

[CHAPTER 257]

AN ACT

June 6, 1940
[H. R. 9553]
[Public, No. 564]

To amend and clarify certain Acts pertaining to the Coast Guard, and for other purposes.

Coast Guard.

Proviso.
Commandant; re-
tirement; rank and
pay.

On expiration of
term of service; pro-
cedure.

Provisos.
Engineer in chief;
rank, pay, etc.; selec-
tion.

Rank, etc., when
retired.

On expiration of
term of service; pro-
cedure.

Rank, etc., of cap-
tains retiring after 40
years' service.
14 U. S. C., Supp.
V, § 174.

Commodores.

Assistant Comman-
dant.
Appointment; term.

Duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso of section 2 of the Act of January 12, 1923 (42 Stat. 1130), as amended (U. S. C., 1934 edition, Supp. V, title 14, sec. 161), is hereby further amended to read as follows: "*Provided*, That any officer who has served or shall hereafter serve as Commandant, if heretofore or hereafter retired, whether before or at any time after the termination of his service as Commandant, shall, if receiving the pay of a rear admiral (upper half) at the termination of his service as Commandant, be placed on the retired list with the rank of rear admiral and the retired pay of a rear admiral (upper half), or, if receiving the pay of a rear admiral (lower half) at the termination of his service as Commandant, shall be placed on the retired list with the rank of rear admiral and the retired pay of a rear admiral (lower half), and that any officer whose term of service as Commandant has expired may be appointed a captain and shall be an additional number in that grade, but, if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as Commandant, and be an additional number in such grade and in the grades to which he may be promoted:"

(b) The second and third provisos of section 2 of the Act of January 12, 1923 (42 Stat. 1130), as amended (U. S. C., 1934 edition, Supp. V, title 14, sec. 12), are hereby further amended to read as follows: "*Provided further*, That the engineer in chief, while so serving, shall have the rank of rear admiral and the pay and allowances of a rear admiral (lower half), and hereafter the engineer in chief shall be selected from the active list of engineering officers not below the grade of commander: *Provided further*, That any officer who was serving on February 15, 1940, or shall thereafter serve, as engineer in chief shall, when retired, whether before or at any time after the termination of his service as engineer in chief, be retired with the rank of rear admiral and the retired pay of a rear admiral (lower half), and that any officer whose term of service as engineer in chief has expired shall take the place on the lineal list in the grade that he would have attained had he not served as engineer in chief, and be an additional number in such grade and in the grades to which he may be promoted:"

SEC. 2. Section 3 of the Act of January 12, 1923 (42 Stat. 1131), as amended (U. S. C., 1934 edition, title 14, sec. 174), is hereby further amended by striking out so much of the second proviso thereof as follows the semicolon and inserting in lieu thereof the following: "and, in the case of a captain, the rank and retired pay of one grade above shall be the rank of rear admiral and the retired pay of a rear admiral (lower half). Any officer of the Coast Guard now having the rank of commodore on the retired list shall hereafter have in lieu thereof the rank of rear admiral, without any increase in pay by reason of such change in rank."

SEC. 3. Section 1 of the Act of April 16, 1908 (35 Stat. 61), as amended and supplemented (U. S. C., 1934 edition, Supp. V, title 14, secs. 11 and 11 (a)), is hereby further amended by changing the last paragraph thereof to read as follows:

"The President is authorized to appoint in the Coast Guard, by and with the advice and consent of the Senate, one Assistant Commandant who shall serve for a term of four years unless sooner relieved by the President. The Assistant Commandant shall perform such duties as the Commandant of the Coast Guard may prescribe and shall act as

Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Assistant Commandant shall be selected from the active list of line officers not below the grade of commander, and such appointment shall not create a vacancy; and the Commandant of the Coast Guard shall make recommendations for the appointment of the Assistant Commandant. The Assistant Commandant shall have the rank of rear admiral and the pay and allowances of a rear admiral (lower half): *Provided*, That an officer whose term of service as Assistant Commandant has expired shall take his place on the lineal list in the grade that he would have attained had he not served as Assistant Commandant: *Provided further*, That any officer who was serving on February 15, 1940, or shall thereafter serve, as Assistant Commandant shall, when retired, whether before or at any time after the termination of his service as Assistant Commandant, be retired with the rank of rear admiral and the retired pay of a rear admiral (lower half)."

SEC. 4. Section 2 of the Act of May 4, 1882 (22 Stat. 56), as amended and supplemented (U. S. C., 1934 edition, title 14, sec. 93), is hereby further amended to read as follows:

"The Secretary of the Treasury, on the recommendation of the Commandant of the Coast Guard, may discontinue from time to time any Coast Guard station, house of refuge, or light station, as may from any cause become useless or unnecessary. Any Coast Guard station, house of refuge, or light station, thus discontinued, may be reestablished by the Secretary of the Treasury, upon like recommendation, whenever he believes such reestablishment to be required by the public interest."

SEC. 5. Section 4674 of the Revised Statutes, as amended and supplemented (U. S. C., 1934 edition, title 33, sec. 742), is hereby repealed.

SEC. 6. Section 7 of the Act of May 14, 1908 (35 Stat. 162), as amended and supplemented (U. S. C., 1934 edition, title 33, sec. 741), is hereby repealed.

