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8/10/18/76

APPROVED
OCT 18 1976

THE WHITE HOUSE
WASHINGTON
October 17, 1976

ACTION
Last Day: October 20

*Refiled
10/18/76*

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Jim Cannon*
SUBJECT: H.R. 12939 - Amendments to Coast Guard Personnel Laws

Attached for your consideration is H.R. 12939, sponsored by Representative Sullivan and three others.

H.R. 12939 would substitute a new term "promotion year" for the current term "fiscal year" in numerous sections of law relating to Coast Guard personnel. The new term would be defined as beginning on July 1 of each year and ending on June 30 of the following year.

Many of the laws relating to Coast Guard personnel refer to the "fiscal year" in prescribing when certain personnel actions shall take place, including promotions and separations. The Congressional Budget and Impoundment Control Act of 1974 redefined the fiscal year to run from October 1 to September 30 of the following year. The Coast Guard prefers to make its personnel changes on June 30 rather than September 30 because of the effect on families (including schoolchildren) and because the Coast Guard Academy graduates its cadets in June.

The enrolled bill also would delete the provision in current law that officers below the rank of captain who are passed over twice for promotion are no longer eligible for consideration for promotion and would make several other technical amendments to law. It is essentially similar to a draft bill submitted by DOT.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, NSC, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 12939 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12939 - Amendments to
Coast Guard Personnel Laws
Sponsors - Rep. Sullivan (D) Missouri and
3 others

Last Day for Action

October 20, 1976 - Wednesday

Purpose

Amends and updates various laws relating to Coast Guard personnel.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
Department of Defense	Approval
Department of Commerce	No objection
Department of the Treasury	Defers to DOT

Discussion

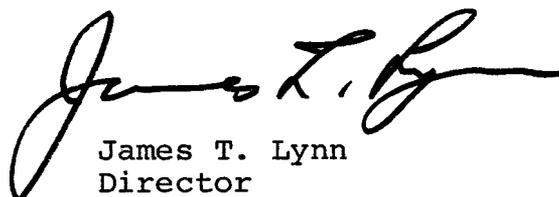
Many of the laws relating to Coast Guard personnel refer to the "fiscal year" in prescribing when certain personnel actions shall take place, including promotions and separations. The Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344) redefined the fiscal year to run from October 1 to September 30 of the following year, rather than July 1 to June 30 as previously. The Coast Guard prefers to make its personnel changes on June 30 rather than September 30 because of the effect on families (including schoolchildren), and because the Coast Guard Academy graduates its cadets in June.



H.R. 12939 would substitute a new term, "promotion year," for the current term "fiscal year" in numerous sections of law relating to Coast Guard personnel. The new term would be defined as beginning on July 1 of each year and ending on June 30 of the following year. This would allow the service to continue its present administrative practices without disruption.

The enrolled bill would delete the provision in current law that officers below the rank of captain who are passed over twice for promotion are no longer eligible for consideration for promotion. This change would primarily affect officers in the grade of lieutenant commander; it is intended to provide an incentive for those officers to remain on active duty.

H.R. 12939 would repeal an archaic provision of law specifying colors for buoys and would amend the law to reflect the fact that the Coast Guard is now a part of the Department of Transportation rather than of the Treasury Department. The bill would also make a number of other technical and clarifying amendments to the law. It is substantially similar to a draft bill submitted to the Congress by DOT.



James T. Lynn
Director

Enclosures





THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

OCT 5 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Transportation concerning H.R. 12939, an enrolled bill

"To amend certain laws affecting personnel of the Coast Guard, and for other purposes."

The enrolled bill, which was sponsored by this Department, would make numerous changes to title 14, United States Code. The most important changes are necessitated by that provision of the Congressional Budget Act of 1974 (P.L. 93-344) which redefined the fiscal year of the United States. The new definition, effective October 1, 1976, provides that the fiscal year will run from October 1 of each year to September 30 of the following year.

Several provisions of the officer personnel laws of the Coast Guard are affected by the redefinition of the fiscal year since they use the term "fiscal year" in prescribing when certain personnel actions occur. To avoid undesirable results, the enrolled bill substitutes a new term "promotion year" for the term "fiscal year" now found in those sections of title 14 relating to personnel. The new term is defined identically to the previous fiscal year definition. The net result is that the change in the fiscal year definition under the Congressional Budget Act will not result in any substantive changes to Coast Guard personnel laws.

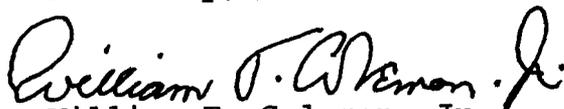
An additional amendment in the enrolled bill would eliminate the provision that officers twice passed over for selection to the next higher grade are no longer eligible for consideration for promotion. This would primarily affect officers in the grade of lieutenant commander and would provide those officers with an incentive and an opportunity for promotion as long as they remain on active duty.

One substantive amendment not related to personnel would repeal an archaic provision setting forth required colors for buoys. All of the remaining amendments in the bill are technical in nature and update or correct various provisions of title 14.

There are no cost implications to this legislation.

The Department of Transportation supports the enrolled bill and recommends that the President sign it.

Sincerely,


William T. Coleman, Jr.



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20350

October 6, 1976

Dear Mr. Lynn:

Your transmittal sheet dated October 4, 1976 enclosing a facsimile of an enrolled bill of Congress, H.R. 12939, "To amend certain laws affecting personnel of the Coast Guard, and for other purposes," and requesting the comments of the Department of Defense, has been received. The Department of the Navy has been assigned the responsibility for the preparation of a report expressing the views of the Department of Defense.

