

1021

93/4
M 53
93-12

Y 4 .M 53: 93-12

COAST GUARD MISCELLANEOUS

GOVERNMENT

Storage

DOCUMENTS

27 1973

THE LIBRARY
KANSAS STATE UNIVERSITY



65BEE2 00911A

HEARINGS BEFORE THE SUBCOMMITTEE ON COAST GUARD AND NAVIGATION OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES HOUSE OF REPRESENTATIVES NINETY-THIRD CONGRESS

FIRST SESSION
ON

H.R. 9293.

TO AMEND CERTAIN LAWS AFFECTING THE COAST GUARD

H.R. 9575

TO PROVIDE FOR THE ENLISTMENT AND COMMISSIONING
OF WOMEN IN THE COAST GUARD RESERVE, AND FOR
OTHER PURPOSES

H.R. 5384, S. 1352

TO REQUIRE LOADLINES ON UNITED STATES VESSELS
ENGAGED IN FOREIGN VOYAGES AND FOREIGN VESSELS
WITHIN THE JURISDICTION OF THE UNITED STATES, AND
— FOR OTHER PURPOSES

JULY 31, AUGUST 1, 1973

Serial No. 93-12

Printed for the use of the
Committee on Merchant Marine and Fisheries

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1973

20-C35

COMMITTEE ON MERCHANT MARINE AND FISHERIES

LEONOR K. (MRS. JOHN B.) SULLIVAN, Missouri, *Chairman*

FRANK M. CLARK, Pennsylvania
THOMAS L. ASHLEY, Ohio
JOHN D. DINGELL, Michigan
THOMAS N. DOWNING, Virginia
PAUL G. ROGERS, Florida
FRANK A. STUBBLEFIELD, Kentucky
JOHN M. MURPHY, New York
WALTER B. JONES, North Carolina
ROBERT L. LEGGETT, California
MARIO BIAGGI, New York
GLENN M. ANDERSON, California
E (KIKI) DE LA GARZA, Texas
PETER N. KYROS, Maine
RALPH H. METCALFE, Illinois
JOHN B. BREAU, Louisiana
FRED B. ROONEY, Pennsylvania
BOB ECKHARDT, Texas
PAUL S. SARBANES, Maryland
BO GINN, Georgia
GERRY E. STUDDS, Massachusetts
DAVID R. BOWEN, Mississippi

JAMES R. GROVER, Jr., New York
WILLIAM S. MAILLIARD, California
CHARLES A. MOSHER, Ohio
PHILIP E. RUPPE, Michigan
GEORGE A. GOODLING, Pennsylvania
PAUL N. McCLOSKEY, Jr., California
GENE SNYDER, Kentucky
ROBERT H. STEELE, Connecticut
EDWIN B. FORSYTHE, New Jersey
PIERRE S. (PETE) DU PONT, Delaware
WILLIAM S. COHEN, Maine
TRENT LOTT, Mississippi
DAVID C. TREEN, Louisiana
JOEL PRITCHARD, Washington
ED YOUNG, South Carolina
DON YOUNG, Alaska

ERNEST J. CORRADO, *Chief Counsel*

FRANCES STILL, *Chief Clerk*

CARL L. PERIAN, *Professional Staff*

RICHARD N. SHAROOD, *Minority Counsel*

WILLIAM C. ROUNTREE, *Minority Counsel*

SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

JOHN M. MURPHY, New York, *Chairman*

FRANK M. CLARK, Pennsylvania
WALTER B. JONES, North Carolina
MARIO BIAGGI, New York
DAVID R. BOWEN, Mississippi
JOHN B. BREAU, Louisiana
PAUL S. SARBANES, Maryland
PAUL G. ROGERS, Florida
E (KIKI) DE LA GARZA, Texas
FRED B. ROONEY, Pennsylvania

PHILIP E. RUPPE, Michigan
JAMES R. GROVER, Jr., New York
GENE SNYDER, Kentucky
ROBERT H. STEELE, Connecticut
TRENT LOTT, Mississippi
DAVID C. TREEN, Louisiana
ED YOUNG, South Carolina
DON YOUNG, Alaska

CONTENTS

	Page
Hearings held—	
July 31, 1973.....	1
August 1, 1973.....	31
Text of—	
H.R. 5384.....	13
H.R. 9293.....	2
H.R. 9575.....	9
S. 1352.....	13
Reports from—	
Executive Communication No. 664.....	4
Executive Communication No. 1136.....	10
Executive Communication No. 444.....	15
Reports from—	
H.R. 9293:	
Civil Service Commission.....	9
H.R. 5384:	
Justice Department.....	17
State Department.....	17
Treasury Department.....	17
Statement of—	
Bachand, Capt. Mary E., U.S. Coast Guard Reserve.....	32
Cleary, William.....	18
Huie, Capt. E. L., Director of Coast Guard Marine Corps Affairs, Reserve Officers Association.....	34
Jackson, Rear Adm. Alexander, Jr., U.S. Navy Retired, Reserve Officers Association of the United States.....	34
Jefferson, W/O Alice, U.S. Coast Guard.....	32
Johansen, Rear Adm. J. E., Chief, Office of Reserve, U.S. Coast Guard.....	18
L'Ecuier, Capt. Eleanor, U.S. Coast Guard.....	18, 32
Ratti, Rear Adm. Ricardo A., Chief Counsel, U.S. Coast Guard.....	18
Sargent, Vice Adm. Thomas R., III, Vice Commandant, U.S. Coast Guard.....	18
Vaughn, Capt. Sidney B., U.S. Coast Guard.....	18
Additional material supplied by—	
Coast Guard:	
Answers to questions of Hon. Philip Ruppe.....	44
Answers to questions submitted by Hon. Leonor K. Sullivan.....	53
Explanation of withdrawal of the proposed amendment.....	57
Impact on Reserve Call-up.....	58
Reserve Officers Association:	
Resolutions regarding women in the Coast Guard.....	35

COAST GUARD MISCELLANEOUS

TUESDAY, JULY 31, 1973

HOUSE OF REPRESENTATIVES,
COAST GUARD AND NAVIGATION SUBCOMMITTEE OF THE
COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met at 9:37 a.m., in room 1334, Longworth Office Building, Hon. John M. Murphy (chairman of the subcommittee), presiding.

Mr. MURPHY. The subcommittee will come to order.

The hearings this morning are to consider three pieces of legislation that have been requested by the administration through executive communications. They include H.R. 9293, the so-called Omnibus Coast Guard bill, which is designed to modernize, streamline, and provide for more efficient administration of this service, which has been given major responsibilities by the Congress that touch on the life and safety of every American.

The various changes proposed in H.R. 9293 would affect the Coast Guard's authority relating to aids to maritime navigation, to Coast Guard personnel matters concerning housing, promotion, the Coast Guard Reserve, and the Coast Guard Auxiliary and enact into permanent legislation certain provisions which now appear annually in appropriations bills. These provisions are related to the continuing availability of construction funds, authority for schooling of dependents outside the United States when not otherwise available, and authority for the payment of confidential investigative expenses.

H.R. 9575 is a bill to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes. The bill proposes to make certain changes to Titles 14 and 10, United States Code, for the purpose of providing for the appointment and enlistment of women in the Coast Guard Reserve, and to eliminate the concept of women's reserve as a separate branch within the Coast Guard Reserve.

According to the transmittal letter from Department of Transportation Secretary, Claude S. Brinegar to Speaker Carl Albert:

After enactment of the proposed legislation there would only be one Coast Guard Reserve, which would be composed of both male and female members. The draft bill is premised on the concept that the Coast Guard no longer requires a separate and distinct Women's Reserve Corps operating apart from the mainstream of the Coast Guard. Rather, the times and needs of the service clearly call for the full integration of women into the Coast Guard Reserve. This integration would allow women to train and serve on both active and inactive duty as an integral part of the whole Coast Guard team in those mission areas dictated by the needs of the service.

This proposal, which will afford equal treatment to all members of the Coast Guard regardless of their sex, is long overdue. This should certainly make recruitment of females easier, and I am happy to be involved in this movement to bring the Coast Guard, with its long tradition of service and sacrifice, into the 20th century as far as women are concerned.

S. 1352, provides that existing law, which requires load lines on certain vessels of 150 gross tons or more, would be supplanted for new vessels by load line requirements based on a vessel's length. Other provisions of the legislation make it unlawful for a vessel to be so loaded as to exceed the maximum safe draft provided under the regulations and permit the detention of a vessel about to depart in an overloaded condition.

The subcommittee will go into executive session immediately following the legislative hearings to take testimony on the reestablishment by the Coast Guard of a surface vessel patrol in the South Florida/Bahamas area. As I understand it, this patrol will be conducted in the general offshore area bounded by U.S. territorial waters, Bahamian territorial limits (3 miles), 15 miles off the Cuban Coast and south of latitude 26 degrees 10 minutes north.

As a result of consultations with the Department of State, the Coast Guard has recently begun to conduct surveillance activities and an active boarding program in the areas of:

Fulfilling the intent of the United States-Cuba hijacking agreement.

Fisheries disputes.

Impact of increased narcotic smuggling.

Pollution surveillance.

Influx of Haitian nationals into the United States.

The subcommittee will be given a briefing on the reasons for the resumption of these patrols and a report on actions taken in these areas during the past several months by Admiral T. R. Sargent, who is specifically here for that purpose this morning.

I would ask that the legislation and the executive communications be printed in the record at this point.

[The documents referred to follow:]

[H.R. 9293, 93d Cong., first sess.]

To amend certain laws affecting the Coast Guard

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

(1) Section 83 is amended by inserting the words "in or adjacent to the navigable waters of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States," between the word "navigation" and the word "without" in the first sentence thereof.

(2) Section 85 is amended—

(A) by deleting the words "on fixed structures" from the catchline;

(B) by inserting the words "and floating" between the word "fixed" and the word "structures" in the first sentence thereof;

(C) by deleting the word "navigable" between the word "over" and the word "waters" and by inserting the words "subject to the jurisdiction" between the word "waters" and the words "of the United States"; and

(D) by adding the following words at the end of the first sentence thereof: "and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States".

(3) Section 86 is amended by deleting the word "any" preceding the words "navigable waters" and substituting therefor the word "the" and by inserting the words "or waters of the continental shelf" between the words "navigable waters" and the words "of the United States" in the first sentence thereof.

(4) The analysis of chapter 5 is amended by deleting the words "on fixed structures" in item (section) 85.

(5) The second sentence of subsection (d) of section 214 is amended by changing the period at the end thereof to a comma and by adding the following to the sentence: "or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade."

(6) Subsection (a) of section 283 is amended by inserting the words "has completed at least 20 years of active service or" between the word "he" and the word "is" in paragraph (3) thereof.

(7) Section 285 is amended by inserting the words "he has completed at least 20 years of active service or is" between the word "if" and the word "eligible" in paragraph (1) thereof.

(8) Section 288 is amended—

(A) by deleting in subsection (a) the words "if not earlier retired" and substituting therefor the words "unless retired under some other provision of law";

(B) by adding at the end of subsection (a) a new sentence as follows: "An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone."

(9) Section 475 is amended by amending subsection (e) to read:

"(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 1976."

(10) Section 656 is amended—

(A) by amending the catchline to read:

"§ 656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters";

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(C) by inserting a new subsection (a) as follows:

"(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construction, and improvement of facilities, for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended."

(11) Section 657 is amended—

(A) by deleting from the catchline the semicolon and the words following "children";

(B) by designating the existing section as subsection (b); and

(C) by inserting a new subsection (a) as follows:

"(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents."

(12) Chapter 17 is amended by adding the following new section after section 657:

"§ 658. Confidential investigative expenses

"(a) Moneys appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.

"(b) The Commandant may delegate the authority granted in this section to any person in, or employed by, the Coast Guard, with or without the authority to make successive redelegations."

- (13) The analysis of chapter 17 is amended—
 (A) by amending item (section) 656 to read:
 "656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, testing and evaluation; and for the alteration of bridges over the navigable waters."
 (B) by amending item (section) 657 to read:
 "657. Dependent school children."
 (C) by adding the following after item (section) 657:
 "658. Confidential investigative expenses."
 (14) The last sentence of subsection (a) of section 760 is amended by deleting therein the figure "\$300" and substituting therefor the figure "\$600".
 (15) Chapter 21 is amended by adding after section 764 the following new section:
"§ 765. Enlistment of members engaged in schooling
 "To permit the enlistment of Reserve members without interruption of full-time schooling in which they are engaged, the four-month initial period of active duty for training requirement of subsection (d) of section 511 of title 10, United States Code, may be divided into two successive annual periods of not less than two months each."
 (A) by inserting the following after item (section) 764:
 "765. Enlistment of members engaged in schooling."
 and (B) by inserting the following after item (section) 795:
 "796. Failure of selection for promotion.
 "797. Promotion; acceptance; oath of office.
 "798. Rear admiral; maximum service in grade."
 (17) Section 830 is amended—
 (A) by inserting in the first sentence thereof:
 (i) the phrase "including authorized travel to or from such duties," between the words "duties" and "and";
 (ii) the word "vehicle," between the words "aircraft," and "or"; and
 (B) by inserting in the second sentence thereof the word "vehicle," between the words "aircraft," and "or" the three times those words occur.
 (18) Section 832 is amended by adding at the end thereof a new sentence as follows: "The performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary."
 SEC. 2. Paragraphs (5) and (8) of section 1 of this Act are effective as of the original date of enactment of the sections thereby amended.
 SEC. 3. Subsection (a) of section 2683 of title 10, United States Code, is amended by deleting the words "of a military department" in the first sentence thereof and substituting therefor the word "concerned".

[EXECUTIVE COMMUNICATION NO. 664]

THE SECRETARY OF TRANSPORTATION,
 Washington, D.C., March 23, 1973.

HON. CARL ALBERT,
 Speaker of the House of Representatives,
 Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill to amend certain laws affecting the Coast Guard together with a comparative type showing changes made in existing law.

The proposed bill would make changes to titles 14 and 10, United States Code, to permit more efficient administration of the Coast Guard, to resolve several problems and ambiguities which have become apparent in the administration of the personnel laws, and to preclude greater obsolescence of several provisions which should be updated.

From time to time in recent years various departments and agencies have been admonished by the Congress to seek permanent legislation to replace sub-

stantive provisions which inappropriately appear in appropriations bills. This proposal responds to that advice by incorporating into title 14 provisions of that type relating to the continuing availability of construction funds, authority for schooling of dependents outside the United States when not otherwise available, and authority for the payment of confidential investigative expenses.

A second category of amendments responds to factual and legal issues, relating principally to officer personnel, which have arisen in recent years and the uniqueness of which did not permit anticipation prior to enactment of P.L. 88-130, the most recent major revision of Coast Guard officer personnel laws. For example, the current officer promotion scheme provides that officers twice passed over for promotion and who have completed at least 18 years of service shall be retained until they complete 20 years of service and then shall be retired. The general retirement entitlement for officers requires that an officer shall have completed 20 years of service of which at least 10 years have been commissioned service. If an officer who has completed 20 or more years service with less than 10 commissioned is twice passed over for promotion, theoretically he is not entitled to retirement nor does the above described provision for involuntary retirement apply. Certainly it was never contemplated that an officer with over 20 years of service would be discharged while an officer of lesser service would be retained so that he could retire at the completion of 20 years service. The proposed amendments to sections 283 and 285 of title 14 will provide express authority for the retirement of an officer in the situation described. Other amendments in this category relate to overcoming a suggestion that captains completing 30 years service may only be retired involuntarily vice voluntarily on the same date, the distinction in some cases resulting in differences in subsequent benefits; altering the fact that officers selected for exemplary performance from below normal promotion zones can in some cases be subject to earlier involuntary retirement than they would otherwise have been; and eliminating the reduction in pay that some warrant officers suffer when being promoted to higher commissioned grade.

Regarding the updating of certain provisions, 14 U.S.C. 465 contains authority for inadequate housing used as public quarters. That authority will expire on June 30, 1973, and it is important that it be extended. Also, the \$300 statutory figure assumed to be a temporary reservist's monthly pay for benefit computations when he suffers disability or death on duty was established in 1956. Our proposed bill raises the figure to \$600.

The remaining provisions effect other minor substantive and technical changes. They include portal to portal entitlement to death and disability benefits by auxiliaries engaged in Coast Guard business under orders, authority to pay auxiliaries actual necessary expenses under some circumstances, and clarification of the right to exercise certain authority over floating as well as fixed structures within the navigable waters and beyond. As to the single change to title 10, section 2683 now permits the Secretaries of the military departments to relinquish, if appropriate, legislative jurisdiction over United States lands within their control. The amendment would provide the Secretary of the department in which the Coast Guard is operating with the same authority.

The cost implications of the proposed bill are relatively slight. No increases result from the transfer of provisions from the appropriations bills to title 14. Some of the provisions have indeterminate but minor cost implications such as the authority to pay auxiliaries under some circumstances for expenses incident to travel to or from assigned duties. Enactment of the proposal will result in pay computation adjustments for a few warrant officers. It can be stated with a fair degree of certainty that total budget implications will be less than \$25,000 for 1974 and can be absorbed within funds available.

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

The Office of Management and Budget had advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

CLAUDE S. BRINEGAR.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE
PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter is italic)

TITLE 14

§ 83. Unauthorized aids to maritime navigation; penalty.

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation *in or adjacent to the navigable waters of the United States, its territories or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States*, without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation continues shall be considered as a new offense.

§ 85. Aids to maritime navigation [on fixed structures]; penalty.

The Secretary shall prescribe and enforce necessary and reasonable rules and regulations, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed *and floating* structures in or over [navigable] waters *subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States*. Any owner or operator of such a structure, excluding an agency of the United States, who violated any of the rules or regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding \$100 for each day during which such violation continues.

§ 86. Marking of obstructions.

