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APPROVED  
OCT 11 1976

*This File Contains  
Classified  
"Confidential"  
Material*

*8/10/11/76*

HOUSE  
ON  
1976

ACTION

Last Day: October 11

*Noted  
10/11/76*

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *JDC*

*To ARCHIVES  
10/12*

SUBJECT: H.R. 11407 - Admission of Foreign  
Nationals to the Coast Guard Academy

Attached for your consideration is H.R. 11407, sponsored by Representatives Sullivan, Biaggi and du Pont.

The enrolled bill would authorize the admission of 36 foreign nationals to the Coast Guard Academy for training purposes.

A detailed description of the provisions of the bill is provided in OMB's enrolled bill report at Tab A.

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

RECOMMENDATION

That you sign H.R. 11407 at Tab B.





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

OCT 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11407 - Admission of foreign  
nationals to the Coast Guard Academy  
Sponsors- Rep. Sullivan (D) Missouri, Rep. Biaggi  
(D) New York, and Rep. du Pont (R) Delaware

Last Day for Action

October 11, 1976 - Monday

Purpose

Authorizes the admission of 12 additional foreign nationals  
to the Coast Guard Academy.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
Department of State	Approval

Discussion

H.R. 11407 would authorize the admission of 36 foreign  
nationals to the Coast Guard Academy for training purposes.  
Currently, the Department of Transportation (DOT) is authoriz-  
ed to admit to the Academy four persons from the Republic  
of the Philippines and 20 persons from the American Republics.

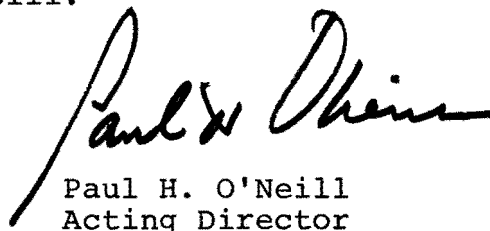
DOT, after a request from the State Department to consider  
the admission of Iranian nationals to the Academy, submitted  
legislation to the Congress that would have authorized 12  
additional foreign nationals to enter the Academy. DOT pro-  
posed that the legislation continue to specify that there be  
four persons from the Philippines, and 20 persons from the  
American Republics (to include Canada), with the other 12 to  
be from unspecified other counties. The enrolled bill, how-  
ever, would provide simply for the admission of 36 foreign  
nationals, with no geographical distribution specified.

Under current law, cadets from the Philippines receive the same  
pay and allowances as other cadets, paid for by the United

States. All other foreign nationals must receive all pay, allowances, emoluments and travel from their own countries. At State's request, DOT's proposal would have continued this arrangement. The enrolled bill would provide that all cadets receive the same pay and allowances as U.S. cadets. It would also require, however, that all foreign countries must agree in advance to reimburse the United States for such pay and allowances, thus eliminating the special arrangement for Philippine cadets. The Secretary of Transportation could, under the bill, waive the reimbursement requirement for any country--and DOT, in its attached views letter, anticipates that it will waive reimbursement for Philippine cadets currently attending the Academy.

DOT also states in its views letter that the elimination of the special provisions would be beneficial to it, since this would allow increased flexibility in selecting foreign nationals to be admitted to the Academy and would simplify the accounting procedures relating to cadet pay and allowances.

For the reasons stated in its attached views letter, classified "Confidential," the State Department is concerned about the elimination of the specific special pay and admission provisions for the Philippine cadets. However, State recommends approval of the enrolled bill.



Paul H. O'Neill  
Acting Director

Enclosures



MEMORANDUM

NATIONAL SECURITY COUNCIL

5602

CONFIDENTIAL ATTACHMENT

October 8, 1976

MEMORANDUM FOR: JAMES M. CANNON  
FROM: Jeanne W. Davis *JWD*  
SUBJECT: H. R. 11407

The NSC Staff concurs in H. R. 11407-Admission of Foreign Nationals to the Coast Guard Academy.