The proposed bill would make numerous changes to title 14, United States Code. The most important changes are necessitated by that provision of the recently enacted Congressional Budget Act of 1974 (P.L. 93-344) which redefined the fiscal year of the United States. The new definition, effective October 1, 1976, provides that the fiscal year will run from October 1 of each year to September 30 of the following year.

Several provisions of the officer personnel laws of the Coast Guard would be affected by the redefinition of the fiscal year since they use the term "fiscal year" in prescribing when certain personnel actions occur. For example, sections 282, 283, 284, 285, 288, and 289 of title 14 prescribe "June 30 of the fiscal year" as the effective date for involuntary discharge or retirement of commissioned officers. June 30 has long been the established date for these discharges and retirements. We have found that the June 30 date works well for both the service and the individual. We believe it should be retained as the date of involuntary retirements and discharges. However, the new definition of the fiscal year would have the practical effect of changing that retirement or discharge date in many instances or would require the Coast Guard to make undesirable changes in its administrative practice to prevent those discharge and retirement date changes. Another effect would be to make many of the above sections of title 14 internally inconsistent in some circumstances, or difficult to administer.

To avoid these undesirable results, the proposed bill substitutes a new term "promotion year" for the term "fiscal year" now found in those sections of title 14 relating to personnel. The new term is defined identically to the present fiscal year definition. The net result is that the change in the fiscal year definition under the Congressional Budget Act will not result in any substantive changes to Coast Guard personnel laws. The proposed amendments will thus enable the service to continue its present administrative practices without disruption.

An additional amendment would eliminate the provision that officers twice passed over for selection to the next higher grade are no longer eligible for consideration for promotion. This would primarily affect officers in the grade of lieutenant commander and would provide those officers with an incentive and an opportunity for promotion as long as they remain on active duty.

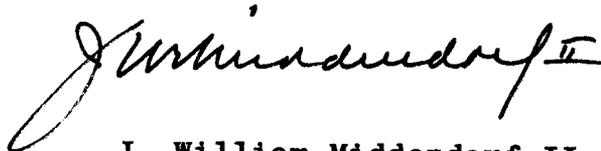


One substantive amendment is not related to personnel. It would repeal an archaic provision setting forth required colors for buoys. All of the remaining amendments in the bill are technical in nature and update or correct various provisions of title 14.

The approval of this Act would result in no increase in the budgetary requirements of the Department of Defense.

The Department of the Navy, on behalf of the Department of Defense, recommends the approval of H.R. 12939.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. William Middendorf II". The signature is written in a cursive style with a large, sweeping initial "J" and a horizontal line at the end.

J. William Middendorf II
Secretary of the Navy

Honorable James T. Lynn
Director, Office of Management and Budget
Washington, D. C. 20350



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

OCT 6 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H. R. 12939, an enrolled enactment

"To amend certain laws affecting personnel of the Coast Guard, and for other purposes."

H. R. 12939 would modify certain personnel laws of the U. S. Coast Guard affected by the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. No. 93-344), which redefined the fiscal year of the United States. The enrolled enactment would also amend existing law related to Coast Guard officer promotions. Further, H. R. 12939 would make a number of agency reference changes in existing laws to reflect modifications resulting from statutory changes, Federal Government reorganizations, and the Coast Guard's transfer from the Treasury Department to the Department of Transportation. The only change of this nature regarding this Department would be to 14 U. S. C. §147 (1970) where the words "Weather Bureau" would be changed to the "National Oceanic and Atmospheric Administration" and the words "Chief of the Weather Bureau" would be changed to the words "Administrator, National Oceanic and Atmospheric Administration". Finally, the enrolled enactment would repeal specific statutory requirements regarding the numbering and colors of navigational buoys, which act to prevent changes based on advances in technology.

The Department of Commerce interposes no objection to approval by the President of H. R. 12939.

Enactment of this legislation will not involve the expenditure of any funds by this Department.

Sincerely,

A handwritten signature in black ink, appearing to be "J. J. [unclear]", is written over the typed name "General Counsel".

General Counsel





THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

OCT 5 1976

Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

Reference is made to your request for the views of this Department on the enrolled enactment of H.R. 12939, "To amend certain laws affecting personnel of the Coast Guard, and for other purposes."

The enrolled enactment would amend title 14 of the United States Code. The purpose of the legislation is to avoid unintended disruptions in the Coast Guard Officer personnel management system which would result from the shift in the fiscal year provided for under the Congresssional Budget Act of 1974.

Additionally, the enrolled enactment would affect other minor amendments and change references in title 14 which are out of date due to passage of other laws. Among these amendments is reference to the transfer of the jurisdiction over the Coast Guard from the Department of the Treasury to the Department of Transportation. We have no objections to these provisions.

With regard to the overall need for or merits of the enrolled enactment, we have no comment and defer to the views of the Department of Transportation.

Sincerely yours,


Richard K. Albrecht
General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

20

Date: October 11

Time: 1000pm

FOR ACTION:

Judy Hope *JH*
Max Friedersdorf *MF*
Bobbie Kilberg *BK*

cc (for information):

Jack Marsh
Ed Schmults
Steve McConahey *SM*

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 200pm

SUBJECT:

H.R.12939-Amendments to Coast Guard Personnel Laws

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: Judy Hope
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 200pm

SUBJECT:

H.R.12939-Amendments to Coast Guard Personnel Laws

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

For Your Comments

___ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection
10/13

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: Judy Hope
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 200pm

SUBJECT:

H.R.12939-Amendments to Coast Guard Personnel Laws

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend Approval.