The Secretary may mark for the protection of navigation any sunken vessel or other obstruction existing on [any] *the navigable waters or waters of the continental shelf of the United States* in such manner and for so long as, in his judgment, the needs of maritime navigation require. The owner of such an obstruction shall be liable to the United States for the cost of such marking until such time as the obstruction is removed or its abandonment legally established or until such earlier time as the Secretary may determine. All moneys received by the United States from the owners of obstructions, in accordance with this section, shall be covered into the Treasury of the United States as miscellaneous receipts. This section shall not be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same and remove it as required by law.

§ 214. Original appointment of temporary officers.

(a) * * *

(b) * * *

(c) * * *

(d) Temporary appointments under this section do not change the permanent probationary, or acting status of persons so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person who is appointed under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment under this section [., or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade.

(e)

(f)

§ 283. Regular lieutenants; separation for failure of selection for promotion; continuation.

(a) Each officer of the Regular Coast Guard appointed under section 211 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander for the second time shall:

(1) be honorably discharged on June 30 of the fiscal year in which his second failure of selection occurs; or

(2) if he so requests, be honorably discharged at an earlier date without loss of benefit that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he *has completed at least 20 years of active service* or is eligible for retirement under any law, be retired on that date; or

(4) if, on the date specified for his discharge in clause (1), he has completed at least eighteen years of active service, be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

(b)

(c)

§ 285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.

Each officer of the Regular Coast Guard serving in the grade of lieutenant commander or commander, who has failed of selection for promotion to the grade of commander or captain, respectively, for the second time shall:

(1) *if he has completed at least 20 years of active service* or is eligible for retirement under any law of June 30 of the fiscal year in which his second failure of selection occurs, be retired on that date; or

(2) if ineligible for retirement on the date specified in clause (1) be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

§ 288. Regular captains; retirement.

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral shall, [if not earlier retired] *unless retired under some other provision of law*, be retired on June 30 of the fiscal year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. *An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone.*

(b)

§ 475. Leasing and hiring of quarters; rental of inadequate housing.

(a)

(b)

(c)

(d)

(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 1973[3]6.

(f)

(g)

§ 656 [Use of appropriations to restore, replace, establish, or develop facilities.] *Use of monies appropriated for acquisition, construction, and improvement; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters.*

(a) *Funds appropriated to or for the use of the Coast Guard for acquisition, construction, and improvement of facilities; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended.*

[(a)](b) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

[(b)](c) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than \$200,000 for any one project.

§ 657. Dependent school children [; transportation of].

(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.

(a)(b) Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

§ 658. Confidential investigative expenses.

(a) Monies appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.

(b) The Commandant may delegate the authority granted in this section to any person in, or employed by, the Coast Guard, with or without the authority to make successive redelegations.

§ 760. Disability or death benefits for temporary members.

(a) In case of physical injury, or death resulting from physical injury, to any temporary member of the Reserve incurred incident to service while performing active Coast Guard duty, or engaged in authorized travel to or from such duty, the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, subject to this section, shall apply, and shall be administered by the Secretary of Labor in the same manner and to the same extent as if such person were a civil employee of the United States and were injured in the performance of his duty. For benefit computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of [\$300]\$600.

(b) . . .

(c) . . .

(d) . . .

(e) . . .

§ 765. Enlistment of members engaged in schooling.

To permit the enlistment of Reserve members without interruption of full time schooling in which they are engaged, the four month initial period of active duty for training requirement of subsection (d) of section 511 of title 10, United States Code, may be divided into two successive annual periods of not less than two months each.

§ 830. Availability of appropriations.

Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation or ration allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized specific duties, including authorized travel to or from such duties, and for actual necessary expenses of operation of any motorboat, yacht, aircraft, vehicle, or radio station when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term "actual necessary expenses of operation," as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, vehicle, or radio station and for the constructive or actual loss of any motorboat, yacht, aircraft vehicle, or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such motorboat, yacht, aircraft, vehicle, or radio station rests with the Coast Guard.

§ 832. Injury or death in line of duty.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing any specific duty to which he has been

assigned by competent Coast Guard authority, such member or his beneficiary shall be entitled to the same benefits provided for temporary members of the Reserve who suffer physical injury or death resulting from physical injury incurred incident to service. Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard. *The performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary.*

TITLE 10

§ 2683. Relinquishment of legislative jurisdiction.

(a) Notwithstanding any other provision of law, the Secretary [of a military department] concerned may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

(b) The authority granted by this section is in addition to and not instead of that granted by any other provision of law.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 1, 1973.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries,
U.S. House of Representatives,
Washington, D.C.

DEAR MADAM CHAIRMAN: This is in reply to your request for the views of the Civil Service Commission on H.R. 9293, a bill "To amend certain laws affecting the Coast Guard."

The provisions of H.R. 9293 do not deal with matters of administrative concern to the Civil Service Commission and accordingly the Commission defers to the views of the Department of Transportation and those of other interested departments and agencies.

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

By direction of the Commission:

Sincerely yours,

J. B. SPAIN,
Acting Chairman.

[H.R. 9575, 93d Cong., first sess.]

A BILL To provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 31 of title 10, United States Code, is amended as follows:

Subsection (c) of section 510 is amended by changing the period at the end of the second sentence to a semicolon, and by inserting immediately thereafter the words "except for the Coast Guard, in which women are enlisted in the grades and ratings prescribed by the Secretary of the department in which the Coast Guard is operating."

SEC. 2. Chapter 35 of title 10, United States Code, is amended as follows:

Subsection (c) of section 591 is amended by changing the period at the end of the third sentence to a semicolon, and by inserting immediately thereafter the words "except for the Coast Guard, in which women are appointed in grades prescribed by the Secretary of the department in which the Coast Guard is operating."

SEC. 3. Chapter 3 of title 14, United States Code, is amended as follows:

- (1) Subsection (a) of section 41a is amended—
 - (a) by striking the comma in the second sentence following the words "Retired officers" and inserting in lieu thereof the word "and";
 - (b) by striking from the second sentence the following phrase ", and officers of the Women's Reserve".
- (2) Subsection (e) of section 42 is amended—
 - (a) by striking the comma in the second sentence following the words "Coast Guard Academy" and inserting in lieu thereof the word "and";
 - (b) by striking from the second sentence the phrase ", and of the Women's Reserve".

SEC. 4. Chapter 21 of title 14, United States Code, is amended as follows:

- (1) Subsection (e) of section 755 is amended by striking in the first sentence the words "of the Treasury to be exercised with respect to the Coast Guard when the Coast Guard is operating under the Treasury Department."; and inserting in lieu thereof the words "of Transportation to be exercised with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy.".
- (2) Section 762 is repealed.
- (3) Subsection (a) of section 771 is amended to read as follows:
 - (a) This subchapter applies only to the Coast Guard Reserve."
- (4) Subsection (f) of section 775 is repealed.
- (5) Subsection (c) of section 780 is amended as follows:
 - (a) in the first sentence by striking the word "high" and inserting in lieu thereof the word "higher".
 - (b) in clause (1), by striking the word "male", and by adding the word "and" following the semicolon.
 - (c) in clause (2), by striking the word "male", and by changing the semicolon to a period.
 - (d) by repealing clauses (3) and (4).
- (6) Subsection (i) of section 780 is repealed.
- (7) Subsection (a) of section 787 is amended by striking at the beginning thereof the words "Officers of the Women's Reserve in the grades of lieutenant (junior grade) and lieutenant failing of selection for promotion to the next higher grade, and all other".
- (8) Subsection (c) of section 796 is repealed.

SEC. 5. Effective upon enactment of this Act, all members of the women's branch of the Coast Guard Reserve who were serving on active or inactive duty on the day before enactment shall become members of the Coast Guard Reserve without loss of grade, rate, date of rank, or other benefits earned by their prior service.

[EXECUTIVE COMMUNICATION No. 1136]

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 9, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a comparative type showing changes made in the existing law, and a draft of a proposed bill to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes.

The purpose of the proposed legislation is to amend titles 10 and 14, United States Code to provide for the full integration of women into the Coast Guard Reserve.

The Coast Guard Reserve was initially authorized in 1941, with membership limited to male citizens. In 1942, the Women's Reserve was established as a branch of the Coast Guard Reserve, essentially to utilize women at shore facilities thereby making males available for assignment to sea duty. In 1947, the Act which authorized establishment of the Women's Reserve was repealed, and all of the women then in the Coast Guard Reserve were separated from the service. When title 14, United States Code was codified in 1949, section 762 therein re-established the Women's Reserve as a branch of the Coast Guard Reserve. This section also contained specified limitations on the functions and authority of members of the Women's Reserve. The proposed legislation would amend titles 10 and 14, United States Code to provide for appointment and enlistment of women in the Coast Guard Reserve, and to eliminate the concept of Women's Reserve as a

separate branch within the Coast Guard Reserve. After enactment of the proposed legislation there would only be one Coast Guard Reserve, which would be composed of both male and female members.

The draft bill is premised on the concept that the Coast Guard no longer requires a separate and distinct Women's Reserve Corps operating apart from the mainstream of the Coast Guard. Rather, the times and needs of the service clearly call for take full integration of women into the Coast Guard Reserve. This integration would allow women to train and serve on both active and inactive duty as an integral part of the whole Coast Guard team in those mission areas dictated by the needs of the Service.

It is not contemplated that a significant number of additional billets would be created as a result of this proposal. Rather, women members would merely occupy billets formerly held by male members where appropriate. Therefore, the cost implications of this proposal are negligible.

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

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

CLAUDE S. BRINEGAR.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED LEGISLATION

(Matter proposed to be omitted is enclosed in brackets, new matter is in italics)

TITLE 10

§ 510. Reserve components: qualifications

(a)

(b)

(1)

(2)

(c) Women may be enlisted as Reserves of the armed forces. Women are enlisted in the grades and ratings authorized for enlisted women of the regular component of the armed force concerned[.]; *except for the Coast Guard, in which women are enlisted in the grades and ratings prescribed by the Secretary of the department in which the Coast Guard is operating.* Any female former enlisted member of an armed force may, if otherwise qualified, be enlisted as a Reserve of that armed force in the highest grade or rating in which she previously served satisfactorily on active duty (other than for training).

§ 591. Reserve components: qualifications

(a)

(b)

(1)

(2)

(c) Women may be appointed as Reserves of the armed forces for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve. Women who are otherwise qualified may be appointed as Reserves of the armed forces with a view to serving in the Army National Guard of the United States or the Air National Guard of the United States. Women are appointed in grades corresponding to the grades authorized for female officers of the regular component of the armed force concerned[.]; *except for the Coast Guard, in which women are appointed in grades prescribed by the Secretary of the department in which the Coast Guard is operating.* Any female former officer of an armed force may, if otherwise qualified, be appointed as a Reserve of that armed force in the highest grade in which she previously served satisfactorily on active duty (other than for training).

TITLE 14

§ 41a. Active duty promotion list

(a) The Secretary shall maintain a single active duty promotion list of officers of the Coast Guard on active duty in the grades of ensign and above. Retired officers[,] and officers of the permanent commissioned teaching staff of the Coast Guard Academy[, and officers of the Women's Reserve] shall not be included on

the active duty promotion list. Reserve officers on extended active duty, other than those serving in connection with organizing, administering, recruiting, instructing, or training the Reserve components or assigned to the Selective Service System, shall be included on the active duty promotion list.

§ 42. Number and distribution of commissioned officers

- (a)
- (b)
- (c)
- (d)

(e) Officers who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433 of this title, and officers serving with other departments or agencies on a reimbursable basis shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy[,] and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components[, and of the Women's Reserve] shall be prescribed by the Secretary.

§ 755. Benefits

- (a)
- (b)
- (c)
- (d)

(e) Members of the Coast Guard Reserve, except enlisted members retiring on the basis of years of active service, shall be entitled to the same retirement benefits as prescribed by law for personnel of the Naval Reserve, and wherever any such law confers authority upon the Secretary of the Navy, similar authority shall be deemed given to the Secretary [of the Treasury to be exercised with respect to the Coast Guard when the Coast Guard is operating under the Treasury Department.] *of Transportation to be exercised with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy.* Enlisted members of the Coast Guard Reserve requesting retirement on the basis of years of active service shall be entitled to the same retirement rights, benefits, and privileges as prescribed by law for enlisted members of the Regular Coast Guard.

- (f)

§ 762. Women's Reserve]

[a] The Women's Reserve shall be a branch of the Coast Guard Reserve and shall be administered in the same manner as provided for the Reserve in all respects, except as may be necessary to adapt such provisions to the Women's Reserve, or as may be otherwise provided by Act of Congress.]

[b] Members of the Women's Reserve may be commissioned, appointed, or enlisted in grades and ratings as prescribed by the Secretary.]

[c] Military authority of members of the Women's Reserve may be exercised over other members of the Women's Reserve only.]

[d] Members of the Women's Reserve shall not be assigned duty on board combat vessels, or in combat aircraft, nor shall they be otherwise assigned to combat duty. They shall not be assigned to duty other than in the United States, its territories and possessions, and shall not be assigned to duty outside the continental limits of the United States, unless they have requested such duty.]

[e] The husband of a member of the Women's Reserve of the Coast Guard may not be considered a dependent unless he is in fact dependent on her for over half of his support; and a child of such a member may not be considered a dependent unless he is in fact dependent on her for over half of his support.]

§ 771. Applicability of this subchapter

- (a) This subchapter applies []

[(1) only to the Coast Guard Reserve[;].

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

- (b)

§ 775. Selection boards; appointment

- (a)
- (b)
- (c)
- (d)
- (e)

[(f) Whenever a selection board is convened to consider officers of the Women's Reserve not serving on active duty, membership of the board shall include, when reasonably available, not less than two members of the Women's Reserve not serving on active duty.]

§ 780. Promotion; recommendations of selection boards

(a)

(b)

(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, shall recommend for promotion to the next [high] *higher* grade:

(1) those [male] officers serving in the grade of lieutenant (junior grade) or above whom it considers to be best qualified; *and*

(2) those [male] officers serving in the grade of ensign whom it considers to be fully qualified[;].

[(3) those officers of the Women's Reserve serving in the grade of lieutenant or below whom it considers to be fully qualified; and]

[(4) those officers of the Women's Reserve serving in the grade of lieutenant commander or above whom it considers to be best qualified. The recommendation of a selection board shall be based on comparative fitness for the duties to which officers of the Women's Reserve are normally assigned.]

(d)

(e)

(f)

(g)

(h)

[(i) Vacancies in all grades shall be filled by the combined total of those officers, male or female, who have been selected for promotion. Selection opportunity for officers of the Women's Reserve to grades above lieutenant commander shall be equivalent to that prescribed for male officers of the same grade. Officers of the Women's Reserve being considered for promotion to the grades of lieutenant commander or below shall be considered and selected in their order of precedence up to the number designated to be selected.]

§ 787. Failure of selection and elimination

(a) [Officers of the Women's Reserve in the grades of lieutenant (junior grade) and lieutenant failing of selection for promotion to the next higher grade, and all other] Reserve officers after failing of selection for promotion to the next higher grade for a second time, may be retained in or eliminated from an active status in the discretion of the Secretary. Those Reserve officers who are not retained in an active status shall be given an opportunity to apply for transfer to the Retired Reserve, if qualified, but unless so transferred shall be discharged on June 30 of the fiscal year in which they have completed the following periods of total commissioned service for the grades specified:

(b)

(1)

(2)

(3)

(c)

§ 796. Failure of selection for promotion

(a)

(b)

[(c) Those officers of the Women's Reserve in the grades of lieutenant and lieutenant (junior grade) who are junior to the last officer selected by a board pursuant to subsection (i) of section 780 of this title shall not be considered to have failed of selection, and the names of such officers shall be submitted to the next ensuing selection board.]

[H.R. 5384 and S. 1352, 93d Cong., first sess.]

BILLS To require loadlines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Voyage Load Line Act of 1973."

SEC. 2. The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as "Secretary") shall enforce the provisions of this Act

and prescribe regulations to carry out its provisions. With the consent of the Secretary of the Treasury, the Secretary may utilize officers of the Bureau of Customs to enforce this Act and the regulations established hereunder.

SEC. 3. DEFINITIONS.—As used in this Act—

- (1) “new ship” means a vessel the keel of which is laid (or which is at a similar stage of construction) on or after July 21, 1968; and
- (2) “existing ship” means a vessel which is not a “new ship”.

SEC. 4. APPLICABILITY.—(a) This Act applies to vessels which—

- (1) arrive at any port or place within the jurisdiction of the United States from foreign ports;
- (2) make voyages between foreign ports (except foreign vessels engaged in such voyages); or
- (3) depart from any port or place within the jurisdiction of the United States for a foreign port.

(b) This Act does not apply to—

- (1) ships of war;
- (2) pleasure craft not used in trade or commerce;
- (3) fishing vessels;
- (4) existing ships of less than one hundred and fifty gross tons;
- (5) new ships of less than seventy-nine feet in length;
- (6) vessels which navigate exclusively on the Great Lakes; or
- (7) vessels operating on sheltered waters between ports of the United States and neighboring countries as provided in any treaty of the United States.

(c) A vessel which voluntarily obtains loadlines shall be treated as a vessel subject to this Act until its loadline certificate is surrendered and its loadline marks removed.

(d) This Act does not abrogate any provisions of treaties or conventions in effect, which are not in conflict with the International Convention on Loadlines 1966, and to which the United States has acceded.

SEC. 5. DETERMINATION OF LOADLINES; ISSUANCE OF CERTIFICATE; PROHIBITION.—(a) The Secretary shall prescribe loadlines, the marking thereof, and associated condition surveys for vessels subject to this Act to indicate the minimum freeboard to which each may be safely loaded, giving due consideration to and making differentials for, the service, type, and character of each vessel, and in conformance with applicable international treaties or conventions to which the United States has acceded.

