

(b) (1) Title 28, United States Code, section 134, is amended by adding at the end thereof the following new subsections:

"(c) One of the district judges for the district of Kansas shall reside at Wichita; and in the event such judges disagree as to which of them shall reside at Wichita, the matter shall be determined by the Judicial Council of the Tenth Circuit.

"(d) One of the district judges for the southern district of California shall reside in the city of San Diego.

"(e) One of the district judges for the southern district of Texas shall reside within that portion of the district comprising Laredo, Brownsville and Corpus Christi divisions."

(2) The judge first appointed for the district of Kansas under the authority contained in subsection (a) shall reside at Wichita.

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Pennsylvania: *Provided*, That the first vacancy occurring in the office of district judge in said district shall not be filled.

(d) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Texas: *Provided*, That the first vacancy occurring in the office of district judge in said district shall not be filled.

(e) The Act entitled "An Act to provide for the appointment of one additional United States district judge for the northern district of Ohio", approved May 1, 1941 (55 Stat. 148), is hereby repealed and the incumbent of the judgeship created by such Act shall henceforth hold his position under title 28, United States Code, section 133, as amended by this Act.

(f) Section 2 (a) of the Act entitled "An Act to provide for the appointment of additional district and circuit judges", approved May 24, 1940 (54 Stat. 219), is amended by striking out "western district of Oklahoma", and the incumbent of the judgeship created by said Act for the western district of Oklahoma shall henceforth hold his office under title 28, United States Code, section 133, as amended by this Act.

Approved August 3, 1949.

62 Stat. 896.
28 U. S. C., Supp.
II, § 134.

Repeal.

28 U. S. C., Supp.
II, § 133 and notes.

Ante, p. 494.

28 U. S. C., Supp.
II, § 133 and notes.

Ante, p. 494.

[CHAPTER 392]

AN ACT

To authorize the payment of employees of the Bureau of Animal Industry for overtime duty performed at establishments which prepare virus, serum, toxin, or analogous products for use in the treatment of domestic animals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to pay employees of the Bureau of Animal Industry employed in establishments subject to the provisions of section 157 of title 21, United States Code, for all overtime, night, or holiday work performed at such establishments, at such rates as he may determine, and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work.

Approved August 4, 1949.

August 4, 1949
[H. R. 459]
[Public Law 206]

37 Stat. 833.

[CHAPTER 393]

AN ACT

To revise, codify, and enact into law, title 14 of the United States Code, entitled "Coast Guard".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14 of the

August 4, 1949
[H. R. 4566]
[Public Law 207]

Title 14, U. S. Code.
Codification and enactment into law.

United States Code, entitled "Coast Guard", is hereby revised, codified, and enacted into law, and may be cited as "Title 14, United States Code, section —", as follows:

TITLE 14—COAST GUARD

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PART I—REGULAR COAST GUARD

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CHAPTER 1—ESTABLISHMENT AND DUTIES

Sec.
1. Establishment of Coast Guard.
2. Primary duties.
3. Relationship to Navy Department.
4. Operation as a service in the Navy.
5. "Secretary" defined.

§ 1. Establishment of Coast Guard

The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the Treasury Department, except when operating as a service in the Navy.

§ 2. Primary duties

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

§ 3. Relationship to Navy Department

Upon the declaration of war or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by executive order, transfers the Coast Guard back to the Treasury Department. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations.

§ 4. Operation as a service in the Navy

Whenever the Coast Guard operates as a service in the Navy:

(a) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

(b) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

(c) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

(d) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy;

(e) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough; and

(f) personnel of the Coast Guard shall be subject to the laws prescribed for the government of the Navy.

§ 5. "Secretary" defined

As used in this title, the term "Secretary" means the Secretary of the respective department in which the Coast Guard is operating.

CHAPTER 3—COMPOSITION AND ORGANIZATION

Sec.

41. Grades and ratings.

42. Number and distribution of commissioned officers.

43. Relative rank of commissioned officers with respect to Army and Navy.

44. Commandant; appointment.

45. Permanent grade of Commandant on expiration of term.

46. Retirement of Commandant.

47. Assistant Commandant and Engineer in Chief; appointment.

48. Permanent grade of Assistant Commandant and Engineer in Chief on expiration of term.

49. Retirement of Assistant Commandant and Engineer in Chief.

§ 41. Grades and ratings

In the Coast Guard there shall be a vice admiral, rear admirals, captains, commanders, lieutenant commanders, lieutenants, lieutenants (junior grade), ensigns, commissioned warrant officers, cadets, warrant officers, and enlisted men. Enlisted men shall be distributed in ratings established by the Secretary.

§ 42. Number and distribution of commissioned officers

The total number of commissioned officers, including permanent, temporary, temporary service, and reserve officers on active duty, and excluding commissioned warrant officers, on the active list of the Coast Guard shall not exceed two thousand two hundred and fifty. Included in this number are the extra numbers in grade which under law operate to increase the authorized number of line officers upon separation or retirement of the person holding that number, and the members of the permanent commissioned teaching staff of the Coast Guard Academy, who shall not be considered as extra numbers in grade. The commissioned officers shall be distributed in the grades of rear admiral, captain, commander, lieutenant commander, lieutenant, lieutenant (junior grade), and ensign in the same percentages as prescribed by Act of Congress for the Navy. To determine the

authorized number of officers in the various grades as provided in this section the computation shall be based on the actual number of officers on active duty, including permanent, temporary, and reserve officers on active duty, but not including extra numbers in the Coast Guard at the date of making the computation. The Secretary shall, at least once each year, make such a computation, and the resulting numbers in the various grades as so computed shall be held and considered for all purposes as the authorized number in such various grades. The nearest whole number shall be regarded as the authorized number in case fractions result in the computation. The Secretary may, however, as he may from time to time determine the needs of the Coast Guard require, reduce the percentages applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentages applicable to any grade or grades below the grade or grades in which such percentages are so reduced. No officer shall be reduced in permanent grade or pay or removed from the active list of the Coast Guard as the result of any computation or determination made by the Secretary to establish the number of officers in the various grades.

§ 43. Relative rank of commissioned officers with respect to Army and Navy

The commissioned officers of the Coast Guard rank as follows: Vice admirals with vice admirals in the Navy and lieutenant generals in the Army and the Air Force; rear admirals of the upper half with rear admirals of the upper half in the Navy and major generals in the Army and the Air Force; rear admirals of the lower half with rear admirals of the lower half in the Navy and brigadier generals in the Army and the Air Force; captains with captains in the Navy and colonels in the Army and the Air Force; commanders with commanders in the Navy and lieutenant colonels in the Army and the Air Force; lieutenant commanders with lieutenant commanders in the Navy and majors in the Army and the Air Force; lieutenants with lieutenants in the Navy and captains in the Army and the Air Force; lieutenants (junior grade) with lieutenants (junior grade) in the Navy and first lieutenants in the Army and the Air Force; and ensigns with ensigns in the Navy and second lieutenants in the Army and the Air Force.

§ 44. Commandant; appointment

The President may appoint, by and with the advice and consent of the Senate, one Commandant for a period of four years, who may be reappointed for further periods of four years, who shall act as Chief of the Coast Guard. The Commandant shall be appointed from the active list of line officers who hold a permanent commission as commander or above, and who have completed at least ten years of service as a commissioned officer in the Coast Guard. The Commandant, while so serving, shall have the grade, pay, and allowances of vice admiral. The position vacated by an officer appointed Commandant shall be filled by promotion according to law.

§ 45. Permanent grade of Commandant on expiration of term

If the Commandant is not retired during or on the expiration of his term of service as Commandant, such officer, at the expiration of such term of service, shall have the permanent grade of rear admiral, with the pay and allowances of a rear admiral (upper half) and shall be carried as an additional number in that grade until the number of rear admirals (upper half) is reduced to the number authorized by law.

§ 46. Retirement of Commandant

Upon completion of three years or more of service as Commandant, any officer who is so serving or who has so served may, at any time thereafter without regard to total length of service, upon his own application, in the discretion of the President, be retired from active service and, unless entitled by law to retirement with higher grade or pay, shall be placed on the retired list with the grade and retired pay of vice admiral. A Commandant who is retired for physical disability during his term of service as Commandant shall, unless entitled by law to retirement at a higher grade or pay, be placed on the retired list with the grade and retired pay of vice admiral.

§ 47. Assistant Commandant and Engineer in Chief; appointment

The President may appoint, by and with the advice and consent of the Senate, one Assistant Commandant for a period of four years, who may be reappointed for further periods of four years, and one Engineer in Chief for a period of four years, who may be reappointed for further periods of four years. The Assistant Commandant shall rank next after the Commandant, shall perform such duties as the Commandant 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 officers not below the grade of commander, and the Engineer in Chief shall be selected from the active list of officers not below the grade of commander who have qualified for engineering duty. The Commandant shall make recommendations for such appointments. The Assistant Commandant and Engineer in Chief shall, while so serving, have the grade of rear admiral and the pay and allowances of rear admiral (upper half). The position vacated by officers appointed Assistant Commandant or Engineer in Chief shall be filled by promotion according to law.

§ 48. Permanent grade of Assistant Commandant and Engineer in Chief on expiration of term

Officers whose terms of service as Assistant Commandant or Engineer in Chief have expired shall take their place on the lineal list in the permanent grade that they would have attained had they not served as Assistant Commandant or Engineer in Chief, and shall be additional numbers in those grades.

§ 49. Retirement of Assistant Commandant and Engineer in Chief

Upon retirement any officer who is serving, or has served not less than two and one-half years, as Assistant Commandant or Engineer in Chief, unless entitled to retire at a higher grade or pay under other provisions of law, shall retire with the grade of rear admiral and with the retired pay of a rear admiral (upper half).

CHAPTER 5—FUNCTIONS AND POWERS

Sec.

81. Aids to navigation authorized.
82. Cooperation with Administrator of Civil Aeronautics.
83. Unauthorized aids to maritime navigation; penalty.
84. Interference with aids to navigation; penalty.
85. Failure to maintain lights; penalty.
86. Marking of obstructions.
87. Buoys; color and numbering; passing.
88. Saving life and property.

Sec.

89. Law enforcement.

90. Ocean stations.

91. Safety of naval vessels.

92. Secretary; general powers.

93. Commandant; general powers.

§ 81. Aids to navigation authorized

In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

(1) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

(2) aids to air navigation required to serve the needs of the armed forces of the United States as requested by the Secretary of the appropriate department within the National Military Establishment; and

Loran stations.

(3) Loran stations (a) required to serve the needs of the armed forces of the United States; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as determined by the Administrator of Civil Aeronautics.

Such aids to navigation other than Loran stations shall be established and operated only within the United States, its Territories and possessions, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located, and at other places where such aids to navigation have been established prior to June 26, 1948.

§ 82. Cooperation with Administrator of Civil Aeronautics

The Coast Guard in establishing, maintaining, or operating any aids to air navigation herein provided shall solicit the cooperation of the Administrator of Civil Aeronautics to the end that the personnel and facilities of the Civil Aeronautics Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by the provisions of section 458 of Title 5, or by sections 175 (f) or 451-458 of Title 49.

⁴⁹ U. S. C., Supp. II, § 452.

§ 83. Unauthorized aids to maritime navigation; penalty

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation continues shall be considered as a new offense.

§ 84. Interference with aids to navigation; penalty

It shall be unlawful for any person, or public body, or instrumentality, excluding the armed forces, to remove, change the location of, obstruct, wilfully damage, make fast to, or interfere with any aid to

navigation established, installed, operated, or maintained by the Coast Guard pursuant to section 81 of this title, or with any aid to navigation lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of this title, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein. Whoever violates the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

Ante, p. 500.

Ante, p. 500.

§ 85. Failure to maintain lights; penalty

Any person, firm, company, or corporation required by law to maintain lights upon any bridge or abutment over or in any navigable waters who shall fail or refuse to maintain such lights, or to obey any of the lawful rules and regulations relating to the same, shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered as a new offense.

§ 86. Marking of obstructions

The Coast Guard may mark for the protection of navigation any sunken vessel or other similar obstruction existing on any navigable waters of the United States, whenever the owner thereof has, in the judgment of the Coast Guard, failed suitably to mark the same in accordance with the provisions of section 409 of Title 33. Until the abandonment of any such obstruction has been established in accordance with the provisions of section 414 of Title 33, the owner thereof shall pay to the Coast Guard the cost of such marking. As soon as the abandonment of any such obstruction has been so established, the Secretary of the Army shall keep the same so marked pending removal thereof in accordance with the provisions of section 414 of Title 33, but the Coast Guard may at the request of the Department of the Army continue the suitable marking of any such obstruction for and on behalf of that Department; and the cost of any such marking shall be borne by the Department of the Army. All monies received by the Coast Guard from the owners of obstructions, in accordance with the provisions of this section, shall be covered into the Treasury of the United States as miscellaneous receipts. No provision of this section shall be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same in accordance with the provisions of section 409 of Title 33.

§ 87. Buoys; color and numbering; passing

All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered so that passing up the coast or sound, or entering the bay, harbor, or channel, red buoys with even numbers shall be passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black horizontal stripes on either hand. Buoys in channel ways shall be colored with alternate white and black vertical stripes.

§ 88. Saving life and property

(a) In order to render aid to distressed persons, vessels, and aircraft on the high seas and on waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may:

- (1) perform any and all acts necessary to rescue and aid persons and protect and save property;

(2) take charge of and protect all property saved from marine or aircraft disasters, or floods, at which the Coast Guard is present, until such property is claimed by persons legally authorized to receive it or until otherwise disposed of in accordance with law or applicable regulations, and care for bodies of those who may have perished in such catastrophes;

(3) furnish clothing, food, lodging, medicines, and other necessary supplies and services to persons succored by the Coast Guard; and

(4) destroy or tow into port sunken or floating dangers to navigation.

(b) The Coast Guard may render aid to persons and protect and save property at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized.

§ 89. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, to examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

Arrests.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

(1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and

(2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.

§ 90. Ocean Stations

(a) The Coast Guard is authorized to operate and maintain floating ocean stations for the purpose of providing search and rescue, communication, and air navigation facilities, and meteorological services in such ocean areas as are regularly traversed by aircraft of the United States.

(b) The Coast Guard is authorized, subject to approval by the Administrator of Civil Aeronautics, to operate, on floating ocean stations authorized herein, such air navigation facilities as the Administrator may find necessary or desirable for the safe and efficient protection and control of air traffic. The Coast Guard, in establishing, maintaining, or operating such air navigation facilities shall request the cooperation of the Administrator of Civil Aeronautics to the end that the personnel and facilities of the Civil Aeronautics Administration will be utilized to the fullest possible advantage.

Air navigation facilities.

§ 91. Safety of naval vessels

The captain of the port, Coast Guard district commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Panama Canal in the case of the territory and waters of the Canal Zone, shall so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction. In territorial waters of the United States where immediate action is required, or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command.

§ 92. Secretary; general powers

For the purpose of executing the duties and functions of the Coast Guard the Secretary may within the limits of appropriations made therefor:

(a) establish, change the limits of, consolidate, discontinue, and re-establish Coast Guard districts;

(b) arrange with the Secretaries of the Army, Navy and Air Force to assign officers and enlisted men of the Coast Guard to any school maintained by the Army, Navy, and Air Force, for instruction and training, including aviation schools;

(c) construct, or cause to be constructed, Coast Guard shore establishments, and sell or otherwise dispose of unsuitable or unserviceable shore establishments, the monies received, less amount of expenses incurred from any such disposition (exclusive of governmental personal services), to be covered into the Treasury;

(d) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire vessels, and dispose of them, the monies received, less the amount of expenses incurred from any such disposition (exclusive of governmental personal services), to be covered into the Treasury;

(e) exchange vessels and parts thereof in part payment for new vessels;

(f) acquire land or interests in land, including acceptance of gifts thereof, where required for the purpose of carrying out any project or purpose for which an appropriation has been made;

(g) exchange land or interests in land in part or in full payment for such other land or interests in land as may be necessary or desirable, the balance of such part payment to be defrayable in accordance with other provisions of this section;

(h) exercise any of the powers vested by this title in the Commandant in any case in which the Secretary deems it appropriate; and

(i) do any and all things necessary to carry out the purposes of this title.