(Signature)

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: Judy Hope
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 200pm

SUBJECT:

H.R.12939-Amendments to Coast Guard Personnel Laws

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Approval.
Jessith Richards Hope
10/13/76 at 11:20am.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

For the President

AMENDING CERTAIN LAWS AFFECTING COAST GUARD PERSONNEL

JULY 2, 1976.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and
Fisheries, submitted the following

REPORT

[To accompany H.R. 12939]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 12939) to amend certain laws affecting personnel of the Coast Guard, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The basic purpose of the bill is to avoid unintended disruptions in the Coast Guard officer personnel management system which, without proposed amendments to title 14 of the United States Code, will result from the shift in the fiscal year provided for under the Congressional Budget Act of 1974. In addition, the bill would provide three other minor, noncontroversial changes in title 14, as well as amending various references in the title which are now out of date because of the passage of other laws since the enactment of title 14 into positive law.

BACKGROUND DISCUSSION

Under title 14 as it presently exists, Coast Guard officer promotions and retirements are keyed to the date of June 30. That date is specified in the title as the date on which certain personnel action shall be consummated, and it is that date which presently governs certain rights related to promotion, discharge, and retirement. At the time that the provisions involved were enacted, June 30 was also the termination date of the fiscal year, and therefore, the phraseology in title 14 has repeated reference to "fiscal year", although the references to the fiscal year are matters of convenience rather than a reference of substance related to appropriations.

With the shift of the fiscal year from July-June to October-September, the language in title 14 will introduce complicating problems in personnel management. For instance, section 257 provides that an officer on the active duty promotion list becomes eligible for consideration to promotion to the next higher grade at the beginning of the fiscal year in which he completes a certain amount of service. He, therefore, could not be considered for promotion by a Promotion Board prior to October 1 each year. At the same time, present provisions require that, upon failure of selection by two successive Promotion Boards, the officer retire or be discharged on June 30 of the fiscal year in which the second failure of selection occurs. This situation has two undesirable consequences. Not only might he be required to retire up to three months prior to the completion of the end of his service year, therefore, potentially affecting his retirement pay, but also all Promotion Boards involving all grades of officers would have to be telescoped into the October-December time frame, since each officer required to retire as a result of promotion failure is entitled to at least six months notice of the prospective retirement date, a time span which enables the Coast Guard to make necessary reassignments of officers as dictated by Selection Board action and provides the individual affected with some adequate period of advance notice of the impending personnel action, so that he can make his own personal plans for his future.

Two alternatives were available to correct the situation. First, the date June 30 in various sections related to officer personnel could have been changed to September 30, and all procedures could have been keyed to the new fiscal year. This alternative has the undesirable result than annual personnel retirements and reassignments would be accomplished in the middle of the fall rather than the middle of the summer, a change which, for many reasons, creates problems, one of which is the obvious disadvantage of family moves, and the effect on the schooling of children. The second alternative is to leave present procedures as they are, and to continue reassignments, promotions, and retirements mainly in the summer months, a practice which has been found to be workable and advantageous. One of the significant advantages, for instance, relates to the fact that the influx of new Ensigns from the graduating class at the Coast Guard Academy almost dictates planned personnel moves shortly after their commissioning rather than a delay of three months or a piecemeal approach to the reassignment process, either of which would cause great difficulty. Therefore, since there is no compelling reason to keep personnel management tied directly to the fiscal year, the second alternative was chosen and would be accomplished by deleting reference to the "fiscal year" in certain sections of the title related to promotion and retirement, and by changing references to the fiscal year to a newly defined "promotion year", which would commence on July 1 of each year and end on June 30 of the following year.

In forwarding the Executive Communication proposing the above change, the Secretary of Transportation also recommended language which would amend title 14 in other particulars, none of which are of special significance and all of which are noncontroversial.

COMMITTEE ACTION

Hearings on H.R. 12939 were held by the Subcommittee on Coast Guard and Navigation on May 4, 1976, and testimony was received from Rear Admiral Ricardo Ratti, Chief Counsel, United States Coast Guard, representing the Department of Transportation, recommending enactment of the bill, as introduced. No other testimony was received.

H.R. 12939 was considered by the Subcommittee on Coast Guard and Navigation in mark-up session on June 22, 1976, and was ordered reported to the Full Committee, without amendment, unanimously recommending favorable action. On June 29, 1976, the bill, without amendment, was ordered reported by the Full Committee by unanimous voice vote.

SECTION-BY-SECTION ANALYSIS

H.R. 12939 consists of one section, containing 38 amendments to title 14. By far, the greatest number of those amendments relate to such things as correcting references to other agencies and individuals, the designation of which has been changed by law or Reorganization Plan, or by correcting and clarifying wording, such as, for instance, changing the word "rank" in one section where the word intended was obviously "grade". This type of change is made in clauses (1)-(5), (8)-(16), (20), (28)-(35), and (37)-(38).

Of the remaining 13 clauses, 10 of them, (17)-(19) and (21)-(27), would amend various sections to accomplish the basic purpose of the Act in the establishment of a new "promotion year". In addition, clause (19), by deleting clause (3) of section 257(d), would remove a constraint in the eligibility for promotion of certain Lieutenants, Lieutenant Commanders, and Commanders. Under present law, officers in these grades having failed twice of selection for promotion and, having completed 18 years of service, are entitled to remain on active duty until completion of 20 years of service, and thereby become eligible for retirement instead of discharge. The present law, however, prevents their consideration for promotion during this retention period. The amendment would remove that disability. It should be noted that the officers involved are not found unqualified when they fail of selection, but have instead not been included within the number of best qualified of those considered for the restricted number of available vacancies. This change and continued eligibility for further promotion consideration should serve as an incentive for better performance during the retention period rather than the present bar which provides no encouragement for other than routine marking of time during that period.

