COAST GUARD OFFICERS

Mr. HOCH, from the Committee on Interstate and Foreign Commerce,
submitted the following

REPORT

[To accompany S. 4287]

The Committee on Interstate and Foreign Commerce, to whom
was referred the bill (S. 4287) amending section 3 of the act approved
January 12, 1923, entitled "An act to distribute the commissioned
line and engineer officers of the Coast Guard in grades, and for other
purposes," having considered the same, report thereon with a recom-
mendation that it pass.

The act of January 12, 1923, "To distribute the commissioned line
and engineer officers of the Coast Guard in grades, and for other
purposes," provided, among other things, that when a commissioned
officer of the Coast Guard who has had 40 years' service in the Coast
Guard shall retire he shall be placed on the retired list with the rank
and retired pay of one grade above that actually held by him at the
time of retirement, and that in the case of a captain the rank and
retired pay of one grade above shall be the rank of commodore and
the pay of commodore in the Navy on the retired list.

There are now on the retired list, retired before the passage of this
act, the five men named in the bill who, if they had been retired after
the passage of the act, would now have the rank and pay of commo-
dore. They are the only men who have had the required service and
who could now or at any time hereafter be affected by legislation of
this sort. After 40 years' service they had reached the highest rank
which existed in the Coast Guard at the time of their retirement.
Had they been retired subsequent to the passage of the act of January
12, 1923, they would now have the rank and pay of commodore,
whereas they now have only the rank and pay of commander. The
bill, however, provides that they shall receive no increase in pay by
reason of the passage of this act and the only effect will be to give
them the rank of commodore. One of the officers was granted a
congressional gold medal in recognition of heroic service during the
Spanish-American War. And all of them had long and distinguished

service.   The officers affected by the bill are Frank H. Newcombe, age 80 years, residing at 418 West One hundred and eighteenth Street, New York, N. Y.; Francis M. Dunwoody, age 71 years, residing in Piedmont, Calif.; Howard M. Broadbent, age 70 years, residing in Chevy Chase, Md.; Daniel P. Foley, age 70 years, residing at 2701 Connecticut Avenue, Washington, D. C.; and Horace B. West, age 69 years, residing at the Rainier Club, Seattle, Wash.

Each of these officers was compelled to retire for age on the dates indicated in the department's letter, which is made a part of this report.

In view of the fact that passage of this bill will involve no additional cost to the Government and will simply do justice to these five men in the matter of rank as compared with their fellows in the service subsequently retired, the committee believes the bill should pass. Following is a letter from the Treasury Department to Senator Jones, chairman of the Senate Committee on Commerce, approving the bill:

<div align="right">TREASURY DEPARTMENT,
Washington, May 24, 1926.</div>

Hon. WESLEY L. JONES,
    Chairman Committee on Commerce,
        United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Receipt is acknowledged of your communication of May 21, 1926, referring to me the bill (S. 4287) amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes," and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

The bill proposes that Daniel P. Foley, Francis M. Dunwoody, Howard M. Broadbent, and Horace B. West, all retired officers of the Coast Guard, shall have the rank of commodore on the retired list without any increase of pay by reason of the passage of the bill.   Each of the officers named had served when retired over 40 years, and each was retired with the rank of commander, that being the highest rank in the Coast Guard except that of commandant at the time.   Commander Foley was retired February 2, 1921; Commander Dunwoody, July 1, 1920; Commander Broadbent, October 10, 1920; and Commander West, January 19, 1922.

The act approved January 12, 1923, contains a proviso reading:

"That hereafter when a commissioned officer of the Coast Guard who has had 40 years' service shall retire he shall be placed on the retired list with the rank and retired pay of one grade above that actually held by him at the time of retirement; and, in the case of a captain, the rank and retired pay of one grade above shall be the rank of commodore and the pay of a commodore in the Navy on the retired list."

Each of the officers above named, if he had not been compelled to retire for age prior to January 12, 1923, would have become in due course of promotion a captain in the Coast Guard on that date, and if retired subsequent to said date would have held the rank of commodore on the retired list under the provision of law above quoted.

Frank H. Newcomb was retired for age on November 10, 1910, while holding the rank of commander, and was advanced on retirement to the next rank above, that of captain, on account of Civil War service, in accordance with the provisions of section 5 of the act approved April 16, 1908.   It appears that his service in the Coast Guard and in the Navy during the Civil War totals over 39 years.   In recognition of the heroic service of this officer during the engagement at Cardenas, Cuba, on May 11, 1898, Congress authorized by joint resolution approved May 3, 1900, the presentation of a gold medal to him.

In view of the long and honorable service of these officers, and the fact that no increase of pay is authorized by the measure under consideration, this department approves the provisions of the bill.

It would seem that in line 2 on page 2 of the bill the word "after" should be "over."

<div align="right">Respectfully,</div>

<div align="right">C. S. DEWEY,
Acting Secretary of the Treasury.</div>

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