(b) Loadlines shall be permanently and conspicuously marked and maintained in the manner prescribed by the Secretary. Upon completion of survey requirements and a finding that the loadline is positioned and marked in the manner prescribed, the Secretary shall issue a loadline certificate, to the master or owner of the vessel, which shall be carried on board the vessel.

(c) A loadline shall not be established or marked which, in the judgment of the Secretary, authorizes less than the minimum safe freeboard. At the request of the owner a loadline may be established or marked to indicate a greater freeboard than that which the Secretary determines is the minimum safe freeboard; any such loadline shall be the prescribed loadline for purposes of section 9.

SEC. 6. APPOINTMENT OF SURVEYORS; REVOCATION.—(a) The Secretary shall appoint the American Bureau of Shipping, or such other United States nonprofit corporations or associations for the survey or registry of shipping which he approves, to determine that a vessel's condition is satisfactory and whether its loadline is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a loadline certificate.

(b) The Secretary may appoint for the purpose of this section:

- (1) any officer of the United States, or
- (2) at the request of a shipowner, any other corporation or association for the survey or registry of shipping which he approves.

(c) The Secretary may revoke an appointment under this section at any time.

SEC. 7. EXEMPTIONS.—When a vessel subject to this Act is shown to be entitled to an exemption from the provisions of this Act by an international agreement to which the United States has acceded, a certificate of exemption shall be issued to the vessel, and carried in lieu of the certificate required by section 5 of this Act.

SEC. 8. RECOGNITION; NONAPPLICABILITY.—(a) When it is found that the law and regulations in force in a foreign country relating to loadlines are equally effective as this Act and the regulations hereunder, or when a foreign country has acceded to an international loadline agreement to which the United States has acceded, the markings and certificate thereof of a vessel of the country shall be accepted as complying with the provisions of this Act and regulations hereunder. The control of such vessels shall be as provided in the applicable international agreement.

(b) Subsection (a) does not apply to vessels of foreign nations which do not similarly recognize the loadlines prescribed under this Act.

SEC. 9. LOADING RESTRICTIONS; RECORDATION.—(a) No vessel subject to this Act may be so loaded as to submerge the prescribed loadline, or to submerge the point where an appropriate loadline under the Act and the prescribed regulations should be marked.

(b) The master of a vessel subject to this Act shall, after loading but before departing for a voyage by sea from any port or place in which this Act applies, record in the official logbook or other permanent record of the vessel a statement of the relative position of the prescribed loadline mark applicable at the time in question with respect to the water surface, and of the actual drafts of the vessel, forward and aft, at the time, as nearly as they may be ascertained.

SEC. 10. DETENTION OF VESSELS.—(a) When the Secretary has reason to believe that a vessel is about to leave a port in the United States or its possessions in violation of this Act or the regulations hereunder, the Secretary may, upon notifying the master or officer in charge of the vessel, order the vessel detained.

(b) Clearance required by section 4197 of the Revised Statutes, as amended (46 U.S.C. 91), shall be refused or withdrawn from any vessel so detained until correction of deficiencies.

(c) The master or officer in charge of a vessel may petition the Secretary, in a manner prescribed by regulation, to review the detention order.

(d) Upon receipt of a petition, the Secretary may withdraw the detention order, modify it, or require independent surveys as may be necessary to determine the extent of deficiencies. Upon completion of his review, including results of any required independent surveys, he shall affirm, set aside, or modify the detention order.

(e) The owner of a vessel is liable for any costs incident to a petition for review and any independent surveys if the vessel is found to be in violation of this Act or the regulations hereunder.

SEC. 11. PENALTIES FOR VIOLATIONS.—(a) Except as otherwise provided in this section, the owner and the master of a vessel found in violation of this Act or the regulations thereunder are each liable to a civil penalty of not more than \$1,000 for each day the vessel is in violation.

(b) Each person, if the owner, manager, agent, or master of a vessel, who knowingly allows, causes, attempts to cause, or fails to take reasonable care to prevent the violation of subsection 9(a) of this Act or the regulations thereunder, is liable to a civil penalty, of not more than \$1,000 plus an additional amount of not more than \$500 per inch of unlawful submergence.

(c) For any violation of subsection (b) of section 9 of this Act or the regulations thereunder, the master of the vessel is liable to a civil penalty of not more than \$500.

(d) Any person who knowingly causes or permits the departure of a vessel from any port or place within the jurisdiction of the United States or its possessions in violation of a detention order pursuant to section 10 of this Act, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(e) Any person who causes or allows the concealment, removal, alteration, defacement, or obliteration of any mark placed on a vessel pursuant to section 5 of this Act and the regulations thereunder, except in the event of a lawful change or to escape enemy capture in time of war, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

(f) For any penalty under this section the vessel is also liable.

(g) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General.

SEC. 12. Act, March 2, 1929 (C. 508, 45 Stat. 1493); Act, May 26, 1939 (C. 151, 53 Stat. 783); and section 1 of Act, August 31, 1962 (Public Law 87-620, 76 Stat. 415), are hereby repealed.

[EXECUTIVE COMMUNICATION No. 444]

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 9, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill to require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes.

The draft bill is submitted to implement the provisions of the International Convention on Load Lines 1966, which the United States has accepted and which came into force on July 21, 1968. The Convention recognizes developments in the maritime industry since the drafting of the International Convention respecting Load Lines 1930, and the new regulations annexed to the 1966 Convention reflect these changes. The enclosed draft bill would provide for the implementation of these changes in the United States and to this end would replace existing authority commonly referred to as the "Foreign Load Lines Act", which would be repealed.

This proposed legislation was introduced in the 92nd Congress at the request of this Department as H.R. 758. Based upon comments received in the course of continuing review of the proposal, we recommended minor changes in the legislation by letter report of August 3, 1972 to the Chairman of the Committee on Merchant Marine and Fisheries. The draft proposal transmitted herewith reflects those subsequent recommended changes.

The existing law which requires load lines on certain vessels of 150 gross tons or more, would be supplanted for new vessels, by load line requirements based on a vessel's length. This is the major substantive change in the bill. The proposal follows the 1966 Convention in setting forth the vessels to which the load line requirements are applicable and in enumerating vessels excepted. With the exception of a new section dealing with certificates of exemption as provided for in the Convention, the remaining provisions of the draft bill parallel existing sections 2 through 8 of the Act of March 2, 1929, which were generally in need of editorial revision.

The draft bill would authorize the Secretary of the department in which the Coast Guard is operating to prescribe regulations for determining load lines. He would also be responsible for enforcing the provisions of the Act, and to this end use of the officers of the Bureau of the Customs with the consent of the Secretary of the Treasury, is provided for. Provision is also made for the determination of the position and manner of marking of load lines by the American Bureau of Shipping or other United States non-profit making organizations for the survey or registry of shipping and for the recognition of load line certificates issued by other nations which extend reciprocity to U.S. load line certificates.

Other provisions of the draft bill make it unlawful for a vessel to be so loaded as to exceed the maximum safe draft provided under the regulations and permit the detention of a vessel about to depart in an overloaded condition. The master of a vessel subject to the Act is required to record the ship's draft and position of the load line mark prior to the departure of a vessel from any port or place to which this Act applies.

Civil penalties are provided for violation of the Act or any regulations issued thereunder. The Act would also make it a crime to knowingly permit a vessel to depart from any port in violation of a detention order and to cause or allow the alteration of prescribed load line marks.

In the preamble to the 1966 Convention, the contracting governments state their intention "to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea." The proposal being submitted therefore, does not apply to vessels which engage in coastwise trade, or which navigate exclusively on the Great Lakes, and existing authority requiring load lines on vessels engaged in these trades would not be affected.

The enactment of this proposed bill would not impose any additional budgetary requirement upon this Department.

It would be appreciated if you would lay this proposal before the House of Representatives. A similar proposal has been submitted to the President of the Senate.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

CLAUDE S. BRINEGAR.

Enclosure.

[The draft bill is the same as H.R. 5384.]

DEPARTMENT OF JUSTICE,
Washington, D.C., May 8, 1973.

HON. LEONOR SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MADAME CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 5384, a bill "To require loadlines on United States vessels engaged in foreign voyages and foreign vessels, within the jurisdiction of the United States, and for other purposes."

Whether this legislation should be enacted involves policy considerations as to which the Department of Justice defers to the Department of Transportation.

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

Sincerely,

MIKE McKEVITT,
Assistant Attorney General.

DEPARTMENT OF STATE,
Washington, D.C., April 17, 1973.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.

DEAR MRS. SULLIVAN: The Secretary has asked me to reply to your letter of March 15, 1973 requesting comment on H.R. 5384, a bill "To require loadlines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes." The Department notes that this bill is identical with H.R. 17011 of the 91st Congress and H.R. 758 of the 92d Congress.

The Department endorses the proposed legislation which would change existing statutes in order to make domestic law governing loadlines more closely conform to the international standards set by the International Convention on Loadlines, 1966, to which the United States is a signatory.

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

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., April 30, 1973.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 5384, "To require loadlines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes."

The bill would replace the Act of March 2, 1929, as amended (45 Stat. 1492 (incorrectly cited as 1493 in section 12 of the bill); 46 U.S.C. 85-85g), to implement the provisions of the International Convention on Load Lines, 1966, which the United States has accepted and which came into force on July 21, 1968.

The Department has no objection to the proposed legislation and anticipates no administrative difficulties in carrying out its responsibilities under the bill.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

SAMUEL R. PIERCE, Jr.,
General Counsel.

Mr. MURPHY. The first witness this morning is Vice Adm. T. R. Sargent, Acting Commandant, U.S. Coast Guard, accompanied by Rear Adm. Ricardo A. Ratti, Chief Counsel, U.S. Coast Guard.

Admiral, you may proceed.

STATEMENT OF VICE ADM. THOMAS R. SARGENT III, VICE COMMANDANT, U.S. COAST GUARD; ACCOMPANIED BY REAR ADM. RICARDO A. RATTI, CHIEF COUNSEL; REAR ADM. J. E. JOHANSEN, CHIEF, OFFICE OF RESERVE; CAPT. SIDNEY B. VAUGHN; CAPT. ELEANOR L'ECUYER; AND WILLIAM CLEARY

Admiral SARGENT. Thank you, Mr. Chairman.

I have just a preliminary statement.

I am Vice Adm. Thomas R. Sargent III, Vice Commandant, U.S. Coast Guard.

I am pleased to appear before you today in support of S. 1352, H.R. 9293, and H.R. 9575.

I am accompanied by Rear Adm. Ricardo A. Ratti, Chief Counsel, who will be the principal witness on the three pending bills. Other members of my staff who are present and available to answer questions in their particular areas of expertise are Rear Adm. J. E. Johansen, Chief, Office of Reserve; Captain Sidney B. Vaughn, Captain Eleanor L'Ecuyer and Mr. William Cleary.

Mr. Chairman, I am pleased that you have sponsored the bills before you today. I recognize that these bills are not of national significance and your legislative schedule is an extremely busy one.

However, they are very important to the internal organization and management of the Coast Guard, and we are most appreciative that you have found time to schedule this hearing so promptly. This obvious interest in matters relating to the Coast Guard is very gratifying.

I will, of course, be pleased to answer such questions as the subcommittee wishes to pose, but now, may I introduce Rear Adm. Ratti who will speak to the three bills.

Admiral RATTI. Good morning, Mr. Chairman.

I have a prepared statement on each bill, and with your permission I will read the statement.

It is my pleasure to be here today to testify in support of H.R. 9293, a bill to amend certain laws affecting the Coast Guard.

The bill H.R. 9293 would make changes to titles 10 and 14, United States Code, to permit more efficient administration of personnel laws affecting the Coast Guard, and to update several provisions of those titles.

We have proposed three amendments to update and expand our aids to navigation authority. The proposed amendments to sections 83, 85, and 86 of title 14, United States Code are intended to extend the Coast Guard's jurisdiction under those sections to additional waters both within and without the territorial boundaries of the United States in recognition of existing and developing responsibilities of the Coast Guard in these areas.

The proposed amendment to section 86 seeks to make that section parallel to section 81. Under section 81 the Coast Guard has general authority to establish aids to navigation beyond the navigable waters in waters above the Continental Shelf. This includes the marking of obstructions.

The extension of section 86 is necessary to permit the Coast Guard to recover the costs of marking obstructions in those waters beyond the territorial sea. Consistent with this parallelism with section 81, we recommend that the amendment read "waters above" in lieu of

"waters of". This recommended language change and a later recommendation regarding section 83 have previously been discussed with a member of your staff.

Unlike sections 83 and 85, it is not necessary to also extend section 86 to waters subject to the jurisdiction of the United States, but which are not navigable waters of the United States.

Section 81 has long been interpreted as limiting the Coast Guard, within the United States, to providing aids to navigation for the navigable waters of the United States. We feel the authority to establish aids to navigation and mark obstructions in the non-navigable waters is properly left to the States or other Federal agencies having jurisdiction over specific bodies of water.

Our amendment to section 86 would merely permit the recovery of costs where we now have the authority to establish aids to navigation ourselves. The amendment to section 86 is not intended to apply to an obstruction below the surface which might damage fishing gear, but does not otherwise threaten maritime navigation.

Different considerations are involved with sections 83 and 85 because the extension of in personam jurisdiction where criminal liability is involved must be more specific.

Additionally, while we do not seek authority to establish aids to navigation in waters subject to the jurisdiction of the United States which are not navigable waters, we do feel it is necessary for the Coast Guard to be able to exercise regulatory control over any aids to navigation established in those waters consistent with our safety responsibilities under the Federal Boat Safety Act of 1971.

The amendments to sections 83 and 85 extend and clarify their application to the high seas to reach persons subject to the jurisdiction of the United States. These amendments are in aid of our present authority under section 81 to establish and maintain aids to navigation in specified areas of the high seas.

The in personam jurisdiction is, of course, limited to persons, public bodies, or instrumentalities subject to the jurisdiction of the United States so that foreign nationals and instrumentalities would not be affected.

In addition to extending in personam jurisdiction over U.S. nationals to the high seas in aid of our authority under section 81, the extension recognizes the responsibility attributed to the flag State under the Safety of Life at Sea Convention, 1960, chapter V, regulation 14, and under other concepts being developed by the international community, such as vessel traffic schemes. These schemes might result in the establishment of aids to navigation on the high seas.

While we are not seeking authority to establish those aids beyond our Continental Shelf at this time, we feel it appropriate for the Coast Guard to be able to prevent those subject to the jurisdiction of the United States from adversely affecting those international efforts.

The extension to section 85 will also eliminate an existing ambiguity regarding the "hiatus zone" between the seaward limit of the territorial sea and the landward boundary of the Outer Continental Shelf off the gulf coast of the States of Florida and Texas.

While the landward boundary of the Outer Continental Shelf is elsewhere coterminous with the seaward limit of the territorial sea, in the case of these two States, there is a 6-nautical-mile area seaward of the territorial sea where our authority is unclear.

The word "floating" is added to clarify the point that floating structures such as mooring buoys, floating docks, and oceanographic floats are subject to the requirements of this section. The amendment recognizes that developing technology will permit the use of other floating structures on the high seas.

For example, buoys might be used for the transshipment of oil and similar cargoes from supertankers to the United States.

Another extension of the authority of the Coast Guard under the amendments to section 85 and, as we are now recommending also to section 83, would be an extension to internal waters which are non-navigable, but which are subject to the jurisdiction of the United States.

The Federal Boat Safety Act of 1971 applies to those waters and, as earlier indicated, while we are not seeking authority to establish aids to navigation in these waters, we do feel it necessary to be able to regulate aids to navigation when they are established there.

The aids to navigation are, of course, a critical safety factor in waters filled with recreational boaters. As is presently proposed for section 85, we recommend that the amendment to section 83 read "waters subject to the jurisdiction" in lieu of "navigable waters". The term "navigable waters" has no legal significance as applied to the trust territories in this section.

The legislative history of the Federal Boat Safety Act of 1971 states that this phrase, "waters subject to the jurisdiction of the United States," extends beyond the navigable waters to "certain internal waters which are in the exclusive or concurrent jurisdiction of the United States."

We have interpreted this as requiring a Federal proprietary interest. Examples would include Army Corps of Engineers impoundments and waters in national parks and forests and under the control of the Tennessee Valley Authority. These waters are frequently the scene of heavy boating activity. The amendments will permit the Coast Guard to regulate aids to navigation in those waters, further insuring safe boating there.

In recent years various departments and agencies have been urged by the Congress to seek permanent legislation to replace substantive provisions which inappropriately appear in appropriations bills. This bill responds to that advice by incorporating into title 14 provisions relating to the continuing availability of certain appropriated funds, authority for schooling of dependents outside the United States when that schooling is not otherwise available, and authority for the payment of confidential investigative expenses. These changes to title 14 are included in the proposed amendments to sections 656 and 657 and in the proposed new section 658 respectively.

A third category of amendments responds to factual and legal issues relating principally to officer personnel which have arisen since the most recent revision of the Coast Guard officer personnel laws. These are the proposed amendments to sections 214, 283, 285, and 288 of title 14, United States Code.

The proposed amendment to section 214 would eliminate the reduction in pay that some warrant officers suffer when they are promoted to a higher commissioned grade. There have been instances since this section's enactment in 1963 where temporary W-4's with over 26 years of service have suffered pay reductions of over \$70 per

month when promoted to lieutenant, due to their permanent status of W-3. This amendment would eliminate that inequity.

Further, we have proposed that the amendment be made retroactive to eliminate those inequities which have already occurred. We estimate that the cost of making this amendment retroactive would be approximately \$25,000. This item and the amendments to sections 760 and 832 increasing the presumed monthly pay figures and scope of coverage for auxiliaries are the only items in the bill with direct cost implications.

The proposed amendments to sections 283 and 285 would eliminate the possibility that a regular lieutenant or lieutenant commander twice passed over for selection to the next higher grade must be mandatorily discharged in lieu of being retired, notwithstanding the fact that the officer had completed 20 years' service.