Clauses (6) and (7) repeal section 87 of title 14. That section, based on legislation enacted in the middle of the last century containing within it specific requirements on the numbering and coloration of navigational buoys, is an example of undesirable specificity in statutory enactment and prevents the utilization of technological improvements in optics and visual acuity.

The final amendment, provided in clause (36), would change the reporting date of the submission of the required annual report on

Coast Guard operations and expenditures, by moving the date from January to April, a shift comparable to the three month shift in the fiscal year.

COST OF THE LEGISLATION

H.R. 12939 would involve no costs.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of clause 2(1)(3) of Rule XI of the Rules of the House of Representatives—

(A) No oversight hearings were conducted on the subject matter contained in H.R. 12939, other than the hearings on the bill itself;

(B) The requirements of section 308(a) of the Congressional Budget Act of 1974 are not applicable;

(C) Section 403 of the Congressional Budget Act of 1974 is not applicable; and

(D) The Committee has received no report from the Committee on Government Operations on the subject matter of the bill, pursuant to the provisions of clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee concludes that H.R. 12939 has no inflationary impact.

DEPARTMENTAL REPORTS

H.R. 12939 was the subject of Executive Communication No. 2875 from the Secretary of Transportation, dated March 2, 1976. Agency reports were received from the Department of the Navy and the General Accounting Office. The above mentioned documents follow herewith:

[Exec. Comm. No. 2875]

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 22, 1976.

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 personnel of the Coast Guard, and for other purposes."

The proposed bill would make numerous changes to title 14, United States Code. The most important changes are necessitated by that provision of the recently enacted Congressional Budget Act of 1974 (P.L. 93-344) which redefined the fiscal year of the United States. The new definition, effective October 1, 1976, provides that the fiscal year will run from October 1 of each year to September 30 of the following year.

Several provisions of the officer personnel laws of the Coast Guard would be affected by the redefinition of the fiscal year since they use

the term "fiscal year" in prescribing when certain personnel actions occur. For example, sections 282, 283, 284, 285, 288, and 289 of title 14 prescribe "June 30 of the fiscal year" as the effective date for involuntary discharge or retirement of commissioned officers. June 30 has long been the established date for these discharges and retirements. We have found that the June 30 date works well for both the service and the individual. We believe it should be retained as the date of involuntary retirements and discharges. However, the new definition of the fiscal year would have the practical effect of changing that retirement or discharge date in many instances or would require the Coast Guard to make undesirable changes in its administrative practices to prevent those discharge and retirement date changes. Another effect would be to make many of the above sections of title 14 internally inconsistent in some circumstances or difficult of administration.

To avoid these undesirable results, the proposed bill substitutes a new term "promotion year" for the term "fiscal year" now found in those sections of title 14 relating to personnel. The new term is defined identically to the present fiscal year definition. The net result is that the change in the fiscal year definition under the Congressional Budget Act will not result in any substantive changes to Coast Guard personnel laws. The proposed amendments will thus enable the service to continue its present administrative practices without disruption.

An additional amendment would eliminate the provision that officers twice passed over for selection to the next higher grade are no longer eligible for consideration for promotion. This would primarily affect officers in the grade of lieutenant commander and would provide those officers with an incentive and an opportunity for promotion as long as they remain on active duty.

One substantive amendment is not related to personnel. It would repeal an archaic provision setting forth required colors for buoys. All of the remaining amendments in the bill are technical in nature and update or correct various provisions of title 14.

It is recommended that the proposed legislation be enacted by Congress.

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 Congress.

Sincerely,

WILLIAM T. COLEMAN, JR.

(The draft bill is now H.R.12939.)

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 22, 1976.

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

DEAR MADAM CHAIRMAN: Further reference is made to your letter dated April 5, 1976, requesting our views and recommendations on H.R. 12939, 94th Congress, a bill to amend certain laws affecting personnel of the Coast Guard, and for other purposes.

Under the terms of the captioned bill, the General Accounting Office would not be required to expend funds or incur any administrative expenses.

The bill's main purpose is to update existing laws of the Coast Guard by making certain technical amendments and repealing obsolete sections of title 14, United States Code.

We have carefully reviewed the bill and find the technical amendments and the repealing of obsolete sections in the proposed legislation to be in order. Therefore, it is our view that in light of changes in other laws since the last general revision of title 14, United States Code, the updating of Coast Guard laws as proposed would be appropriate and beneficial and we recommend passage of the bill.

It does not appear that this legislation will result in any increased expenditures.

We have no other comments or recommendations to offer in the matter.

Sincerely yours,

PAUL G. DEMBLING,
*For the Comptroller General
of the United States.*

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., May 4, 1976.

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

DEAR MADAME CHAIRMAN: Your request for comment on H.R. 12939, a bill "To amend certain laws affecting personnel of the Coast Guard, and for other purposes," has been assigned to this Department by the Secretary of Defense for the preparation of a report expressing the views of the Department of Defense.

The purpose of the bill is to make essentially technical changes to title 14, United States Code. The term "promotion year" is substituted for the term "fiscal year" now found in sections of title 14 relating to personnel. The new term is defined identically to the present fiscal year definition. This change is necessitated by that provision of the Congressional Budget Act of 1974 (P.L. 93-344) which redefined the fiscal year of the United States. Substantively, the bill would also eliminate the provision that officers twice passed over for selection to the next higher grade are no longer eligible for consideration for promotion.

