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(b) Under such regulations as he may prescribe the Secretary is hereby authorized to appoint or cause to be enlisted, in the Coast Guard, in warrant grades or enlisted ratings appropriate to their qualifications, experience, and lengths of service, such personnel of the Lighthouse Service as, on June 30, 1939, met the requirements for retirement (except those relating to age and period of service) of section 6 of the Act approved June 20, 1918, as amended and supplemented.

Appointment, etc., in appropriate warrant grades or enlisted ratings.

40 Stat. 608.
33 U. S. C. § 763.
Post, p. 1343.

(c) Chief warrant officers and warrant officers commissioned or appointed under the provisions of this section shall take precedence among themselves as the Secretary may determine, and with other chief warrant and warrant officers in accordance with the dates of their respective commissions or warrants in such grades.

Status.

SEC. 5. Vacancies created by the retirement, resignation, death, or separation from the service for any other cause, of personnel described in section 4 of this Act who do not possess the qualifications prescribed by the Secretary, or who, being qualified, do not accept a commission, appointment, or enlistment thereunder, may or may not be filled, in the discretion of the Secretary, in accordance with the existing needs of the service. If such vacancy be filled it shall be filled from among the chief warrant, warrant, or enlisted personnel of the Coast Guard.

Vacancies.

SEC. 6. In computing length of service, for the purpose of retirement in the Coast Guard, of any person commissioned, appointed, or enlisted under the provisions of this Act, there shall be included all service computable for retirement under the provisions of section 6 of the Act of June 20, 1918, as amended and supplemented.

Computation of service for retirement purposes.

40 Stat. 608.
33 U. S. C. § 763.
Post, p. 1343.

SEC. 7. No person commissioned, appointed, or enlisted in the Coast Guard pursuant to this Act shall suffer any reduction in the total of the annual compensation and allowances which he was receiving on the date of his commission, appointment, or enlistment. Upon his retirement from active duty in the Coast Guard, the retired pay of any person so commissioned, appointed, or enlisted, shall not be less than an annuity computed in accordance with the provisions of section 6 of the Act of June 20, 1918, as amended and supplemented, substituting, however, for purposes of such computation, the annual compensation which he was receiving on the date of his commission, appointment, or enlistment in the Coast Guard for the average annual pay received by him for the last five years of service.

No salary, etc., reductions.

Retired pay.

SEC. 8. All persons commissioned, appointed, or enlisted in the Coast Guard pursuant to this Act, shall be subject to all laws and regulations for the government of the Coast Guard, and nothing contained in this Act shall be construed to prevent the application to any of such persons of laws and regulations concerning the military discipline of commissioned and warrant officers and enlisted men of the Coast Guard.

Personnel subject to applicable laws and regulations.
Military discipline.

SEC. 9. All Acts or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

Repeal of inconsistent laws.

Approved, August 5, 1939.

[CHAPTER 478]

AN ACT

August 5, 1939
[H. R. 5611]
[Public, No. 292]

To amend section 9 of the Act of July 3, 1926 (44 Stat. 817), entitled "An Act to readjust the commissioned 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 section 9 of the Act entitled "An Act to readjust the commissioned personnel of the Coast Guard, and for other purposes", approved July 3, 1926

Coast Guard.
44 Stat. 817.
14 U. S. C. §§ 5a, 102, 123.

(44 Stat. 817), is hereby amended by striking out the second and third sentences and substituting in lieu thereof the following:

Officers in grades of district commander and constructor on active duty, transfer to line of Coast Guard.

"All officers in the grades of district commander and constructor on active duty are hereby transferred to the line of the Coast Guard and shall be commissioned in the grades of commander, lieutenant commander, and lieutenant, according to the ranks held by them on the date of such transfer, and shall when so transferred and commissioned take precedence (1) with each other in their respective grades, according to length of commissioned service as district commander or constructor, as the case may be; (2) with other line officers in such grades, according to length of service in the ranks held by them on the date of such transfer; and (3) in higher grades to which they may be promoted, according to the dates of commissions in such higher grades: *Provided*, That the President is hereby authorized to appoint Charles Walker to the grade of lieutenant commander with precedence next after Irwin B. Steele. Each officer commissioned pursuant to this section shall be an extra number in his grade and in the grades to which he may be promoted, and shall be eligible for promotion, if otherwise qualified, whenever the officer in a regular number in line of promotion next above him on the seniority list becomes eligible for promotion; or if there be no such officer in his grade, he shall be eligible for promotion, if otherwise qualified, when a vacancy occurs in the next higher grade. Any officer commissioned pursuant to this section shall be assigned to duty in his specialty and the professional examination of such officer for promotion shall embrace only those subjects pertaining to such specialty."

Precedence.

Proviso.
Appointment of Charles Walker as lieutenant commander.
Officers so commissioned to be extra numbers.
Promotions.

Assignment, etc.

SEC. 2. Each vacancy existing in the grade of constructor and in the grade of district commander on the date of the approval of this Act, and each vacancy which shall hereafter occur in the extra number of officers commissioned pursuant to this Act, shall operate to increase by one the total number of line officers in the Coast Guard authorized by section 1 of the Act of March 2, 1929 (45 Stat. 1533), as amended.

Vacancies.

45 Stat. 1533.
14 U. S. C. § 10.

SEC. 3. No officer commissioned pursuant to this Act shall suffer any reduction in rank, pay, or allowances, by reason of the provisions of this Act, or lose any right to promotion which he would have had but for the enactment of this Act.

Status preserved.

SEC. 4. The grades of district commander and constructor on the active list in the Coast Guard are hereby abolished and all provisions of law in conflict with this Act are hereby repealed.

Grades abolished.

Repeal of conflicting laws.

Approved, August 5, 1939.

[CHAPTER 479]

AN ACT

August 5, 1939
[H. R. 5912]
[Public, No. 293]

Authorizing the Secretary of War to permit Salt Lake City, Utah, to construct and maintain certain roads, streets, and boulevards across the Fort Douglas Military Reservation.

Fort Douglas Military Reservation, Utah.
Construction of roads, etc., across, by Salt Lake City, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized to permit the Board of Commissioners of Salt Lake City, Utah, to construct and maintain such roads, streets, and boulevards across lands of the United States located within the Fort Douglas Military Reservation in the State of Utah as he may determine will not interfere with the use of such lands in such manner as the public interest may require. Any grant of permission to construct and maintain any such road, street, or boulevard shall be made subject to such conditions as the Secretary may prescribe for the purpose of protecting the public interest.

Approved, August 5, 1939.