This situation could occur because of the requirement in section 291 that an officer with 20 years of service must also have at least 10 years of commissioned service to be eligible for retirement. It was never contemplated that an officer with 20 years of service would be discharged instead of retired simply because at the date of his mandatory separation from the service he had not completed 10 years of commissioned service. These amendments would expressly provide that such an officer could be retired rather than discharged.

The proposed amendments to section 288 seek to accomplish two things. First, they would overcome a suggestion that captains completing 30 years of service may only be retired involuntarily.

Although a recent Court of Claims decision on the present wording of this section held that this is not the case, the amendments would clarify the language in this regard.

Additionally, the amendments would alter the fact that under the statute as it is now worded, an officer selected for early promotion from below the promotion zone can in some cases be subject to earlier involuntary retirement than he otherwise would have been.

The service should be able to utilize such an officer for a full career. There are a number of officers in this situation now, the most senior of whom could be affected by the present statute in 1978.

We have requested that these amendments be made retroactive in order to insure that those who have previously retired under this section will uniformly receive the benefits of the Court of Claims opinion. The Court of Claims decision is legally binding only for the period preceding the date of the decision, October 13, 1972, until the Comptroller General adopts the decision as the correct interpretation. There would be no cost implications to this proposal since it is consistent with the Court of Claims decision.

Two provisions of the bill update the statutory authorities they address. The proposed amendment to section 475 would extend authority for inadequate housing used as public quarters to June 30, 1976. However, that provision has already been enacted into law by the Coast Guard authorization bill, Public Law 93-65. Accordingly, it is unnecessary to continue that amendment in this proposal.

The other provision to be updated concerns section 760, which is used for computation of disability benefits for members of the Coast Guard Auxiliary. The primary use of this section today is to compute similar benefits which would accrue to a member of the Coast Guard

Auxiliary through section 832. The \$300 statutory figure assumed to be a temporary reservist's monthly pay for benefit computations when he suffers disability or death was established in 1956.

The proposed bill would raise that figure to \$600. This figure is a more realistic assessment of monthly pay. It is an estimate at best, since auxiliaries come from a broad cross-section of society, but we feel it is a realistic figure. The Coast Guard Auxiliary is providing an increasingly valuable service to the public and the Federal Government as recreational boaters grow in number.

The presence of auxiliaries on active boating waters frequently releases active-duty and reserve Coast Guardsmen to attend to more pressing duties elsewhere. Since we have very limited claims experience under this section, we are unable to estimate the cost of this amendment. Although some increase in cost is anticipated, particularly when combined with the proposed extension of coverage in the amendment to section 832, we do not feel that the increase will be significant.

To further encourage the auxiliaries in their performance of duties, we have proposed an amendment to section 832 of title 14, United States Code to provide that an auxiliary is covered by injury and death benefits while he or she is engaged in travel to and from assigned duties, as well as during the performance of those duties. The proposed amendment to section 832 would accomplish this in conjunction with the amendment to section 760.

We had also proposed an amendment to section 830 of title 14, United States Code to expressly deal with damage to or loss of vehicles used by auxiliaries in travel to and from assigned duties.

Review of the amendment, however, reveals that it will create ambiguity in the law regarding the status of those vehicles while in fact providing no meaningful extension of protection to the auxiliary.

Accordingly, we recommend to the committee that the amendment to section 830 be withdrawn from the bill. This has previously been discussed with a member of your staff.

We have proposed a new section, section 765, to authorize the Coast Guard to split the 4-month initial period of active duty required by section 511(d) of title 10, United States Code. This will permit the training of new members of the Reserve without interrupting their education. This additional flexibility will be of some assistance in reducing the recruiting problems we are facing in the no-draft environment.

The last amendment, the sole provision dealing directly with title 10, United States Code, would amend section 2683 of that title to permit the Secretary of the department in which the Coast Guard is operating to relinquish to a State the legislative jurisdiction over lands or interests under his control within that State.

The problem which necessitates our seeking this authority is exemplified by a situation which has arisen at the Coast Guard Academy in New London, Conn. Within the Academy grounds there are two plots of land which are subject to exclusive Federal jurisdiction. These areas are in the more populous sections of the Academy reservation, and, within those areas, State and municipal statutes and common law do not apply. While it is desirable on occasion to seek the assistance of the New London Police Department within these areas, they are prohibited from entering or assisting Academy officials by the

fact that exclusive Federal jurisdiction exists in these areas. This amendment would permit a solution to that problem.

Mr. Chairman, that completes my prepared statement. I will be glad to answer any questions you or other members of the subcommittee may have.

Mr. Chairman, at this point we have examined H.R. 9293, the bill as printed, and there are a few stylistic and typographical errors which I am sure your staff will correct, and we have a list of them for your use.

Mr. MURPHY. You have submitted them to the staff?

Admiral RATTI. No, sir, we have not submitted them at this point. I have a marked up bill which shows the ones we were able to find.

Mr. MURPHY. Give them to the staff, and they will make the appropriate adjustment.

Admiral RATTI. Would you like me to continue with the other two statements?

Mr. MURPHY. I think we will go through them. They are short, and then we can get to the questioning.

Admiral RATTI. The second bill is H.R. 9575, a bill to provide for the enlistment and commissioning of women in the Coast Guard Reserve.

The bill would amend titles 10 and 14, United States Code, to provide for the full integration of women into the Coast Guard Reserve.

When the Coast Guard Reserve was initially authorized in 1941, its membership was limited to male citizens. It was not until 1942 that the Women's Reserve was established as a branch of the Coast Guard Reserve. In 1947, the act authorizing that establishment was repealed, and all of the women then in the Coast Guard Reserve were separated from the service.

In 1949, with the codification of title 14, United States Code, the Women's Reserve as a branch of the Coast Guard Reserve was re-established; but their functions and authority were specifically limited by the provisions of section 762 of title 14, United States Code.

Some of these limitations currently in existence are that members of the Women's Reserve can only exercise military authority over other members of the Women's Reserve, and that such members may be assigned to duty only in the United States, its territories and possessions. This bill would amend title 10, United States Code, in such a manner as to clearly provide for the appointment and enlistment of women in the Coast Guard Reserve, and would eliminate from title 14, United States Code, the concept of a Women's Reserve as a separate branch within the Coast Guard Reserve.

After enactment of the bill there would only be one Coast Guard Reserve, composed of both male and female members.

The Coast Guard no longer needs a separate and distinct Women's Reserve operating apart from the mainstream of the Coast Guard. The times and needs of the service clearly call for the integration of women into the Coast Guard Reserve.

We do not contemplate that this legislation would create additional Coast Guard billets to any significant degree. Women would simply occupy billets formerly held by male members. The cost implications of this proposal are therefore negligible.

Enactment of this legislation, integrating women into the Coast Guard Reserve, is the first step toward our ultimate goal of integration of women into the Coast Guard, both Regular and Reserve.

That completes the statement on H.R. 9575.

The third bill we have today is S. 1352 and H.R. 5384, bills to implement the provisions of the International Convention on Load Lines, 1966, which the United States has accepted, and which came into force on July 21, 1968.

The convention and the regulations annexed thereto, along with the bill, recognize the developments in the maritime industry since the drafting of the international convention respecting load lines of 1930. The bill would replace the existing authority commonly known as the Foreign Load Lines Act.

The existing law requires load lines on certain vessels of 150 gross tons or more. This would be supplanted for new vessels by load line requirements based on a vessel's length starting from 79 feet. This is the major substantive change contained in the bill. The bill follows the 1966 convention in setting forth the vessels to which the load line requirements are applicable, in enumerating which vessels are exempted, and in dealing with certificates of exemption.

The convention and this bill do not apply to vessels which engage in the coastwise trades, or which navigate exclusively on the Great Lakes. The Coastwise Load Line Act of 1935, requiring load lines on vessels in those areas, would be unaffected. The remaining provisions of the bill parallel existing sections 2 through 8 of the act of March 2, 1929 which was in need of editorial revision.

The bill would authorize the Secretary of the Department in which the Coast Guard is operating to prescribe regulations for determining load lines. He would also enforce the provisions of the act, and could use officers of the Bureau of Customs, with the consent of the Secretary of the Treasury. Additionally, the bill provides for the determination of the position and manner of marking of load lines by the American Bureau of Shipping, other U.S. non-profit-making organizations, or other recognized classification societies for the survey and load line certification of shipping; and for the recognition of load line certificates issued by other nations which extend reciprocity to our load line certificates.

The bill would make it unlawful for a vessel to be so loaded as to exceed the maximum safe draft, and would permit the detention of any vessel about to depart in an overloaded condition. The master of any vessel subject to the act would be required to record his ship's draft and the position of the load line mark prior to the departure of the vessel from any port or place to which the act applies.

Civil penalties are provided for a violation of the act or regulations issued thereunder; and it would be a criminal act to knowingly permit a vessel to depart from any port in violation of a detention order and to cause or allow the alteration of prescribed load line marks.

Enactment of this bill would not impose any additional budgetary requirements upon the Department of Transportation.

Mr. Chairman, that completes my prepared statement on the bill, S. 1352.

I will be glad to answer any questions you or other members of the subcommittee may have.

Mr. Chairman, we have examined S. 1352 and found a couple of very minor stylistic and typographical errors which we will supply to the committee.

That completes my statements, sir.

Mr. MURPHY. Thank you very much, Admiral.

On page three of your statement you say your amendment to section 86 would merely permit the recovery of costs where you now have the authority to establish aids to navigation.

How do you recover such costs now, or have you had occasion to?

Admiral RATTI. This is the section which provides for recovery of costs for the removal of obstruction when the owner creates an obstruction, and the Coast Guard has authority to mark that obstruction, and we charge the owner for the cost of the marking.

We use the normal procedure of sending him a bill and try to recover the cost that way.

Mr. MURPHY. Describe some obstructions you have removed for which you had to recover costs.

Admiral RATTI. This ordinarily applies to sunken vessels. That is the most common type of obstruction we are talking about, where an owner's vessel sinks, and he leaves it there, and we have to mark it, put a buoy on it for the protection of navigation.

Does that answer your question, sir?

Mr. MURPHY. What happens when we get into this business of offshore unloading stations, and an underwater obstruction is found there? Would that be affected by this?

Admiral RATTI. I think the bills here, and specifically section 85, would give us authority to prescribe what kind of lights and markings would be on such platforms, or on such structures, and that really is not the type of obstruction that section 86 is referring to.

Section 85, though, would apply to offshore platforms of one kind or another, and it gives us authority to regulate what kind of markings they should have.

Mr. MURPHY. In your statement concerning the amendments to section 85, page three, you refer to "waters subject to the jurisdiction of the United States" which are not "navigable waters."

To what specific waters are you referring?

Admiral RATTI. We mentioned some examples on the top of page 6 of the statement.

Navigable waters, of course, means the waters which are basically interstate highways of commerce, but waters subject to the jurisdiction could include, for instance, a lake in a national park when that lake is solely within one State, and ordinarily would not then come within the term of navigable waters of the United States. But it would be subject to our jurisdiction, because it is on land which is owned by the United States.

Mr. MURPHY. If the Coast Guard does not have the statutory authority to establish aids to navigation in those waters, what specific responsibilities under the Federal Boat Safety Act of 1971 make it necessary for you to exercise control over aids to navigation established by others?

Admiral RATTI. I am not sure that there is anything specific in the Federal Boat Safety Act of 1971, Mr. Chairman, but the Federal Boat Safety Act does apply to those waters.

Therefore, we have taken the position that while we were not going to establish aids to navigation in those waters ourselves, we would, nevertheless, want the authority to regulate the aids in those waters that anybody else establishes, to make sure that they are consistent with safety.

Mr. MURPHY. Do the States conform to the Coast Guard markings?

Admiral RATTI. Yes, sir, I believe as a general proposition, they do.

Mr. MURPHY. On page 4 of your statement you refer to regulation 14, Chapter V of the Safety of Life at Sea Convention, 1960.

What are the provisions of that regulation to which you are referring?

Admiral RATTI. That regulation says, and I can quote it:

Aids to navigation. Contracting governments undertake to arrange for the establishment and maintenance of such aids to navigation, including radio beacons, and electronic aids as in their opinion the volume of traffic justifies and the degree of risk requires, and to arrange for information relating to these aids to be made available to all concerned.

Mr. MURPHY. In an executive communication from Secretary Brinegar, and in your prepared statement, there is no specific discussion or justification for the language of the new section 658 concerning confidential investigative expenses.

On what need is section 658 based?

Admiral RATTI. Section 658, or at least the first part of it, is a section that has been in several appropriations bills, and it responds to the advice of Congress that that type of legislation is more appropriately in permanent law than in appropriations bills.

That has been used primarily, I guess, in narcotics cases, where we investigating narcotics use in the Coast Guard, and money can be used for housing of informants, or undercover agents, or making buys of narcotics, or for other reasons connected with those types of investigations. That is the general purpose for which the money has been used for in the past.

Mr. MURPHY. A Member of Congress this week introduced legislation, which, if enacted, would, in effect, prevent all agencies from having any type of fund that was not accounted for on the appropriations bills.

What effect would that have on your investigatory funds that were confidential?

Admiral RATTI. Well, I think if enacted it would obviously apply to the Coast Guard. I think that under that provision we could still conduct confidential investigations.

Mr. MURPHY. We had information, of course, in the national press of some Coast Guard men who are being held in a murder plot against an investigating Coast Guard agent.

Would that type of investigation be impeded if you did not have confidential investigatory expenses?

Admiral RATTI. No, sir; I do not think it would.

In that specific case, of course, the investigation of the murder plot was under the FBI, but the investigation of the narcotics use by the five suspects was the type of investigation for which we have used this confidential investigative fund in the past.

Mr. MURPHY. It would appear necessary then to have that type of fund?

Admiral RATTI. Mr. Chairman, it is my understanding that the Appropriations Committees have been considering this matter, and

have, at least, I believe, on the House side, rejected this in the appropriation bill for this year.

In view of that we really do not want this committee to pass a bill that is going to be in conflict with what the Appropriations Committee wants, and which I think would end up putting us in a rather difficult situation; that is, not knowing which bill applies, and which takes precedence.

We have found other ways to accomplish these investigations without the necessity of the provision here, and the Coast Guard would have no objection at this point if the committee struck this provision from the bill.

Mr. MURPHY. This committee might differ with the Appropriations Committee.

Admiral RATTI. Yes, sir.

Mr. MURPHY. You realize that, of course, do you not?

Admiral RATTI. Yes, sir.

Mr. MURPHY. The Appropriations Committee might be subject to floor amendments.

Admiral RATTI. I realize that.

Mr. MURPHY. And, of course, without having it authorized it is difficult to legislate on an appropriation.

In fact, you just cannot do it. Therefore, it might be helpful to the Coast Guard if they want to properly carry out their mission to have this authorization.

Subsection (b) of section 658 reads:

(b) The Commandant may delegate the authority granted in this section to any person in, or employed by, the Coast Guard, with or without the authority to make successive redelegations.

Why is this broad redelegation of authority included in this section?

Admiral RATTI. I think it was included, Mr. Chairman, to make it clear that all of these items are covered, some of which are liable to be rather small. Several investigations are being carried out in various parts of the country, and each item should not have to come to the personal attention of the commandant if it could be delegated to a lower official.

Mr. MURPHY. Admiral, will you supply the subcommittee the Court of Claims opinion referred to on page 8?

Admiral RATTI. Yes, Mr. Chairman.

Mr. MURPHY. In justifying the sole provision of this bill dealing with title 10, U.S. Code, you state in reference to the Coast Guard Academy:

While it is desirable on occasion to seek the assistance of the New London Police Department within these areas, they are prohibited from entering or assisting Academy officials by the fact that exclusive Federal jurisdiction exists in those areas.

How often does this happen, or has it happened?

Admiral SARGENT. Mr. Chairman, this has happened very, very seldom.

I can remember in the past, probably 20 years, where we have probably requested the assistance of the police department only twice; once very recently, at the time an officer committed suicide on the grounds. We needed their investigative power. That is about the only one I can remember anything specific on.

Mr. MURPHY. Did the police refuse to come in?

Admiral SARGENT. No, sir; they did not at that particular time, but, fortunately, the FBI took cognizance later on.

When I was stationed up there, I have called them to apprehend trespassers. This was a tacit agreement between myself and the police department, in which, if I apprehended a trespasser, or trespassers, I would turn them over to the local police, and the local police then would take care of them until the parents arrived. These were young boys, and the parents would come and get them.

Whether that was legal or not, I am not sure, but even in view of this particular problem that we are discussing here, they did do it at that time.

If any time we have to call them for protection, say in a riot, or an incursion as such from the local populace, which I hope will never occur, then we might have considerable difficulty getting them to come in. I do not think they would.

Mr. MURPHY. There is no inference here that this authority is requested in order to lease property or turn the property over to the local areas?

Admiral SARGENT. No, sir; I will leave that specifically to the chief counsel, but I do not think so.

Admiral RATTI. This section, Mr. Chairman, just applies to the Coast Guard authority that is now held by the other Armed Forces in title 10, and does not apply to leasing of property.

I think you are probably aware that the whole question of exclusive jurisdiction has been the subject of quite a bit of research and comment over the last 10 or 12 years, and it has been concluded that exclusive Federal jurisdiction on the part of Government agencies is really not desirable. This allows the Coast Guard the same right as other services in relinquishing that Federal jurisdiction.

Mr. MURPHY. On H.R. 9575, from what sources do you obtain women officers?

Admiral RATTI. We obtain them either by direct commissioning of women, or by completion of the officer candidate school.

Mr. MURPHY. How many women do you expect to take in for active duty this year?

Admiral RATTI. The present planning this year calls for about 25 officers and 125 enlisted.

Mr. MURPHY. Twenty-five officers and 125 enlisted?

Admiral RATTI. Yes, sir.

Mr. MURPHY. Where do your women recruits receive basic training?

Admiral RATTI. They will receive basic training at our recruit station at Cape May, N.J.