The Department of the Navy, on behalf of the Department of Defense, has no objection to the proposed legislation.

Enactment of H.R. 12939 would result in no additional expenditures by the Department of Defense.

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

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H.R. 12939 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

T. F. HAIRSTON,
*Captain, JAGC, U.S. Navy,
Director, Legislation.*

CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

COAST GUARD

TITLE 14, UNITED STATES CODE

§ 1. Establishment of Coast Guard.

The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the [Treasury Department,] *Department of Transportation*, except when operating as a service in the Navy.

§ 3. Relationship to Navy Department.

Upon the declaration of war or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by [executive] *Executive* order, transfers the Coast Guard back to the [Treasury Department,] *Department of Transportation*. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations.

Chapter 5.—FUNCTIONS AND POWERS

Sec.

81. Aids to navigation authorized.
82. Cooperation with Administrator of the Federal Aviation [Agency.] *Administration*.
83. Unauthorized aids to maritime navigation; penalty.
84. Interference with aids to navigation; penalty.
85. Aids to maritime navigation on fixed structures; penalty.
86. Marking of obstructions.
[87. Buoys; color and numbering; passing.]
88. Saving life and property.

* * * * *

§ 81. Aids to navigation authorized.

In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

- * * * * *
- (3) electronic aids to navigation systems (a) required to serve the needs of the armed forces of the United States peculiar to warfare and primarily of military concern as determined by the Secretary of Defense or any department within the Department of Defense; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as requested by the Administrator of the Federal Aviation [Agency.] Administration.
- * * * * *

§ 82. Cooperation with Administrator of the Federal Aviation [Agency] Administration

The Coast Guard, in establishing, maintaining, or operating any aids to air navigation herein provided, shall solicit the cooperation of the Administrator of the Federal Aviation [Agency] Administration to the end that the personnel and facilities of the Federal Aviation [Agency] Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by the Federal Aviation Act of 1958, as amended (ch. 20 of title 49), or by the provisions of sections 7392 and 7394 of title 10.

§ 87. Buoys; color and numbering; passing.

[All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered so that passing up the coast or sound, or entering the bay, harbor, or channel, red buoys with even numbers shall be passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black horizontal stripes on either hand. Buoys in channel ways shall be colored with alternate white and black vertical stripes.]

§ 90. Ocean stations.

(a) The Coast Guard is authorized to operate and maintain floating ocean stations for the purpose of providing search and rescue, communication, and air navigation facilities, and meteorological services in such ocean areas as are regularly traversed by aircraft of the United States.

(b) The Coast Guard is authorized, subject to approval by the Administrator of the Federal Aviation [Agency,] Administration, to operate, on floating ocean stations authorized herein, such air navigation facilities as the Administrator may find necessary or desirable for

the safe and efficient protection and control of air traffic. The Coast Guard, in establishing, maintaining, or operating such air navigation facilities shall request the cooperation of the Administrator of the Federal Aviation [Agency] Administration to the end that the personnel and facilities of the Federal Aviation [Agency] Administration will be utilized to the fullest possible advantage.

§ 93. Commandant; general powers.

For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

- * * * * *
- (n) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be [covered into] deposited in the Treasury;
- * * * * *

Chapter 7.—COOPERATION WITH OTHER AGENCIES

- Sec.
- 141. General.
- 142. State Department.
- 143. Treasury Department.
- 144. Department of the Army and Department of the Air Force.
- 145. Navy Department.
- 146. [Post Office Department.] United States Postal Service.
- 147. Department of Commerce.

§ 144. Department of the Army and Department of the Air Force.

(a) The Secretary of the Army or the Secretary of the Air Force at the request of the Secretary [of the Treasury] may, with or without reimbursement for the cost thereof, as agreed, receive officers and enlisted men of the Coast Guard for instruction in any school, including any aviation school, maintained by the Army or the Air Force, and such officers and enlisted men shall be subject to the regulations governing such schools.

(c) Articles of ordnance property may be sold by the [Chief of Ordnance] Secretary of the Army to officers of the Coast Guard for their use in the public service in the same manner as these articles are sold to officers of the Army.

§ 145 Navy Department.

(a) The Secretary of the Navy, at the request of the Secretary [of the Treasury] may, with or without reimbursement for the cost thereof, as agreed:

(c) When the Coast Guard is operating in the [Treasury Department,] Department of Transportation, the Secretary shall provide for

such peacetime training and planning of reserve strength and facilities as is necessary to insure an organized, manned, and equipped Coast Guard when it is required for wartime operation in the Navy. To this end, the Secretary of the Navy for the Navy, and the Secretary of [the Treasury,] *Transportation*, for the Coast Guard, may from time to time exchange such information, make available to each other such personnel, vessels, facilities, and equipment, and agree to undertake such assignments and functions for each other as they may agree are necessary and advisable.

* * * * *

§ 147. Department of Commerce.

In order to promote the safety of life and property on and over the high seas and waters over which the United States has jurisdiction, and to facilitate the preparation and dissemination by the [Weather Bureau] *National Oceanic and Atmospheric Administration* of the weather reports, forecasts, and warnings essential to the safe and efficient conduct of domestic and international commerce on and over such seas and waters, the Commandant may cooperate with the [Chief of the Weather Bureau] *Administrator, National Oceanic and Atmospheric Administration* by procuring, maintaining, and making available, facilities and assistance for observing, investigating, and communicating weather phenomena and for disseminating weather data, forecasts and warnings, the mutually satisfactory terms of such cooperation in weather service to be agreed upon and arranged between the Commandant and the [Chief of the Weather Bureau] *Administrator, National Oceanic and Atmospheric Administration*.