CONFIDENTIAL ATTACHMENT



DEPARTMENT OF STATE

Washington, D.C. 20520

OCT 1 1976

Dear Mr. Lynn:

The Department of State has reviewed H.R. 11407 which amends title 14, United States Code, to increase the number of foreign nationals who may be admitted to the U.S. Coast Guard Academy, consolidate existing authority in one section, eliminate specific geographic distribution of foreign cadets, authorize for all foreign cadets, on a reimbursable basis, pay and allowances equivalent to those of any other cadet at the academy, and provide discretionary authority for the Secretary of Transportation to waive reimbursement for specific countries.

Since the Philippines is the only country now authorized to send cadets to the Coast Guard Academy who are entitled to the same pay and allowances as American cadets at the Academy, this proposed revision will eliminate the special privilege now enjoyed by Philippine cadets. The enrolled bill will also eliminate the provision of current law by which the United States Government specifically pays pay and allowances for Philippine cadets.

The enrolled bill differs from the administration proposal in that it eliminates the privileges of Philippine cadets described above and the geographic distribution favoring Western Hemisphere countries.

While the Department of State favors increasing the number of students who could participate in this country's undergraduate military educational system and endorses equal treatment for all foreign cadets at the Academy, we believe it is unfortunate that the bill deletes specific privileges granted to Philippine cadets. The timing of this change is especially poor since we are currently engaged in negotiations on the future status of U.S. bases in the Philippines in which the Government of the Philippines has questioned both the

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

~~CONFIDENTIAL~~

WHM 11/24/00

~~CONFIDENTIAL~~

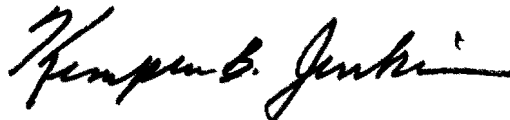
- 2 -

strength of our commitment and the mutuality of our interests in military affairs. Over the longer term, we are concerned that the possibility of increased cost for Philippine cadets will deter the Philippine Government from sending cadets to the Academy, thus further eroding our traditionally strong ties with the Philippine military, which includes many ranking officers who have been graduated from the various U.S. military academies, at a time when Philippine officers are playing an increasingly important role within their own government. However, we view the discretionary authority to waive reimbursement for specific countries as a possible solution to the latter problem.

Based on information provided previously by the Department of Transportation, we understand the bill would incur no additional costs to the United States and would, if the reimbursement waiver is not granted, eventually result in minor savings.

Despite the negative aspects of this bill discussed above, we believe its general treatment of all areas of the world and the provision for discretionary authority will enable us to explain the change to the Philippine Government in a reasonably positive manner and hold to a minimum the negative impact on our short and long term interests in the Philippines. Therefore, we recommend approval of the enrolled bill.

Sincerely,



Kempton B. Jenkins  
Acting Assistant Secretary  
for Congressional Relations

Classified by... *A. S. J.* .....  
SUBJECT TO GENERAL DECLASSIFICATION  
SCHEDULE OF EXECUTIVE ORDER 11652  
AUTOMATICALLY DOWNGRADED AT TWO  
YEAR INTERVALS  
DECLASSIFIED ON 31 DECEMBER 1980

~~CONFIDENTIAL~~



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

SEP 30 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. 11407, an enrolled bill

"To amend title 14, United States Code to authorize the admission of additional foreign nationals to the Coast Guard Academy."

The Secretary of Transportation is currently authorized to admit to the Coast Guard Academy four persons from the Republic of the Philippines (14 U.S.C. 195) and 20 persons from the American Republics (52 Stat. 1034, as implemented by E.O. 7964). In response to a request by the Department of State to consider the admission of a number of students from Iran to the Coast Guard Academy, this Department sponsored a legislative proposal to amend section 195 of title 14, United States Code, to consolidate the existing authority into one section, authorize the Secretary to admit 12 additional persons from other foreign countries, and to include citizens of Canada within the total number of persons authorized from the American Republics. The maximum number of foreign nationals at the Academy at any one time would thus be 36.