Mr. MURPHY. Will that be on a year-round basis, or do you start classes seasonally?

Admiral RATTI. Yes, sir; I think it will be on a year-round basis.

Mr. MURPHY. How many enlisted women are needed for the inactive duty Reserve?

Admiral RATTI. At the present time we are aiming for a figure of between 600 to 800.

Mr. MURPHY. Are all ratings to be open for both active and inactive duty?

Admiral RATTI. No; at present the ratings open for those on active duty are HM, DT, MU, PA, YN, and SK.

The ratings open for inactive duty are yeoman and storekeeper.

Mr. MURPHY. Do you have any officers or enlisted women available for extended active duty?

Admiral RATTI. Yes, sir; we feel a number would volunteer for extended active duty.

Mr. MURPHY. What was the total number of women in the Coast Guard Reserve as of June 30, 1973?

Admiral RATTI. Our figures show 60 officers and 446 enlisted.

Mr. MURPHY. On S. 1352, in general, do the rules contained in S. 1352 currently obtain?

Admiral RATTI. The rules contained in S. 1352 are taken from the International Convention on Load Lines, and most of those rules are presently in effect in the Coast Guard regulations.

Mr. MURPHY. Does not this legislation codify what has been operative since 1968?

Admiral RATTI. Yes, sir, that is my understanding.

Mr. MURPHY. Admiral Sargent, we would like to go into executive session now, and go through those matters we discussed, and we will have to have those persons clear the committee room who are not members of the Coast Guard or committee staff.

I do not think we will be too long, and then tomorrow morning we will go back again into open session.

[Whereupon, at 10:20 a.m., the subcommittee proceeded into executive session.]

Mr. Murray: Do you have any officers or enlisted women at this time for extended active duty?
Admiral Rattray: Yes; we had a number women volunteers for extended active duty.
Mr. Murray: What was the total number of women in the Coast Guard Reserve as of June 30, 1973?
Admiral Rattray: Our figure—about 10 officers and 100 enlisted.
Mr. Murray: On 2, 1973, in general, for the information in 2, 1973 currently obtain?
Admiral Rattray: The rates contained in 2, 1973 are taken from the International Convention on Load Lines, and most of these rates are currently in effect in the Coast Guard regulations.
Mr. Murray: Does not this legislation conflict with what has been operative since 1965?
Admiral Rattray: Yes, that is very understandable.
Mr. Murray: Admiral Rattray, we would like to go into executive session now, and go through those matters we discussed, and we will have to have those persons clear the committee room who are not members of the Coast Guard or committee staff.
I do not think we will be too long and then executive session we will go back again into open session.
Washington, at 10:20 a.m., the subcommittee proceeded into executive session.

COAST GUARD MISCELLANEOUS

Women in the Coast Guard Reserve

WEDNESDAY, AUGUST 1, 1973

HOUSE OF REPRESENTATIVES,
COAST GUARD AND NAVIGATION SUBCOMMITTEE
OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C.

The subcommittee met at 10:07 a.m., in room 1334, Longworth Office Building, Hon. Leonor K. Sullivan [chairman of the full committee] presiding.

Mrs. SULLIVAN. The subcommittee will come to order.

I am sorry we do not have more members, but even the chairman was late this morning. I have to take over because Mr. Murphy is detained and will not be here.

This morning we are going to hear testimony on H.R. 9575, a bill to provide for the full integration of women into the Coast Guard Reserve. Under the current law, the Women's Reserve Corps functions outside the mainstream of the Coast Guard.

There is unanimous agreement within and without the Coast Guard that the times and the needs of this historical service undeniably warrant the complete integration of the distaff branch of the Reserve. This legislation would allow females to both train and serve on active and inactive duty as an integral and equal part of the Coast Guard team.

Specifically, H.R. 9575 would amend title 10, United States Code, in such a manner as to clearly provide for the appointment and enlistment of women in the Coast Guard Reserve. It would eliminate from title 14, United States Code, the concept of a Women's Reserve as a separate branch within the Coast Guard Reserve.

We are fortunate to have as a witness today Capt. Mary Bachand of Great Neck, N.Y. who is presently on inactive duty in the Coast Guard Women's Reserve.

Captain Bachand received a bachelor of arts degree at Brooklyn College and a master's degree at the Teachers College, Columbia University. She also has taken postgraduate courses at the University of Colorado, Hunter College, and the Russian Institute at Fordham University.

Captain Bachand attended the last women's OCS class at the Coast Guard Academy in 1944 where she was commissioned ensign. She was assigned to active duty at Coast Guard headquarters and the Cleveland Coast Guard District Office until 1946. She was assigned to an organized reserve training unit in 1951 and maintained affiliation with the Selected Reserve until 1968. Captain Bachand was then assigned to the volunteer training unit in Garden City, N.Y., where she was appointed as the first woman commanding officer of a Coast Guard Reserve unit.

Some of Captain Bachand's tours of duty have included assignments at the Naval Justice School in Newport, the Nuclear, Biological, and Chemical Warfare Course in Philadelphia, the Foreign Service Institute in Arlington, the Army CID School in Fort Holabird, Md., and the National Defense Seminar in New York.

In 1972 she worked on plans for a pilot program for training enlisted women who were then being recruited into the newly revitalized SPAR programs. In recognition of her efforts in connection with this pilot program, she was awarded the Coast Guard Commendation Medal on June 26, 1973, at Governor's Island.

Captain Bachand has been actively associated with the Reserve Officer's Association and is the immediate past president of the New York Coast Guard Chapter. Over her years of dedication to the Coast Guard, she has worked to initiate a viable program for women, and it is on behalf of this mission that she appears here today as a witness to testify on H.R. 9575.

Captain Bachand, you are the first witness. You do have a statement to make, and I think it is so short perhaps you can read it.

STATEMENT OF CAPT. MARY E. BACHAND, U.S. COAST GUARD RESERVE; ACCOMPANIED BY CAPT. ELEANOR L'ECUYER; AND W/O ALICE JEFFERSON

Captain BACHAND. Thank you, Madam Chairman and members of the subcommittee. I would like to have WO Alice Jefferson and Capt. Eleanor L'Ecuier come up to the table with me.

Mrs. SULLIVAN. Fine, come to the table.

Captain BACHAND. Madam Chairman and members of the subcommittee, I am Capt. Mary E. Bachand, U.S. Coast Guard Reserve, inactive duty.

I wish to express my appreciation to you not only for your sponsorship of the legislation proposed in H.R. 9575, but also for the opportunity to address the subcommittee in connection with this bill.

I wish to make it clear at the outset that I speak here as an individual, but I truly believe that I am voicing some of the concerns about this proposed legislation which have been voiced by others in the Coast Guard Reserve, both men and women.

This legislation proposes to eliminate section 762, title 14, United States Code, which created the concept of a Women's Reserve as a separate branch within the Coast Guard Reserve. There is no question that this section should be eliminated. The Coast Guard has need of only one Reserve—for both men and women.

As a matter of fact, many of us women have lived in a state of blissful ignorance of this and other inequities for the better part of 30 years. Let us make certain that, as we replace the old sections applicable to recruitment of women, we do not produce a "Pandora's box" of pitfalls—visible and invisible.

For approximately 25 years there has been no program for the commissioning of female officers. The recently commissioned group at Yorktown was the first to attend the OCS class since 1945. Because of this in the very near future the women's component of the Coast Guard will find itself without even one officer possessing a combination of background, experience, and a commitment to the long-range success of the

program which will be required to assist the Coast Guard in realizing the full potential of "woman power."

In the current atmosphere of the "all volunteer forces" the military is having great difficulty filling its recruiting quotas for both men and women. Despite the appeal we think that the humanitarian missions of the Coast Guard Reserve should have to young people in today's America, the doors of our recruiting offices are not being besieged by applicants. Contrary to this trend has been the Coast Guard's success in recruiting young women under a program begun just over a year ago.

At the beginning of this recruiting drive there were approximately 50 enlisted women in the Coast Guard Reserve in inactive status, while today there are over 400. This is indisputable evidence of women's interest in the Coast Guard.

Although many of these young women are indeed secretaries, clerks and bookkeepers in their civilian jobs, there are some who are police-women, photographers, teachers, and journalists. At present they are limited to yeoman and storekeeper ratings in their Reserve careers.

A New York Times report dated Washington, July 26, 1973, quotes a witness before the Joint Economic Committee of Congress as saying:

... The services, taken as a whole, have opened 81 percent of their military occupational specialties to women, but the Marine Corps has opened only 36 percent of its specialties.

I suggest that the witness made no inquiry of the Coast Guard.

A previous witness before the same committee testified that the Armed Forces, in general, are still operating under the Victorian notion that women must show that they can perform a particular job better than a man before that specialty will be opened to them. Why not "Equally Well"?

This brings me to H.R. 9575. Perhaps if I were a lawyer I would be able to answer these questions, but as one familiar with some of the intricacies of the language, I do find some aspects of the wording puzzling.

This bill proposes amendment of sections 510(c), and 591(c) of title 10, United States Code, by adding material concerning only the enlistment and commissioning of women in the Coast Guard. The wording of these sections as they now stand covers the entire matter adequately, and there is no need to amend.

My concern in this proposed rewording is predicated on some apprehensions I have concerning the future of the program. There will, of necessity, be some problems encountered in such areas as membership of women officers on promotion boards, 30-year careers, grade structure of the women officer group, placement on the active duty promotion list, ratings to be authorized for enlisted women, possible opportunity for enlisted women to terminate current enlistments and reenlist in order to receive bonus, availability of such programs as physician's assistants, eligibility of women to apply for admission to the Coast Guard Academy and, I am sure, others.

I believe the plans for dealing with these matters should be appraised thoroughly before these changes are made in title 10.

Using a good old Coast Guard expression, we should operate on a slow bell and examine these gray areas before discovering that the women we are fortunate to recruit and commission in the future do not inherit "token equality."

Mrs. SULLIVAN. Before we finish we are going to have Admiral Sargent and Admiral Ratti come up also, and I think we will hear the statement of Col. John T. Carlton.

I wonder if we could not have you all come up to the table at this time. I would like to get all of your statements out, and then begin to question you.

Admiral Sargent, do you have a statement?

Admiral SARGENT. I do not have a statement, Madam Chairman. I did give a statement yesterday.

Mrs. SULLIVAN. I read your statement of yesterday, and we will not ask you to repeat it, but we will ask you some questions.

Admiral Jackson, would you care to present the statement of Colonel John T. Carlton?

STATEMENT OF REAR ADM. ALEXANDER JACKSON, JR., U.S. NAVY, RETIRED, RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES; ACCOMPANIED BY CAPT. E. L. HUIE, DIRECTOR OF COAST GUARD MARINE CORPS AFFAIRS, RESERVE OFFICERS ASSOCIATION

Admiral JACKSON. Madam Chairman, I would like to introduce on my right, Capt. E. L. Huie, who is director of Coast Guard Marine Corps Affairs, Reserve Officers Association.

I have a short statement here that I would like to read for Col. John T. Carlton, executive director, Reserve Officers Association of the United States.

Madam Chairman and members of the committee, the Reserve Officers Association supports the legislation that you are now considering, and we urge passage. Resolutions expressing our views on this most important legislation are attached.

The transition period that must take place before the new legislation is finally implemented probably will be traumatic. We believe that there must be safeguards to insure a proper end result.

For example: Can a female officer of the line who has never been to sea compete with a male officer of the line who has commanded an icebreaker on a best qualified basis? There are many other problems of this nature.

For these reasons we recommend to you that in your report you describe your convictions that the transition period must take place with fairness and equity to both sexes.

We believe that for some time to come there must be a senior woman officer on active duty whose mission would be to insure proper assignments and fair treatment for both active and inactive duty personnel, to the end that the intent of the Congress is carried out.

Madam Chairman, we thank you for the opportunity to appear before you and to express our views to you on this important matter.

I would like to, with your permission, to place the resolutions attached to the statement into the record.

Mrs. SULLIVAN. Without objection that will be done.

[The resolutions referred to follow:]

Resolution No. 25

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

SPAR PROGRAM COORDINATOR

Whereas, the former Secretary of Transportation authorized increased numbers of women to serve on active duty, and

Whereas, the Commandant of the Coast Guard has commenced increased recruiting and training of inactive duty SPARS, and

Whereas, there has not been a Coast Guard training program for women since World War II, and initial coordination by an experienced officer is of utmost importance: Now, therefore, be it

Resolved, That the Reserve Officers Association of the United States urges the Secretary of Transportation to establish an advisor and coordinator billet for these new programs, for so long as is necessary to ensure success, and to assign a senior woman officer with prior training by the Coast Guard, whose responsibilities should include advising and coordinating the efforts of those responsible for matters involving recruiting, training, housing, discipline, welfare, and related activities of women on active and inactive duty.

Adopted by the National Convention, 16 June 1973.

Attest:

JOHN T. CARLTON,
Executive Director.

Resolution No. 6

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

EQUALIZATION OF RIGHTS

Whereas, Title 10, United States Code, authorizes the enlistment and commissioning of female persons in the Regular and Reserve components of the Armed Forces of the United States, and

Whereas, Title 14, United States Code, Section 762, authorizes the enlistment and commissioning of female persons in a component of the United States Coast Guard Reserve known as the Womens Reserve, and

Whereas, the United States Coast Guard and the United States Coast Guard Reserve do not now enlist or commission female members into the Regular or Reserve components under the authority contained in Title 10, United States Code: Now, therefore, be it

Resolved, That the Reserve Officers Association of the United States urge the Congress of the United States to enact legislation that will expunge the present discriminatory statutory provisions establishing a separate Womens Reserve of the United States Coast Guard Reserve; and be it further

Resolved, That the Reserve Officers Association of the United States urge the Secretary of Transportation and the Commandant of the United States Coast Guard to revise present policy and regulations and enlist and commission female members of the United States Coast Guard Reserve as required under the provisions of Title 10, United States Code.

Adopted by the National Council 16 February 1973

Attest:

JOHN T. CARLTON,
Executive Director.
Brig. Gen. ROBERT D. UPP, USAR,
National President.

Resolution No. 33

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

REVITALIZED SPAR COMPONENT

Whereas, for the first time in more than thirty years, the United States is rapidly approaching a "zero draft" status with respect to military manpower, and

Whereas, women are not proportionately represented in the military components of the Coast Guard, and

Whereas, the high caliber service rendered by women in and to the Coast Guard has been extolled by various Commandants for more than twenty-nine years, and

Whereas, the number of women, officer and enlisted personnel, presently serving has reached an all-time low: Now, therefore be it

Resolved, That the Reserve Officers Association of the United States urge the Commandant of the Coast Guard to provide the funds and personnel to establish, train and support a revitalized SPAR component at the earliest possible date.

Adopted by the National Convention 30 June 1972

Attest:

JOHN T. CARLTON,
Executive Director.

Resolution No. 42

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

REMOVAL OF PROMOTION AND RETIREMENT RESTRICTIONS OF SPARS

Whereas, restrictions relating to the retirement age and promotional opportunities of officers have recently been removed by the Congress for women in the Services under the Department of Defense, and

Whereas, women officers of the Coast Guard (SPARs) are still limited by law to the highest grade of captain on inactive duty and by Coast Guard policy to commander on active duty and are also limited to no more than 20 years of active duty; Now, therefore be it

Resolved, That the Reserve Officers Association of the United States urge the Commandant of the Coast Guard to initiate appropriate action to remove the statutory or policy restrictions which discriminate against the promotion or retention of SPAR personnel.

Adopted by the National Convention 30 June 1972

Attest:

JOHN T. CARLTON,
Executive Director.

(This Resolution updates and supersedes Resolution No. 19, 21 Feb 1969)

Mrs. SULLIVAN. I will start some questioning with Captain Bachand.

Captain, you refer to the success the Coast Guard has had in recruiting young women under a program begun just over a year ago.

Why do you feel this program has been such a success? Is there something unique about it?

Captain BACHAND. For years we have had people asking about the Coast Guard, and for a very small group that we have been, I think we have had a fairly good image in the public press and the general public, and we have recruited, interestingly enough, relatives of other Coast Guard people, and the whole program as it started last year just moved along so rapidly that I think there is still an untapped source out there, and I tend to think that the roles and missions of the Coast Guard make women more interested in it than in some of the other Armed Forces. You have the humanitarian aspects.

They are in the age group of, let us say, American youth that has been interested in environmental problems, in humanitarian programs, and I think if they are at all interested in any of the services, and they look at the Coast Guard, it is the only one for them.

Mrs. SULLIVAN. You think the environmental aspect of the program would be more pronounced in the Coast Guard service than in any other?

Captain BACHAND. Oh, yes indeed.

Mrs. SULLIVAN. If I understand your statement correctly, you are in favor of H.R. 9575, in that it eliminates section 762, title 14,

U.S. Code, to remove from the books the concept of a Women's Reserve as a separate branch within the Coast Guard Reserve.

However, you prefer to see that the language amending sections 510(c) and 591(c) of title 10, U.S. Code concerning only the enlistment and commissioning of women in the Coast Guard not be adopted by this committee.

Could you further explain why you do not feel the adoption of this language in title 10 is necessary at this time?

Captain BACHAND. It seems to me, Madam Chairman, that the language in 510(c) and 591(c) takes care of women in the Reserve components of any one of the Armed Forces.

If we are, indeed, one of the Armed Forces, then is there a need to single women coming into the Coast Guard, single them out? That is to me more of a question than a statement.

I do not know what is the need to single out.

To go back to the first part, I am, yes, 100 percent for the elimination of 762 in title 14.

The elimination of that, Madam Chairman, I think is long overdue.

Mrs. SULLIVAN. The Coast Guard would like to add language to section 510(c) and the language that they wish to add would be:

Except for the Coast Guard in which women are enlisted in the grades and ratings described by the Secretary of the department in which the Coast Guard is operating.

Do you agree with this language?