§ 93. Commandant; general powers

For the purpose of executing the duties and functions of the Coast Guard the Commandant may:

(a) maintain water, land, and air patrols, and ice-breaking facilities;

(b) establish and prescribe the purpose of, change the location of, consolidate, discontinue, re-establish, maintain, operate, and repair Coast Guard shore establishments;

(c) assign vessels, aircraft, vehicles, aids to navigation, equipment, appliances, and supplies to Coast Guard districts and shore establishments, and transfer any of the foregoing from one district or shore establishment to another;

(d) conduct experiments, investigate, or cause to be investigated, plans, devices, and inventions relating to the performance of any Coast Guard function and cooperate and coordinate such activities with other Government agencies and with private agencies;

(e) conduct any investigations or studies that may be of assistance to the Coast Guard in the performance of any of its powers, duties, or functions;

(f) collect, publish, and distribute information concerning Coast Guard operations;

(g) conduct or make available to personnel of the Coast Guard such specialized training and courses of instruction, including correspondence courses, as may be necessary or desirable for the good of the service;

(h) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles, and dispose of them, the monies received, less the amount of expenses incurred from any such disposition (exclusive of governmental personal services), to be covered into the Treasury;

(i) acquire, accept as gift, maintain and repair aids to navigation, appliances, equipment, and supplies, and discontinue, or otherwise dispose of obsolete, unsuitable, or unserviceable aids to navigation, appliances, equipment, and supplies, the monies received, less amount of expenses incurred from any such disposition (exclusive of governmental personal services), to be covered into the Treasury;

(j) equip, operate, maintain, supply, and repair Coast Guard districts and shore establishments;

(k) exchange aircraft, vehicles, and parts thereof, and obsolete, unsuitable, or unserviceable machines, tools, aids to navigation, appliances, equipment, and supplies in part payment for new items of the same or similar character as those proposed to be exchanged;

(l) establish, equip, operate, and maintain shops, depots, and yards for the manufacture and construction of aids to navigation, equipment, apparatus, vessels, vehicles, and aircraft not normally or economically obtainable from private contractors, and for the maintenance and repair of any property used by the Coast Guard;

(m) accept and utilize, in times of emergency in order to save life or protect property, such voluntary services as may be offered to the Coast Guard;

(n) rent or lease, under such terms and conditions as are deemed advisable, for a period not exceeding five years, such real property

under the control of the Coast Guard as may not be required for immediate use by the Coast Guard, the monies received from any such rental or lease, less amount of expenses incurred (exclusive of governmental personal services), to be covered into the Treasury;

(o) grant, under such terms and conditions as are deemed advisable, permits, licenses, easements, and rights-of-way over, across, in, and upon lands under the control of the Coast Guard when in the public interest and without substantially injuring the interests of the United States in the property thereby affected; and

(p) establish, install, abandon, re-establish, re-route, operate, maintain, repair, purchase, or lease such telephone and telegraph lines and cables, together with all facilities, apparatus, equipment, structures, appurtenances, accessories, and supplies used or useful in connection with the installation, operation, maintenance, or repair of such lines and cables, and acquire such real property, rights of way, easements, or attachment privileges as may be required for the installation, operation, and maintenance of such lines, cables, and equipment.

(q) establish, install, abandon, reestablish, change the location of, operate, maintain, and repair radio transmitting and receiving stations.

CHAPTER 7—COOPERATION WITH OTHER AGENCIES

Sec.

141. General.

142. State Department.

143. Treasury Department.

144. Department of the Army and Department of the Air Force.

145. Navy Department.

146. Post Office Department.

147. Department of Commerce.

148. Maritime instruction.

149. Detail of officers and men to assist foreign governments.

150. Coast Guard officers as attaches to missions.

151. Contracts with Government-owned establishments for work and material.

§ 141. General

(a) The Coast Guard may, when so requested by proper authority, utilize its personnel and facilities to assist any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia, to perform any activity for which such personnel and facilities are especially qualified.

Assistance to Federal agencies, etc.

(b) The Coast Guard, with the consent of the head of the agency concerned, may avail itself of such officers and employees, advice, information, and facilities of any Federal agency, State, Territory, possession, or political subdivision thereof, or the District of Columbia as may be helpful in the performance of its duties. In connection with the utilization of personal services of employees of state or local governments, the Coast Guard may make payments for necessary traveling and per diem expenses as prescribed for Federal employees by the standardized Government travel regulations.

Use of personnel, etc., of other agencies.

Travel expenses.

§ 142. State Department

The Coast Guard, through the Secretary, may exchange information, through the Secretary of State, with foreign governments and suggest to the Secretary of State international collaboration and

conferences on all matters dealing with the safety of life and property at sea, other than radio communication.

§ 143. Treasury Department

Commissioned, warrant, and petty officers of the Coast Guard are deemed to be officers of the customs and when so acting shall, insofar as performance of the duties relating to customs laws are concerned, be subject to regulations issued by the Secretary of the Treasury governing officers of the customs.

§ 144. Department of the Army and Department of the Air Force

(a) The Secretary of the Army or the Secretary of the Air Force at the request of the Secretary of the Treasury may, with or without reimbursement for the cost thereof, as agreed, receive officers and enlisted men of the Coast Guard for instruction in any school, including any aviation school, maintained by the Army or the Air Force, and such officers and enlisted men shall be subject to the regulations governing such schools.

(b) Officers and enlisted men of the Coast Guard shall be permitted to purchase quartermaster supplies from the Army at the same price as is charged the officers and enlisted men of the Army.

(c) Articles of ordnance property may be sold by the Chief of Ordnance to officers of the Coast Guard for their use in the public service in the same manner as these articles are sold to officers of the Army.

§ 145. Navy Department

(a) The Secretary of the Navy, at the request of the Secretary of the Treasury may, with or without reimbursement for the cost thereof, as agreed:

(1) build any vessel for the Coast Guard at such Navy yards as the Secretary of the Navy may designate; and

(2) receive officers and enlisted men of the Coast Guard for instruction in any school, including any aviation school maintained by the Navy, and such officers and enlisted men shall be subject to the regulations governing such schools.

(b) Officers and enlisted men of the Coast Guard shall be permitted to purchase quartermaster supplies from the Navy and the Marine Corps at the same price as is charged the officers and enlisted men of the Navy and Marine Corps.

(c) When the Coast Guard is operating in the Treasury Department, the Secretary shall provide for such peacetime training and planning of reserve strength and facilities as is necessary to insure an organized, manned, and equipped Coast Guard when it is required for wartime operation in the Navy. To this end, the Secretary of the Navy, for the Navy, and the Secretary of the Treasury, for the Coast Guard, may from time to time exchange such information, make available to each other such personnel, vessels, facilities, and equipment, and agree to undertake such assignments and functions for each other as they may agree are necessary and advisable.

§ 146. Post Office Department

Coast Guard facilities and personnel may be utilized for the transportation and delivery of mail matter during emergency conditions or at isolated locations under such arrangements as may be satisfactory to the Secretary and the Postmaster General.

§ 147. Department of Commerce

In order to promote the safety of life and property on and over the high seas and waters over which the United States has jurisdiction, and to facilitate the preparation and dissemination by the Weather Bureau of the weather reports, forecasts, and warnings essential to the safe and efficient conduct of domestic and international commerce on and over such seas and waters, the Commandant may cooperate with the Chief of the Weather Bureau by procuring, maintaining, and making available, facilities and assistance for observing, investigating, and communicating weather phenomena and for disseminating weather data, forecasts and warnings, the mutually satisfactory terms of such cooperation in weather service to be agreed upon and arranged between the Commandant and the Chief of the Weather Bureau.

§ 148. Maritime instruction

The Coast Guard may, when so requested by proper authority, detail officers and enlisted men for duty in connection with maritime instruction and training by the several States, Territories, the District of Columbia, and Puerto Rico, and when requested by the United States Maritime Commission, detail persons in the Coast Guard for duty in connection with maritime instruction and training by the United States. The service rendered by any person so detailed shall be considered Coast Guard duty.

§ 149. Detail of officers and men to assist foreign governments

The President may upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, detail officers and enlisted men of the Coast Guard to assist foreign governments in matters concerning which the Coast Guard may be of assistance. Officers and enlisted men so detailed may accept, from the government to which detailed, offices and such compensation and emoluments thereunder appertaining as may be first approved by the Secretary. While so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances to which they are entitled in the Coast Guard and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the Coast Guard.

§ 150. Coast Guard officers as attachés to missions

Commissioned officers may, with the consent of the Secretary of State, be regularly and officially attached to the diplomatic missions of the United States in those nations with which the United States is extensively engaged in maritime commerce. Expenses for the maintenance of such Coast Guard attachés abroad, including office rental and pay of employees and allowances for living quarters, including heat, fuel, and light, may be defrayed by the Coast Guard.

§ 151. Contracts with Government-owned establishments for work and material

All orders or contracts for work or material, under authorization of law, placed with Government-owned establishments by the Coast Guard, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors.

CHAPTER 9—COAST GUARD ACADEMY

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- 181. Administration of Academy.
- 182. Cadets; number, appointment, obligation to serve.
- 183. Cadets; initial clothing allowance.
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- 185. Cadets; appointment as ensign.
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- 191. Credit for service as civilian instructor.
- 192. Assignment of personnel as instructors.
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§ 181. Administration of Academy

The immediate government and military command of the Coast Guard Academy shall be in the Superintendent of the Academy, subject to the direction of the Commandant under the general supervision of the Secretary. The Commandant may select a superintendent from the active list of the Coast Guard who shall serve in the pleasure of the Commandant.

§ 182. Cadets; number, appointment, obligation to serve

The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed three hundred. Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Previous to his admission each cadet shall obligate himself, in such manner as the Secretary shall prescribe, to serve at least four years as an officer in the Coast Guard after graduation, if his service be so long required. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

§ 183. Cadets; initial clothing allowance

Each cadet, upon admission to the Academy, shall be credited with the sum of \$250 to cover the cost of his initial clothing and equipment issued, to be deducted subsequently from his pay in accordance with regulations prescribed by the Secretary.

§ 184. Cadets; degree of bachelor of science

The Superintendent of the Academy may, under such rules and regulations as the Secretary shall prescribe, confer the degree of bachelor of science upon all graduates of the Academy and may, in addition, confer the degree of bachelor of science upon such other living graduates of the Academy as shall have met the requirements of the Academy for such degree.

§ 185. Cadets; appointment as ensign

The President may, by and with the advice and consent of the Senate, appoint as ensigns in the Coast Guard all cadets who shall graduate from the Academy. Ensigns so commissioned on the same

date shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

§ 186. Civilian instructors

The Secretary may appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as the needs of the Service require, not to exceed eight, whose compensation shall be fixed in accordance with the Classification Act of 1923, as amended. Leaves of absence and hours of work for such civilian instructors shall be governed by regulations issued by the Secretary of the Treasury, without regard to sections 29a, 30b–30m, 84, 663, 667, 672a–673, and Chapter 18, of Title 5.

42 Stat. 1488.
5 U. S. C. §§ 661–674;
Supp. II, § 662 *et seq.*
Post, p. 972.

5 U. S. C. § 901 *et seq.*; Supp. II, §§ 30b, 30c, 663 notes, 902 *et seq.*
Post, p. 972.

§ 187. Permanent commissioned teaching staff; composition

The permanent commissioned teaching staff at the Academy shall consist of not more than three professors who may serve as heads of departments, and not more than twelve associate professors, assistant professors, and commissioned instructors, one of whom shall be the librarian. They shall perform duties as prescribed by the Commandant, and exercise command only in the academic department of the Academy.

§ 188. Appointment of permanent commissioned teaching staff

The President may appoint in the Coast Guard, by and with the advice and consent of the Senate, the professors, associate professors, assistant professors, and commissioned instructors who are to serve on the permanent commissioned teaching staff of the Academy. An original appointment to the permanent commissioned teaching staff, unless the appointee has served as a civilian instructor, regular commissioned officer, temporary commissioned officer, or reserve commissioned officer in the Coast Guard, shall be a temporary appointment until the appointee has satisfactorily completed a probationary term of four years of service; thereafter he may be regularly appointed and his rank shall date from the date of his temporary appointment in the rank in which permanently appointed.

§ 189. Grade of permanent commissioned teaching staff

Professors shall be commissioned officers with grade not above captain, associate and assistant professors with grade not above commander, and commissioned instructors with grade not above lieutenant commander. All officers of the permanent commissioned teaching staff shall receive the pay and allowances of other commissioned officers of the same grade and length of service. When any such professor, associate professor, or assistant professor is appointed or commissioned with grade less than the highest grade permitted, he shall be promoted under regulations prescribed by the Secretary.

§ 190. Retirement of permanent commissioned teaching staff

Professors, associate professors, assistant professors, and commissioned instructors in the Coast Guard shall be subject to retirement from active service for any cause on the same basis as other permanent commissioned officers of the Coast Guard, and service as a civilian instructor or civilian librarian at the Academy in addition to creditable service authorized by any other law in any of the military services rendered prior to an appointment as a professor, associate professor, assistant professor, or commissioned instructor shall be credited in computing length of service for retirement purposes. The provisions of law relating to retirement for disability in line of duty shall not

apply in the case of a professor, associate professor, assistant professor, or commissioned instructor serving under a temporary appointment.

§ 191. Credit for service as civilian instructor

Service as a civilian instructor or civilian librarian at the Academy in addition to creditable services authorized by any other law in any of the military services rendered prior to an appointment as professor, associate professor, assistant professor, or commissioned instructor shall be credited in computing length of service as a professor, associate professor, assistant professor, or commissioned instructor for purposes of pay and allowances.

§ 192. Assignment of personnel as instructors

The Commandant may assign any commissioned officer, warrant officer, or enlisted man to appropriate instruction duty at the Academy.

§ 193. Advisory Committee

The Secretary may appoint an Advisory Committee to the Academy, consisting of not more than seven persons of distinction in education and other fields relating to the purposes of the Academy, who shall serve without pay. Members of the Advisory Committee shall be appointed for terms of not to exceed three years and may be reappointed. The Secretary shall, in June of each year, appoint one of the members to serve as chairman. The members so appointed shall visit the Academy at least once during the academic year on the call of the Chairman and may convene once each year at Headquarters, at the call of the Commandant, for the purpose of examining the course of instruction and advising the Commandant relative thereto. Each member of the Committee shall be reimbursed from Coast Guard appropriations in conformity with section 73b-1 of Title 5, or such actual expenses as permitted by section 73b-2 of Title 5 shall be defrayed by the Coast Guard.

⁵ U. S. C., Supp. II,
§ 73b-1 note.

§ 194. Annual Board of Visitors

(a) In addition to the Advisory Committee, there shall be appointed in January of each year a Board of Visitors to the Academy, consisting of two Senators and three members of the House of Representatives, appointed by the chairmen of the committees of the Senate and House of Representatives, respectively, having cognizance of legislation pertaining to the Academy, the chairmen of said committees being ex officio members of the Board, and of one Senator and two members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. Whenever a member or an ex officio member is unable to attend the annual meeting as provided in this section another member may be appointed in his stead in the manner as herein provided but without restriction as to month of appointment.

(b) Such Board shall visit the Academy annually on a date to be fixed by the Secretary. Each member of the Board shall be reimbursed from Coast Guard appropriations under Government travel regulations for the actual expense incurred by him while engaged in duties as a member of such Board, or such actual expenses as permitted under such regulations shall be defrayed by the Coast Guard.

CHAPTER 11—PERSONNEL

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Sec.

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COMMISSIONED OFFICERS

§ 221. Filling of vacancies

Whenever a vacancy occurs in the active list of regular commissioned officers, in the grade of ensign or above, which the Secretary determines shall be filled, such vacancy shall be filled either by promotion through appointment by the President to a higher grade as hereinafter provided or by appointment by the President from among the groups set forth in section 225 of this title.