Under existing law, a person from the Republic of the Philippines is paid as is any other cadet at the Academy. The American Republics are required to furnish the pay, allowances, emoluments, and travel of persons from those countries attending the Academy. At the request of the Department of State, our proposal would have continued to authorize the payments of pay and allowances to persons from the Republic of the Philippines, but would not have authorized funds for travel, pay, or allowances for any other foreign national receiving instruction at the Academy.






Although our proposal was passed by the House without amendment, the Senate amended the bill by eliminating the distinction between students from the Republic of the Philippines, the American Republics, and other foreign nations, and simply authorized the furnishing of instruction to not more than 36 foreign nationals at any one time. In addition, the Senate amendment entitles a foreign national to the same pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations. However, the foreign country involved must agree in advance to reimburse the United States for the cost of providing the instruction, including pay and allowances, unless a waiver is granted to that country by the Secretary.

The amendments made by the Senate and accepted by the House concerning reimbursement are similar to provisions contained in H.R. 8808, a bill sponsored by the Department of Defense to permit foreign nationals to receive instruction at the other service academies. The changes made by the Senate improve our proposal since they simplify accounting procedures for foreign nationals and would clearly preclude foreign nationals from receiving greater pay than cadets from the United States. In addition, they provide greater flexibility in selecting the foreign nationals who would be permitted to attend the Academy.

Because the reimbursement provision applies to all foreign nationals attending the Academy there would be no additional costs to the United States Government, and slight savings are possible. It is anticipated, however, that reimbursement for persons from the Republic of the Philippines would be waived, at least for any cadet currently attending the Academy.

This Department supports the enrolled bill and recommends that the President sign it.

Sincerely,

  
William T. Coleman, Jr.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 6

Time: noon

FOR ACTION:

NSC/S *MH*  
Judy Hope *on*  
Max Friedersdorf *MH*  
BBobbie Kilberg *u*

cc (for information):

Jack Marsh  
Jim Connor  
Ed Schmults  
Steve McConahey *no*

FROM THE STAFF SECRETARY

DUE: Date: ~~Thursday~~, October 8

Time: noon

SUBJECT:

H.R. 11407-Admission of foreign nationals to the  
Coast Guard Academy

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 6

Time: noon

FOR ACTION: NSC/S  
Judy Hope  
Max Friedersdorf  
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 8

Time: noon

SUBJECT:

H.R. 11407-Admission of foreign nationals to the  
Coast Guard Academy

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. Judith Hope  
10/6/76 - 2:55 pm.

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.

James M. Cannon  
For the President

THE WHITE HOUSE

WASHINGTON

October 7, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: HR 11407 - Admission of foreign nationals  
to the Coast Guard Academy

The Office of Legislative Affairs concurs with the agencies  
that the subject bill be approved.

Attachments

THE WHITE HOUSE

ION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 6

Time: noon

FOR ACTION: NSC/S  
Judy Hope  
Max Friedersdorf  
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: Friday, October 8

Time: noon

SUBJECT:

H.R. 11407-Admission of foreign nationals to the  
Coast Guard Academy

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

*approve Kilberg 10/8/76*



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.

James M. Cannon  
For the President

To-  
J. Johnston  
10-5-76  
4:30 P.M.



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

OCT 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11407 - Admission of foreign  
nationals to the Coast Guard Academy  
Sponsors- Rep. Sullivan (D) Missouri, Rep. Biaggi  
(D) New York, and Rep. du Pont (R) Delaware

Last Day for Action

October 11, 1976 - Monday

Purpose

Authorizes the admission of 12 additional foreign nationals  
to the Coast Guard Academy.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
Department of State	Approval

Discussion

H.R. 11407 would authorize the admission of 36 foreign  
nationals to the Coast Guard Academy for training purposes.  
Currently, the Department of Transportation (DOT) is authoriz-  
ed to admit to the Academy four persons from the Republic  
of the Philippines and 20 persons from the American Republics.

DOT, after a request from the State Department to consider  
the admission of Iranian nationals to the Academy, submitted  
legislation to the Congress that would have authorized 12  
additional foreign nationals to enter the Academy. DOT pro-  
posed that the legislation continue to specify that there be  
four persons from the Philippines, and 20 persons from the  
American Republics (to include Canada), with the other 12 to  
be from unspecified other counties. The enrolled bill, how-  
ever, would provide simply for the admission of 36 foreign  
nationals, with no geographical distribution specified.

