

[CHAPTER 477]

AN ACT

August 5, 1939

[H. R. 7288]

[Public, No. 291]

Lighthouse Service.
Commissioning of
certain qualified per-
sonnel in Coast Guard
authorized.

5 U. S. C. §§ 661-
674; Supp. IV, §§ 673,
673c.

Exception.
40 Stat. 608.
33 U. S. C. § 763.
Post, p. 1343.
Proviso.
Qualifications
required.

Officers so commis-
sioned to be extra
numbers in grades.

Status.

Eligibility for pro-
motion.

Proviso.
Assignments.

Vacancies.

Chief warrant of
officers.
Eligibility.

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

To perfect the consolidation of the Lighthouse Service with the Coast Guard by authorizing the commissioning, appointment, and enlistment in the Coast Guard, of certain officers and employees of the Lighthouse Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to commission, by and with the advice and consent of the Senate, in the line of the Coast Guard in grades appropriate to their qualifications, experience, and lengths of service, as determined by the Secretary of the Treasury (hereinafter referred to as the "Secretary"), such personnel of the Lighthouse Service as, on June 30, 1939, were serving in grades 1 to 8, inclusive, of the professional and scientific service as defined in the Classification Act of 1923, as amended (U. S. C., 1934 edition, Supp. IV, title 5, sec. 673), and who, on that date, met the requirements for retirement (except those relating to age and period of service) of section 6 of the Act approved June 20, 1918 (40 Stat. 608), as amended and supplemented (U. S. C., title 33, sec. 763): *Provided*, That no person shall be commissioned under the provisions of this section who does not possess such mental, moral, professional, and physical qualifications as may be prescribed by the Secretary.

SEC. 2. Any officer commissioned pursuant to section 1 of this Act shall be an extra number in his grade and in the grades to which he may be promoted. He shall take precedence (1) with other officers commissioned in his grade pursuant to section 1 of this Act as the Secretary may determine, and (2) with other line officers in his grade in accordance with the respective dates of their commissions in such grade. He shall be eligible for promotion, if otherwise qualified, at such time as 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: *Provided*, That an officer commissioned pursuant to section 1 of this Act shall be assigned to duty for which he is specially qualified, and professional examinations for promotion given to such officer shall embrace only subjects which pertain to the duty to which he is assigned.

SEC. 3. Each vacancy (1) hereafter occurring in the extra numbers of officers commissioned pursuant to section 1 of this Act; (2) existing on the date of the enactment of this Act in positions in the Lighthouse Service formerly held by personnel described in section 1 of this Act; and (3) created by the retirement, resignation, death, or separation from the service for any other cause, of personnel described in section 1 of this Act who do not possess the qualifications prescribed by the Secretary, or who, being qualified, do not accept a commission thereunder, shall operate to increase by one the total authorized number of line officers of the Coast Guard.

SEC. 4. (a) The President is hereby authorized to commission, by and with the advice and consent of the Senate, as chief warrant officers of the Coast Guard as the needs of the service may require, 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, and who possess such mental, moral, professional, and physical qualifications as may be prescribed by the Secretary.

(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.

(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.

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.

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.

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.

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.

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

Approved, August 5, 1939.

[CHAPTER 478]

AN ACT

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

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

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

Vacancies.

Computation of service for retirement purposes.

40 Stat. 608.
33 U. S. C. § 763.
Post, p. 1343.
No salary, etc., reductions.

Retired pay.

Personnel subject to applicable laws and regulations.
Military discipline.

Repeal of inconsistent laws.

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

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