* * * * *

§ 186. Civilian teaching staff.

(a) The Secretary may appoint in the Coast Guard such number of civilian faculty members at the Academy as the needs of the Service may require. They shall have such titles and perform duties as prescribed by the Secretary. [Leaves of absence and hours of work for such personnel shall be governed by regulations issued by the Secretary of the Treasury, without regard to section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121-1125, and chapter 23 of title 5.] *Leaves of absence and hours of work for civilian faculty members shall be governed by regulations promulgated by the Secretary, without regard to the provisions of title 5.*

* * * * *

§ 188. Appointment of permanent commissioned teaching staff.

The President may appoint in the Coast Guard, by and with the advice and consent of the Senate, the professors, associate professors, assistant professors, and instructors who are to serve on the permanent commissioned teaching staff of the Academy. An original appointment to the permanent commissioned teaching staff, unless the appointee has served as a civilian member of the teaching staff, regular commissioned officer, temporary commissioned officer, or reserve commissioned officer in the Coast Guard, shall be a temporary appointment until the appointee has satisfactorily completed a probationary term of four years of service; thereafter he may be regularly appointed

and his rank shall date from the date of his temporary appointment in the [rank] *grade* in which permanently appointed.

* * * * *

§ 193. Advisory Committee.

The Secretary may appoint an Advisory Committee to the Academy, consisting of not more than seven persons of distinction in education and other fields relating to the purposes of the Academy, who shall serve without pay. Members of the Advisory Committee shall be appointed for terms of not to exceed three years and may be reappointed. The Secretary shall, in June of each year, appoint one of the members to serve as chairman. The members so appointed shall visit the Academy at least once during the academic year on the call of the [Chairman] *chairman* and may convene once each year at Headquarters, at the call of the Commandant, for the purpose of examining the course of instruction and advising the Commandant relative thereto. [Each member of the Committee shall be reimbursed from Coast Guard appropriations in conformity with section 73b-1 of Title 5, or such actual expenses as permitted by section 73b-2 of Title 5 shall be defrayed by the Coast Guard.] *Each member of the Committee shall be reimbursed from Coast Guard appropriations in conformity with the provisions of chapter 57 of title 5.*

* * * * *

Chapter 11.—PERSONNEL

OFFICERS

* * * * *

B. SELECTION FOR PROMOTION

251. Selection boards; convening of boards.
 252. Selection boards; composition of boards.
 253. Selection boards; notice of convening; communication with board.
 254. Selection boards; oath of members.
 255. Number of officers to be selected for promotion.
 256. Promotion zones.
 256a. *Promotion year; defined.*
 257. Eligibility of officers for consideration for promotion.
 258. Selection boards; information to be furnished boards.

* * * * *

§ 256a. Promotion year; defined.

For the purposes of this chapter, "promotion year" means the period which commences on July 1 of each year and ends on June 30 of the following year.

§ 257. Eligibility of officers for consideration for promotion.

(a) An officer on the active duty promotion list becomes eligible for consideration for promotion to the next higher grade at the beginning of the [fiscal] *promotion* year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

* * * * *

(d) Except when his name is on a list of selectees, each officer who becomes eligible for consideration for promotion to the next higher grade remains eligible so long as he—

(1) continues on active duty; *and*

(2) is not promoted to that grade [; and].

[(3) if serving in a grade below captain, has not twice failed of selection for promotion to the next higher grade.]

* * * * *

§ 273. Promotions; acceptance; oath of office.

(a) An officer who receives an appointment under section 271 of this title is considered to have accepted his appointment on its effective date, unless he expressly declines the appointment.

(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section [16] 3331 of title 5 is not required to take a new oath upon his appointment in a higher grade.

* * * * *

§ 282. Regular lieutenants (junior grade); separation for failure of selection for promotion.

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

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

* * * * *

§ 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] *promotion* year in which his second failure of selection occurs; or

* * * * *

§ 284. Regular Coast Guard; officers serving under temporary appointments.

(a) Each officer of the Regular Coast Guard appointed under section 214 of this title who is serving in the grade of lieutenant (junior grade) or lieutenant and who has failed of selection for promotion to the grade of lieutenant or lieutenant commander, respectively, for the second time shall:

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

* * * * *

§ 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 twenty years of active service or is eligible for retirement under any law on June 30 of the [fiscal] *promotion* year in which his second failure of selection occurs, be retired on that date; or

* * * * *

§ 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, unless retired under some other provision of law, be retired on June 30 of the [fiscal] *promotion* 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.

* * * * *

§ 289. Captains; continuation on active duty; involuntary retirement.

(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain who during the [fiscal] *promotion* year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of rear admiral. Officers who are subject to retirement under section 288 of this title during the [fiscal] *promotion* year in which the board meets shall not be considered by this board.

* * * * *

(g) Each officer who is considered but not recommended for continuation on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the [fiscal] *promotion* year in which the report of the continuation board convened under this section is approved, or the last day of the month in which he completes twenty years of active service, whichever is later.

§ 290. Rear admirals; continuation on active duty; involuntary duty; involuntary retirement.

(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade

of rear admiral is subject to consideration for continuation during a [fiscal] promotion year in which he completes not less than four or more than five years service in that grade.

(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the [fiscal] promotion year in which the report of the continuation board convened under this section is approved.

(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the [fiscal] promotion year in which he completes a total of thirty-six years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, 434 of this title.