Under current law, cadets from the Philippines receive the same  
pay and allowances as other cadets, paid for by the United

## TRAINING OF FOREIGN NATIONALS AT THE COAST GUARD ACADEMY

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MAY 10, 1976.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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

### REPORT

[To accompany H.R. 11407]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 11407) to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE LEGISLATION

The purpose of the bill is to consolidate in one section, the present provisions of law which authorize the instruction of foreign nationals at the United States Coast Guard Academy, and to authorize the Secretary of the Department in which the Coast Guard is operating, to permit such training for 12 additional persons from other foreign countries friendly to the United States, not authorized under present statutes. In addition, the bill would authorize trainees from Canada in the quota available under present law to the American Republics other than the United States.

#### BACKGROUND

Under the existing provisions of Section 195 of title 14, United States Code, the Secretary may permit up to four persons at a time from the Republic of the Philippines to receive instruction at the Coast Guard Academy. Those persons are designated by the President and are entitled to the same pay and allowances, to be paid from the same appropriations, as cadets who are appointed under the provisions of section 182. That authority was provided by Public Law 91-278, enacted on June 12, 1970, in order to make Coast Guard Academy training available to nationals of the Philippines. The provision was

requested by the Secretary of Transportation, based upon a request of the Philippine Government, supported by the Department of State, and parallels similar authority for the training of Philippines nationals at the Naval Academy.

In addition to the title 14 provision relating to Philippine nationals, the President is authorized, under the Act of June 14, 1938, as amended (20 U.S.C. 221), to permit nationals of the American Republics to receive instruction at institutions and schools maintained by the Government of the United States, with or without a charge to their governments for such instruction. Under Executive Order 7964, implementing that statute, 20 persons from the American Republics, other than the United States, may receive instruction at the Coast Guard Academy. Their governments, under the Executive Order provisions, are required to fund for the pay, allowances, and any other emoluments of such trainees. Under the Act of June 14, 1938, and the implementing Executive Order, Canadian nationals are not eligible to be designated for training as nationals of an "American Republic".

#### GENERAL DISCUSSION

The accessibility of training facilities in the United States for foreign nationals has served a valuable foreign relations interest. It not only provides a badly needed training opportunity for foreign nationals which, in many cases, are not available to them in their own country, but it also provides to them an opportunity to become more familiar with the United States and the principles for which it stands. In addition, of course, it educates the Coast Guard cadets through their contacts with representatives of foreign nations who take advantage of the opportunity afforded, and, therefore, serves a small part in the exchange of ideas which can only serve to broaden the background of future Coast Guard officers. It is, therefore, considered to be a valuable program beneficial to both the foreign national trainee and to his United States counterpart, as well as one more basis for fostering better relations between the governments involved.

The provision under present law relating to Philippine nationals has been extensively utilized, and there are presently four trainees from the Philippines at the Academy, one in each class. The authority under the Act of June 14, 1938, has been less extensively used, and under the authority of that statute, there is only one American Republic trainee, a national from Venezuela in the Class of 1978. It is unclear at present as to the extent to which the new authority to admit 12 trainees from other foreign countries will be utilized. The Department of State supports the addition, however, as beneficial to our foreign policy. Present indications are that the Government of Iran is specifically interested in taking advantage of this additional authority. Once it is in place, it is expected that other governments will also be interested.

