

Navy from the time builders' trials commence shall, while so serving, receive 50 per centum additional of the pay for their rank or rating and service as now or hereafter provided by law; all officers of the Navy on duty at submarine escape training tanks, the Navy Deep Sea Diving School, or the Naval Experimental Diving Unit shall, while so serving, receive 25 per centum additional of the pay for their rank and service as now or hereafter provided by law; and an enlisted man of the Navy assigned to the duty of diving shall receive additional pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than \$5 per month and not exceeding \$30 per month, in addition to the pay and allowances of his rating and service: *Provided*, That officers and enlisted men employed as divers in actual salvage or repair operations in depths of over ninety feet, or in depths of less than ninety feet when the officer in charge of the salvage or repair operation shall find in accordance with instructions prescribed by the Secretary of the Navy that extraordinary hazardous conditions exist, shall, in addition to the foregoing, receive the sum of \$5 per hour for each hour or fraction thereof so employed."

Proviso.
Salvage and repair
operations.

Approved, August 4, 1942.

[CHAPTER 547]

AN ACT

To repeal certain laws and to amend other laws relating to naval aviation cadets, to provide for aviation cadets in the Naval Reserve and Marine Corps Reserve, and for other purposes.

August 4, 1942
[H. R. 7364]
[Public Law 698]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Naval Aviation Cadet Act of 1942".

SEC. 2. There shall be in the Naval Reserve and Marine Corps Reserve the special enlisted grade of aviation cadet.

SEC. 3. Male citizens of the United States may be enlisted as aviation cadets in the Naval Reserve and Marine Corps Reserve under such regulations as the Secretary of the Navy may prescribe. Transfers may be made to the grade of aviation cadet from other ratings and grades of the Naval Reserve and Marine Corps Reserve. Each aviation cadet shall sign an agreement with the consent of his parent or guardian if he be a minor, to serve for a continuous period of not more than four years on active duty unless sooner released. Any aviation cadet may be discharged, released from active duty, or transferred to any other enlisted rating or grade in the Naval Reserve or Marine Corps Reserve under such regulations as the Secretary of the Navy may prescribe.

SEC. 4. The pay of aviation cadets while on active duty shall be at the rate of \$75 per month, which pay shall include extra pay for flying. To each aviation cadet when not subsisted at Government expense, there shall be paid, in addition, a money allowance for subsistence of \$1 per day, and he shall, while on active duty, be furnished quarters, medical care, and hospitalization, and shall be issued uniforms, clothing, and equipment at Government expense. Aviation cadets while so serving shall not be entitled to receive any additional pay for longevity. When traveling under orders, aviation cadets shall receive transportation and other necessary expenses incident to such travel, or cash in lieu thereof, as is then prescribed for enlisted men of the Navy.

SEC. 5. Aviation cadets will be issued Government life insurance in the amount of \$10,000, effective from the date of reporting for active duty, and premiums on such insurance shall be paid during the period of their active duty from current appropriations as provided in section

Naval Aviation Ca-
det Act of 1942.

Aviation cadet, en-
listed grade.

Enlistment.

Transfers.

Service agreement.

Discharge, etc.

Active - duty pay
and allowances.

Traveling expenses.

Government life in-
surance.

13 of this Act. Upon discharge, release from active duty, or other termination of aviation cadet status, such insurance may be continued at the option and at the expense of the individual concerned. When aviation cadets are commissioned pursuant to this Act such Government life insurance shall be continued but the premiums thereon shall be deducted from the pay of the officers so insured and paid as the Secretary of the Navy may direct to the Administrator of Veterans' Affairs. When such commissioned officers are released from active duty or discharged, the insurance may be continued at the option and at the expense of the individual concerned.

Benefits.

SEC. 6. Aviation cadets or their beneficiaries shall be entitled to the same allowances, pensions, gratuities, or other benefits as are now or may hereafter be provided by law or regulation for enlisted men of the fourth pay grade.

**Appointment as naval aviators.
Commission.**

SEC. 7. Aviation cadets who fulfill the requirements of law for designation or appointment as naval aviators may be commissioned ensigns in the Naval Reserve or second lieutenants in the Marine Corps Reserve: *Provided*, That only those aviation cadets so commissioned and so designated or appointed shall be deemed to have been commissioned pursuant to this Act.

Proviso.