(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from [fiscal] promotion year to [fiscal] promotion year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that [fiscal] promotion year in which no action is taken to further retain him under this subsection.

§ 373. Aviation cadets; appointment as Reserve officers.

(a) An aviation cadet who fulfills the eligibility requirements of section [6023(b)] 2003 of title 10 for designation as a naval aviator may be appointed an ensign in the Coast Guard Reserve and designated a Coast Guard aviator.

§ 461. Remission of indebtedness of enlisted members upon discharge.

If he considers it in the best interest of the United States, the Secretary [of the Treasury] may have remitted or canceled any part of an enlisted member's indebtedness to the United States or any of its instrumentalities remaining unpaid before or at the time of, that member's honorable discharge.

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

(a) The Secretary [of the Department in which the Coast Guard is operating] is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary [of the Department in which the Coast Guard is operating] finds that the

average is so low as to prevent rental of necessary housing facilities in some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense.

(f) The Secretary [of the Department in which the Coast Guard is operating] shall annually, not later than April 1, [commencing April 1, 1973,] file with the Speaker of the House of Representatives and the President of the Senate a complete report of the utilization of the authority granted in subsections (a), (b), (c), and (d) of this section during the preceding calendar year.

§ 500. Life-saving medals.

(a) The Secretary [of the Treasury] may, under regulations prescribed by him, award a Life-saving medal of gold or silver to any person, including personnel of the Coast Guard, who rescues or endeavors to rescue any other person from drowning, shipwreck, or other peril of the water in accordance with the following provisions:

§ 511. Compensatory absence of military personnel at isolated aids to navigation.

The [head of the department in which the Coast Guard is operating,] Secretary, under regulations prescribed by him, may grant compensatory absence from duty to military personnel of the Coast Guard serving in lightships and at lighthouses and other isolated aids to navigation of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.

§ 631. Delegation of powers by the Secretary.

The Secretary [of the Treasury] is authorized to confer or impose upon the Commandant [of the Coast Guard] any of the rights, privileges, powers, or duties, in respect to the administration of the Coast Guard, vested in or imposed upon the Secretary [of the Treasury] by this title or other provisions of law.

§ 617. Claims for damage to property of the United States

[(a)] The Secretary [of the Treasury] may consider, ascertain, adjust, determine, compromise, or settle claims for damage cognizable in admiralty in a district court of the United States and all claims for damage caused by a vessel or floating object, to property of the United States under the jurisdiction of the Coast Guard or property for which the Coast Guard may have assumed, by contract or otherwise, any obligation to respond for damage thereto. The Secretary [of the Treasury] is further authorized to receive in payment of any such claim the amount due the United States pursuant to determination, compromise, or settlement as herein authorized and, upon acceptance of such payment but not until then, such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding. All such

payments shall be [covered into] *deposited in* the Treasury of the United States as miscellaneous receipts. The Secretary [of the Treasury] is further authorized to execute on behalf of the United States and to deliver in exchange for such payment a full release of such claim. This section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of, all other provisions of law authorizing the determination, compromise, or settlement of claims for damage to property hereinabove described. No settlement or compromise where there is involved a payment in the net amount of over \$25,000 is authorized by this [title.] *section.*

* * * * *

§ 650. Coast Guard Supply Fund.

(b) Obligations may, without regard to fiscal year limitations, be incurred against anticipated reimbursement to the Coast Guard Supply Fund in such amount and for such period, as the Secretary, with approval of the Director of the [Bureau of the Budget,] *Office of Management and Budget*, may determine to be necessary to maintain stock levels consistently with planned operations for the next year.

* * * * *

§ 651. Annual report.

In [January] *April* of each year, the Commandant, through the Secretary, shall report to Congress the operations and expenditures of the Coast Guard during the preceding fiscal year.

* * * * *

§ 655. Arms and ammunition; immunity from taxation.

No tax on the sale or transfer of firearms, pistols, revolvers, shells, or cartridges may be imposed on such articles when bought with funds appropriated for the [United States] Coast Guard.

* * * * *

§ 829. Radio station deemed government station.

Any radio station, while assigned to authorized Coast Guard duty shall be deemed to be a radio station of the Coast Guard and a "government station" within the meaning of chapter 5 of [Title] *title 47.*

H. R. 12939

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend certain laws affecting personnel of the Coast Guard, and for other purposes.

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) In section 1 by striking in the second sentence the words "Treasury Department" and inserting in lieu thereof the words "Department of Transportation".
- (2) In section 3 by striking in the first sentence—
 - (a) the word "executive" and inserting in lieu thereof the word "Executive"; and
 - (b) the words "Treasury Department" and inserting in lieu thereof the words "Department of Transportation".
- (3) In section 81 by striking in clause (3) (c) the word "Agency" and inserting in lieu thereof the word "Administration".
- (4) In section 82 by striking in the first sentence the word "Agency" in both places where it appears and inserting in lieu thereof the word "Administration".
- (5) In item (section) 82 in the analysis of chapter 5 and in the catchline of the section by striking the word "Agency" and inserting in lieu thereof the word "Administration".
- (6) Section 87 is repealed.
- (7) Item (section) 87 in the analysis to chapter 5 and the catchline of the section are repealed.
- (8) In section 90 by striking in subsection (b) the word "Agency" wherever it appears and inserting in lieu thereof the word "Administration".
- (9) In section 93 by striking in subsection (n) the words "covered into" and inserting in lieu thereof the words "deposited in".
- (10) In section 144—
 - (a) by striking in subsection (a) the words "of the Treasury"; and
 - (b) by striking in subsection (c) the words "Chief of Ordnance" and inserting in lieu thereof the words "Secretary of the Army".
- (11) In section 145—
 - (a) by striking in subsection (a) the words "of the Treasury"; and
 - (b) by striking in subsection (c)—
 - (i) in the first sentence the words "Treasury Department" and inserting in lieu thereof the words "Department of Transportation"; and
 - (ii) in the second sentence the words "the Treasury" and inserting in lieu thereof the word "Transportation".
- (12) In item (section) 146 in the analysis of chapter 7 and in the catchline of the section by striking the words "Post Office Department" and inserting in lieu thereof the words "United States Postal Service".