There is one aspect of this authority upon which the Committee wishes to make specific comment. While it recognizes that the training of foreign nationals has potential beneficial results, the Committee believes that such results will not actually take place, certainly not to the extent available, unless the trainees involved expect to return to their own countries at the end of their training instruction. It,

therefore, anticipates that the President, in designating eligible trainees, will do so with the clear understanding with their sponsoring governments that the training is intended to benefit the foreign government by the utilization of the trainee upon completion of his instruction. It certainly should not be the vehicle by which an individual receives an education in a United States institution, the capital investment of which is provided by the United States taxpayer, and then elects to remain in the United States for purposes of his own. While the bill itself makes it clear that a person receiving instructions under its terms is not entitled to an appointment in the Coast Guard, it does not attempt by statute to control any of his other future anticipations. The Committee believes that it is desirable, however, to go on record as indicating that if the program is not to be utilized properly by the individuals involved, it would be detrimental rather than beneficial to our international relations. Therefore, some assurance should be required of foreign nationals desiring such training as to the purposes they have in mind for its future utilization.

The Committee recognizes that there is a different treatment in connection with the funding as to the Philippine trainees in contrast to the others. It believes that while making training facilities and training materials available to foreign nationals is entirely proper, it is not willing to support a burden on the United States taxpayer for the individual expenses of trainees, such as their pay and allowances. It agrees that these expenses are, in general, proper charges of their own governments. However, in view of the fact that the present law does authorize the United States funding of the pay and allowances for Philippine nationals, it has elected not to disturb that arrangement, since a change at this time, involving only about \$20,000 per year, might be misinterpreted by the government involved.

#### COMMITTEE ACTION

H.R. 11407 was introduced by the Honorable Leonor K. Sullivan, for herself, the Honorable Mario Biaggi, and the Honorable Pierre S. du Pont, upon receipt of Executive Communication 1928 of October 20, 1975, a legislative proposal of the Secretary of Transportation.

The Subcommittee on Coast Guard and Navigation held hearings on February 11, 1976, and received testimony in support of the bill from the Commandant, United States Coast Guard. The Commandant stated that the specific impetus for adding the authorization relating to "other foreign countries friendly to the United States" resulted from a Department of State initiative, prompted by the interest of the Government of Iran in enrolling cadets at the Coast Guard Academy.

The Subcommittee, on April 13, 1976, ordered the bill reported by unanimous voice vote. The Committee on Merchant Marine and Fisheries, on April 29, 1976, endorsed the action of the Subcommittee, and by a similar unanimous voice vote, ordered the bill reported without amendment.

#### SECTIONAL ANALYSIS

The bill consists of one section which re-enacts section 195 of title 14, United States Code in new language. It continues the present provisions of section 195 which authorizes the training of not to exceed four persons at a time from the Republic of the Philippines, to be



designated by the President, to receive the same pay and allowances, and to be paid from the same appropriations as cadets at the Academy. It also authorizes the training of not more than 20 persons at any one time from Canada and the American Republics, other than the United States, such persons also to be designated by the President. For these trainees, appropriated funds are not available for travel, pay, or allowances. Finally, it authorizes the designation of not more than 12 persons at any one time as trainees from other foreign countries friendly to the United States, these trainees also to be designated by the President. Appropriated funds would not be available for their travel, pay, or allowances.

In the case of any person receiving instruction under the new language, that person is not entitled to an appointment in the Coast Guard, by reason of his graduation from the Academy, and, except as may otherwise be prescribed by the Secretary, is in all respects subject to regulations applicable to admission, attendance, discipline, resignation, discharge, dismissal, and graduation.

#### COST OF THE LEGISLATION

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee reports that there will be no additional direct cost for this legislation.

#### 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 held on the subject in question ;

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

(C) The Director of the Congressional Budget has not been requested for, and has not furnished the Committee with, an estimate of costs relative to the bill ; and

(D) The Committee has received no report from the Committee on Government Operations of oversight findings and recommendations arrived at, pursuant to 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 has assessed the potential for inflationary impact and has concluded that there is none.

#### DEPARTMENTAL REPORTS

H.R. 11407 was the subject of an Executive Communication from the Department of Transportation numbered 1928. In addition, the Department of State submitted a report dated March 11, 1976. The documents follow herewith :

[Exec. Comm. No. 1928]

THE SECRETARY OF TRANSPORTATION,  
Washington, D.C., October 20, 1975.

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 title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy.

