mr. Chairman and Members of the Committee, We deeply appreciate the opportunity of appearing before your Committee to give our views on this most important legislative proposal.

This Bill, HR 13716 as passed by the House of Representatives, is long overdue. Over five years ago the Coast Guard developed and had enacted into legislation a Bill placing the Regular Coast Guard Officer Corps on a best qualified basis and established a promotion system for the Regular Coast Guard which is quite similar to the Navy Promotion System under the Officer Personnel Act (OPA).

At the time of enactment of this legislation the Reserve Officer Personnel Act (ROPA) affecting the Coast Guard Reserve promotions was left unchanged and the Coast Guard Reserve even now, over five years later, is being promoted on the antiquated fully qualified system.

The Commandant of the Coast Guard convened a Study Group shortly after the passage of the new regular promotion legislation. This Study Group recommended proposed legislation some five years ago which is the basis of the Bill which you are now considering.

HR 13716 as now written and passed by the House is an excellent Bill and we strongly recommend its adoption in all areas.

Since the Regulars and the Reserves have been operating on two separate systems for the past five years certain disparities will occur in the process of transition from the present "fully qualified system" to the "best qualified system." It is therefore requested that the Committee in its report give Congressional assent for the Secretary of Transportation to exceed grade limitations for a period of five years in order to insure that each year group is provided equality of treatment.

We feel that one additional technical change would be appropriate in this Bill. As you know, the Reserve Officer Personnel Act (ROPA) included the Coast Guard Reserve when it provided for the protection of the vested interest in paid retirement earned by Reserve officers having in excess of 18 but less than 20 satisfactory years of service, who, under some other law, would be involuntarily transferred from an active status. However, the Coast Guard Reserve was inadvertently omitted in the codification of that section of ROPA in Title 10. While the Coast Guard Reservist is guaranteed the same rights and benefits as are lawful for the Naval Reservist under the assimilation provisions of 14 USC 755, it would be well to correct this oversight with a clarifying, technical amendment to Sections 1006 (a) and (b) of Title 10. We have been assured that the Coast Guard has no objection. Therefore, we submit the following amendments by adding the words "or section 787 or 787a of Title 14" after the words "or 863 of this title" in both paragraph (a) and paragraph (b) of Section 1006 of Title 10.

Paragraphs (a) and (b) would then read in accordance with the enclosure to this statement with the proposed change underlined.

Mr. Chairman and Members of the Committee, we appreciate the opportunity of appearing before you on this important legislative proposal.

AMENDMENTS TO SECTIONS 1006 (a) AND (b) OF TITLE 10, U.S. CODE,  
PROPOSED BY ROA

Add the words "*or section 787 or 787a of Title 14*" after the words "or 863 of this title" in paragraph (a) of Section 1006 of Title 10.

Add the words "*or section 787 or 787a of Title 14*" after the words "or 863 of this title" in paragraph (b) of Section 1006 of Title 10.

So that Section 1006, Title 10, reads as follows:

"(a) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 18, but less than 19, years of service computed under section 1332 of this title, he may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title, *or section 787 or 787a of title 14*, without his consent before the earlier of the following dates \* \* \*.

"(b) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 19, but less than 20, years of service computed under section 1332 of this title, he may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title, *or section 787 or 787a of title 14*, without his consent before the earlier of the following dates \* \* \*."

Senator LONG. I suggest you get to the points you particularly want to discuss.

Colonel CARLTON. You have a letter from me and my national president about the proposal to phase out the Coast Guard Reserve, and we think this is a very poorly conceived idea, and I would like to solicit your support and help for our campaign to retain the Coast Guard Reserve.

I know you, Mr. Chairman, have had service in the Navy, and as a citizen officer in wartime you rendered a very vital and important service.

The Coast Guard Reserve is just as important as the Naval Reserve to that service. I wanted to call your attention to the fact so that there will be no implication in the record that you are supporting the phaseout of the Coast Guard Reserve next year. I hope you are not.

Senator LONG. I simply have taken no position on it, I am listening to what people have to say about it, and we will certainly consider the position of your association when we get around to voting on this matter, Colonel Carlton.

I believe I have a question or two for you.

Would the technical amendment that you recommend in your statement have any substantive effect at all?

Colonel CARLTON. This would merely clarify what the principal purpose of the bill is and the technical amendment which is attached to page 2 there as an enclosure would clarify a system under which an officer cannot be retired prior to his obtaining 20 years of service just in order to prevent him from attaining 20 years of service.

This is the same as the other services. They cannot be retired or removed if they have 18 years without having the opportunity of getting a minimum of 20 years.

While it is not the policy or the practice or desire to keep an Officer merely to permit him to qualify for retirement, at the same time it should not be permissible to retire an officer to prevent him from becoming qualified if in other ways he is a qualified officer.

Senator LONG. You said in your statement that the Commandant Study Group recommended this legislation 5 years ago. Why do you think it took so long to get here?

Colonel CARLTON. We can't explain that. In Government it takes a long time. Government is very slow and ponderous, particularly in a democracy, and it takes a long time for a bureaucracy to move.

Senator LONG. Why do you feel it is necessary to exceed limitations for 5 years if this bill is enacted?

Colonel CARLTON. Merely in an adjustment period, if you went into this system cold turkey you would create a lot of inequities and this gives you some flexibility. It would give the Coast Guard some flexibility.

Senator LONG. Thank you very much.

That concludes this hearing.

(Whereupon, at 10:30 a.m., the subcommittee was adjourned.)



The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. The second part outlines the procedures for handling discrepancies and errors, stating that any such issues should be reported immediately to the relevant department. The third part details the process for auditing the accounts, ensuring that all entries are reviewed and verified. The final part concludes with a statement on the commitment to transparency and accountability in all financial matters.