Captain BACHAND. Well, I think that is the italicized portion that I would like to see, that is the addition for which I see no necessity.

Mrs. SULLIVAN. Then you disagree. Do you feel that this language will put unnecessary and unequal restrictions upon the women in the Coast Guard?

Captain BACHAND. I cannot be specific about that, because if I do not think there is any reason for it to be there, I really do not see what the restrictions might be.

I am apprehensive of this singling out when I think 510(c) and 591(c), as they are written are sufficient, completely adequate now.

Why add to them, Madam Chairman?

Mrs. SULLIVAN. In section 591(c) of title 10, the Coast Guard has similarly added language giving the Secretary of the Department of Transportation the authority to prescribe the grades of women commissioned officers.

This qualification does not occur in any of the other military Reserve services. I take it that you feel this restriction is also unnecessary for the Coast Guard?

Captain BACHAND. Yes, Madam Chairman.

Mrs. SULLIVAN. And you list a variety of areas concerning the future of women in the Coast Guard, and suggest there will be problems with them under this new language in title 10.

Could you go into a little detail on each of these areas? For example, what about membership of women officers on promotion boards?

Captain BACHAND. If I may, I would like to call on some of my other witnesses here for assistance.

In item A, it is my understanding that although women have been in the Coast Guard since 1942, that is women officers, there has not been woman serving on a promotion board, unless that promotion board was selecting women.

In other words, what I am trying to find out is, are we all going to be equal, but some more equal than others?

That is my understanding of how boards have been composed.

Now, we have been a very small number for the past 15 or 20 years. I am looking for assurance that this will be a true integration in that particular aspect.

Perhaps Captain L'Ecuyer might expand on that a little bit.

Mrs. SULLIVAN. I was just going to say, Captain, and I have to look again how to pronounce your name, but would you have anything to add to that?

Captain L'ECUYER. Well, in my position at Coast Guard Headquarters, I am Chief of Reserve Administration, and we administer and set up the boards for promotion for inactive duty Reserve officers.

It has been a policy in the 7 years I have been there that when a woman is considered, if possible, a woman officer is on the board. This is not always done.

However, to my knowledge, I must agree with the captain. There has never been a woman sit on a board to consider all male applicants or male candidates.

On the active duty side, I can only speak for myself. I have sat on a promotion board to consider a lieutenant (jg.) who was a woman. I myself have never been a member of a board to consider male officers in the Reserve or Regular service.

I have no other information on that.

Mrs. SULLIVAN. Miss Jefferson, have you any comments on that?

Miss JEFFERSON. Madam Chairman, I have nothing to add.

Mrs. SULLIVAN. What about the 30-year careers?

Captain L'ECUYER. Probably Captain Vaughn could assist me on this.

Women presently are all in the Reserve. It has been the policy of the Coast Guard that the reservists serve on active duty at the discretion of the Commandant, and those Reserves, and particularly the women Reserves, have always been retired at 20 years' active service.

Mrs. SULLIVAN. That is a fact? What about the grade structure of the women officer groups?

Captain BACEAND. As we start a program like this, it is logical, I think, to assume that we will bring people in to go to OCS, and they will become ensigns.

Now, we have for all intents and purposes no officer structure now, because we have, I think, five newly commissioned ensigns. We have a few people in various grades up to and including captain.

Many of us will be retiring shortly, and I am afraid some people will be thinking it has not happened soon enough, but there are no people in the middle. There are no woman officers in the middle grades.

Now, this is going to be a most peculiarly shaped triangle, a pyramid. It is going to have no shape at all unless something is done. It would have to be artificial. It would be an artificial imposition of a grade structure.

That is, I think, what my concern is there.

Captain L'Ecuyer may be able to add something to that.

Captain L'ECUYER. Well, presently I am the senior officer on active duty, and Miss Jefferson is the junior officer, and in between we have the five ensigns who were commissioned on June 8.

We have a lieutenant (jg.) who has been transferred from the Navy. We have a lieutenant lawyer who has been on active duty 1 year, and we have a lieutenant commander who has been on duty 6 months, and she was brought on active duty from the Reserves.

As far as what other plans there are for the active duty officers, I would have to defer to Captain Vaughn of Personnel.

Mrs. SULLIVAN. What we might do is to have that added to the record when the transcript is gone over by the others, maybe Admiral Sargent or some others, but if you all have anything to add to that later on you may do so.

What about the placement on the active duty promotion lists? Can either of you answer that?

Captain L'ECUYER. As I understand, the bill will place all active duty officers on the active duty promotion list, which is an integration of female officers, and that they will stand for promotion with their male counterparts.

Mrs. SULLIVAN. Would you like to comment about the ratings to be authorized for enlisted women?

Captain BACHAND. Yes, Madam Chairman, I refer back to my statement earlier.

I think that there probably will have to be two separate arrangements for active duty and Reserve.

I do not know of all the small things of that, but I think the limitation of the ratings available for women in the inactive duty Reserves, limitation of those to yeoman and storekeeper is most unfortunate.

We have people who have, by their backgrounds, in addition to their clerical and secretarial skills, and even some who became interested in other areas, as they join these Reserve units around the Nation, they develop interests and have the qualifications, but at this moment they would not be eligible to have ratings such as boatswain's mate or radioman or quartermaster. Those are off the top of my head. They are limited to yeoman and storekeeper.

Mrs. SULLIVAN. Do the men enlistees just go up to those grades, or do they have special training in order to qualify for those other grades?

Captain BACHAND. Oh, I think maybe I have caused a little misunderstanding. This is not necessarily a going up.

Yeoman and storekeeper can go right up the same line as a radioman or quartermaster. These would be just different occupational specialties. Some of them come in with the training and receive additional training in the course of their Reserve career if they have been in the Regulars or on active duty, and they may have been to a full-fledged school to learn that occupation.

Mrs. SULLIVAN. Well, you would expect the same treatment then of the women?

Captain BACHAND. Yes, indeed.

Mrs. SULLIVAN. To be given this chance for training, or for promotion along those lines if they qualify.

Captain BACHAND. Yes.

Mrs. SULLIVAN. What is your comment, or what would you have to add about the possible opportunity for enlisted women to terminate and reenlist in order to receive the bonuses that are given to the men?

Captain BACHAND. I think Captain L'Ecuyer had better answer that one.

Captain L'ECUYER. I really do not know, Mrs. Sullivan, just what the Regular service would plan to do, or whether they have considered your suggestion or question.

I can tell you what has happened in the past.

Reserves reenlisting on active duty are not entitled to a reenlistment bonus, and we have had enlisted girls, and I do know this one in California right now who will retire next month on 20 years of service, and she has never once qualified for reenlistment bonus.

A Reserve may reenlist into the Regular service on active duty, males, and receive a reenlistment bonus, but so far, since the women have been precluded from being in the Regular service, they have never qualified for reenlistment bonus.

Mrs. SULLIVAN. I want to warn you, this is the time to speak up. You get all those that are enlisting to do something about this.

What are the availabilities of such programs as physician's assistants and the eligibility of women to apply for admission to the Coast Guard Academy?

Captain BACHAND. Madam Chairman, I think a little something was left out of that "and."

Well, perhaps not.

The physician assistant program I do not speak as an authority on, but it is something I learned through the Navy Times.

Madam Chairman, this is a program aimed at corpsmen, medical enlisted personnel, and I believe allows them, or sends them to school for training as physician's assistant, and then advancement for commissioning as warrant officers.

I do not have all of the details of it, but we do have a number of women in the hospitalman rating right now on active duty. They are, I guess, the largest single group ratings that we have on active duty.

I think they would be interested in this, and in knowing that they would be eligible for consideration. I do not know that the Coast Guard has sent anyone to this training yet. I am not sure of that.

Mrs. SULLIVAN. I have one more question for you, and then I want to pass it on to others, and I want to come back then to ask some questions of Admiral Sargent and Admiral Ratti.

Do you feel, any of you three, that the Coast Guard as a service has suffered throughout the years as a result of unequal treatment for women?

Captain BACHAND. Madam Chairman, I regret the Coast Guard loss of the very fine resource that could be found in womenpower.

Mrs. SULLIVAN. Captain L'Ecuyer?

Captain L'ECUYER. Well, I do know that the Coast Guard by releasing some very fine women officers at the 20-year level lost quite a bit of expertise.

I know one woman that is an attorney. In fact, she sat on the ad hoc committee on recommending women for the Regular Coast Guard just last year, and she was released at the end of 20 years among all the others, but yes, I am sure that we should have brought in talent from the outside over the years.

Mrs. SULLIVAN. Miss Jefferson?

Miss JEFFERSON. Madam Chairman, I just feel that since the other services are so well able to utilize the women, it seems the Coast Guard is losing a great deal by not taking the women into the Coast Guard.

Mrs. SULLIVAN. You know, I agree, when they have to let the women after 20 years' service move on they are losing a lot of potential good, but, Captain Bachand, you did not answer about the eligibility of the women to apply for admission to the Coast Guard Academy.

What do you think about that?

Captain BACHAND. I would be very interested in hearing the answer to that, Madam Chairman.

I have heard from other services, in talking around about this matter, I know that it is a topic that makes people see red. Everyone becomes very emotional about it, and however, I have in my dealings with young people in secondary school, and going on to colleges, there is also a very solid economic question involved here as to whether it is equal treatment for young men to be eligible to receive a 4-year education, a fine 4-year education, that same education which will be denied the women with the same, or possibly even better qualifications.

I hesitated to say the "better qualifications," but it is possible.

I wondered whether that had been considered as a possibility if not for tomorrow, but certainly is it in the planning?

Mrs. SULLIVAN. You see the future coming.

Thank you very much.

Mr. Steele, do you have some questions?

Mr. STEELE. Thank you, Madam Chairman.

I have a couple of questions I would like to address to any of you who would like to respond to them.

First of all, I am wondering how your plans do away with Women's Reserve, of course, or relate to what is being done in the other services; how do the other services, and how are the other services, and how have the other services addressed this problem, and to what extent you have attempted to study and make use of moves that they have, or have not, taken?

Admiral SARGENT. Mr. Steele, the purpose of this particular bill is to eliminate inequities, discrimination within the women members of the Coast Guard, and I say Coast Guard, because this particular bill will allow women to become members of the Regular Coast Guard.

At the present time, as you recall, the SPARS program is a separate entity from the Coast Guard Reserve program.

As far as I know, and I am subject to correction, no other service has this at the present time. All of the Reserves can be either male or female.

In the Coast Guard a Coast Guard Reserve is a man. He is a male, and a SPAR is a girl, and it is a separate program.

We are just trying to eliminate that, and once we eliminate the SPAR program and get women into the Coast Guard Reserve, then it opens the avenue into the Regular Coast Guard for females.

I hope I am being responsive to your question, sir.

Mr. STEELE. Any other witnesses who would like to address that question?

I frame this question in the broadest context, that is how each service attempts to utilize and take advantage of the skills and ability of the women, and so it is really a question talking of the broadest possible sense, and I would appreciate it if you could answer it in that sense.

Admiral SARGENT. Maybe the chief counsel can respond.

Admiral RATTI. I think what this bill does is really puts us on a par with the other services.

We are removing legal impediments to treating the women the same as the other services do.

Now, each may have various programs and policies, and when we remove this impediment we will be able to look at those policies and adopt similar policies and programs.

Does that answer your question, sir?

Mr. STEELE. Well, I think the fact that you feel this puts the Coast Guard on a par with the other services is really the key response I am looking for.

That, in your view, is what the legislation will do?

Admiral RATTI. Exactly.

Mr. STEELE. Of course, removing the legal impediments and making viable reforms that really can give women an equal opportunity are two quite different things, and I am only concerned that we in this committee do not feel that after this legislation is passed, we have given women the equality of opportunity that they are looking for.

Clearly, that will not be the result. Clearly this is just a first step, and it is really going to be the kind of programs that you introduce and implement that are going to decide whether or not women really get increased opportunities.

This bill itself itself is not going to do it. It will give them a legal status, to be sure, but over and above that I just wonder if there might not be some inclination to rest on our laurels after this kind of legislation is passed, and I can well see a period for the next 10 years where really nothing substantive happens.

We would be very interested in what kinds of substantive programs that you have to really provide that equality of opportunity and greater opportunity.

Have we gone beyond the point of helping put together this legislation and seeing it passed, in other words?

Are you planning beyond that?

What difference is it really going to make for a woman who wants to serve in the Coast Guard?

Admiral SARGENT. The main difference, Mr. Steele, is the fact that by this bill we remove the one impediment for a female to become a regular member of the Coast Guard, to go up in rank on an equal footing with the male in the Coast Guard.

Statutorily, there is no bar to whatever rate she can have as an enlisted member, and she can complete a 30-year career just like a male.

Up to this time, and until this bill is passed that is not possible.

What we want to do is to be sure that the Coast Guard can give equal opportunity to females within the service.

Mr. STEELE. And you are convinced once it can, it will?

Admiral SARGENT. As long as I am the Vice Commandant, and Admiral Bender is the Commandant, absolutely.

Certainly, these policies we make today will no doubt be carried through. I think the Coast Guard has a record of being fair to all their personnel.

I do not see any problem associated with equal opportunity for females in the Coast Guard.

Mr. STEELE. Thank you.

Thank you, Madam Chairman.

Mrs. SULLIVAN. Mr. Clark?

Mr. CLARK. No questions.

Mrs. SULLIVAN. Mr. Bowen?

Mr. BOWEN. Thank you, Madam Chairman.

Just along that line of questioning we have been on, I notice in your testimony, Captain Bachand, you compare the figures in the service, that 36 percent of the Marine Corps is open to women.

What sort of figures do you have about comparing Coast Guard occupational specialties that are open to women, open in other services, and what progress is being made in opening more, and do you feel that this legislation relates to that, or is it another subject?

Captain BACHAND. I think I will have to pass that question to Captain L'ECUYER, if I may.

Captain L'ECUYER. At the moment we have a couple of yeomen, a couple of storekeepers, and the remainder of the enlisted personnel are hospital corpsmen on active duty.

We have approximately, I believe, 32 enlisted personnel as of today on active duty.

I believe 23 are hospital corpsmen, and the remainder are divided between yeoman and storekeeper ratings.

On inactive duty we have yeomen and storekeepers, and I believe of the 500 on inactive duty approximately 5 or 6 are other than yeomen or storekeeper ratings.

In the officer corps, I am an attorney, one lieutenant is another attorney.

We have a psychologist, and the other six officers do not have a specialty, as such.

Chief Warrant Officer Jefferson here is a finance specialist.

Mr. BOWEN. Do you have plans for opening any other occupational specialties, other than those that exist right now?

Captain L'ECUYER. In reserve we plan to open up further ratings other than yeoman and storekeeper for inactive duty.

As far as the active-duty service, I cannot speak for the personnel office.

Admiral SARGENT. I can probably expand on that particular answer.

At the present time there are some 24 ratings within the Coast Guard, and based on the requirements of the service and our rotational policy ashore, as you probably are aware, we will open up six ratings for females. That can be expanded in the future, as our requirements change.

Mr. BOWEN. One final question, Admiral Sargent.

Do you agree with Captain Bachand that the amendment to section 510(c) is unnecessary?

Admiral SARGENT. When this bill was first written, first drafted, we felt that this would give us a start.

Mr. Bowen, after reading it I can see that it could be very well eliminated, and it would make no difference.

Mr. BOWEN. Thank you.

Thank you, Madam Chairman.

Mrs. SULLIVAN. Mr. Ruppe?

Mr. RUPPE. Thank you very much.

Am I correct in understanding there are 400 to 500 women in the Coast Guard Reserve at the present time?

Captain L'ECUYER. Inactive duty.

Captain BACHAND. Yes; inactive duty.

Mr. RUPPE. And there are 24 ratings, and 6 of these are now open to the women in the service?

Captain BACHAND. No, sir, 6 will be opened after the passage of this legislation.

Mr. RUPPE. I wonder if, Admiral, you might supply for the record the 6 ratings that will be open, the reasons for same, and also the 18 ratings that will not be open, and the reasons why they will not be open?

It might be difficult for you to do it today, and we could pursue it further if you will supply it for the record.

Admiral SARGENT. I will be happy to supply that for the record.

[The information referred to follows:]

Question. I wonder if, Admiral, you might supply for the record the six ratings that will be open, the reasons for same, and also the 18 ratings that will not be open, and the reasons why they will not be open?

Answer. The six enlisted ratings which will be opened to women during the initial phase of the Coast Guard's program to enlist women are: Yeoman (YN); Storekeeper (SK); Hospital Corpsman (HM); Dental Technician (DT); Musician (MU) and Photo-Journalist (PA).

The following ratings will not be open at the outset of the program:

- Radioman (RM)
- Boatswains Mate (BM)
- Aviation Machinists Mate (AD)
- Aviation Electronics Technician (AT)
- Aviation Structural Mechanic (AM)
- Aviation Survivalman (ASM)
- Aviation Electrician (AE)
- Machinist Mate (MM)
- Boilerman (BT)
- Engineman (EN)
- Damage Controlman (DC)
- Electrician's Mate (EM)
- Telephone Technician (TT)
- Subsistence Specialist (SS)
- Quartermaster (QM)
- Radarman (RD)
- Fire Control Technician (FT)
- Sonar Technician (ST)
- Gunner's Mate (GM)
- Electronics Technician (ET)
- Electronics Technician Communications (ETN)
- Marine Science Technician (MST)

The basic determinate as to whether a rating would be opened to women was the ratio of sea/restricted duty, to continental United States shore duty. The size and layout of Coast Guard ships precludes the flexibility of arrangement to accommodate women appropriately; and the nature of isolated duty is such as to render fixed crews socially undesirable. Therefore, our present intention is not to assign women to units which fall within either category. Accordingly, those ratings initially selected to be opened for women are those ratings in which the ratio of sea to shore duty is sufficiently favorable to allow for admission of women without reducing the ratio to an unacceptable level for the male contingent. Otherwise, the male would have to bear all of the sea duty since there would be fewer shore billets for rotational assignments.