Post, p. 513.

§ 222. Promotion of officers to flag rank

Commissioned officers, including extra numbers in grade, shall be promoted to the grade of rear admiral by selection, under such regulations as the Secretary shall prescribe. The precedence on the list of rear admirals shall be determined by the date of first appointment to that grade, except that the Assistant Commandant shall, while holding such office, be next in precedence to the Commandant.

§ 223. Filling of vacancies by promotion

(a) When a vacancy below the grade of rear admiral is to be filled by promotion as determined by the Secretary, the senior officer of the next lower grade, not out of line of promotion, shall be appointed by the President, by and with the advice and consent of the Senate, to fill such vacancy as of the date such vacancy occurred. No commissioned officer shall be promoted to a higher grade on the active list until his mental, moral, and professional fitness to perform the duties of such higher grade have been established to the satisfaction of the Secretary, and until he has been pronounced physically qualified to perform the duties of such higher grade.

(b) The Secretary may prescribe regulations dealing with the filling of vacancies by promotion, including, but not limited to, the scope and method of conducting professional and physical examinations, the number of re-examinations permitted, the circumstances under which an officer may be excused from being examined in a particular subject, and the passing marks required; and dealing with the placing of officers out of, and the restoring of officers to, the line of promotion.

(c) An ensign who has completed three years' service in his grade shall be eligible for promotion to lieutenant (junior grade) if he is qualified therefor in accordance with such regulations as the Secretary shall prescribe.

§ 224. Filling of vacancies by appointment

(a) Vacancies in the grade of captain and below may be filled by appointment. When a vacancy is to be filled by appointment thereto

from among the groups set forth in section 225 of this title as determined by the Secretary, such officer shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Secretary may prescribe regulations dealing with the filling of vacancies by appointment, including, but not limited to, the scope and method of conducting professional and physical examinations and the passing marks required.

(c) Any person thus appointed as a permanent commissioned officer shall take precedence in the grade in which he is appointed in accordance with the date of his commission as a permanent commissioned officer in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

§ 225. Permanent appointments

(a) The President may appoint, by and with the advice and consent of the Senate, permanent commissioned officers in the Coast Guard in grades appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

- (1) graduates of the Coast Guard Academy;
- (2) temporary commissioned officers of the Coast Guard who have served at least two years as such;
- (3) commissioned warrant officers, warrant officers, and enlisted men of the Coast Guard;
- (4) members of the Coast Guard Reserve who have served at least two years as such; and
- (5) licensed officers of the United States Merchant Marine who have served four or more years aboard a vessel of the United States in the capacity of a licensed officer, but any person of this category, commissioned pursuant to this section, shall serve a probationary period of two years, during which time his commission may be revoked if his services are unsatisfactory, under such regulations as the Secretary shall prescribe.

(b) No person shall be appointed a commissioned officer until his mental, moral, physical and professional fitness to perform the duties of a commissioned officer has been established as the result of such examinations as the Secretary shall prescribe.

§ 226. Temporary appointments

(a) The Secretary may appoint temporary commissioned officers in the grade of lieutenant commander or below, appropriate to their qualifications and experience, who, while in service, shall receive the same pay, allowances, and benefits as permanent commissioned officers of corresponding grade and length of service, except that no temporary commissioned officer as such shall be entitled to retirement while serving under his temporary commission. Temporary appointments shall be made only after the candidate has satisfactorily passed such examination as the Secretary shall prescribe. The names of all persons who are appointed temporary commissioned officers shall be placed on a special list of temporary commissioned officers, as distinguished from the list of permanent commissioned officers.

Lieutenant commander or below.

(b) Any warrant officer or enlisted man in the regular Coast Guard may be appointed as a temporary commissioned officer. Notwithstanding such temporary appointment, any such warrant officer or enlisted man shall be entitled to retirement in his permanent grade or rating in the same manner as though he had continued to hold his permanent grade or rating, and upon the termination of such temporary appointment shall be entitled to revert to such grade or rating. Service under

Warrant officer or enlisted man.

any such temporary appointment shall be included in determining length of service as a warrant officer or enlisted man.

§ 227. Promotion and dismissal of temporary commissioned officers

The Secretary may, without regard to length of service or seniority, promote any temporary commissioned officer to a grade not above that of captain, and may call for the resignation of, dismiss, or reduce in grade, any temporary commissioned officer for unfitness, or misconduct, or when his services are no longer required.

§ 228. Appointment of commissioned warrant officers

(a) The President may appoint, by and with the advice and consent of the Senate, permanent commissioned warrant officers in the Coast Guard, as the needs of the Coast Guard may require, from among the following categories:

- (1) temporary commissioned officers of the Coast Guard;
- (2) temporary commissioned warrant officers of the Coast Guard;
- (3) temporary and permanent warrant officers of the Coast Guard;
- (4) enlisted men of the Coast Guard;
- (5) members of the Coast Guard Reserve; and
- (6) licensed officers of the United States Merchant Marine.

(b) No person shall be appointed a commissioned warrant officer until his mental, moral, physical, and professional fitness to perform the duties of a commissioned warrant officer has been established as the result of such examinations as the Secretary shall prescribe.

(c) Appointees under this section shall take precedence with other commissioned warrant officers in accordance with the dates of their commissions. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary may determine.

§ 229. Revocation of commissions during first three years of commissioned service

The President, under such regulations as he may prescribe, may revoke the commission of any officer on the active list who, at the date of such revocation, has had less than three years of continuous service as a commissioned officer in the Coast Guard, and each officer whose commission is so revoked shall revert to his former status or be separated from the Coast Guard.

§ 230. Compulsory retirement at age of sixty-two

Any commissioned officer who has reached the age of sixty-two shall be retired from active service, with retired pay of the grade with which retired.

§ 231. Voluntary retirement after thirty years' service

Any commissioned officer who has completed thirty years' service may, upon his own application, in the discretion of the Secretary, be retired from active service with retired pay of the grade with which retired.

§ 232. Voluntary retirement after twenty years' service

Any commissioned officer who has completed twenty years' active service in the Coast Guard, Navy, or Marine Corps, or the Reserve Components thereof, including active duty for training, at least ten years of which shall have been active commissioned service, may, upon

his own application, in the discretion of the President, be retired from active service, with retired pay of the grade with which retired.

§ 233. Retirement for disabilities incident to service

Any commissioned officer found by a retiring board to be incapacitated for active service because of infirmities of age or physical or mental disability, which is incident to service, shall if the findings of the retiring board are approved by the Secretary, be retired from active service, with retired pay of the grade with which retired.

§ 234. Retirement for failure in physical examination for promotion

Any commissioned officer who fails in his physical examination for promotion shall immediately be brought before a retiring board and if found incapacitated for service by reason of disability contracted incident to service shall be retired from active service with the grade for which he was examined for promotion, with retired pay of such advanced grade.

§ 235. Personnel Board; procedure; recommendations

The Secretary shall designate and assemble annually a Coast Guard Personnel Board of not less than five commissioned officers of the grade of captain or above on the active list. The Personnel Board shall—

- (1) recommend for retirement such commissioned officers of the Coast Guard who have thirty years of service as it determines, upon the basis of the needs of the service, should be retired from active service,
- (2) recommend for retirement such commissioned officers of the Coast Guard who have been placed out of line of promotion and who have ten years of commissioned service as the Personnel Board determines, in its discretion, should be retired from active service, and
- (3) recommend for placing out of line of promotion such lieutenant commanders on the active list as the Personnel Board determines, in its discretion, should be placed out of line of promotion.

The proceedings, findings, or recommendations of the Personnel Board shall be transmitted to the Commandant for review. If the Commandant approves the recommendations of the Personnel Board, notification thereof shall be given by him in writing to each officer concerned who for the first time under this section is recommended for retirement or for placing out of line of promotion; any such officer who, within thirty days after receipt of such notification, files with the Commandant a written protest of the action taken by the Personnel Board in his case, shall not be retired involuntarily or placed out of line of promotion under this section unless a subsequent annual Personnel Board, none of the members of which was a member of the previous Personnel Board which recommended such officer's retirement or placing out of line of promotion, determines, in its discretion, and recommends that such officer should be retired or placed out of line of promotion, in which case such officer may, upon approval by the President, be retired from active service, or be placed out of line of promotion, as the case may be. At the expiration of thirty days after receipt by an officer of notice as aforesaid, in the event that no such protest is filed by him, such officer may, upon approval by the President, be retired from active service or be placed out of line of promotion, as the case may be, as hereinafter provided. If the Commandant disapproves any recommendation of the Personnel Board, the officer

concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Personnel Board. Except as hereinbefore provided, each recommendation of the Personnel Board which is finally approved by the Commandant, together with the proceedings and findings of the Personnel Board, shall be transmitted to the Secretary for further review, and if the Secretary shall disapprove any recommendation of the Personnel Board, the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Personnel Board. Each recommendation of the Personnel Board which is not disapproved by the Secretary shall be laid before the President by the Secretary with his recommendation in the case. The President may, in any calendar year, pursuant to recommendations so laid before him:

(1) place out of line of promotion such number of lieutenant commanders on the active list as the needs of the service require;

(2) retire from active duty such number of commissioned officers who have thirty or more years of service as the needs of the service require; and

(3) retire from active duty any officer who has been placed out of line of promotion and who has ten years or more of commissioned service.

§ 236. Pay and grade upon involuntary retirement after 30 years' service

Any commissioned officer who has completed thirty years' service and who has been retired from active duty by the President pursuant to the action of a Personnel Board shall, unless entitled to retire at a higher grade or pay under other provisions of law, receive the retired pay of the grade with which retired.

§ 237. Pay and grade upon involuntary retirement after 10 years' service

Any commissioned officer who has completed ten years' commissioned service and who has been retired from active duty by the President pursuant to the action of a Personnel Board shall, unless entitled to retire at a higher grade or pay under other provisions of law, be retired in the permanent grade held at the time of such retirement, with retired pay of the grade with which retired.

§ 238. Voluntary retirement when out of line of promotion

Any commissioned officer who, under regulations prescribed by the Secretary, is placed out of line of promotion, and who has completed ten years commissioned service, may, at his own request and with the approval of the Secretary, be retired from active service with the permanent grade held at the time of such retirement, with retired pay of the grade with which retired.

§ 239. Retirement in case of special commendation

Any commissioned officer who has been specially commended for his performance of duty in actual combat prior to December 31, 1946 by the head of the executive department under whose jurisdiction the duty was performed, shall, upon retirement, be placed on the retired list one grade higher than the grade in which serving at the time of retirement, with 75 percent of the active-duty pay of the grade in which serving at the time of retirement and the grade in which serving at the time of retirement shall be construed to mean the highest grade in which so serving whether by virtue of permanent or temporary appointment therein.

§ 240. Recall to active duty during war or national emergency

In time of war or national emergency, the Secretary may order any commissioned officer on the retired list to active duty. While on active duty, a retired commissioned officer shall receive full pay, allowances, and benefits authorized by law including longevity credit for the time retired. When relieved of active service after recall from the retired list, such commissioned officer shall, unless entitled to be advanced on the retired list with a higher grade or pay under other provisions of law, be retained on the retired list with the grade held at the time of retirement and with retired pay computed on the active-duty pay and increase received at the time of relief from active duty.

§ 241. Recall to active duty with consent of officer

Any commissioned officer on the retired list may, with his consent, be assigned to such duties as he may be able to perform but no commissioned officer on the retired list who has reached the age of sixty-two years shall be recalled in time of peace. While on active duty such commissioned officer shall receive full pay, allowances, and benefits authorized by law, including longevity credit for the time retired. When relieved of active service after recall from the retired list, such commissioned officer shall, unless entitled to be advanced on the retired list with a higher grade or pay under other provisions of law, be retained on the retired list with the grade held at the time of retirement and with retired pay computed on the active-duty pay and increase received at the time of relief from active duty.

§ 242. Relief of retired officer promoted while on active duty

Any commissioned officer on the retired list recalled to active duty who during such active duty is advanced to a higher grade under a temporary appointment shall, upon relief from active duty, if his performance of duty under such temporary appointment has been satisfactory, be advanced on the retired list to the highest grade held while on active duty, with retired pay of such highest grade.

§ 243. Retirement in cases where higher grade has been held

Any commissioned officer who is retired under any provision of sections 230, 231, 232, 233, or 234 of this title, or that provision of section 235 of this title which provides for retirement of officers after thirty years' service, shall be retired from active service with the highest grade held by him while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, but not lower than his permanent grade, with retired pay of the grade with which retired.

Ante, pp. 514, 515.

§ 244. Resignation when out of line of promotion

Any commissioned officer who, in accordance with applicable regulations, is placed out of line of promotion may, with the approval of the Secretary, if his commissioned service is less than ten years, resign from the Coast Guard with one year's pay computed at the rate of pay he was receiving on the date of his resignation.

§ 245. Retiring or dropping for disabilities not incident to service

Any commissioned officer found by a retiring board to be incapacitated for active service for reasons not incident to service shall, if the findings of the retiring board are approved by the Secretary, be dropped from the service with or without one year's pay, as determined by the Secretary.

§ 246. Dropping for disabilities due to vicious habits

Any commissioned officer found by a retiring board to be incapacitated for active service because of his own vicious habits, shall, if the findings of the retiring board are approved by the President, be dropped from the service.

WARRANT OFFICERS**§ 301. Permanent appointments**

(a) The Secretary may appoint permanent warrant officers, as the needs of the Coast Guard require, from among the following categories:

- (1) temporary commissioned warrant officers and temporary warrant officers of the Coast Guard;
- (2) enlisted men of the Coast Guard;
- (3) members of the Coast Guard Reserve; and
- (4) licensed officers of the United States Merchant Marine.

(b) No person shall be appointed a warrant officer until his mental, moral, physical, and professional fitness to perform the duties of a warrant officer has been established as the result of such examinations as the Secretary shall prescribe.

(c) Appointees under this section shall take precedence with other warrant officers in accordance with the dates of their appointments. Appointees whose dates of appointment are the same shall take precedence with each other as the Secretary may determine.

§ 302. Temporary appointments

(a) The Secretary may appoint temporary warrant officers appropriate to their qualifications and experience. Such temporary warrant officers, while in service, shall receive the same pay, allowances, and benefits as permanent warrant officers of corresponding length of service, except that no temporary warrant officer as such shall be entitled to retirement while serving under his temporary appointment. All temporary appointments as warrant officers shall be made only after the candidates have satisfactorily passed such examinations as the Secretary shall prescribe.

(b) Any enlisted man in the regular Coast Guard may be appointed as a temporary warrant officer. Notwithstanding such temporary appointment, any such enlisted man shall be entitled to retirement in his permanent rating in the same manner as though he had continued to hold his permanent rating, and upon the termination of such temporary appointment shall be entitled to revert to such rating. Service under any such temporary appointment shall be included in determining length of service as an enlisted man.

§ 303. Compulsory retirement at age of sixty-two

Any warrant officer who has reached the age of sixty-two years shall be retired from active service, with retired pay of the grade with which retired.

§ 304. Voluntary retirement after thirty years' service

Any warrant officer who has completed thirty years' service may, upon his own application, in the discretion of the Secretary, be retired from active service, with retired pay of the grade with which retired.

§ 305. Voluntary retirement after twenty years' service

Any warrant officer who has completed twenty years' active service in the Coast Guard, Navy, or Marine Corps, or the Reserve Components thereof, may, upon his own application, in the discretion of the Secretary be retired from active service, with retired pay of the grade with which retired.

§ 306. Retirement for disabilities incident to service

Any warrant officer found by a retiring board to be incapacitated for active service because of infirmities of age or physical or mental disability, which is incident to service, shall, if the findings of the retiring board are approved by the Secretary, be retired from active service, with retired pay of the grade with which retired.

§ 307. Retirement upon recommendation of Personnel Board

The Coast Guard Personnel Board may recommend for retirement such warrant officers who have thirty years of service as it determines upon the basis of the needs of the service should be retired from active service. The procedures for the retirement of commissioned officers pursuant to the action of a Personnel Board, after thirty years' service, shall govern the retirement of warrant officers under this section, except that in the case of warrant officers the final review and action shall be by the Secretary instead of by the President.