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- (13) In section 147—
- (a) by striking the words "Weather Bureau" between the words "the" and "of" and inserting in lieu thereof the words "National Oceanic and Atmospheric Administration"; and
 - (b) by striking the words "Chief of the Weather Bureau" wherever they appear and inserting in lieu thereof the words "Administrator, National Oceanic and Atmospheric Administration".
- (14) In section 186 by striking in subsection (a) the third sentence in its entirety and inserting in lieu thereof the following "Leaves of absence and hours of work for civilian faculty members shall be governed by regulations promulgated by the Secretary, without regard to the provisions of title 5."
- (15) In section 188 by striking in the last sentence the word "rank" between the words "the" and "in" and inserting in lieu thereof the word "grade".
- (16) In section 193—
- (a) by striking in the fourth sentence the word "Chairman" and inserting in lieu thereof the word "chairman"; and
 - (b) by striking the last sentence in its entirety and inserting in lieu thereof the following "Each member of the Committee shall be reimbursed from Coast Guard appropriations in conformity with the provisions of chapter 57 of title 5."
- (17) By adding after section 256 the following new catchline and section:
- "§ 256a. Promotion year; defined**
- "For the purposes of this chapter, 'promotion year' means the period which commences on July 1 of each year and ends on June 30 of the following year."
- (18) By inserting in the analysis of chapter 11 following item (section) 256, the following new item (section):
- "256a. Promotion year; defined."
- (19) In section 257—
- (a) by striking in subsection (a) the word "fiscal" and inserting in lieu thereof the word "promotion"; and
 - (b) in subsection (d)—
 - (i) by inserting the word "and" following the semicolon in clause (1);
 - (ii) by striking the word "; and" at the end of clause (2) and inserting in lieu thereof a period; and
 - (iii) by striking clause (3).
- (20) In section 273 by striking in subsection (b) the figures "16" and inserting in lieu thereof the figures "3331".
- (21) In section 282 by striking in clause (1) the word "fiscal" and inserting in lieu thereof the word "promotion".
- (22) In section 283 by striking in clause (1) of subsection (a) the word "fiscal" and inserting in lieu thereof the word "promotion".
- (23) In section 284 by striking in clause (1) of subsection (a) the word "fiscal" and inserting in lieu thereof the word "promotion".

- (24) In section 285 by striking in clause (1) the word "fiscal" and inserting in lieu thereof the word "promotion".
- (25) In section 288 by striking in the first sentence of subsection (a) the word "fiscal" and inserting in lieu thereof the word "promotion".
- (26) In section 289—
- (a) by striking in subsection (a) the word "fiscal" wherever it appears and inserting in lieu thereof the word "promotion"; and
 - (b) by striking in subsection (g) the word "fiscal" and inserting in lieu thereof the word "promotion".
- (27) In section 290—
- (a) by striking in the last sentence of subsection (a) the word "fiscal" and inserting in lieu thereof the word "promotion";
 - (b) by striking in subsection (e) the word "fiscal" and inserting in lieu thereof the word "promotion";
 - (c) by striking in subsection (f) the word "fiscal" and inserting in lieu thereof the word "promotion"; and
 - (d) by striking in subsection (g) the word "fiscal" wherever it appears and inserting in lieu thereof the word "promotion".
- (28) In section 373 by striking in subsection (a) the figures "6023(b)" and inserting in lieu thereof the figures "2003".
- (29) In section 461 by striking the words "of the Treasury".
- (30) In section 475—
- (a) by striking in subsection (a) the phrase "of the Department in which the Coast Guard is operating" wherever it appears; and
 - (b) by striking in subsection (f) the phrase "of the Department in which the Coast Guard is operating", and the phrase "commencing April 1, 1973,".
- (31) In section 500 by striking in subsection (a) the words "of the Treasury".
- (32) In section 511 by striking the phrase "head of the department in which the Coast Guard is operating" and inserting in lieu thereof the word "Secretary".
- (33) In section 631—
- (a) by striking the words "of the Treasury" wherever they appear; and
 - (b) by striking the phrase "of the Coast Guard" between the words "Commandant" and "any".
- (34) In section 647—
- (a) by striking preceding the first sentence the subsection designation "(a)";
 - (b) by striking the words "of the Treasury" wherever they appear;
 - (c) by striking in the third sentence the words "covered into" and inserting in lieu thereof the words "deposited in"; and
 - (d) by striking in the last sentence the word "title" and inserting in lieu thereof the word "section".
- (35) In section 650 by striking in subsection (b) the words "Bureau of the Budget" and inserting in lieu thereof the words "Office of Management and Budget".

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(36) In section 651 by striking the word "January" and inserting in lieu thereof the word "April".

(37) In section 655 by striking the words "United States".

(38) In section 829 by striking the words "chapter 5 of Title 47" and inserting in lieu thereof the words "Section 305 of the Communications Act of 1934 (47 U.S.C. 305)".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*