Aviation ratings, by the nature of their duty, with an active flight crew status requisite to service in this area, require the role of women in aviation be further considered before these ratings are opened. Women, of course, may be assigned to Air Stations to serve in billets for the ratings which are open to them.

Question. Will women initially be commissioned above the rank of ensign and, if so, from what sources will they be obtained and what will be the criteria for selection?

Answer. The Coast Guard utilizes various direct commission programs to fill officer billets where a specific expertise is required that is not readily available within the officer corps. In some of these programs direct commissions are offered above the ensign grade depending on the individual's background and expertise. Women will be eligible for a direct commission above the grade of ensign just as males are currently.

The direct commissioned lawyers program is presently open to women applicants. Candidates agree to serve four years on active duty and are commissioned as lieutenant under the Women's Reserve Program. One woman officer entered this program in July 1972 and another is due to report in August 1973.

Mr. RUPPE. With the passage of this legislation will the Coast Guard procedures for the women reservists, will they be on a par, parallel to the other services? Will they be as good or as beneficial, or as open as in the case of the Army, Air Force, and Navy?

Admiral SARGENT. They will be identical to what our promotions for males in the Coast Guard are.

Mr. RUPPE. No; I am speaking of the other services. How do they compare with their standing in the other services?

Admiral SARGENT. There are certain differences, of course, of promotion possibilities between the services based on the needs of the service, based on the type of service you have.

For instance, in the Navy, to make a captain, I believe you can make captain in 18 to 19 years. In the Coast Guard it happens to be 21 to 22 years.

Mr. Ruppe, these are the only differences. The promotion system is exactly the same.

Mr. RUPPE. Although it may be 21 years in the Coast Guard and 19 in the Navy, will there be reason for women to have the same opportunity to make captain or admiral in the Coast Guard as at the present time is the case in the Navy or the Army or the Air Force?

I mean, is your system after the passage of this legislation as good as the other services in terms of promotion and in terms of ratings open and the terms of greater opportunities?

Admiral SARGENT. By integrating the ladies into the regular Coast Guard, their promotional possibilities are going to go along with the promotion possibilities of the males.

Mr. RUPPE. I know that. What I am getting at is this. You can well advise me about the greater opportunities in the Coast Guard; how they parallel, or compare with those in the other services for the male officers, if you will.

Now, I would like to know how the career opportunities and the promotional system for the ladies within the Coast Guard works.

How does that compare with the women in the other services in terms of numbers of openings, and in terms of training possibilities, in terms of career possibilities, any way you choose to gage it, and I am sure that within the service there are benchmarks for that purpose.

Admiral RATTI. Mr. Ruppe, that is a difficult question to answer, because we can analogize the women to the men in the Coast Guard, and say that they are going to have equal opportunity and equal career possibilities. But it is very difficult to analogize women in the Coast Guard to women in the other services, because we cannot analogize men in the Coast Guard to men in the other services.

Mr. RUPPE. You cannot compare a career in the Coast Guard? If it were going to be a recruit, you could not sell me on the Coast Guard in terms of career opportunities vis-a-vis the Navy recruiter down the street?

Admiral RATTI. We could try to sell you on it, but the career opportunities vary from time to time in the different services, and in some instances the Coast Guard, the particular rate may be moving faster, or the officers promotion may be better, and the other services, they may be better or worse, and it is very difficult to analogize what a career in one service is going to be as compared to the other.

They have different officer promotion systems, and enlisted promotion systems are also different.

I think we can analogize to the men in the Coast Guard, and say that the ladies will have an equal opportunity, and if you are talking about recruiting, I would be very happy to go out and sell them on coming into the Coast Guard, because I think that they will have as good an opportunity in the Coast Guard as the other services, but I do not know we can guarantee that right now, without knowing what the situation is in the other services, and their promotion systems.

Mr. RUPPE. Admiral, does the Coast Guard have an implementation plan for this effort if the legislation is passed, and if so, how long would it take to implement a plan of this type?

Admiral SARGENT. We do have a plan. Perhaps somebody is more expertise in the details of the plan than I am.

At the present time our first annual plan for officers and enlisted females, 25 officers and 125 plus females enlisted.

That is about the limit of what we can really take in at the present time and properly train them, and through our training periods.

Mr. RUPPE. Do you have any idea how those numbers will shape up in the next 5 years under normal circumstances, and how they might increase because of the very strong likelihood of the Reserve being increased?

Admiral SARGENT. I think numbers will increase. It is very difficult to project 5 years ahead in any military service at the present time.

We are in a tremendous state of flux, as you know. But the only thing I could say, and I can assure you that the number of females in the Coast Guard, both officer and enlisted, will increase.

Mr. RUPPE. Well, I appreciate your problem. I have to say that if you were back in my district, running a company, you would not get off so easy, because any time there is a situation of this sort with private industry, they say what is your plan, what are you going to do tomorrow, how many people are you going to have there on Friday?

Of course, industry may be in a state of flux, but it does not relieve them of any Federal directives in that case.

I appreciate your point, however.

Admiral SARGENT. I can say this, Mr. Ruppe, that the Coast Guard in the past has increased at approximately 3 to 4 percent a year in personnel strength.

Last year we had a major reduction in strength.

Mr. RUPPE. Have the ladies or the women in the service moved along?

Admiral SARGENT. No; because we have been limited to a SPAR program. In this proposed bill we want to eliminate the SPAR program and allow women to enter the Coast Guard Reserve, and into the regular Coast Guard.

Mr. RUPPE. Madam Chairman, do I have a minute or two more, or I can pass and come back later.

Mrs. SULLIVAN. Maybe some of these questions that I have prepared might answer some of yours.

Admiral JACKSON, your first recommendation, resolution 25 of the Reserve Officers Association, is that the Secretary of DOT establish an advisor and coordinator for the new programs for the recruiting and training of SPARS and to assign a senior woman officer with prior training.

Is it my understanding that the ranks of active duty senior officer SPARS have been depleted since World War II?

Admiral JACKSON. Madam Chairman, it has been pointed out here that is the case.

I have listened to the questions that have been brought up, and if I might comment here on it, I have had considerable experience with this problem in the Navy when I was Chief of Personnel for the Navy.

Now, just let me give you some of the difficulties that the Commandant and Vice Commandant are going to have to face.

Subsequent to World War II the Navy established a Wave program, a regular who was on active duty, and who served 30 or 35 career years. They had a proper structure. The grade proportions were the same as that existing for the males, so they started this integration business with a structure.

Now, the Coast Guard has not had that, as Admiral Sargent has said, and it is going to present the myriad of problems to get this working.

Our association believes that the way to solve this is to have a senior woman officer in the Coast Guard on active duty reporting to the Commandant directly, and advise the Commandant, and help and assist in working out this implementation.

Now, as well organized as the Navy has been in this, they still have that same woman officer who has had this post. So this is the reason that our association believes that this recommendation is very much worthwhile.

Mrs. SULLIVAN. That woman officer would really just be an adviser while this structure is being built up and perfected?

Admiral JACKSON. Well, under an integrated system she would have to be an adviser, but the Commandant has numerous other advisers, too.

Mrs. SULLIVAN. Is my understanding that the ranks of active duty senior officers, SPARS, as I said, have been depleted?

How would you recommend that this position be filled now?

Admiral JACKSON. Madam Chairman, I simply do not feel competent to give you a recommendation on that.

I think this is something that the Coast Guard is going to have to work out.

Mrs. SULLIVAN. Well, in resolution 6 of the Reserve Officers Association it addresses itself directly to the legislation in hand, H.R. 9575.

Do you agree with and wholeheartedly support the amendment in this legislation which eliminates section 762, title 14, United States Code, which contains the statutory provisions establishing a separate Women's Reserve of the U.S. Coast Guard Reserve?

Admiral JACKSON. Yes, ma'am.

Mrs. SULLIVAN. You further resolve:

That the Reserve Officers Association of the United States urges the Secretary of Transportation and the Commandant of the U.S. Coast Guard to revise present policy and regulations and enlist and commission female members of the United States Coast Guard Reserve as required under the provisions of Title 10, U.S. Code.

Would you interpret this resolution for us?

Are you recommending that the language amending section 510(c) and 591(c) of title 10 be adopted or rejected by this committee?

Admiral JACKSON. We agree with Captain Bachand on her statement.

Mrs. SULLIVAN. You do?

Captain BACHAND. Madam Chairman, I recommend rejection of any change of title 10.

That is what I was talking about earlier. This resolution, although it is dated this year, has come a long way; was written in 1971, I believe, and adopted along the way. It takes a little while for it to get through the channels of the Reserve Officers Association.

I do want you to know, that although adopted by the National Council on February 16, 1973, it was originally written and proposed in May of 1971.

Mrs. SULLIVAN. So you would recommend that any change in title 10 be rejected?

Captain BACHAND. Rejected.

Mrs. SULLIVAN. Or the resolution adopted?

Captain BACHAND. Adopted.

Mrs. SULLIVAN. Admiral Sargent, I wonder if you could enlighten us on some of these questions.

If this legislation is enacted, does the Coast Guard plan to initiate a new recruiting drive aimed at women, and if so, when could you do it, and how many women would you be seeking?

Admiral SARGENT. We already have a drive to recruit males and females, females in particular.

Our first enlisted training will start in October. Therefore, we would like to have as many in that particular class as possible.

We have already started this, Madam Chairman.

Mrs. SULLIVAN. You are aiming at how many?

Admiral SARGENT. 125 this year.

Mrs. SULLIVAN. Both male and female together?

Admiral SARGENT. No, female.

Mrs. SULLIVAN. I do not know if your quota is filled on your Coast Guard enlistment, or how many males are you expecting?

Admiral SARGENT. Well, the total for the year would be 7,300 males.

Mrs. SULLIVAN. That you are aiming for 125 women?

Admiral SARGENT. That is right.

Mrs. SULLIVAN. Are those the figures just for this year?

Admiral SARGENT. Just for this year, yes, ma'am.

Mrs. SULLIVAN. And have you planned what the annual quota might be, or is this to be what we might call a one-shot deal?

Admiral SARGENT. Oh, no, we will have a quota for next year.

Our main purpose is to get started as soon as we possibly can, and see what problems we have, if any, and I do not anticipate any

whatsoever, and then increase as the needs of the service require next year.

Mrs. SULLIVAN. What is the total enlistment quota for men?

What is your total number in service now, and the total annual?

Admiral Sargent. We have some 30,000 enlisted at the present time, and I think that our enlistment for this year, we hope to get up to about 7,500 to take care of discharges and retirements, and so forth.

Mrs. SULLIVAN. Can you tell us what is the planned grade structure for the women officers who will be brought in?

Admiral SARGENT. I will ask Admiral Johansen to respond to that.

Admiral JOHANSEN. Well, actually, the way the thing is envisioned that is for the people going on active duty, which are the ones we are discussing right now, they will come in through our OCS program and be graduated as Reserve officers.

They will go on the same promotion list as male officers, whatever their source may be.

They will be eligible for integration just as a male officer. There will be no separate structure set up for women officers on active duty, because there will be no need for such a structure.

They will be integrated with the men and promoted on the same basis. In other words, a board will sit down, and they may consider 50 men and 10 women, depending on how many we have, and they will all be considered together.

Mrs. SULLIVAN. Are you going to try to balance it according to the percentage of women enlistees and men?

Admiral JOHANSEN. You mean the promotions?

Mrs. SULLIVAN. You are building officers up, their promotion would be based on the percentage of women enlistees and the men.

Admiral JOHANSEN. Here again, I think that would be discrimination again, as I see it.

We have a policy in the Coast Guard that we promote people on the basis of what their performance of duty is, no matter what their assignments have been.

In other words, how have they done on whatever assignment they have had, by their record.

Mrs. SULLIVAN. In other words, if it is going to be an integrated system, you forget percentages, and you take them as individuals, not as a man or woman?

Admiral JOHANSEN. That is exactly what we want in the Coast Guard.

Mrs. SULLIVAN. Have plans been made to offer the same opportunities for the women as for the men for attendance at the training schools?

Admiral SARGENT. Absolutely, because the reason we have been reluctant to send them to school while they have been in the SPARS is because their tour of duty was rather restricted.

By getting them into the Reserve, and into the Regulars, we can send them to school, and certainly they will have equal opportunity to go to school as any other member.

Mrs. SULLIVAN. Do you have something to add?

Admiral RATTI. No, ma'am; I was going to say in the Regular Establishment we are only planning to take in women who are eligible to go to class A schools.

They would therefore be eligible to go to those schools.

Mrs. SULLIVAN. Who would administer this new program?

Admiral SARGENT. It would be administered by the Chief, Office of Personnel, and the Chief, Office of Reserve.

Admiral JOHANSEN. As far as the women, Madam Chairman, that is, the ones we are bringing into the Inactive Reserve at the present time, they all come in as petty officers. They are selected because of some skill that they have. They are brought in for 2 weeks of training, and then are given a petty officer rating.

None at the present time are coming in below petty officers, which is not the case with the men. They come in at lower grades.

Mrs. SULLIVAN. Will the Establishment, or will the enlistment and program requirements for women be the same as for men—education, age, medical, et cetera?

Admiral JOHANSEN. Well, we have a problem with that. I think the other Services have, too, that we are tied to title 10, and this does differentiate in the age.

I think men can come in at 17, and I think women must be 18 before they can come in.

However, DOD is trying to get this changed so that they will all be the same, and at that time we would change with them, because we are included under title 10.

Mrs. SULLIVAN. I would not see any difficulty there, if the age is a year apart, either raise one, or lower the other.

For educational and medical requirements, will they be the same as for the men?

Admiral JOHANSEN. Yes, ma'am, the requirements would be the same for coming into the Service.

Mrs. SULLIVAN. If all this works out and the enlistment is up after, what is it, 4 years, will the women be given a bonus to reenlist?

Admiral SARGENT. Yes, if they will be put on the same basic plan as Regular male enlisted personnel. We do not give any reserve enlistment bonus, but once they get into the Regular Service, yes.

Mrs. SULLIVAN. Are there any reenlistees of men who are not given the bonus?

Captain VAUGHN. This reenlistment bonus is based on the criticality of that particular specialty, and the amount of the bonus varies among that criticality.

We have a large number on board in a particular rating for a number of reasons. They might get a reenlistment bonus, but it would be at a lower level.

There currently is legislation which would change the law on reenlistment bonuses, so conceivably there would be some ratings that would get no bonus, whatsoever.

Today every rating gets a certain amount, and that amount varies with the criticality.

Mrs. SULLIVAN. Is this necessary in order to get them to continue in service that you have to entice the men with a bonus?

Captain VAUGHN. Yes, ma'am; we feel that is probably the most important incentive we have to get people to reenlist.

Mrs. SULLIVAN. Maybe the women have not demanded it. Women are willing to settle for less, and that is where they are foolish.

I have a few other questions here. I do not know if any of these have been repeated.

Mr. RUPPE, you take a few, and I will come back to my questions.

Mr. RUPPE. Thank you very much, Madam Chairman.

Admiral, you indicated there will be about 125 women recruited out of 7,300; is that correct?

Admiral SARGENT. That is correct.

Mr. RUPPE. Is that a measurable amount in terms of being a viable force within the Reserve, or being a group that will have enough size and enough numbers to really worry about as far as the Coast Guard is concerned?

I think you are talking about 1.5 percent of the Coast Guard Reserve. That does not seem like a whole lot to me, as kind of a laymen looking in.

Admiral SARGENT. These are active duty figures.

Mr. RUPPE. Active duty, 125 out of 7,300.

Give me the figures once again—125 women out of 7,300; is that correct?

Admiral SARGENT. That is correct.

Well, let me put it this way. It is a start. We just have so much room in our training stations to train both male and females.

In other words, what we have to do is set aside a barracks to train the females.

Mr. RUPPE. Have you any projection what the figures will be in 5 years?

If you are going to do this, do you have some kind of a program to look down the line with?

What can you anticipate will be the mix, say in 5 years from now when your program is implemented, or do you have a program of implementation outlined at this particular juncture?

Admiral JOHANSEN. Our program will have to be predicated on need.

However, our projections for the next 5 years, and there is a board that has considered this, are right in the neighborhood of 500 enlisted and 100 officers at the end of 5 years that will be on active duty in the Coast Guard. This is not inactive duty. Inactive is a different program.

We took 400 of these in last year in the Inactive Reserves.

Does that answer your question?

Mr. RUPPE. I think so. Maybe I am confused.

Let us take one or two of the active. How many women do you have in the Active Coast Guard now?

Admiral JOHANSEN. On extended active duty? These are all Reserves at the present time.

Mr. RUPPE. How many in the Coast Guard in total on active duty?

Admiral JOHANSEN. Active duty? We have 42 women on active duty at the present time.

Mr. RUPPE. In the whole Coast Guard?

Admiral JOHANSEN. That is correct.

Mr. RUPPE. How many men do you have?

Admiral JOHANSEN. In the neighborhood of 30,000.

Mr. RUPPE. How do you find them?

Admiral JOHANSEN. Not easy, sir.

Mr. RUPPE. I would think it would be a worrisome thing, wondering did you lose one, or if you lose one you lose 5 percent of the service.

We talked about the Reserve, and we are bringing in 400 or 500 people, and this will be a good thing, but the big part of the Coast Guard is not the Reserve, but the active duty.

Do you foresee any change in strength levels as far as the women are concerned on active paid status with career opportunities in the Coast Guard?

What are we doing about the 42? Is that number going to go up or stay, or what is the future, 5 years from now?

Admiral JOHANSEN. These are the numbers we are talking about, for the 500 and the 100.

The enlisted women will actually come in the Regular Coast Guard, once this legislation is passed. They will not come in as reservists. They will be regulars when taken in.

The women under the present setup are Reserves, but they will have the opportunity to pass the requirements and to get into the Regular Coast Guard. That is in the active duty that we are talking about.