**Commencement of
commissioned service.**

SEC. 8. All members of a class of aviation cadets completing training at approximately the same time shall be deemed, for all purposes of this Act, to have commenced their commissioned service on the same date. The decision of the Secretary of the Navy in this regard shall be conclusive for all purposes.

**Promotions.
34 U. S. C. § 849
note.
Post, p. 739.**

SEC. 9. Ensigns or second lieutenants commissioned pursuant to this Act or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819), may after three years of active duty as such, and if found qualified after such examinations as the Secretary of the Navy may prescribe, be commissioned lieutenants, junior grade, in the Naval Reserve or first lieutenants in the Marine Corps Reserve, respectively.

**Active duty in time
of peace.
34 U. S. C. § 849
note.
Post, p. 739.**

SEC. 10. In time of peace officers commissioned pursuant to this Act or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819) may be employed on active duty only during the seven-year period next following the date of such commissioning, except that such officers may be ordered to active duty thereafter for the purpose of instructing and training members of the Naval Reserve and Marine Corps Reserve.

**Uniform allowance.
Proviso.**

34 U. S. C. § 855a.

SEC. 11. When first commissioned pursuant to this Act officers shall be paid a uniform allowance of \$150: *Provided*, That any officer who has heretofore received the cash uniform gratuity of \$150 provided in section 302 of the Naval Reserve Act of 1938 (52 Stat. 1180) shall not be entitled to this uniform allowance.

**Payment on release
from active duty.
34 U. S. C. § 849
note.
Post, p. 739.**

SEC. 12. When officers commissioned pursuant to this Act or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819) are released from active duty that has been continuous for one or more years, they, or in the event of the death of such officers after continuous active duty for one or more years, the beneficiaries specially designated in the manner prescribed by the Secretary of the Navy, shall be paid a lump sum of \$500 for each complete year of continuous commissioned active service, and in the event of their death not the result of their own misconduct, or if released from active duty otherwise than upon their own request or as a result of disciplinary action, this lump sum payment shall be prorated for fractional parts of each year of such service: *Provided*, That the lump sum payments authorized herein shall accrue for not more than seven years and shall be in addition to any pay, allowance, compensation, or benefits which they may otherwise be entitled to receive: *Provided further*, That the provisions of this section, except those of the first proviso hereof,

**Provisos.
Accruals.**

**Suspension during
war or national emer-
gency.**

may be suspended during war or national emergency when the President shall so direct, as to all officers who were formerly enlisted in the grade of aviation cadet or transferred to that enlisted grade more than thirty days after the date of approval of this Act.

SEC. 13. The pay and allowances of aviation cadets of the Naval Reserve and Marine Corps Reserve and the premiums on their life insurance shall be paid from the current appropriations "Naval Reserve" and "Pay, Marine Corps", respectively. The pay and allowances of officers commissioned pursuant to this Act or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819), while serving on continuous active duty next following the date of such commissioning, shall be paid from appropriations "Pay, subsistence, and transportation of naval personnel" and "Pay, Marine Corps", except for those officers ordered to active duty pursuant to authority contained in the exception in section 10 of this Act, the pay and allowances of which officers shall be paid from appropriations for "Naval Reserve" and "Pay, Marine Corps".

SEC. 14. No back pay or allowances shall be deemed to have accrued under the provisions of this Act prior to its enactment: *Provided*, That aviation cadets previously appointed by the Secretary of the Navy, as distinguished from aviation cadets enlisted under the provisions of this Act, shall continue to serve under such appointments until commissioned or discharged from the naval service, and the active service of such aviation cadets shall be considered as commissioned service for the purpose of computing increases in pay of commissioned officers on account of length of service.

SEC. 15. (a) The Act of April 15, 1935 (49 Stat. 156), as amended, is hereby repealed.

(b) The Naval Aviation Reserve Act of 1939 (53 Stat. 819), as amended, is hereby repealed.

(c) Section 6 of the Naval Aviation Personnel Act of 1940 (54 Stat. 865), is hereby repealed.

(d) The Act approved June 24, 1941 (Public Law 128, Seventy-seventh Congress, first session), is hereby repealed.

(e) Section 5 of the Naval Reserve Act of 1938 (52 Stat. 1176), as amended by section 12 (d) of the Naval Aviation Reserve Act of 1939 (53 Stat. 821), and by section 2 of an Act approved June 24, 1941 (Public Law 128, Seventy-seventh Congress, first session), is hereby amended by deleting therefrom the first proviso thereof, so that such section as hereby amended, shall read:

"SEC. 5. Any member of the Naval Reserve, including those on the honorary retired list created by section 309, title III, of this Act, or who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as otherwise provided in this Act, he shall be ordered to or continued on active duty with his own consent only: *Provided*, That the Secretary of the Navy may release any member from active duty either in time of war or in time of peace."