The Secretary of Transportation is currently authorized to admit to the Coast Guard Academy four persons from the Republic of the Philippines (14 U.S.C. 195) and 20 persons from the American Republics (52 Stat. 1034, as implemented by E.O. 7964). This bill would amend section 195 of title 14, United States Code, to consolidate the existing authority in one section. It would also authorize the Secretary to admit 12 additional persons from other foreign countries friendly to the United States and to include citizens of Canada within the total number of persons authorized from the American Republics. The maximum number of foreign nationals at the Academy at any one time would thus be 36.

Under existing law, a person from the Republic of the Philippines is paid as is any other cadet at the Academy. The American Republics are required to furnish the pay, allowances, emoluments, and travel of persons from those countries attending the Academy. This proposal would continue to authorize the payment of pay and allowances to persons from the Republic of the Philippines, but would not authorize funds for travel, pay, or allowances for any other foreign national receiving instruction at the Academy. It is anticipated that those costs would be paid by each foreign national's own government pursuant to negotiated agreements. Therefore, enactment of the proposed legislation would incur no additional costs to the United States Government.

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

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

Sincerely,

WILLIAM T. COLEMAN, JR.

Enclosures: Draft bill, Comparative Type.

**A BILL to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 195 of title 14, United States Code, is amended to read as follows:*

**“§ 195. Admission of foreign nationals for instruction; restrictions; conditions**

“(a) A foreign national may not receive instruction at the Academy except as authorized by this section.

"(b) The Secretary may permit a person designated by the President to receive instruction at the Academy as follows:

"(1) not more than four at any one time from the Republic of the Philippines;

"(2) not more than 20 at any one time from Canada and the American Republics other than the United States; and

"(3) not more than 12 at any one time from other foreign countries friendly to the United States.

"(c) A person from the Republic of the Philippines receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriation, as any other cadet at the Academy. Funds are not authorized for the travel, pay, or allowances of any other person receiving instruction under this section."

"(d) A person receiving instruction under this section is—

"(1) not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy; and

"(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary."

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

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

TITLE 14

**§ 195. Admission of foreigners for instruction; restrictions; conditions**

(a) The Secretary may permit not to exceed four persons at a time from the Republic of the Philippines designated by the President to receive instruction at the Academy.

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

(c) Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet; however, a person receiving instruction under this section is not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy.]

**§ 195. Admission of foreign nationals for instruction; restrictions; conditions**

(a) *A foreign national may not receive instruction at the Academy except as authorized by this section.*

(d) *The Secretary may permit a person designated by the President to receive instruction at the Academy as follows:*

*(1) not more than four at any one time from the Republic of the Philippines;*

*(2) not more than 20 at any one time from Canada and the American Republics other than the United States; and*

*(3) not more than 12 at any one time from other foreign countries friendly to the United States.*

*(e) A person from the Republic of the Philippines receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriation, as any other cadet at the Academy. Funds are not authorized for the travel, pay, allowances of any other person receiving instruction under this section.*

*(d) A person receiving instruction under this section is—*

*(1) not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy; and*

*(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary.*

DEPARTMENT OF STATE,  
Washington, D.C., March 12, 1976.

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

DEAR MADAM CHAIRMAN: The Secretary has asked me to reply to your letter of January 21 enclosing for comment a copy of H.R. 11407 which would amend the appropriate provisions of Title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy.

This proposal would authorize the Secretary of Transportation to admit 12 additional persons from other foreign countries friendly to the United States. Although H.R. 11407 does not specify the countries from which the 12 additional foreign nationals would be taken, but leaves this to the decision of the Secretary of Transportation, we would expect that prior consultation be conducted with the Secretary of State prior to the selection of these countries.

The cost for travel, pay, or allowances of the 12 additional foreign nationals would be paid by each foreign national's own government pursuant to negotiated agreements. The proposed bill, however, would continue to authorize the payment of pay and allowances to persons from the Republic of the Philippines. The Department of State would not expend any funds, or would not incur any administrative expenses by enactment of this legislation.

It is our view that permitting an additional number of foreign nationals from other nations to benefit from this country's military undergraduate systems would be beneficial to our relationship with the participating nations. Thus, the Department of State recommends that the legislation be enacted by Congress.