In the inactive duty right now we have in the neighborhood of 50 officers and about 420 enlisted.

Mr. RUPPE. How many men?

Admiral JOHANSEN. Total composition, sir, in our selected Reserve right now is 11,200.

Mr. RUPPE. So actually you are doing a little better. You are pushing 5 percent of the inactive, and you are pushing some infinitesimal figure in the active service.

What is your projection in the active Coast Guard however you designate it, the pay status, career status? What is your projection for women 5 years from now?

It would seem to me we are kind of kicking ourselves if we are talking about integrating the Coast Guard by putting a few people in the Inactive Reserves.

If you are going to integrate the Coast Guard you have to talk about career status. That is where the careers are, not on the inactive duty.

Admiral JOHANSEN. The active duty, as I projected before, is 500 enlisted and 100 officers 5 years from now.

Mr. RUPPE. And that would give you 2 percent of 30,000.

How would that compare? Any way of measuring how that would compare with the other services?

Admiral JOHANSEN. They run right in that neighborhood. They are stepping up their programs.

Mr. RUPPE. If they step up theirs, if they are at three now and they go up to five or six, and as a man with five daughters, I want to know why you are not going more for my family.

Admiral JOHANSEN. I think one answer to that is that Navy has about a 20 year start in this program, and we are only beginning.

We have to proceed in what we consider an orderly manner depending on the needs of the service and our program is not fixed. We are going to adjust it, as I see it, as the occasion requires.

Mr. RUPPE. I would think if you are really going to get into it for a good reason, and if you want to really develop a program of career opportunity, the recruitment procedures, it will be very difficult to do on the basis of 600 people in the Coast Guard, build your female strengths to a point where people feel you have a program, and your school slots are there, and your recruitment is a measurable part of the operation.

Admiral JOHANSEN. There are some problems on this thing that face us as Admiral Sargent already mentioned.

In other words we have people going to sea, and only men go to sea now. We have to have some place for them to be stationed ashore.

Mr. RUPPE. You can keep the men at sea, the women on shore, and the civilians taking care of the supplies.

Thank you very much.

Mrs. SULLIVAN. Admiral, I have some 14 questions here that I am going to turn over to have copies made, and let you have them and made a part of the record so that you can answer them in detail for us when the transcript comes to you, and I think it will give you a little more time to answer more fully.

[The questions referred to and the answers thereto follow:]

1. *Question. Will women be appointed and enlisted in the Reserve with the same rates as are authorized for the Regular Service as is statutory for the women in the other services?*

Answer. All ratings will not be open to women in either the Regular Service or the Reserve. In the initial stages of the program six ratings will be open to women for active duty. Reserve is presently reviewing ratings additional to those of yeoman and storekeeper that will be opened to women based on need.

2. *Question. Are some women serving in connection with training and administering the Reserve and so would not be placed on the active duty promotion list?*

Answer. Some women officers are presently serving in connection with training and administering the Reserve. Upon enactment of this proposed legislation, all women officers would be allowed to apply for either (1) acceptance into the "Reserve Program Administrator" program; (2) acceptance as a member of the Permanent Commissioned Teaching Staff; (3) integration into the Regular Coast Guard; or (4) continuation on active duty as a reservist. If accepted as a Reserve Program Administrator or as a member of the Permanent Commissioned Teaching Staff, they would be placed on special promotion lists applicable to those two special categories. The other two alternatives would permit their placement on the active duty promotion list.

3. *Question. Does the deletion of 14 USC 762 make women eligible for command anywhere, and over men as well as women?*

Answer. Yes, except in the initial phase no women will be employed at isolated stations, on ship-board, or in assignments involving flight.

4. *Question. Are women included in the membership of promotion boards? Will they be from now on whether the particular board is considering women officers or not?*

Answer. At the present time, women are included on the Active Duty Women's Reserve Selection Board only. Article 14-A-15(b) indicates, "To the extent that qualified officers of the Women's Reserve serving on active duty are reasonably available, they shall constitute at least one-third of the membership of each selection board."

Women do not sit on an active duty promotion board because 14 USC 252 indicates board members must be on the active duty promotion list. If the proposed legislation is passed, women officers not selected as "Reserve Program Administrators" or Permanent Commissioned Teaching Staff would be placed on the ADPL. Once on the ADPL a woman, reserve or regular, would be eligible to be a member of the respective selection board.

Present policy is to include a proportionate number of Reserve officers on a selection board, depending on the number of Reserve officers eligible for consideration. In addition, a proportionate number of officers with the same specialty as those under consideration is included. Therefore, women officers are included on selection boards depending on the number of women officers under consideration, and the source of officers under consideration. If the proposed legislation is passed women would be eligible to sit on selection boards whether women were being considered or not.

5. *Question. Has the Coast Guard prepared recruiting information for distribution for all programs available to women?*

Answer. Yes. We will have suitable pamphlets relating specifically to the women's program. Our basic recruiting brochure already speaks to women in the Coast Guard.

6. *Question. Are the direct commissioned lawyers, medical warrant officer programs that the Navy has, offered to women by the Coast Guard?*

Answer. At the present time the Coast Guard has a medical warrant officer physician associate program. There are no requirements which would preclude women from participating in the program.

The direct commissioned lawyer program is open to women applicants. There is presently 1 woman officer in this program and a second is due to be commissioned in August 1973. Lt. Dufford, July 1972; Lt. Howard, August 1973.

7. *Question. How soon can female officers be integrated on the active duty promotion list?*

Answer. As a point of clarification, a two part question has been asked. That is to say, one part asks when female Reserve officers may be integrated (into the Regular Coast Guard); the other, when will female officers be included on the active duty promotion list? At the present time women cannot be integrated into the Regular Coast Guard. 14 USC 762 limits women to the Women's Reserve branch. If the proposed legislation is enacted both women and male Reserve officers will be considered on the same basis for integration. That is:

(a) Complete at least 2 years active duty in the Coast Guard.

(b) Be selected for promotion by an ADPL board under the best qualified system.

(c) Complete specified educational requirements.

Separately, all female officers (initially all of whom will be Reserves) on active duty will automatically be placed on the active duty promotion list upon enactment of legislation.

8. *Question. What is the active duty commitment after OCS for women officers?*

Answer. It is three years, the same as for male Reserve OCS graduates.

Question. Is it reasonable to assume that they can look ahead to a full 30 year career on active duty?

Answer. If the Reserve woman officer integrates, she could look forward to the same potential 30 year career on active duty as the regular male officer does.

Question. How many senior grade officers will be on active duty in the next five years?

Answer. One, possibly two.

Question. How many will be in the Selected Reserve in the next five years?

Answer. On 1 August 1973 there were seven women officers in the Coast Guard Selected Reserve. Future inputs will come from two sources: Direct commissioning from enlisted status and release from active duty. It is estimated that there will be about 10-15 women each year who would apply and qualify for the direct commission program. This is a total of about 50-75 in the next five years. The input resulting from women officers being released from active duty will be smaller. The women's active duty program, which just began in February 1973, requires that they serve on active duty for three years. Therefore, five years from now only about 30-40 would be in the position to be able to join the Selected Reserve and some of these may prefer to integrate with the Regular Coast Guard. The best estimate is that there may be 80-90 women officers in the Selected Reserve five years from now. These figures, however, could be higher or lower depending upon a number of variables that will affect this developing program.

9. *Question. Will active duty enlisted women who have never had an opportunity to receive a reenlistment bonus through the years because of their Reserve status be offered an early opportunity to terminate their current enlistment for the purpose of enlisting in the Regular Coast Guard and thus qualify for a reenlistment bonus?*

Answer. Yes. Enlisted women in the Reserve will have the same opportunity as men in the Reserve once the legal distinction between the Women's Reserve and Coast Guard Reserve is eliminated. Today the Coast Guard permits male Reservists who serve on Extended Active Duty for 12 months to request reenlistment in the Regular Coast Guard. If authorized to reenlist in the Regular Coast Guard, male Reservists are eligible for a reenlistment bonus. Women in the Coast Guard Reserve who serve on Extended Active Duty for 12 months will be given the same opportunity.

10. *Question. If this proposal will give female reservists all the same rights as male reserve personnel enjoy, would this also open the Coast Guard Academy at New London to women?*

Answer. This bill would remove any legal bar to having the Coast Guard Academy open to women. However, it is anticipated that other sources, such as OCS and the direct commission program will provide sufficient numbers. When the need arises, the matter will be considered.

11. *Question. When will the first group of women arrive at Cape May for boot camp training?*

Answer. During the second quarter of FY-74.

Question. How long will their active duty commitment be?

Answer. Women, as males, will have a 4 year commitment.

Question. Will you enlist some women recruits directly into the Regular Coast Guard?

Answer. Yes, when legislation is enacted.

Question. Can enlisted women reasonably expect to complete the required years for retirement from active duty?

Answer. Yes, women can expect to qualify for retirement on the same basis as men.

Question. Do you have a program similar to the Navy TAR program in which enlisted women could serve?

Answer. No. The Coast Guard's "Reserve Program Administrator (RPA)" program is patterned after and is similar to the Navy's "Training and Administration of Reserves (TAR)" program. One major difference, however, is that the RPA program is for officers only. There are no enlisted RPA's and therefore no opportunity for enlisted women or men to serve in that program.

Question. Will they be eligible for advanced training after boot camp, and at appropriate times during their enlistment to improve their skills on the same basis as for men?

Answer. Yes. We anticipate that women will be enlisted for assignment to particular specialty training. Once in the specialty they will be given the same consideration as men.

12. Question. What percentage of officer and enlisted billets will be filled by women, or do you have such a plan?

Answer. Currently we have no such plan; we foresee no restrictions. A plan will be developed, if necessary, as we gain experience.

Question. How many women will be enlisted and appointed each year . . . and is there a maximum number when you will cease recruiting except for replacement personnel?

Answer. We plan to enlist and appoint approximately 125 enlisted and 25 officers the first year. There is currently no firm maximum number such that, when reached we will cease recruiting. Our five year estimate is 500 enlisted and 100 officers.

13. Question. Do you in the Coast Guard have a policy concerning the retention of women, both on active and inactive duty, who are pregnant, as other Services do?

Answer. Our policy on the retention of women both on active and inactive duty who are pregnant is still in the developmental stage. It will be consistent with the policies of the other Armed Forces.

Mrs. SULLIVAN. There is just one question that I do want to ask before I turn to others for questioning.

The original statement of the Coast Guard concerning H.R. 9575 read:

"Enactment of this legislation fully integrating women into the Coast Guard Reserve is the first step forward toward our ultimate goal of full integration of women into all phases of the Coast Guard, both regular and reserve."

Then you deleted the words "full" and "all phases of" just prior to yesterday's hearing.

What was the reason for that?

Admiral SARGENT. Because I did not want to get into the problem of committing the Coast Guard to sending females to sea.

At the present time we just cannot do that, regardless of whether the ladies themselves could perform the duty. We have neither the room nor the facilities on our ships, and that is the reason "all phases" was deleted.

Madam Chairman, I want to make it clear that there are certain limitations on this.

Mrs. SULLIVAN. Well, you know, I should not say this, but I will, because I think I have the reputation for speaking out.

I think you are right. I think there are many, many fine things that women can do without going to sea and doing these things that are exceptional. I am thinking of one thing especially. I would like to

see women in the procurement department. They can still get up to be an admiral, and I think they are better shoppers. I think maybe we can save a lot of money.

Mr. RUPPE. Will you yield?

Mrs. SULLIVAN. Yes.

Mr. RUPPE. My concern is they save on individual items, but overall it might be very, very costly.

Mrs. SULLIVAN. I am not sure of that.

Admiral SARGENT. I wonder if I could make one statement, and I think it will make all the ladies on my left very happy.

I have seen our newer, and, of course, our older, more senior, I should say, ladies in the Coast Guard, but the young people, Madam Chairman, the young females that we are taking in, both officer and enlisted, are very competent. They are very, very patriotic, and very military, and I think that the ladies should be congratulated for that.

Mrs. SULLIVAN. Well, I think there is a place for them, and had we done this in some of the services before, rather than just have their special organizations, we could have utilized them to much better advantage.

I think they have been misused in many instances, because they have not been given the opportunity to use their potential.

As I say, it is often the women's fault.

Now, we are talking about percentages. We should hang our heads in the Congress, because we have no women in the Senate, and there are only 16 out of 435 in the House, and that is the big number for the last 10 or 12 years.

When I started here 21 years ago I think we had 14 then, and it went up finally to 19, if I am not mistaken, and it is hard to get in, I can tell you that. It is hard to enter anything but if it is too difficult, well, there are easier ways to make a living, I guess.

But I think the women, if they are encouraged, can do an excellent job.

There are many occupations within the services that I would not want to see women put into, and I do not think the women would press for those billets if they were recognized, and used the abilities that they do have, and had the opportunity to get the training and to do the other things that are given to the men.

I think this is opening up, and once a woman gets in and proves herself, I think from her example there will be more and more encouragement for others to follow and for promotions to be made, as long as all of the hindrances or blocks are taken away from their opportunities.

I hope to see this. I am not certain I want to see them go to the Academy, but they should have some kind of training, and there is a way of giving them the training if the Academies are not to be integrated.

But all of this is in the future. By that time I will be gone.

I appreciate all of you coming.

Mr. Grover had to leave, but he asked Mr. Rountree to ask a few questions in his absence.

Mr. ROUNTREE. Admiral Sargent, in the context of yesterday's testimony on the omnibus bill, Mr. Grover asked if you would submit to him either today or tomorrow more detailed explanation of the reason for deleting the provision pertaining to vehicle damage compensation for the Coast Guard auxiliaries.

Also, he has asked in that context, does the definition of vehicle also include the auxiliary watercraft, either used in a patrol or being towed to and from a dock to the staging area.

I have two more.

Would this bill impact on the recent legislation enacted last year pertaining to the emergency callup of reservists?

Then secondly, will there be any changes required in our annual A.C. & I. authorization in terms of strength, man-years, et cetera, as a result of enactment of this bill?

I think not, but check it, anyway.

Then the last one is just a general comment that all the questions today have been designed to further identify the justification and the need for the legislation, and in a little bit more detail than the executive communication.

When you peruse the record, it would be extremely helpful for us when we go to the floor to have any and all information on that concept so we can point to the need and the rationale, and then the justification.

In addition, we would need a 5-year cost estimate for the legislation.

Thank you, Madam Chairman.

[The answers to the above questions follow:]

EXPLANATION OF WITHDRAWAL OF THE PROPOSED AMENDMENT

Question. Why is the Coast Guard withdrawing this proposed amendment to section 830 of title 14, United States Code? Was the term "vehicle" also intended to mean a boat being transported to or from or used on assigned duties?

Answer. The proposed amendment to section 830 of title 14, United States Code, was withdrawn because, as Rear Admiral Ratti indicated in his testimony, review of the proposed amendment revealed that it would provide no additional benefits to Auxiliarists while creating some ambiguity in existing law. Under the present statute, actual necessary traveling expenses are paid to an Auxiliarist for travels to and from assigned duties. Included in these expenses are the travel costs related to use of the Auxiliarist's vehicle and the travel costs related to towing the Auxiliarist's boat if that boat is to be used in authorized assigned duties. Vehicles, a term which we do not consider to include boats, cannot under present law be used on assigned duties. Boats, however, can be so used and that use is specifically provided for in sections 826 and 827 of title 14, United States Code. A vehicle or boat used by an Auxiliarist in traveling to and from assigned duties which is damaged or destroyed in the course of that travel is covered by the Federal Tort Claims Act when the responsibility for the loss or damage rests with the Coast Guard.

Accordingly, adding the word "vehicle" to the second sentence of section 830 adds nothing to the coverage that the Auxiliarist already has under the Federal Tort Claims Act. Any further coverage, that is coverage for damage or loss of a vehicle used in travels to or from assigned duties, without regard to whether responsibility for the damage or loss rests with the Coast Guard, would put the Federal government in the insurance business. To our knowledge there is no precedent Federal law for that type of coverage and we would be opposed to such an extension.

On the other hand, while the proposed amendment adds nothing to the Auxiliarist's protection under the statute, the addition of the term vehicle creates some possible ambiguity since all of the other facilities listed in that provision are specifically provided for in section 826 of title 14, United States Code. The question raised then is whether the intention is to make vehicles "facilities" as listed in section 826. We have no such intention and would prefer to avoid any ambiguity to present law which the amendment might suggest.

We note, however, that our amendments to sections 832 and 760 of title 14, United States Code would give the Auxiliarist full portal-to-portal coverage for purposes of benefits for injury or death which occurs in the course of travel to or from assigned duties. This extended coverage of injury and death benefits would in no way be affected by our withdrawal of the proposed amendment to section 830.

IMPACT ON RESERVE CALL-UP

Enactment of this legislation would have no specific impact on the reserve call-up legislation of last year.

COST ESTIMATE

As we indicate in our transmittal letter—women will occupy billets formerly held by male members, therefore, no changes in annual authorizations in terms of strength, man years, etc., appear necessary. For the same reason, I see no cost implications over the next five years. We stated in our transmittal letters that costs were negligible.

Mrs. SULLIVAN. Did you have something further, Captain Bachand?

Captain BACHAND. Madam Chairman, I appreciate the opportunity of clarifying the record.

I believe that earlier when you asked me about title 10, we were talking about the resolution from the ROA, and I think that I indicated my favorable reaction.

I was talking about the resolution.

Thank you very much.

Mrs. SULLIVAN. I thank all of you for coming over. It is best to have you all together, and I wanted the gentlemen to hear the remarks of the ladies right here in the open so that you know what to expect.

I think this has been a good forum. We have gotten some answers, and when you get your transcripts, we will be happy to have you enlarge upon it for our benefit.

The subcommittee adjourns subject to the call of the Chair.

[Whereupon, at 11:35 a.m., the subcommittee adjourned, subject to the call of the Chair.]