§ 308. Pay upon involuntary retirement after 30 years' service

Any warrant officer who has completed thirty years' service and who has been retired from active duty by the Secretary, pursuant to the action of a Personnel Board, shall, unless entitled to retire at a higher grade or pay under other provisions of law, receive the retired pay of the grade with which retired.

§ 309. Retirement in case of special commendation

Any warrant officer who has been specially commended for his performance of duty in actual combat prior to December 31, 1946 by the head of the executive department under whose jurisdiction the duty was performed shall, whether serving under a permanent or temporary appointment, upon retirement, be placed upon the retired list with the grade of commissioned warrant officer and with seventy-five percent of the active-duty pay of warrant officer.

§ 310. Recall to active duty during war or national emergency

In times of war or national emergency, the Secretary may order any warrant officer on the retired list to active duty. While on active duty, a retired warrant officer shall receive full pay, allowances, and benefits authorized by law, including longevity credit for the time retired. When relieved of active service after recall from the retired list such warrant officer shall, unless entitled to be advanced on the retired list with a higher grade or pay under other provisions of law, be retained on the retired list with the grade of warrant officer, and with retired pay computed on the active-duty pay and increase received at the time of relief from active duty.

§ 311. Recall to active duty with consent of officer

Any warrant officer on the retired list may, with his consent, be assigned to such duties as he may be able to perform, but no warrant officer on the retired list who has reached the age of sixty-two years shall be recalled in time of peace. While on active duty, such warrant

officer shall receive full pay, allowances, and benefits authorized by law, including longevity credit for the time retired. When relieved from active service after recall from the retired list, such warrant officer shall, unless entitled to be advanced on the retired list with a higher grade or pay under other provisions of law, be retained on the retired list with the grade of warrant officer and with retired pay computed on the active-duty pay and increase received at the time of relief from active duty.

§ 312. Relief of retired warrant officer promoted while on active duty

Any warrant officer on the retired list recalled to active duty who during such active duty is advanced to a higher grade under a temporary appointment shall, upon relief from active duty, if his performance of duty under such temporary appointment has been satisfactory, be advanced on the retired list to the highest grade held while on active duty, with retired pay of such highest grade.

§ 313. Retirement in cases where higher grade has been held

Ante, pp. 518, 519.

Any warrant officer who is retired under any provision of sections 303, 304, 305, 306, or 307 of this title shall be retired from active service with the highest grade held by him while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, but not lower than his permanent grade, with retired pay of the grade with which retired.

§ 314. Retiring or dropping for disabilities not incident to service

Any warrant officer found by a retiring board to be incapacitated for active service for reasons not incident to service shall, if the findings of the retiring board are approved by the Secretary, be dropped from the service with or without one year's pay, as determined by the Secretary.

§ 315. Dropping for disabilities due to vicious habits

Any warrant officer found by a retiring board to be incapacitated for active service because of his own vicious habits, shall, if the findings of the retiring board are approved by the Secretary, be dropped from the service.

ENLISTED MEN

§ 351. Enlistments

Under regulations prescribed by the Secretary, the Commandant may enlist men for minority or terms of full years not exceeding six years. Enlistment contracts shall be of two types, regular and temporary. A man enlisted and serving under a regular enlistment contract shall be entitled to all applicable retirement benefits provided by law. A man enlisted and serving under a temporary enlistment contract shall not be entitled to retirement benefits. All original enlistments shall be temporary, and succeeding enlistments may be temporary under regulations prescribed by the Secretary.

§ 352. Promotion

Enlisted men shall be advanced in rating by the Commandant under regulations prescribed by the Secretary.

§ 353. Compulsory retirement at age of sixty-two

Any enlisted man who has reached the age of sixty-two shall be retired from active service, with retired pay of the grade or rating with which retired.

§ 354. Voluntary retirement after thirty years' service

Any enlisted man who has completed thirty years' service may, upon his own application, in the discretion of the Commandant, be retired from active service, with retired pay of the grade or rating with which retired.

§ 355. Voluntary retirement after twenty years' service

Any enlisted man who has completed twenty years' service may, upon his own application, in the discretion of the Commandant, be retired from active service, with retired pay of the grade or rating with which retired.

§ 356. Retirement for disabilities incident to service

Any enlisted man found by a retiring board to be incapacitated for active service because of infirmities of age or physical or mental disability, which is incident to service, shall, if the findings of the retiring board are approved by the Secretary, be retired from active service, with retired pay of the grade or rating with which retired.

§ 357. Enlisted Personnel Board

(a) The Commandant shall assemble annually a Coast Guard Enlisted Personnel Board, of not less than three commissioned officers on the active list, who shall recommend for retirement such enlisted men who have twenty years of service, as the Board determines, in its discretion, should be retired from active service. The recommendations of the Board shall be transmitted to the Commandant for final action. If the Commandant approves the recommendations of the Board, the enlisted men concerned shall be notified thereof in writing, and any enlisted man who, within thirty days after receipt of such notification, files with the Commandant a written protest of the action taken by the Board in his case, shall not be retired involuntarily under this section unless a subsequent annual Board again determines, in its discretion, and recommends that such enlisted man should be retired, in which case such enlisted man may, upon approval by the Commandant, be retired from active service. At the expiration of thirty days after receipt by an enlisted man of notice as aforesaid, in the event that no such protest is filed by him within the period prescribed, such enlisted man may, upon approval by the Commandant, be retired from active service. If the Commandant disapproves any recommendation of the Board the enlisted man concerned shall retain his status to the same extent as if his case had not been considered.

(b) Any enlisted man who has completed twenty years' service and who has been retired from active duty by the Commandant pursuant to the action of an Enlisted Personnel Board shall receive the retired pay of the grade or rating with which retired.

(c) Any enlisted man retired by reason of twenty years service, whether voluntarily or involuntarily, who has been cited for extraordinary heroism in line of duty, as determined by the Secretary, whose determination shall be final and conclusive, or any enlisted man so retired whose average marks in conduct during his service in the Coast Guard were not less than 97½ per cent of the maximum, or any enlisted man so retired who shall have been both so cited and shall have received such average marks, shall be entitled to have his retired pay increased by an amount equal to 10 per cent of the active-duty pay and permanent additions thereto of the grade or rating with which retired.

Citation for extraordinary heroism.

§ 358. Limitation of retirements

The total number of enlisted men who may be retired in any one calendar year by reason of having completed twenty years of service shall not exceed the whole number nearest to 1 per cent of the total enlisted force of the Coast Guard on the active list as of January 1 of such year, to be divided in such proportions between voluntary retirements and involuntary retirements as may be determined by the Commandant. In case the number of enlisted men authorized to be retired annually by this section are not retired during a calendar year, the remainder of the authorized number may be retired during any subsequent calendar year providing that the total retired in that year does not exceed 3 per cent of the total enlisted force as of January 1 of such calendar year.

§ 359. Recall to active duty during war or national emergency

In times of war or national emergency, the Commandant may order any enlisted man on the retired list to active duty. While on active duty, a retired enlisted man shall receive full pay, allowances, and benefits authorized by law including longevity credit for the time retired. When relieved of active service after recall from the retired list such enlisted man shall, unless entitled to be advanced on the retired list with a higher grade, rating, or pay under other provisions of law, be retained on the retired list with the rating held at the time of retirement, and with retired pay computed on the active-duty pay and increase received at the time of release from active duty.

§ 360. Recall to active duty with consent of man

Any enlisted man on the retired list may, with his consent, be assigned to such duties as he may be able to perform, except that no enlisted man on the retired list who has reached the age of sixty-two years shall be recalled in time of peace. While on active duty such enlisted man shall receive full pay, allowances, and benefits authorized by law, including longevity credit for the time retired. When relieved of active service after recall from the retired list such enlisted man shall, unless entitled to be advanced on the retired list with a higher grade, rating, or pay under other provisions of law, be retained on the retired list with the rating held at the time of retirement and with retired pay computed on the active-duty pay and increase received at the time of release from active duty.

§ 361. Relief of retired man promoted while on active duty

Any enlisted man on the retired list recalled to active duty who during such active duty is advanced to a higher grade or rating under a permanent or temporary appointment or promotion shall, upon relief from active duty be advanced on the retired list to the highest grade or rating held while on active duty with retired pay of such highest grade or rating. In case the appointment or promotion was temporary the advancement on the retired list shall be made only to such grade or rating in which the man served satisfactorily on active duty.

§ 362. Retirement in cases where higher grade or rating has been held

Any enlisted man who is retired under any provision of section 353, 354, 355, 356, or 357 of this chapter shall be retired from active service with the highest grade or rating held by him while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, but not lower than his permanent grade or rating, with retired pay of the grade or rating with which retired.

§ 363. Retiring or dropping for disabilities not incident to service

Any enlisted man found by a retiring board to be incapacitated for active service for reasons not incident to service shall, if the findings of the retiring board are approved by the Secretary, be dropped from the service with or without one year's pay, as determined by the Secretary.

§ 364. Dropping for disabilities due to vicious habits

Any enlisted man found by a retiring board to be incapacitated for active service because of his own vicious habits, shall, if the findings of the retiring board are approved by the Secretary, be dropped from the service.

§ 365. Extension of enlistments

Under regulations prescribed by the Secretary, the term of enlistment of any enlisted man may, by voluntary written agreement, be extended for a period not exceeding four full years from the date of expiration of the then-existing term of enlistment, and subsequent to such date an enlisted man who so extends his term of enlistment shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of his term of enlistment. No such extension shall operate to deprive the enlisted man concerned, upon discharge at the termination thereof, of any right, privilege, or benefit to which he would have been entitled if his term of enlistment had not been so extended.

§ 366. Retention beyond term of enlistment in case of disability

Any enlisted man of the Coast Guard in the active service whose term of enlistment expires while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment. Any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances, including credit for longevity, until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the Coast Guard that the disease or injury is of a character that recovery to such an extent would be impossible. Any enlisted man whose enlistment is so extended shall be subject to forfeitures in the same manner and to the same extent as if his term of enlistment had not expired. Nothing contained in this section shall prevent any enlisted man from being held in the service without his consent under section 367 of this title.

§ 367. Detention beyond term of enlistment

(a) Under regulations prescribed by the Secretary, an enlisted man may be detained in the Coast Guard beyond the term of his enlistment:

(1) until the first arrival of the vessel on which he is serving at its permanent station, or at a port in a State of the United States or in the District of Columbia; or

(2) if attached to a shore station beyond the continental limits of the United States or in Alaska, until his first arrival at a port in any State of the United States or in the District of Columbia where his reenlistment or discharge may be effected, or until he can be discharged or reenlisted at his station beyond the continental limits of the United States or in Alaska, whichever is earlier, but in no event to exceed three months; or

(3) while awaiting disciplinary action or trial and disposition of his case; or

(4) during a period of war or national emergency as proclaimed by the President, and, in the interest of national defense, for a period not to exceed six months after the end of the war or the termination of the emergency; or

(5) for a period of not exceeding thirty days in other cases whether or not specifically covered by this section, when essential to the public interests, and the determination that such detention is essential to the public interests, made in accordance with regulations prescribed by the Secretary, shall be final and conclusive.

Any person detained in the Coast Guard as provided in this section shall be entitled to receive pay and allowances and benefits under the same conditions as though his enlistment period had not expired, and shall be subject in all respects to the laws and regulations for the government of the Coast Guard until his discharge therefrom. Enlisted men detained under the provisions of (1) of this subsection shall be entitled to the pay and allowances provided for enlisted personnel of the Navy detained under similar circumstances. Enlisted men detained under the provisions of (3) of this subsection shall not receive pay or allowances for any period beyond the term of enlistment, if the trial results in conviction.

(b) Any enlisted man who, without proper authority, absents himself from his ship, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, may be permitted to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such unauthorized absence or confinement, amount to the full term of his enlistment.

§ 368. Discharge in case of under-age enlistment

Upon presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Coast Guard within ninety days after the date of his enlistment, any man enlisted in the Coast Guard under twenty-one years of age who was enlisted without the written consent of his parent or guardian, if any, shall be discharged by reason of minority.

§ 369. Inclusion of certain conditions in enlistment contract

The enlistment contract shall contain the substance of sections 365 to 368, inclusive, of this title.

Ante, p. 523; *supra*.

GENERAL PROVISIONS

§ 421. Retirement

(a) Every commissioned officer, warrant officer, or enlisted man who is retired under any provision of this title shall be retired with the permanent grade or rating held at the time of retirement, unless entitled to retire with a higher grade or rating under any provision of this title or any other law.

(b) Where an officer is entitled, under any provision of law, to retire with one grade higher than the grade in which serving at the time of retirement, the next higher grade in the case of captain shall be rear admiral, and the next higher grade in the case of commissioned warrant officer shall be lieutenant (junior grade).

§ 422. Status of recalled personnel

All retired personnel when recalled to active duty shall serve in the grade or rating in which they were serving at the time of retirement.

§ 423. Computation of retired pay

The retired pay of a grade or rating shall be computed at the rate of $2\frac{1}{2}$ percent of the sum of the active-duty pay of that grade or rating, and all permanent additions thereto including longevity credit, to which the officer or enlisted man concerned was entitled at the time of retirement, multiplied by the number of years of service for which he was entitled to credit in the computation of his pay when last on active duty. In the case of an officer or enlisted man retired for disability or an officer retired in a higher grade because of a special commendation the retired pay shall be 75 percent of the sum of the active-duty pay and all permanent additions thereto, including longevity credit to which the officer or enlisted man concerned is entitled, of the grade on which the retired pay is computed. In the case of an officer whose retired pay is computed on the pay of a grade for which active-duty pay is not based upon years of service the retired pay shall be $2\frac{1}{2}$ percent of his active-duty pay in the grade in which serving at the time of retirement multiplied by the number of years of service for which he would be entitled to credit in the computation of pay on the active list had he been serving in the grade of captain at the time of his retirement. A fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of $2\frac{1}{2}$ percent is multiplied.

§ 424. Limitations on retirement and retired pay

The provisions of any section of this title shall not be construed so as to prevent any officer or enlisted man from being placed on the retired list with the highest grade or rating and the highest retired pay to which such officer or enlisted man may be entitled under the provisions of any other section of this title or under the provisions of any other law. In no case shall the retired pay of an officer or enlisted man exceed 75 percent of the sum of the active-duty pay and all permanent additions thereto, including longevity credit to which the officer or enlisted man concerned is entitled, of the grade or rating on which his pay is computed.

§ 425. Retiring boards

(a) The Secretary shall designate and assemble from time to time a Coast Guard retiring board, composed of officers of the Coast Guard and medical officers of the Public Health Service, consisting of not less than five commissioned officers, two-fifths of whom shall be medical officers of the Public Health Service, for the purpose of examining and reporting on such commissioned officers, warrant officers, and enlisted men of the Coast Guard as appear to be incapable of performing the duties of their office and are ordered by the Secretary to appear before it.

(b) A retiring board shall inquire into and determine the facts touching the nature and occasion of the disability of any commissioned officer, warrant officer, or enlisted man ordered to appear before such board, and shall have such powers as may be necessary for that purpose. When the board finds a commissioned officer, warrant officer, or enlisted man incapacitated for active service it shall also find and report the cause which in its judgment has produced his incapacity, whether due to infirmities of age or physical or mental disability, and whether incident to service, or whether due to his own vicious habits.

(c) In the case of a commissioned officer, the proceedings of the retiring board shall be transmitted to the Secretary and shall by him be laid before the President for his approval or disapproval and his orders

Transmission of proceedings to Secretary and President.

in the case. In the case of a warrant officer or enlisted man the proceedings shall be transmitted to the Secretary for his approval or disapproval and his orders in the case.