(f) Section 7 of the Naval Reserve Act of 1938 (52 Stat. 1177) is hereby amended by deleting therefrom the first proviso thereof and by changing the words "*Provided further*" immediately following such first proviso to read "*Provided*,".

(g) The second sentence of section 305 of the Naval Reserve Act of 1938 (52 Stat. 1182) is hereby amended by deleting therefrom the words "aviation and" so that said sentence as amended shall read: "Warrant officers, merchant marine cadets, and midshipmen shall be

Funds available for pay and allowances.

34 U. S. C. § 849 note.
Infra.

No back pay, etc.
Proviso.
Aviation cadets previously appointed.

34 U. S. C. §§ 842-848; Supp. I, § 842.

34 U. S. C. § 849 note.

34 U. S. C. § 849d-1.

55 Stat. 261.
34 U. S. C., Supp. I, §§ 842, 853c.

55 Stat. 261.
34 U. S. C. Supp. I, § 853c.

Naval Reserve.
Active duty in time of war or national emergency.
52 Stat. 1183.
34 U. S. C. § 855h.

In time of peace.

Proviso.

34 U. S. C. § 853e.

34 U. S. C. § 855d.

55 Stat. 759.
34 U. S. C., Supp. I,
§§ 841a-841g.

Civilian aviators.

Proviso.

Citation of Act of
Nov. 5, 1941.

appointed to serve during the pleasure of the Secretary of the Navy".

(h) The Act approved November 5, 1941 (Public Law 289, Seventy-seventh Congress), is hereby amended as follows:

Add new section 8 to read as follows:

"SEC. 8. Qualified civilian aviators enlisted in or transferred to pilot ratings in the Naval Reserve or Marine Corps Reserve for brief refresher courses leading to designation as aviation pilot and designated as student aviation pilots shall not be considered as having been so designated pursuant to this Act: *Provided*, That the determination of the Secretary of the Navy in this regard shall be conclusive for all purposes."

Add new section 9 to read as follows:

"SEC. 9. This Act may be cited as the 'Naval Reserve Aviation Pilot Act of 1941'."

Approved, August 4, 1942.

[CHAPTER 548]

AN ACT

August 6, 1942
[H. R. 6963]
[Public Law 699]

To amend the Act entitled "An Act to authorize black-outs in the District of Columbia, and for other purposes", approved December 26, 1941, and for other purposes.

District of Columbia.
Black-outs.
55 Stat. 859.
D. C. Code, Supp.
I, § 6-1009.

Wartime powers of
D. C. Commissioners.

Establishment of
units for civilian defense.

Use of regular D. C.
employees.

Temporary requisition
of private property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 9 of the Act entitled "An Act to authorize black-outs in the District of Columbia, and for other purposes", approved December 26, 1941, be amended to read as follows:

"SEC. 9. During the existence of a state of war between the United States and any foreign country or nation, the Commissioners of the District of Columbia are authorized and empowered, without regard to the provisions of any other law, to take such measures as they may deem necessary for the adequate protection of persons and property in the District of Columbia and to make such orders, rules, and regulations as they may deem necessary to carry out the foregoing authority. The power hereby granted shall include but not be limited to the following:

"(a) To establish, in the government of the District of Columbia, units and organizations for civilian defense, and to utilize any or all existing voluntary units or organizations together with their personnel or any part or parts thereof; to vest members thereof with authority to carry out such functions as may be necessary to effectuate the purposes of this Act including such powers and duties of the standing police force of the District of Columbia as the Commissioners may designate; and to make such orders and regulations as they may deem necessary to govern the establishment, maintenance, and operation of such units and organizations and the discipline of the members thereof.

"(b) To use, for the purposes of this Act, such regular employees of the government of the District of Columbia as they deem necessary.

"(c) To temporarily requisition, enter upon, take possession of, and use private property of every kind and nature and any rights therein as may in their opinion be necessary for the location, installation, maintenance, and operation of facilities and devices suitable for defense purposes, and to ascertain and pay just compensation for such use of private property, and if the amount of compensation so determined be not satisfactory to the person entitled to receive the same such property may nevertheless be used immediately and such person shall be paid 50 per centum of the amount so determined and