SEC. 7. The provisions of section 6 of the Act approved June 20, 1918 (40 Stat. 608), as amended and supplemented (U. S. C., 1934 edition, Supp. V, title 33, secs. 763 and 763a-1), shall not apply to persons of the Coast Guard other than officers and employees of the former Lighthouse Service who, on June 30, 1939, met the requirements for retirement (except those relating to age and period of service) of said section.

SEC. 8. Section 4 of the Coast Guard Reserve Act of 1939, approved June 23, 1939 (53 Stat. 855; U. S. C., 1934 edition, Supp. V, title 14, sec. 254), is hereby amended to read as follows:

"SEC. 4. The Coast Guard is authorized to utilize in the conduct of duties incident to the saving of life and property, or in the patrol of marine parades and regattas, any motorboat or yacht temporarily placed at its disposition for any of such purposes by any member of the Reserve: *Provided*, That no such motorboat or yacht shall be assigned to any such Coast Guard duty unless it is placed in charge of a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard during such assignment: *Provided further*, That appropriations for the Coast Guard shall be available for the payment of actual necessary expenses of operation of any such motorboat or yacht when so utilized, but shall not be available for the payment of compensation for personal services, incident to such operation, to other than the personnel of the regular Coast Guard. The term 'actual necessary expenses of operation', as used herein, shall include fuel, oil, water, supplies, provisions, and any replacement or repair of equipment or any repair of the motorboat or yacht where, upon investigation by a board of not

Selection.

Rank, etc.

Provisos.
On expiration of term of service; procedure.

Rank, etc., when retired.

Discontinuance of Coast Guard stations, etc.

Reestablishment.

Discontinuance and reestablishment of lights.

Annual report on unnecessary aids to navigation.

Nonapplication of certain retirement provisions to persons of Coast Guard; exception.

Coast Guard Reserve.

Utilization by Coast Guard of motorboats, etc., of members of.

Provisos.
Commissioned, etc., officer of Coast Guard to be in charge during assignment.

Expenses of operation; restriction on use of funds.

"Actual necessary expenses of operation" defined.

less than three commissioned officers of the Coast Guard, it is determined that responsibility for the loss or damage necessitating such replacement or repair of equipment or such repair of the motorboat or yacht rests with the Coast Guard."

Coast Guard Reserve.

Correspondence courses of Coast Guard Institute, availability.

Proviso.
Cost of study materials.

Rations, etc., for enlisted men, civilian officers, etc., of lightships and tenders.

Payment for commuted rations.

Depositories.

Subsistence allowances for enlisted men; construction.

Provisos.
Restriction on ration, etc., allowance.
Value of commuted ration, limitation.

Funeral expenses for officers, etc., of Coast Guard.

Ante, p. 144.

Duties devolving upon Secretary of the Treasury.

SEC. 9. The Coast Guard Reserve Act of 1939, approved June 23, 1939 (53 Stat. 854; U. S. C., 1934 edition, Supp. V, title 14, sec. 251), and the following is hereby further amended by adding at the end thereof a new section as follows:

"SEC. 9. Pursuant to such rules and regulations as the Commandant may prescribe, correspondence courses of the Coast Guard Institute may be made available to members of the Reserve: *Provided*, That the actual cost of the study materials for each such course shall be paid by the member of the Reserve taking such course and the proper Coast Guard appropriation shall be credited accordingly."

SEC. 10. (a) Enlisted men of the Coast Guard, and civilian officers and civilian crews of lightships and tenders shall be allowed a ration, or commutation thereof in money, in such an amount and under such limitations and regulations as the Secretary of the Treasury may prescribe. Money for commuted rations authorized herein shall, in the discretion of the Secretary of the Treasury, and subject to such rules and regulations as he may prescribe, be paid on proper vouchers or pay rolls to persons entitled to receive it, or to the officers designated by the Commandant of the Coast Guard to administer the financial affairs of the masses in which such persons may be subsisted.

(b) Money paid for commuted rations, as authorized by subsection (a) of this section, to the officers so designated by the Commandant, may be deposited in general or limited depositories of public money or in any bank in which deposits are insured and expended and accounted for in such manner and under such regulations as the Secretary of the Treasury may prescribe.

(c) Nothing contained in this section shall be construed as modifying or changing in any manner the provisions of section 11 of the Act of June 10, 1922 (42 Stat. 630; U. S. C., 1934 edition, title 37, sec. 19), pertaining to subsistence allowances for enlisted men: *Provided*, That no ration or commutation thereof shall be allowed to a person receiving a subsistence allowance: *Provided further*, That the value of a commuted ration as fixed by the Secretary of the Treasury, shall not exceed the value of a subsistence allowance as determined by regulations prescribed by the President in accordance with the provisions of section 11 of such Act of June 10, 1922.

SEC. 11. The provisions of the Act entitled "An Act authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes", approved April 20, 1940, Public Law Numbered 465, Seventy-sixth Congress, third session, shall apply to the officers and enlisted men and civilian personnel of the Coast Guard in like manner as to the personnel of the Navy and civilian personnel of the Navy Department or the Naval Establishment, whether the Coast Guard is operating under the Treasury Department or operating as a part of the Navy, and all of the duties which devolve upon the Secretary of the Navy under said Act with reference to the personnel of the Navy and civilian personnel of the Navy Department or the Naval Establishment shall devolve upon the Secretary of the Treasury with respect to the officers and enlisted men and civilian personnel of the Coast Guard.

Approved, June 6, 1940.