SPECIAL PROVISIONS

§ 431. Personnel of former Life Saving Service

(a) If any keeper or member of a crew of a Coast Guard station shall be so disabled by reason of any wound or injury received or disease contracted in the Coast Guard in the line of duty as to unfit him for the performance of duty, such disability to be determined in such manner as shall be prescribed in the regulations of the Coast Guard, he shall be continued upon the rolls of the Coast Guard and entitled to receive his full pay during the continuance of such disability, not to exceed the period of one year, unless the Commandant shall recommend, upon a statement of facts, the extension of the period through a portion or the whole of another year, and said recommendation receive the approval of the Secretary of the Treasury as just and reasonable; but in no case shall said disabled keeper or member of a crew be continued upon the rolls or receive pay for a longer period than two years.

Injury or disease
contracted in line of
duty.

(b) Any individual who served in the former Life Saving Service of the United States as a keeper or surfman, and who on account of being so disabled by reason of a wound or injury received or disease or loss of sight contracted in such service in line of duty as to unfit him for the performance of duty was continued upon the rolls of the service for an aggregate period of one year or more under the provisions of subsection (a) of this section, and who ceased to be a member of such service on account of such disability, which disability has been continuous up to and including April 14, 1930, shall, upon making due proof of such facts in accordance with such rules and regulations as the Secretary of the Treasury may prescribe, be awarded compensation for such injury at the rate of 100 per centum of the pay he was receiving at the time of his separation from such service, such compensation to commence from April 14, 1940, and continue during his natural life. No such individual shall receive a pension, pay, or other allowance under any other law of the United States for the same period for which he receives retired pay under the provisions of this section.

(c) No agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of subsection (b) of this section shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than \$10, which sum shall be payable only on the order of the Secretary of the Treasury; and any person who shall violate any of the provisions of this subsection, or shall wrongfully withhold from the claimant the whole or any part of retired pay allowed or due such claimant under said subsection, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

§ 432. Personnel of former Lighthouse Service

(a) Any person of the former Lighthouse Service commissioned as an officer in the Coast Guard 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 from the former Lighthouse Service as the Secretary of the Treasury 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. An officer so commissioned 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.

(b) Each vacancy (1) hereafter occurring in the extra numbers of such officers; (2) existing on August 5, 1939, in positions in the Lighthouse Service formerly held by personnel eligible for such commissions; and (3) created by the retirement, resignation, death, or separation from the service for any other cause, of such personnel who do not possess the qualifications prescribed by the Secretary of the Treasury, 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.

(c) All persons of the former Lighthouse Service commissioned, appointed, or enlisted in the Coast Guard shall be subject to all laws and regulations for the government of the Coast Guard, and nothing contained in this title 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.

(d) In computing length of service, for the purpose of retirement in the Coast Guard, of any person of the former Lighthouse Service commissioned, appointed, or enlisted in the Coast Guard, there shall be included all service computable for retirement under the provisions of section 763 of title 33; and after July 1, 1948, in computing longevity for the purpose of pay of such person there shall be included all service of such person in the Lighthouse Service.

Post, p. 1026.

(e) No person so commissioned, appointed, or enlisted in the Coast Guard 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 763 of title 33, 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.

Post, p. 1026.

(f) Notwithstanding any other provision of law, the civil service classification laws and titles II and III of the Federal Employees Pay Act of 1945 shall not apply to civilian keepers of lighthouses and to civilians employed on lightships and other vessels of the Coast Guard.

59 Stat. 296, 298,
5 U. S. C. §§ 911-913,
921, 922; Supp. II, § 922
note.

(g) Under regulations prescribed by the Secretary of the Treasury, the Coast Guard may prescribe the hours of duty and the pay of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard, but such personnel may be called upon for duty in emergency circumstances or otherwise at any time or all times. The existing system governing the pay of such employees may be continued or changed except that overtime compensation, night differential, and extra pay for duty on holidays shall not be paid to such employees. In lieu thereof additional annual compensation

may be authorized, which may be prescribed either as a fixed differential or as a percentage of the basic compensation otherwise applicable to such employees. In no case shall basic compensation exceed \$3,750 per annum, except that nothing contained in this subsection shall operate to decrease the basic compensation of any person employed by the Coast Guard on the date of enactment of this subsection, and in no case shall additions thereto exceed 25 per centum of such basic compensation. Provision may be made for compensatory absence from duty when conditions of employment result in confinement because of isolation or in long periods of continuous duty; and provisions may likewise be made for extra allowance for service outside of the continental limits of the United States.

The additional compensation authorized herein shall be included in any computation of compensation for purposes of the Lighthouse Service Retirement Act.

§ 433. Personnel of former Bureau of Marine Inspection and Navigation and Bureau of Customs

(a) Included in the two thousand two hundred and fifty commissioned officers authorized by section 42 of this title shall be four hundred and fifty-three extra numbers to which the President is authorized to appoint only the personnel of the former Bureau of Marine Inspection and Navigation and Bureau of Customs who on March 1, 1942, held the civil service rating of CAF-9 or P-3, or above. In the event that any person from among the personnel eligible to fill such extra numbers does not qualify, or who, being qualified does not accept a commission, the extra numbers not so filled shall be reserved pending the separation of such persons from the Coast Guard by retirement, transfer, resignation, death, or other cause. Upon such separation, each vacancy so reserved, and each vacancy created by the unavailability for appointment of such personnel, or by the retirement, resignation, death, or other separation from the active military service of the Coast Guard of such personnel, shall increase by one the authorized number of line officers, and decrease by one the authorized number of extra numbers.

(b) Any person commissioned from the personnel of the former Bureau of Marine Inspection and Navigation and Bureau of Customs who on March 1, 1942 held civil service rating of CAF-9 or P-3, or above, shall be an extra number in any rank to which he may be promoted. He shall be eligible for promotion, if otherwise qualified, at such time as the regular line officer who is his running mate becomes eligible for promotion, and shall be examined only with respect to those qualifications which pertain to his specialty.

(c) No personnel of the former Bureau of Marine Inspection and Navigation and Bureau of Customs who were transferred from those bureaus to the Coast Guard by Executive Order 9083 and by Reorganization Plan Numbered 3, effective July 16, 1946, shall be required to undergo further professional, physical, or mental examinations as a prerequisite to original commissioning, appointment, or enlistment, and the physical standards for such personnel while serving in the Regular Coast Guard shall not be greater than those applicable generally to civilian employees under civil-service laws and regulations.

(d) Any personnel of the former Bureau of Marine Inspection and Navigation and Bureau of Customs transferred from those bureaus to the Coast Guard by Executive Order 9083 and by Reorganization Plan Numbered 3, effective July 16, 1946, who enlist in the Coast Guard shall be subject to the provisions of subsection (c), and (e)-(h) of this section.

(e) Accrued military leave of any personnel of the former Bureau of Marine Inspection and Bureau of Customs transferred from those

40 Stat. 608.
33 U. S. C. §§ 763-765.
Post, pp. 563, 1026.

Ante, p. 497.

50 U. S. C. app. § 601
note.
60 Stat. 1097.
5 U. S. C. § 133y-16
note.

50 U. S. C. app. § 601
note.
60 Stat. 1097.
5 U. S. C. § 133y-16
note.

Accrued military
leave.

bureaus to the Coast Guard by Executive Order 9083 and by Reorganization Plan Numbered 3, effective July 16, 1946, who are members of the Coast Guard Reserve or the Naval Reserve on active duty, and who are commissioned, appointed, or enlisted, shall be credited to them upon such commissioning, appointment, or enlistment.

(f) In computing length of service for purposes of retirement of personnel of the former Bureau of Marine Inspection and Navigation and Bureau of Customs transferred from those bureaus to the Coast Guard by Executive Order 9083 and by Reorganization Plan Numbered 3, effective July 16, 1946, who are commissioned, appointed, or enlisted, there shall be included, in addition to all service now or hereafter creditable by law, all service as a civilian employee of the United States within the purview of sections 691, 693, 698, 707, 709-715, 716-719, 720-725, 727-729, 730, 731, and 733 of title 5, such service to be classified as commissioned, warrant, or enlisted depending upon which status the person assumes upon his entry into the Regular Coast Guard. Service covering the same period shall not be counted more than once.

(g) Any such person shall not be entitled to any retirement benefits under any laws relating to the retirement of civilian personnel of the Federal Government, but shall be entitled upon claim therefor to a return of the total contributions made by him to the retirement fund with interest thereon and, in addition, to eligibility for retirement benefits provided by law for members of the Regular Coast Guard, he shall, if his total service in the Federal Government, civil plus military, is fifteen years or over, be entitled, upon reaching the statutory retirement age for military personnel of the Regular Coast Guard, to retirement pay amounting to 75 per centum of his active-duty pay at the time of such retirement; and, in the administration of applicable laws for physical disability retirement, a disability shall be deemed to have been incurred incident to Coast Guard service if the cause of such disability is not due to vicious habits, intemperance, or misconduct.

(h) No personnel of the former Bureau of Marine Inspection and Navigation and Bureau of Customs transferred from those bureaus to the Coast Guard by Executive Order 9083 and by Reorganization Plan Numbered 3, effective July 16, 1946, who are commissioned, appointed, or enlisted in the Coast Guard shall suffer any reduction in annual compensation, including allowances, below the compensation applicable to his permanent civil-service position at the time of such commissioning, appointment, or enlistment, exclusive of overtime compensation, and the civil-service status, tenure, seniority, and compensation of any such person who for any reason is not commissioned, appointed, or enlisted under the provisions of said sections shall not be impaired by reason of said sections.

50 U. S. C. app. § 601
note.
60 Stat. 1097.
5 U. S. C. § 133y-16
note.

Post, p. 698.

50 U. S. C. app. § 601
note.
60 Stat. 1097.
5 U. S. C. § 133y-16
note.

5 U. S. C., Supp.
II § 691 *et seq.*
Ante, pp. 475, 476,
490; *post*, pp. 577, 609,
621, 663, 669, 704, 884.

50 U. S. C. app. § 601
note.
60 Stat. 1097.
5 U. S. C. § 133y-16
note.

CHAPTER 13—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

Sec.

- 461. Pay and allowances.
- 462. Pay and allowances of rear admirals.
- 463. Continuation of additional pay.
- 464. Allotment of pay.
- 465. Advances to officers ordered to and from sea or shore duty beyond the seas.
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§ 461. Pay and allowances

Commissioned officers, commissioned warrant officers, cadets, warrant officers, and enlisted persons shall, except as otherwise provided by law, receive the same pay, allowances, increases, additions, and gratuities as prescribed for corresponding ranks, grades, or ratings for personnel of the Navy, including any extra pay and allowances for special duty.

§ 462. Pay and allowances of rear admirals

The number of rear admirals on the active list entitled to the pay and allowances provided by law for rear admirals of the upper half, exclusive of those whose pay and allowances are specifically provided by this or any other law to be the pay and allowances of the upper half, shall be one-half of the number of officers on the active list of that rank. Where the division results in an odd number, the odd number shall be placed in the upper half. No officer who has or may become entitled to the pay and allowances of a rear admiral of the upper half shall suffer a reduction of his pay and allowances solely by reason of the fact that the number of rear admirals may for any reason be reduced.

§ 463. Continuation of additional pay

Officers and enlisted men of the Coast Guard who are awarded any Navy medal or insignia of honor which carries with it any additional

pay shall not be deprived of such additional pay when the Coast Guard is in the Treasury Department, whether or not their service has been continuous subsequent to such award.

§ 464. Allotment of pay

Officers and enlisted men, under regulations prescribed by the Secretary, may make allotments from their pay and allowances.

§ 465. Advances to officers ordered to and from sea or shore duty beyond the seas

Advances of pay not to exceed three months' pay in any one case may be made to officers ordered to and from sea duty and to and from shore duty beyond the seas, under regulations prescribed by the Secretary. The Commandant may direct such advances as he deems necessary and proper to persons in the Coast Guard employed on distant stations where the discharge of the pay and emoluments to which they are entitled cannot be regularly effected.

§ 466. Settlement of accounts of deceased officers and men

In the settlement of the accounts of deceased officers or enlisted persons, where no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow, widower, or legal heirs in the following order of precedence: first, to the widow or widower; second, if decedent left no widow or widower, or the widow or widower is dead at the time of settlement, then to the children or their issue, per stirpes; third, if no widow, widower, or descendants, then to the father and mother in equal parts; fourth, if either the father or mother is dead, then to the one surviving; fifth, if there is no widow, widower, child, father, or mother, at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes. This section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.

§ 467. Computation of length of service

In computing length of service of officers and enlisted personnel for any purpose all creditable service in the Army, Navy, Marine Corps, Air Force, Coast Guard, Revenue Cutter Service, and Life Saving Service shall be included in addition to any other creditable service authorized by any other law.

§ 468. Procurement of personnel

The Coast Guard may make expenditures as necessary in order to obtain recruits for the Service and cadet applicants, including advertising.

§ 469. Training

The Coast Guard may make expenditures for the training of personnel, including books, school supplies, correspondence courses, motion picture equipment, and other equipment for instructional purposes.

§ 470. Special instruction at universities

Coast Guard personnel may be assigned for special instruction at private or state colleges or universities, and their expenses, including tuition, books, laboratory equipment and fees, and school supplies, may be defrayed by the Coast Guard.

§ 471. Attendance at professional meetings

Coast Guard personnel may be directed to attend meetings of technical, professional, scientific, and other similar organizations and may be reimbursed for expenses thereby incurred at the rates authorized by law.

§ 472. Travel allowance to enlisted men on discharge

The provisions of law authorizing travel allowances to enlisted men of the Navy upon discharge shall apply to enlisted men of the Coast Guard upon discharge, in the same manner, to the same extent, and under the same conditions.

§ 473. Allowances to underage discharged persons

The Secretary, under regulations prescribed by him, may discharge from the Coast Guard, with pay and allowances and discharge certificate found appropriate for their service after enlistment, enlisted persons who have secured enlistment by reason of false statement of age on their applications for enlistment and have therefore been enlisted while under the minimum statutory or administrative age limit. When so discharged or released such enlisted persons shall be furnished transportation in kind and subsistence from the place of discharge to their home.

§ 474. Compensation for travel tolls and fares

Coast Guard personnel may be directed to secure transportation necessary in conducting official Government business within the limits of their duty stations, and expenses incurred thereby for train, bus, streetcar, ferry, bridge, and similar fares and tolls may be defrayed by the Coast Guard, or the personnel so directed may be reimbursed for such expenses.

§ 475. Hiring of quarters for personnel

Where sufficient quarters are not possessed by the United States, the Commandant may hire quarters for personnel, including personnel on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable. Such accommodations shall not be available for occupancy by the dependents of such personnel.

§ 476. Contingent expenses

The Commandant may expend for contingencies of the Coast Guard a sum not to exceed \$7,500 in any one fiscal year. The Commandant may authorize the Superintendent of the Academy to expend not to exceed \$2,500 of this amount for contingencies of the Academy.

§ 477. Equipment to prevent accidents

The Coast Guard may make such expenditures as are deemed appropriate for promotion and maintenance of the safety and occupational health of, and the prevention of accidents affecting, personnel of the Coast Guard, including the purchase of clothing, equipment, and other materials necessary thereto.

§ 478. Rations or commutation therefor in money

(a) Enlisted men of the Coast Guard, civilian officers and civilian crews of vessels, and working parties in the field shall be allowed a ration or commutation thereof in money, in such amount and under limitations and regulations prescribed by the Secretary.

(b) Money for commuted rations shall be paid, under such regulations as the Secretary shall prescribe, on proper vouchers or pay

rolls, to persons entitled to receive it, or to the officers designated by the Commandant to administer the financial affairs of the messes in which such persons may be subsisted.

(c) Money paid for commuted rations to the designated officer may be deposited in general or limited depositories of public money or in any bank in which deposits are insured. Such funds shall be expended and accounted for under such regulations as the Secretary shall prescribe.

(d) Nothing contained in this section shall be construed as modifying or changing in any manner the provisions of law pertaining to subsistence allowances for enlisted men, but no ration or commutation thereof shall be allowed a person receiving a subsistence allowance.