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,

ROBERT J. McCLOSKEY,  
Assistant Secretary for Congressional Relations.

## CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, 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 and new matter is printed in italic) :

## COAST GUARD

(14 U.S.C. 195)

**[§ 195. Admission of foreigners for instruction; restrictions; conditions**

**[(a)** The Secretary may permit not to exceed four persons at a time from the Republic of the Philippines designated by the President to receive instruction at the Academy.

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

**[(c)** Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet; however, a person receiving instruction under this section is not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy.]

**§ 195. Admission of foreign nationals for instruction; restrictions; conditions**

*(a) A foreign national may not receive instruction at the Academy except as authorized by this section.*

*(b) The Secretary may permit a person designated by the President to receive instruction at the Academy as follows:*

*(1) not more than four at any one time from the Republic of the Philippines;*

*(2) not more than twenty at any one time from Canada and the American Republics other than the United States; and*

*(3) not more than twelve at any one time from other foreign countries friendly to the United States.*

*(c) A person from the Republic of the Philippines receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriation, as any other cadet at the Academy. Funds are not authorized for the travel, pay, or allowances of any other person receiving instruction under this section.*

*(d) A person receiving instruction under this section is—*

*(1) not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy; and*

*(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary.*

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## ADMISSION OF FOREIGN NATIONALS TO THE COAST GUARD ACADEMY

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AUGUST 27, 1976.—Ordered to be printed

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Mr. LONG, from the Committee on Commerce,  
submitted the following

### REPORT

[To accompany H.R. 11407]

The Committee on Commerce, to which was referred the bill (H.R. 11407) to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

#### PURPOSE

The purpose of the bill is to increase the number of foreign nationals who may be admitted to receive instruction at the Coast Guard Academy from the present ceiling of 24 to 36.

#### BACKGROUND

Under the existing provisions of section 195 of title 14, United States Code, the Secretary of the Department in which the Coast Guard is operating may permit up to four Philippine nationals designated by the President of the United States to receive instruction at the Coast Guard Academy. In addition, the President is authorized to permit 20 citizens of the American Republics to attend the Coast Guard Academy, under the terms of Executive Order 7964, which implements the provisions of section 221 of title 20, United States Code. Executive Order 7964 requires the American Republics to furnish the pay, allowances, emoluments, and travel funds of persons from those countries attending the Academy, while the provisions of 14 U.S.C. 195 authorizes the United States to fund the pay and allowances for Philippine nationals at the Academy. Under the provisions of the Executive

Order 7964, Canadian nationals are not eligible to attend the Academy as nationals of an "American Republic."

H.R. 11407 was introduced in the House of Representatives on January 20, 1976 at the request of the Department of Transportation. As introduced, the bill consolidated the authority of 14 U.S.C. 195 and 20 U.S.C. 221 and its implementing executive order into one section of law. It also authorized the admission to the Coast Guard Academy of 12 additional foreign nationals from countries friendly to the United States and included Canadian nationals within the total number of citizens from the American Republics authorized to attend the Academy. Thus the ceiling on the number of foreign nationals attending the Academy at any one time was raised to 36. The provision of 14 U.S.C. 195 regarding the distinction in funding authority between Philippine and other foreign nationals was maintained. The restrictions and conditions imposed on foreign nationals by the terms of 14 U.S.C. 195(c) were unchanged in the House bill.

H.R. 11407 was reported without amendment by the House Committee on Merchant Marine and Fisheries on May 10, 1976 and on May 18, 1976 it passed the House of Representatives without amendment.

#### COMMITTEE ACTION

The Committee clearly recognizes the value of the training of foreign nationals at U.S. educational institutions. The growing international character of the mission of the U.S. Coast Guard makes the exchange between future Coast Guard officers and their foreign counterparts particularly beneficial to both the United States and other nations. There is also no doubt that the opportunity this training affords citizens of nations without such facilities is extremely valuable. The Committee is in strong accord with the program of foreign national training at the Coast Guard Academy.

On June 17, 1976 the Committee, in open executive session, ordered reported without objection H.R. 11407 with an amendment in the nature of a substitute.

The Committee amendment eliminated the specific geographic and national designations and ceilings therefor. In lieu thereof, the overall ceiling on foreign nationals was consolidated at 36 and the President granted the authority to designate such individuals without geographic limitation. The Committee amendment also substituted for the provision which creates a distinction between Philippine and other foreign nationals in the funding of such training, one which requires all countries whose nationals attend the Academy to agree in advance to reimburse the United States for the costs, including pay and allowances, for such instruction. However, recognizing in certain circumstances it may be in the best interests of the United States to provide such training without cost to a foreign country, authority to waive the agreement for reimbursement is granted to the Secretary.

The Committee amendment provides necessary and sufficient flexibility to permit the designation of nationals from any foreign country to receive training at the Coast Guard Academy. The amendment recognizes that the expense for foreign trainees should not be borne by the United States but does provide necessary flexibility in that regard.

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, 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 italic, existing law in which no change is proposed is shown in roman):

#### COAST GUARD (14 U.S.C. 195)

#### § 195. Admission of foreigners for instruction; restrictions; conditions

[(a) The Secretary may permit not to exceed four persons at a time from the Republic of the Philippines designated by the President to receive instruction at the Academy.

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

[(c) Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet; however, a person receiving instruction under this section is not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy.]

#### § 195. Admission of foreign nationals for instruction; restrictions; conditions

"(a) A foreign national may not receive instruction at the Academy except as authorized by this section.

"(b) *The President may designate not more than 36 foreign nationals whom the Secretary may permit to receive instruction at the Academy.*

"(c) *A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as a cadet appointed pursuant to section 182 of this title. A person may receive instruction under this section only if his country agrees in advance to reimburse the United States, at a rate determined by the Secretary, for the cost of providing such instruction, including pay and allowances, unless a waiver therefrom has been granted to that country by the Secretary. Funds received by the Secretary for this purpose shall be credited to the appropriations bearing the cost thereof, and may be apportioned between fiscal years.*

"(d) A person receiving instructions under this section is—

"(1) not entitled to any appointment in the Coast Guard by reason of his graduation from the Academy; and

"(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary."

## ESTIMATED COSTS

Pursuant to the requirements of section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that there will be no additional cost to the Federal Government as a result of the enactment of this legislation.

## TEXT OF H.R. 11407, AS REPORTED

To amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 195 of title 14, United States Code, is amended to read as follows:

**“§ 195. Admission of foreign nationals for instruction; restrictions; conditions**

“(a) A foreign national may not receive instruction at the Academy except as authorized by this section.

“(b) The President may designate not more than 36 foreign nationals whom the Secretary may permit to receive instruction at the Academy.

“(c) A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as a cadet appointed pursuant to section 182 of this title. A person may receive instruction under this section only if his country agrees in advance to reimburse the United States, at a rate delivered by the Secretary, for the cost of providing such instruction, including pay and allowances, unless a waiver therefrom has been granted to that country by the Secretary. Funds received by the Secretary for this purpose shall be credited to the appropriations bearing the cost thereof, and may be apportioned between fiscal years.

“(d) A person receiving instruction under this section is—

“(1) not entitled to any appointment in the Coast Guard by reason of his graduation from the Academy; and

“(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary.”.

## AGENCY COMMENTS

Agency comments were not submitted on the bill.



# 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 title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 195 of title 14, United States Code, is amended to read as follows:*

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“(a) A foreign national may not receive instruction at the Academy except as authorized by this section.

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“(c) A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as a cadet appointed pursuant to section 182 of this title. A person may receive instruction under this section only if his country agrees in advance to reimburse the United States, at a rate determined by the Secretary, for the cost of providing such instruction, including pay and allowances, unless a waiver therefrom has been granted to that country by the Secretary. Funds received by the Secretary for this purpose shall be credited to the appropriations bearing the cost thereof, and may be apportioned between fiscal years.

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“(1) not entitled to any appointment in the Coast Guard by reason of his graduation from the Academy; and

“(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary.”

*Speaker of the House of Representatives.*

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