§ 479. Sales of ration supplies to messes

Ration supplies may be purchased by the cabin, wardroom, warrant officers', and other authorized messes and payment therefor made in cash to the commissary officer. The prices to be charged for such supplies shall not be less than the invoice prices, and the cash received from such sales shall be accounted for on the ration return and may be expended for the general mess.

§ 480. Flight rations

There may be furnished to officers, enlisted men, and civilian employees, while actually engaged in flight operations, an aircraft flight ration in kind, chargeable to the proper Coast Guard appropriation, which flight ration shall be supplementary to any ration or subsistence allowance now granted to such personnel. No part of an aircraft flight ration shall be furnished without cost to any person in a travel status or to any person to whom a per diem allowance is granted in lieu of actual subsistence.

§ 481. Payments at time of discharge for good of service

Enlisted men discharged by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service, may, upon discharge, be paid a sum not to exceed \$25. The sum paid shall be fixed by and in the discretion of the Commandant, and shall be paid only in cases where the person so discharged would otherwise be without funds to meet his immediate needs.

§ 482. Clothing at time of discharge for good of service

Enlisted men discharged for bad conduct, undesirability, unsuitability, or inaptitude may be furnished civilian clothing, including an overcoat when necessary, the cost of such furnished clothing not to exceed \$30, per person.

§ 483. Right to wear uniform

When authorized by and in accordance with applicable regulations:

(a) any commissioned officer, warrant officer, or enlisted man who has served honorably in the Coast Guard during war shall when not in active service, whether or not on the retired list, be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest rank or rating held by him during his war service, and

(b) any commissioned officer, warrant officer, or enlisted man on the retired list shall be entitled to wear the uniform of his rank or rating.

§ 484. Protection of uniform

The provisions of law relating to the protection of the uniform of the United States Army, Navy, or Marine Corps shall apply to the

protection of the uniform of the Coast Guard, in the same manner, to the same extent, and under the same conditions.

§ 485. Clothing for officers and enlisted personnel

(a) The Coast Guard may purchase uniforms, accouterments, and related equipment for sale to officer personnel and cadets of the Coast Guard.

(b) The Coast Guard may purchase uniform clothing for sale to enlisted personnel of the Coast Guard. The actual cost of the clothing thus sold to enlisted personnel may be withheld from their pay.

(c) The Coast Guard may purchase uniform clothing for distribution to enlisted personnel of the Coast Guard pursuant to law, or to pay to such enlisted personnel a cash clothing allowance pursuant to law.

§ 486. Clothing for destitute shipwrecked persons

The Coast Guard may furnish clothing and subsistence to destitute shipwrecked persons, and the Coast Guard may reimburse, in cash or in kind, Coast Guard personnel who furnish clothing and subsistence to destitute shipwrecked persons.

§ 487. Procurement and sale of stores to officers, enlisted men, and civilian employees

Such stores as the Secretary may designate may be procured and sold to officers and enlisted men of the Coast Guard, and to the widows of such officers and enlisted men. Such designated stores may also be procured and sold to civilian officers and employees of the United States, and to such other persons as may be specifically authorized by the Secretary, at Coast Guard stations and other units beyond the continental limits of the United States or in Alaska.

§ 488. Advancement of public funds to personnel

The Commandant, under regulations prescribed by the Secretary, may advance public funds to personnel when required to meet expenses of officers and men detailed on emergency shore duty. Funds so advanced shall not exceed a reasonable estimate of the actual expenditures to be made and for which reimbursement is authorized by law.

§ 489. Death gratuity

The provisions of law relating to the payment of an additional amount of pay to the widow, children, or other dependent relative of an officer or enlisted person of the Regular Navy or Marine Corps upon official notification of the death of such officer or enlisted man shall apply in the same manner, to the same extent, and under the same conditions to officers and enlisted men of the Regular Coast Guard. The authority and duty vested in the Secretary of the Navy by such provisions of law shall be exercised by the Secretary of the Treasury in the application and administration of such laws to the Coast Guard when it is in the Treasury Department.

§ 490. Settlement of claims of military and civilian personnel

(a) The Secretary, and such other officer as he designates for such purposes and under regulations prescribed by him, may consider, ascertain, adjust, determine, settle, and pay any claim against the United States, including claims not heretofore satisfied arising on or after December 7, 1939, of military personnel and civilian employees of the Coast Guard, when such claim is substantiated, and the property determined to be reasonable, useful, necessary or proper under the attendant circumstances, in such manner as the Secretary may by regulations prescribe, for damage to or loss, destruction, capture, or

abandonment of personal property occurring incident to their service, or to replace such personal property in kind, if the damage to or loss, destruction, capture, or abandonment of property shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee, and shall not have occurred at quarters occupied by the claimant within the continental United States, excluding Alaska, which are not assigned to him or otherwise provided in kind by the Government.

(b) No claim shall be settled under this section unless presented in writing within one year after the accident or incident out of which such claim arises shall have occurred, if such accident or incident occurs in time of war, or if war intervenes within one year after its occurrence, any claim may, on good cause shown, be presented within one year after termination of the war.

Time limitation.

(c) Any such settlement made by the Secretary, or his designee, under the authority of this section and such regulations as he may prescribe hereunder, shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

(d) Such appropriations as may be required for the settlement of claims under the provisions of this section are authorized. Coast Guard appropriations shall be available for the settlement of claims by the Secretary or his designee under the provisions of this section.

§ 491. Medal of honor

The President may present, in the name of Congress, a medal of honor to any person who, while in the service of the Coast Guard, in action involving actual conflict with the enemy, or in the line of his profession, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or to the command to which attached. The design of this medal shall be the same as that of the Navy medal of honor.

§ 492. Distinguished service medal

The President may present, but not in the name of Congress, a distinguished service medal of appropriate design, with accompanying ribbon, together with a rosette or other device, to be worn in lieu thereof, to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by exceptionally meritorious service to the Government in a duty of great responsibility.

§ 493. Coast Guard medal

The President may present, but not in the name of Congress, a medal to be known as the Coast Guard medal, of appropriate design, with accompanying ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the Coast Guard, distinguishes himself by heroism not involving actual conflict with an enemy.

§ 494. Insignia for additional awards

No more than one medal of honor, distinguished service medal, or one Coast Guard medal shall be issued to any one person; but for each succeeding deed or service sufficient to justify the awarding of a medal of honor, distinguished service medal, or Coast Guard medal, the President may award a suitable emblem or insignia to be worn with the decoration and a corresponding rosette or other device.

§ 495. Additional pay for holders of medals

Each enlisted man in the Coast Guard who is awarded a medal of honor, a distinguished service medal, or a Coast Guard medal shall be

entitled to additional pay at the rate of \$2 per month from the date of the deed or service for which the award is made, and each emblem or insignia in lieu of a medal of honor, a distinguished service medal, or a Coast Guard medal shall entitle him to further additional pay at the rate of \$2 per month from the date of the deed or service for which such award is made, and such additional pay shall continue throughout his active service, whether such service shall or shall not be continuous.

§ 496. Time limit on award; report concerning deed

No medal of honor, distinguished service medal, Coast Guard medal, or emblem or insignia in lieu thereof shall be issued to any person after more than five years from the date of the deed or service justifying the awarding thereof, nor unless a specific statement or report distinctly setting forth the deed or service and suggesting or recommending official recognition thereof shall have been made by his superior through official channels at the time of the deed or service or within one year after the deed or termination of the service.

§ 497. Honorable subsequent service as condition to award

No medal of honor, distinguished service medal, Coast Guard medal, or emblem, or insignia in lieu thereof shall be awarded or presented to any individual, or to the representative of any individual, whose entire service subsequent to the time he distinguished himself shall not in the opinion of the Commandant have been honorable.

§ 498. Posthumous awards

In case an individual who distinguishes himself dies before the making of any award to which he may be entitled, as authorized in this chapter, the award may be made and presented within five years from the date of the act or service justifying the award to such next of kin as may have been designated by the individual, or in the absence of such designation, or if the designated person is not alive at the time of the award, or the relationship between such person and the serviceman shall have been terminated before his death, then to such representative as the President designates. In the event of a posthumous award when the award will be made to the parents of the deceased and the parents have been divorced or separated, a duplicate award may be made to each parent.

§ 499. Delegation of powers to make awards; rules and regulations

The President may delegate to the Secretary, under such conditions, regulations, and limitations as he prescribes, the powers conferred upon him to make the awards designated in this chapter, and the President may make any and all rules, regulations, and orders which he deems necessary in the conferring of such awards.

§ 500. Life-saving medals

(a) The Secretary of the Treasury may, under regulations prescribed by him, award a Life-saving medal of gold or silver to any person, including personnel of the Coast Guard, who rescues or endeavors to rescue any other person from drowning, shipwreck, or other peril of the water in accordance with the following provisions:

(1) if such rescue or attempted rescue is made at the risk of one's own life and evidences extreme and heroic daring, the medal shall be of gold;

(2) if such rescue or attempted rescue is not sufficiently distinguished to deserve the medal of gold, but evidences the exercise of such signal exertion as to merit recognition, the medal shall be of silver.

(b) In order for a person to be eligible for the Life-saving Medals the rescue or attempted rescue must take place in waters within the United States or subject to the jurisdiction thereof, or if the rescue or attempted rescue takes place outside such waters, one or the other of the parties must be a citizen of the United States or from a vessel or aircraft owned or operated by citizens of the United States.

(c) No person shall receive more than one gold medal and one silver medal; but any person who has received or may hereafter receive a gold or silver medal and who again performs an act which would entitle him to receive another medal of the same class may be awarded, in lieu of a second medal of the same class, a gold or silver bar, as the case may be, to be worn with the medal already bestowed, and for every such additional act, an additional bar may be awarded. Medals and bars in lieu thereof, authorized by this subsection, may be awarded posthumously.

Limitation on number.

§ 501. Replacement of medals

In those cases where a medal, or a bar, emblem, or insignia in lieu thereof, awarded pursuant to this chapter has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, such medal, or bar, emblem, or insignia in lieu thereof, shall be replaced without charge, or, in the discretion of the Secretary, upon condition that the Government is reimbursed for the cost thereof.

§ 502. Award of other medals

Coast Guard personnel, notwithstanding the provisions of this chapter, may be awarded medals, bars, emblems, or insignia to which such personnel may be entitled under other provisions of law.

§ 503. Awards and insignia for excellence in service or conduct

The Coast Guard may award trophies, badges, and cash prizes to Coast Guard personnel or groups thereof, including personnel of the reserve components thereof whether or not on active duty, for excellence in accomplishments related to Coast Guard service, to incur such expenses as may be necessary to enter such personnel in competitions, and to provide badges or buttons in recognition of special service, good conduct, and discharge under conditions other than dishonorable.

§ 504. Disposition of remains of personnel

The provisions of law relating to the disposition of the remains of military personnel of the Navy and Marine Corps and certain civilian employees of the Navy shall apply to military personnel and certain civilian employees of the Coast Guard in the same manner, to the same extent, and under the same conditions. The authority and duty vested in the Secretary of the Navy by such provisions of law shall be exercised by the Secretary of the Treasury in the application and administration of such laws to the Coast Guard when it is in the Treasury Department.

§ 505. Escorts for deceased officers and enlisted men

The Secretary may furnish one person as an escort to the place of burial for the body of an officer or enlisted man who has lost his life in the Coast Guard.

§ 506. Issue of national flag free of cost

The Commandant may issue free of cost the national flag (United States ensign number 7), used for draping the coffin of any officer or enlisted man whose death occurs while in the service of the Coast Guard, upon request, to the relatives of the deceased officer or enlisted

man, or, upon request, to a school, patriotic order, or society of which the deceased officer or enlisted man was a member.

§ 507. Disposition of effects of decedents

All moneys, articles of value, papers, keepsakes, and other similar effects belonging to deceased persons in the Coast Guard, not claimed by their legal heirs or next of kin, shall be deposited in safe custody, and if any such moneys, articles of value, papers, keepsakes, or other similar effects so deposited have been, or shall hereafter be, unclaimed for a period of two years from the date of the death of such person, such articles and effects shall be sold and the proceeds thereof, together with the moneys above mentioned, shall be deposited in the Treasury as miscellaneous receipts. The Secretary shall make diligent inquiry in every instance after the death of such person to ascertain the whereabouts of his heirs or next of kin, and prescribe necessary regulations to carry out the foregoing provisions. Claims may be presented hereunder at any time within five years after such moneys or proceeds have been so deposited in the Treasury, and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration.

CHAPTER 15—DISCIPLINE AND RELATED MATTERS

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§ 561. Commanding officer's punishments

No commanding officer shall inflict upon a commissioned or warrant officer under his command any other punishment than private reprimand, suspension from duty, arrest, or confinement; and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period is necessary to bring the offender to trial; nor shall he inflict or cause to be inflicted upon any other person under his command for a single offense, or at any one time, any other punishment than one of the following punishments, namely:

- (a) reduction of any rating established by himself;
- (b) confinement, not exceeding ten days, unless further confinement be necessary in the case of a prisoner to be tried by a court-martial;
- (c) solitary confinement on bread and water not exceeding five days;

- (d) solitary confinement not exceeding seven days;
- (e) deprivation of liberty on shore for a period not exceeding thirty days;
- (f) forfeiture of two days' pay for each day of unauthorized absence not in excess of five days; and
- (g) extra police duties.

No other punishment shall be imposed except by sentence of a court-martial. All punishments inflicted by a commanding officer or by his order, except reprimand, shall be entered upon the log of the vessel or unit concerned.

§ 562. Deck courts: authority to convene; composition; punishments; effective date of sentence

(a) Deck courts, consisting of one commissioned officer, may be ordered upon enlisted persons in the service under his command by the commanding officer of any vessel or unit, if the commanding officer is a commissioned officer, for the trial of minor offenses; and said courts shall, under regulations approved by the Secretary of the Treasury, be governed in their organization and procedure substantially in accordance with deck courts of the Navy.

(b) Deck courts may sentence enlisted persons to either a part or the whole, as may be appropriate, of any one of the following punishments, namely:

- (1) confinement not exceeding twenty days;
- (2) solitary confinement not exceeding twenty days;
- (3) solitary confinement not exceeding twenty days, on bread and water, or on diminished rations;
- (4) reduction to next inferior rating;
- (5) deprivation of liberty on shore for a period not exceeding two months; and
- (6) extra police duties not to exceed three months and loss of pay not to exceed twenty days.

Extra police duties and loss of pay within the limits prescribed may be added to any one of the first five punishments enumerated above.

(c) No sentence of a deck court shall be carried into effect until approved by the officer ordering the court or his successor in office.

§ 563. Summary courts-martial: authority to convene; composition; punishments; effective date of sentence

(a) Summary courts-martial, consisting of three commissioned officers not below the grade of ensign as members and of a recorder, may be ordered upon enlisted persons in the service under his command by the commanding officer of any vessel or unit, if the commanding officer is a commissioned officer, for the trial of offenses which such commanding officer deems deserving of greater punishment than he or a deck court may inflict, but not sufficient to require trial by general courts-martial. Such courts-martial shall, under regulations approved by the Secretary of the Treasury, be governed in their organization and procedure substantially in accordance with summary courts-martial of the Navy.

(b) Summary courts-martial may sentence enlisted persons to either a part or the whole, as may be appropriate, of any one of the following punishments, namely:

- (1) discharge from the service with a bad conduct discharge, but the sentence shall not be carried into effect in a foreign country;
- (2) confinement not exceeding two months;

- (3) solitary confinement not exceeding thirty days;
- (4) solitary confinement, not exceeding thirty days, on bread and water or on diminished rations;
- (5) reduction to the next inferior rating;
- (6) deprivation of liberty on shore for a period not exceeding three months; and
- (7) extra police duty and loss of pay not to exceed three months.

Extra police duties and loss of pay within the limitations prescribed may be added to any one of the first six punishments enumerated above.

(c) No sentence of a summary court-martial shall be carried into execution until the proceedings and sentence are approved by the Secretary.

§ 564. General courts-martial: authority to convene; composition; punishment; effective date of sentence

(a) General courts-martial may be convened by the Secretary of the Treasury, by the Commandant, or by such officers as may be specifically empowered by the Secretary of the Treasury or by the Commandant. Such courts shall consist of not less than five nor more than nine commissioned officers and of a judge advocate and shall, under regulations approved by the Secretary of the Treasury, be governed in their organization and procedure substantially in accordance with general courts-martial of the Navy.

(b) General courts-martial may sentence a commissioned or warrant officer to any of the following punishments, namely:

- (1) dismissal from the service;
- (2) suspension from duty for a period of two years or any part thereof upon reduced pay which shall in no case be less than one-half nor more than three-fourths of the duty pay of such officer;
- (3) reduction of grade;
- (4) loss of numbers;
- (5) imprisonment for a period not to exceed 5 years; and
- (6) official reprimand.

(c) General courts-martial may sentence any person in the Coast Guard other than a commissioned or warrant officer either to a part or the whole, as may be appropriate, of any one of the following punishments, namely:

- (1) dishonorable discharge;
- (2) imprisonment for a period not to exceed five years and forfeiture of any pay that may accrue during the period of imprisonment, and any sentence of imprisonment shall include reduction to the rating of apprentice seaman; and
- (3) any sentence which a summary court-martial is authorized to inflict.

(d) No sentence of a general court-martial shall be carried into execution until the proceedings and sentence are approved by the Secretary, and no sentence of a court-martial extending to the dismissal of a commissioned officer shall be carried into execution until the proceedings and sentence are approved by the President of the United States.

§ 565. Public Health Service officers as court members

Any commissioned officer of the Public Health Service on active duty with the Coast Guard may serve on Coast Guard courts-martial, but in no circumstance shall more than one-third of the membership of a court-martial consist of officers of the Public Health Service.

§ 566. Reviewing authorities

(a) The officer ordering a court, and his immediate superior in command, if any, in the case of a summary court-martial, or his successor in office, may set aside the proceedings or remit or mitigate, in whole or in part, but not commute, the sentence of such court.

(b) The Secretary of the Treasury may set aside the proceedings, or remit or mitigate in whole or in part, but not commute, the sentence imposed by any court convened by his order or by that of any officer.

§ 567. Jurisdiction of offenses

The jurisdiction of Coast Guard courts shall extend to the following offenses, namely:

- absence after leave has expired;
- absence without leave;
- aiding or inducing others to desert;
- aiding the escape of a person under arrest;
- assaulting another person in the Coast Guard;
- breaking arrest;
- bribery;
- conduct to the prejudice of good order and discipline;
- conduct unbecoming an officer and a gentleman;
- conspiracy;
- cruelty toward, or oppression or maltreatment of, a subordinate person in the Coast Guard;
- culpable inefficiency in the performance of duty;
- desertion;
- destroying or damaging public or private property;
- disobeying the lawful order of a superior officer;
- disorderly conduct;
- disrespect to a superior officer;
- drunkenness;
- embezzlement;
- endangering the lives of others through carelessness;
- extortion;
- failure to apprehend offenders;
- falsehood;
- false imprisonment;
- forgery;
- fraudulent enlistment;
- gambling;
- leaving station before being regularly relieved;
- making a false muster;
- making a mutiny;
- malingering;
- maltreatment of a person in the Coast Guard;
- manslaughter;
- misappropriating mess or welfare funds;
- misappropriating or applying to his own use property or money of the United States intended for the Coast Guard;
- neglect of duty;
- negligent handling of firearms;
- negligent operation of a vehicle;
- perjury;
- presenting, or causing to be presented, for approval or payment, a claim against the United States, knowing such claim to be false or fraudulent;
- receiving stolen property;
- resisting arrest;

scandalous conduct tending to the destruction of good morals;
sleeping on watch;
smuggling liquor on board a vessel of the Government;
striking another person in the Coast Guard;
striking or assaulting a superior officer;
suffering a vessel of the Coast Guard to be stranded or run upon
a rock or shoal or improperly hazarded through inattention or
negligence;
theft;
unauthorized use of a vehicle;
using profane, abusive, obscene, or threatening language; and
violation of a lawful order or regulation issued by the Secretary
of the Treasury, or the Commandant.

§ 568. Limitations

(a) Except as provided in this section, no person shall be tried by a Coast Guard court or otherwise punished for any offense which appears to have been committed more than two years before the issuance of the order for such trial or punishment, unless by reason of having absented himself or of some other manifest impediment he shall not have been amenable to justice within that period.

(b) No person shall be tried by a Coast Guard court or otherwise punished for desertion in time of peace committed more than two years before the issuance of the order for such trial or punishment, unless he shall meanwhile have absented himself from the United States or by reason of some other manifest impediment shall not have been amenable to justice within that period, in which case the time of his absence shall be excluded in computing the period of the limitation. In no event shall the period of limitation begin until the end of the term for which such person was enlisted in the service.

§ 569. Trial by civil authorities; offenses against United States

(a) For offenses against the laws of the United States other than those specified in section 567 of this title, offenders shall be turned over to the civil authorities for trial.

(b) The jurisdiction conferred by this chapter for the punishment of offenses shall not be regarded as exclusive, but offenders may, in the discretion of the Secretary of the Treasury, be turned over to the civil authorities for trial by any court having jurisdiction of the offense.

§ 570. Designation of Federal prison

The Secretary of the Treasury may designate, as the place of execution of the sentence of a Coast Guard court involving imprisonment, any prison or penitentiary that receives Federal prisoners.

§ 571. Treasury and Navy Department jurisdiction

In the initiation, prosecution, and completion of disciplinary action, including remission and mitigation of punishments for any offense committed by any officer or enlisted person of the Coast Guard, the department having jurisdiction of the person of the offender at the time the first report of a violation is made shall have jurisdiction to carry the prosecution through to completion, and the proceedings, punishment, review, and serving of the sentence, shall be in accordance with the laws and regulations of that department, notwithstanding the fact that the Coast Guard may be transferred from one department to another after commission of the offense and before ultimate completion of any sentence imposed as the result of such violation.

§ 572. Courts of inquiry: authority to convene; composition; subpoenas; proceedings as evidence

(a) Courts of inquiry may be convened by the Secretary of the Treasury, by the Commandant, and by any officer of the Coast Guard authorized to convene general courts-martial. A court of inquiry shall consist of not more than three commissioned officers as members and of a judge advocate.

(b) Courts of inquiry may summon witnesses, administer oaths, and punish contempts in the same manner as general courts-martial, but they shall only state facts and shall not give their opinion unless expressly required so to do in the convening order.

(c) The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge advocate, and shall, in all cases not extending to the dismissal of a commissioned or warrant officer, be evidence before a general court-martial, provided oral testimony cannot be obtained.

§ 573. Contempts of court

Whenever any person refuses to give his evidence before a general court-martial or court of inquiry, or prevaricates, or behaves with contempt to the court, the court may imprison him for not more than two months. The person charged shall, at his own request, but not otherwise, be a competent witness before a general court or court of inquiry, and his failure to make such request shall not create any presumption against him.

§ 574. Subpoenas; penalties

(a) A general court-martial or court of inquiry may issue process to compel witnesses to appear and testify in the same manner as United States courts of criminal jurisdiction within the State, Territory, or District where such court-martial or court of inquiry is ordered to sit.

(b) Any person duly subpoenaed to appear as a witness before a general court-martial or court of inquiry, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and the United States attorney shall, on the certification of the facts to him by such Coast Guard court-martial, file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than \$500, or imprisonment not to exceed six months, or both, at the discretion of the court. This subsection shall not apply to persons residing beyond the State, Territory, or District in which such Coast Guard court-martial is held, and the fees of such witness and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Coast Guard. No witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him.

§ 575. Deserters: arrest of by civil authorities; penalties

(a) Any civil officer having authority to arrest offenders under the laws of the United States or of any State, Territory, or District, may arrest summarily a deserter from the Coast Guard and deliver him into the custody of Coast Guard authorities. The Commandant may, pursuant to applicable regulations, provide for reimbursement for the

transportation and other necessary expenses to effectuate such delivery.

(b) No person who is convicted by court-martial for desertion from the Coast Guard in time of war, and as the result of such conviction is dismissed or dishonorably discharged from the Coast Guard shall afterwards be enlisted, appointed, or commissioned in any military or naval service under the United States, unless the disability resulting from desertion, as established by this section, is removed by a board of commissioned officers of the Coast Guard convened for consideration of the case, and the action of the board is approved by the Secretary; or unless he is restored to duty in time of war.

§ 576. Prisoners: allowances to; transportation

(a) Persons confined in prisons in pursuance of the sentence of a Coast Guard court shall, during such confinement, be allowed a reasonable sum, not to exceed \$3 per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed \$25. Such allowance shall be made in amounts to be fixed by, and in the discretion of, the Secretary and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs.

(b) The Commandant may transport to their homes or places of enlistment, as he may designate, all discharged prisoners; the expense of such transportation shall be paid out of any money to the credit of prisoners when discharged.

CHAPTER 17—ADMINISTRATION

Sec.

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- 649. Supplies and equipment from stock.
- 650. Coast Guard supply fund and supply account.
- 651. Annual report.
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- 653. Employment of draftsmen and engineers.

§ 631. Delegation of powers by the Secretary

The Secretary of the Treasury is authorized to confer or impose upon the Commandant of the Coast Guard any of the rights, privileges, powers, or duties, in respect to the administration of the Coast Guard, vested in or imposed upon the Secretary of the Treasury by this title or other provisions of law.

§ 632. Functions and powers vested in the Commandant

All powers and functions conferred upon the Coast Guard, or the Commandant, by or pursuant to this title or any other law shall, unless otherwise specifically stated, be executed by the Commandant subject to the general supervision of the Secretary. In order to execute the powers and functions vested in him, the Commandant may assign personnel of the Coast Guard to duty in the District of Columbia, elsewhere in the United States, in any territory of the United States, and in any foreign country, but such personnel shall not be assigned to duties in any foreign country without the consent of the government of that country; assign to such personnel such duties and authority as he deems necessary; and issue rules, orders, and instructions, not inconsistent with law, relating to the organization, internal administration, and personnel of the Coast Guard.

§ 633. Regulations

In addition to the authority conferred by other provisions of this title the Secretary may promulgate such regulations and orders as he deems appropriate to carry out the provisions of this title or any other law applicable to the Coast Guard.

§ 634. Officers holding certain offices

(a) Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.

(b) Commissioned officers may be appointed as United States Commissioners or United States Deputy Marshals in and for the territory of Alaska. Any such officer appointed as United States Commissioner in and for the territory of Alaska shall not be required to execute a bond for the faithful performance of his official duties as such Commissioner.

§ 635. Oaths required for boards

The members of a retiring board, selection board, examining board, and any other board authorized to be assembled pursuant to this title shall be sworn to discharge their duties honestly and impartially, the oath to be administered to the members by the President or other presiding officer of the board, and to him by the junior member or recorder.

§ 636. Administration of oaths

(a) Such commissioned and warrant officers of the Coast Guard as may be designated by the Commandant may, pursuant to rules prescribed by the Commandant, exercise the general powers of a notary public in the administration of oaths for the following purposes:

(1) execution, acknowledgment, and attestation of instruments and papers, oaths of allegiance in connection with recruiting, oaths in connection with courts and boards, and all other notarial acts in connection with the proper execution of Coast Guard functions;

(2) execution, acknowledgment, and attestation of instruments and papers, and all other notarial acts in time of war or national emergency; and

(3) execution, acknowledgment, and attestation of instruments and papers, and all other notarial acts in Alaska and places beyond the continental limits of the United States where the Coast Guard is serving.

(b) No fee of any character shall be charged by any commissioned or warrant officer for performing notarial acts. The signature and

indication of grade of any commissioned or warrant officer performing any notarial act shall be prima facie evidence of his authority.

§ 637. Stopping vessels; immunity of Coast Guard officer

(a) Whenever any vessel liable to seizure or examination does not bring-to, on being ordered to do so or on being chased by any Coast Guard vessel or aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for vessels or aircraft of the Coast Guard, the person in command or in charge of such Coast Guard vessel or such Coast Guard aircraft may, after a gun has been fired by the Coast Guard vessel or aircraft as a warning signal, fire at or into such vessel which does not bring-to.

(b) The person in command of such Coast Guard vessel or such Coast Guard aircraft and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the person in command of the Coast Guard vessel or aircraft or any person acting pursuant to his orders is prosecuted or arrested therefor, he shall be forthwith admitted to bail.

§ 638. Coast Guard ensigns and pennants

(a) Coast Guard vessels and aircraft shall be distinguished from other vessels and aircraft by an ensign, pennant, or other identifying insignia of such design as prescribed by the Secretary. Such ensign, pennant, or other identifying insignia shall be displayed in accordance with regulations prescribed by the Secretary.

(b) No vessel or aircraft without authority shall carry, hoist, or display any ensign, pennant, or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant, or other identifying insignia prescribed for Coast Guard vessels or aircraft. Every person violating this subsection shall be fined not more than \$5,000, or imprisoned for not more than two years, or both.

§ 639. Penalty for unauthorized use of words "Coast Guard"

No individual, association, partnership, or corporation shall use the combination of letters "USCG" or "USCGR", the words "Coast Guard," "United States Coast Guard," "Coast Guard Reserve," "United States Coast Guard Reserve," "Coast Guard Auxiliary," "United States Coast Guard Auxiliary," "Lighthouse Service," "Life Saving Service," or any combination or variation of such letters or words alone or with other letters or words, as the name under which he or it shall do business, for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that any such individual, association, partnership, or corporation has any connection with the Coast Guard. No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Coast Guard. Every person violating this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

§ 640. Interchange of supplies between Army, Navy, and Coast Guard

The interchange, without compensation therefor, of military stores, supplies, and equipment of every character, including real estate owned by the Government, is authorized between the Army, Navy, and Coast Guard upon the request of the head of one service and with the approval of the head of the other service.

§ 641. Disposal of certain material

(a) The Commandant may dispose of, with or without charge, to the sea-scout service of the Boy Scouts of America, to any regularly organized flotilla or other organized unit of the Coast Guard Auxiliary, and to any public body or private organization not organized for profit having an interest therein for historical or other special reasons, such obsolete or other material as may not be needed for the Coast Guard.

(b) The Commandant may, under regulations prescribed by the Secretary, sell apparatus or equipment manufactured by or in use in the Coast Guard, which is not readily procurable in the open market. The money received from such sale shall be deposited in the Treasury to the credit of the current appropriation from which purchase of similar apparatus or equipment is authorized.

§ 642. Deposit of damage payments

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, and such private person or his agent shall pay to the satisfaction of the proper official of the Coast Guard for the cost of repair or replacement of such property, the Commandant may accept and deposit such payments, through proper officers of the Fiscal Service, Treasury Department, in special deposit accounts in the Treasury, for payment therefrom to the person or persons repairing or replacing the damaged property and refundment of amounts collected in excess of the cost of the repairs or replacements concerned. In the event that repair or replacement of the damaged property is effected by the Coast Guard, the appropriations bearing the cost thereof and current at the time collection is made shall be reimbursed from the special deposit account.

§ 643. Rewards for apprehension of persons interfering with aids to navigation

The Coast Guard may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering in violation of law with aids to navigation maintained by the Coast Guard; or for information leading to the discovery of missing Coast Guard property or to recovery thereof.

§ 644. Payment for the apprehension of stragglers

The Coast Guard may offer and pay rewards for the apprehension and delivery of deserters, stragglers, and prisoners.

§ 645. Settlement of claims incident to activities of the Coast Guard

(a) The Secretary and, subject to appeal to the Secretary, such other officer as he may designate for such purposes and under regulations prescribed by him, may consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of \$1,000, where accepted by a claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1941, when such claim is substantiated in such a manner as the Secretary may by regulations prescribe, for damage to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the Coast Guard while acting within the scope of their employment (excluding claims cognizable under chapter 20 of Title 28), or otherwise incident to noncombat activities of the Coast Guard, including claims for damage to or loss or destruction

by criminal acts of registered or insured mail while in the possession of Coast Guard authorities, claims for damage to or loss or destruction of personal property bailed to the Government, and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise. The provisions of this section shall not apply to claims for personal injury or death of military personnel or civilian employees of the Coast Guard if such injury or death occurs incident to their services. The provisions of this section shall not apply where the damage to or loss or destruction of property, or the personal injury or death, has been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee. The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred, except that no payment shall be made to any claimant in reimbursement for medical or hospital services furnished at the expense of the United States nor, in the case of burial, of such portion of the expense thereof as may be otherwise paid by the United States.

Time limitation.

(b) No claim shall be settled under this section unless presented in writing within one year after the occurrence of the accident or incident out of which such claim arises unless it occurs in time of war, or war intervenes within one year after its occurrence, in which event any claim may on good cause shown be presented within one year after the war is terminated.

(c) Any such settlement made by the Secretary, or his designee, under the authority of this section and such regulations as he may prescribe hereunder, shall be final and conclusive for all purposes, notwithstanding any other provisions of law to the contrary.

(d) Such appropriations as may be required for the settlement of claims under the provisions of this section are authorized. Coast Guard appropriations shall be available for the settlement of claims by the Secretary or his designee under the provisions of this section.

§ 646. Claims for damages occasioned by vessels

(a) The Secretary of the Treasury may consider, ascertain, adjust, determine, compromise, or settle claims for damages caused by vessels in the Coast Guard service, and for compensation for towage and salvage services, including contract salvage, rendered to such vessels, and pay the amount of any claim so determined, compromised, or settled, and upon acceptance of such payment by the claimant, and not until then, such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding. This section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of, all other provisions of law authorizing consideration, adjustment, determination, settlement, and payment of claims. No claim in excess of \$3,000, which accrued prior to September 8, 1939, shall be considered hereunder. All payments of claims made under this section shall be paid out of Coast Guard appropriations. The payment of any claim on which a net amount exceeding \$25,000 is determined to be due from the United States, or which is compromised or settled at a net amount exceeding \$25,000 payable by the United States, is not authorized by this section, and all claims determined, compromised, or settled hereunder at a net amount exceeding \$25,000 payable by the United States shall be certified by the Secretary of the Treasury to the Congress.

Reports to Congress.

(b) On payment of any claim determined, compromised, or settled under this section at a net amount exceeding \$3,000, but not exceeding \$25,000, payable by the United States, the Secretary of the Treasury

within twenty days of payment shall report to the Congress setting forth the nature of the claim, the vessel involved, the amount paid with respect thereto, the basis of the determination, compromise, or settlement, and other pertinent facts. The Secretary of the Treasury shall report to the Congress, at each session thereof, all claims which have been paid under this section. During any war the reports required under this section may omit any fact or facts disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security.

§ 647. Claims for damage to property of the United States

(a) The Secretary of the Treasury may consider, ascertain, adjust, determine, compromise, or settle claims for damage cognizable in admiralty in a district court of the United States and all claims for damage caused by a vessel or floating object, to property of the United States under the jurisdiction of the Coast Guard or property for which the Coast Guard may have assumed, by contract or otherwise, any obligation to respond for damage thereto. The Secretary of the Treasury is further authorized to receive in payment of any such claim the amount due the United States pursuant to determination, compromise, or settlement as herein authorized and, upon acceptance of such payment but not until then, such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding. All such payments shall be covered into the Treasury of the United States as miscellaneous receipts. The Secretary of the Treasury is further authorized to execute on behalf of the United States and to deliver in exchange for such payment a full release of such claim. This section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of, all other provisions of law authorizing the determination, compromise, or settlement of claims for damage to property hereinabove described. No settlement or compromise where there is involved a payment in the net amount of over \$25,000 is authorized by this title.

(b) Within twenty days after receipt of a payment in a net amount exceeding \$3,000 due the United States pursuant to determination, compromise, or settlement of any claim under this section, the Secretary of the Treasury shall report to the Congress setting forth the nature of the claim; the vessel or vessels involved; the amount received; the basis of determination, compromise, or settlement; and other pertinent facts. During any war the reports required under this section may omit any fact or facts, disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security.

Report to Congress.

§ 648. Accounting for industrial work

The Secretary may prescribe regulations governing accounting for industrial work, including charges for overhead for civilian labor and for maintenance of industrial plant and equipment, performed at the Coast Guard Yard or such similar Coast Guard industrial establishments as he may designate. Any orders placed for such industrial work shall be covered by a transfer or advance of funds to cover the estimated cost thereof, and shall be credited to such accounts as may be necessary and established by the Secretary to carry out the provisions of this section. Accounts so established shall be available for materials, supplies, or equipment, and civilian labor, including overhead and maintenance, required in performing the work ordered. Upon completion of an order an adjustment will be made to make the amount transferred or advanced equal to the actual cost as computed

in accordance with the accounting regulations prescribed by the Secretary.

§ 649. Supplies and equipment from stock

Supplies and equipment for special work of the Coast Guard may be furnished from general stock and the applicable appropriation reimbursed therefor from the respective appropriations for such special work.

§ 650. Coast Guard supply fund and supply account

A Coast Guard supply fund is authorized. The capital of the Coast Guard Supply Fund shall be increased by the value of commissary provisions and uniform clothing on hand on July 1, 1949, and thereafter, under regulations prescribed by the Secretary, the Coast Guard Supply Fund shall be charged with the cost of procurement and credited with the value of provisions consumed or sold, and the value of issues and sales of clothing, such values to be determined on a basis which will not increase the capital of the fund.

§ 651. Annual report

Report to Congress.

In January of each year, the Commandant, through the Secretary, shall report to Congress the operations and expenditures of the Coast Guard during the preceding fiscal year.

§ 652. Removing restrictions

Any law removing for the duration of a war or national emergency proclaimed by the President any restriction contained in any then-existing law as applied to the Navy, including, but not limited to, restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel, shall, in the same manner and to the same extent, remove such restrictions as applied to the Coast Guard.

§ 653. Employment of draftsmen and engineers

The Coast Guard may employ temporarily, at the seat of government, draftsmen and engineers for the preparation of plans and specifications for vessels, lighthouses, aids to navigation, and other projects for the Coast Guard that may be authorized or appropriated for by Congress, to be paid from the appropriations applicable to such projects.

PART II—COAST GUARD RESERVE AND AUXILIARY

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CHAPTER 21—COAST GUARD RESERVE

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754. Grades and ratings; military authority.

755. Pay, allowances, and other benefits.

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760. Disability or death benefits for temporary members.

761. Engaging in civil occupation; leave for training duty.

762. Women's Reserve.

§ 751. Purpose and administration of Reserve

The Coast Guard Reserve, as established on June 23, 1939, is a military organization and a component part of the Coast Guard for the purpose of providing a trained force of officers and enlisted persons which, added to the personnel of the regular Coast Guard, will be adequate to enable the Coast Guard to perform its functions and duties at all times. The Reserve shall be administered by the Commandant under such regulations as the Secretary of the Treasury, with the concurrence of the Secretary of the Navy, may prescribe.

§ 752. Eligibility

The Reserve shall be composed of citizens of the United States and of its territories and possessions, between the ages of 17 and 62, who are physically and otherwise qualified for the performance of duty, and who, through appointment or enlistment therein, obligate themselves to serve in the Coast Guard in time of war or during any period of national emergency declared by the President to exist.

§ 753. Term; duty; training

(a) The term of appointment or enlistment in the Reserve shall be for three years. In time of war or national emergency declared by the President to exist any member of the Reserve may be ordered to active duty for the duration of the war or until the termination of the emergency as declared by the President, and may be continued on such active duty for such duration and six months thereafter notwithstanding that the term of appointment or enlistment may have expired. In time of peace, except for disciplinary purposes as provided in section 758 of this title, no member of the Reserve may be ordered to or continued on active duty without his consent except that any member of the Reserve may be continued on active duty in the interest of national defense for a period not to exceed six months after the termination of a war or national emergency as proclaimed by the President. The Commandant may release any member of the Reserve from active duty at any time. In time of peace, members of the Reserve may, with their consent, be given training or other duty either with or without pay as authorized by the Secretary. When authorized training or other duty without pay is performed by members of the Reserve, they may, in the discretion of the Secretary, be furnished with transportation to and from such duty, with subsistence and transfers en route, and, during the performance of such duty, with subsistence in kind or commutation thereof at a rate to be fixed by the Secretary.

*Post, p. 552.***§ 754. Grades and ratings; military authority**

The grades and ratings, including cadets, in the Reserve shall be the various grades and ratings not above rear admiral, prescribed by law for the Coast Guard. Members of the Reserve, while engaged on active duty, shall be vested with the same power, authority, rights, and privileges in the execution of their duty and shall wear the same uniforms as members of the regular Coast Guard of corresponding grades or ratings.

§ 755. Pay, allowances, and other benefits

(a) Personnel of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when

engaged in authorized travel to or from such duty, shall receive the same pay, allowances, and benefits as provided for personnel of the Naval Reserve of corresponding grade, rating, and length of service. In determining length of service for the purpose of this section, there shall be included all service for which credit is given by law to members of the regular Coast Guard.

Ante, pp. 529, 530, 534.

(b) The provisions of Chapter 13 of this title, except for sections 461, 462 and 485 (c), shall apply to members of the Reserve under the same conditions and limitations as are applicable to officers and enlisted men of the Regular Coast Guard.

(c) Members of the Reserve who suffer sickness, disease, disability, or death shall be entitled to the same benefits as prescribed by law for members of the Naval Reserve who suffer sickness, disease, disability, or death under similar conditions.

(d) Members of the Reserve, when on active duty, shall be entitled to the benefits of section 253 (a) of Title 42, and, except for training duty, to the benefits of section 253 (b) of Title 42.

(e) Members of the Coast Guard Reserve shall be entitled to the same retirement benefits as prescribed by law for personnel of the Naval Reserve, and wherever any such law confers authority upon the Secretary of the Navy, similar authority shall be deemed given to the Secretary of the Treasury to be exercised with respect to the Coast Guard when the Coast Guard is operating under the Treasury Department.

§ 756. Temporary membership; eligibility; compensation

The Commandant may enroll as temporary members of the Reserve, for duty under such conditions as he prescribes, including but not limited to part-time and intermittent active duty with or without pay, and without regard to age, citizens of the United States, its territories and possessions who are members of the Auxiliary, officers and members of the crew of any motorboat or yacht placed at the disposal of the Coast Guard, or persons (including Government employees without pay other than compensation of their civilian positions) who by reason of their special training and experience are deemed by the Commandant to be qualified for such duty. The Commandant is authorized to define the powers and duties of temporary members of the Reserve, and to confer upon them, appropriate to their qualifications and experience, the same grades and ratings as are provided for the personnel of the Reserve. When performing active duty with pay, as authorized by this section, temporary members of the Reserve shall be entitled to receive the pay and allowances of their respective ranks, grades, or ratings, authorized for members of the Reserve.

§ 757. Exemption from military training and draft

Members of the Reserve, other than temporary members, shall be exempt from registration and liability for military training and service under any other law, and no member of the Reserve, other than a temporary member, shall be a member of any other naval or military organization. Temporary members of the Reserve who are members of any other naval or military reserve, if ordered to active duty therein, shall be forthwith released from all active duty with the Coast Guard, and their status as temporary members of the Reserve terminated.

§ 758. Discipline

All members of the Reserve when engaged on active duty or in authorized travel to or from such duty, or while wearing a uniform prescribed for the Reserve, shall be subject to the laws, regulations,

and orders governing the discipline of officers and enlisted men of the Coast Guard. Disciplinary action for an offense committed while subject to such laws, regulations, and orders shall not be barred by release from duty status of any person charged with the commission thereof, and, for the purpose of carrying out the provisions of this section members of the Reserve may be retained on or returned to duty status without their consent, but not for a longer period of time than may be required for disciplinary action.

§ 759. Uniform allowance

(a) Upon first reporting for active duty or training duty at a location where uniforms are required to be worn, a commissioned or warrant officer of the Reserve may be paid a sum, not to exceed \$100, as reimbursement for the purchase of the required uniforms, and thereafter such officer may be paid an additional sum of \$50 for the same purpose upon the completion of each period of not less than four years in the Reserve. This latter amount of \$50 shall not become due any officer until called to active or training duty after the expiration of the previous four-year period. In times of war or national emergency a further sum of \$150 for the purchase of required uniforms may be paid to officers of the Reserve upon first reporting for active duty. Notwithstanding the foregoing provisions of this section, the Commandant may prescribe a lesser amount as a uniform allowance to commissioned and warrant officers of the Reserve who are not required to purchase or have in their possession the complete outfit of uniform clothing prescribed for other commissioned and warrant officers of the Reserve.

(b) Cadets and enlisted personnel of the Reserve may be allowed the cost of or issued such uniforms, bedding, and equipment as may be prescribed by the Commandant, the value of such allowances or of items so issued to any person during any three-year period not to exceed \$100. Notwithstanding the foregoing limitations, enlisted personnel of the Reserve, upon first reporting for active duty in time of war or national emergency, may be issued such additional articles as are required to give them the same outfit authorized for enlisted personnel of the regular Coast Guard upon first enlistment.

§ 760. Disability or death benefits for temporary members

(a) In case of physical injury, or death resulting from physical injury, to any temporary member of the Reserve incurred incident to service while performing active Coast Guard duty, or engaged in authorized travel to or from such duty, the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, subject to this section, shall apply, and shall be administered by the Bureau of Employees' Compensation, Federal Security Agency, in the same manner and to the same extent as if such person were a civil employee of the United States and were injured in the performance of his duty. For benefit computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of \$150.

(b) This section does not apply in any case coming within the purview of the Workmen's Compensation Law of any state, territory, or other jurisdiction because of a concurrent employment status of such temporary member; and where such temporary member or dependent would be entitled to a benefit under the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties and also to any concurrent benefit from the United States on account of the same disability or

Nonapplicability.

death, such temporary member or dependent shall elect which benefit he shall receive.

(c) Whenever, pursuant to this section a claim is filed with the Bureau for benefits because of an alleged injury or death, the Bureau shall notify the Commandant who shall cause an investigation to be made into the facts surrounding such alleged injury and make certification with respect thereto, including certification as to such injured or deceased person's temporary membership in the Reserve and his military status, and whether the injury or death occurred incident to service.

(d) Temporary members of the Reserve who incur physical disability or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard.

§ 761. Engaging in civil occupation; leave for training duty

No existing law shall be construed to prevent any member of the Reserve solely by reason of membership therein from accepting employment in any civil branch of the Federal Government or of the District of Columbia nor from receiving the pay and allowances incident to such employment in addition to the pay and allowances to which he may be entitled as a member of the Reserve, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. Officers and employees of the United States or of the District of Columbia who are members of the Reserve shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency ratings when on training duty in the Reserve, not to exceed 15 calendar days in any one calendar year. All members of the Reserve who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty.

§ 762. Women's Reserve

(a) The Women's Reserve shall be a branch of the Coast Guard Reserve and shall be administered in the same manner as provided for the Reserve in all respects, except as may be necessary to adapt such provisions to the Women's Reserve, or as may be otherwise provided by act of Congress.

(b) Members of the Women's Reserve may be commissioned, appointed, or enlisted in grades and ratings as prescribed by the Secretary, but not above the grade of captain.

(c) Military authority of members of the Women's Reserve may be exercised over other members of the Women's Reserve only.

(d) Members of the Women's Reserve shall not be assigned duty on board combat vessels, or in combat aircraft, nor shall they be otherwise assigned to combat duty. They shall not be assigned to duty other than in the United States, its territories and possessions, and shall not be assigned to duty outside the continental limits of the United States, unless they have requested such duty.

CHAPTER 23—COAST GUARD AUXILIARY

Sec.

821. Administration.

822. Purpose.

823. Eligibility, enrollments.

824. Disenrollment.

Sec.

- 825. Membership in other organizations.
- 826. Use of member's facilities.
- 827. Vessel deemed public vessel.
- 828. Aircraft deemed public aircraft.
- 829. Radio station deemed government station.
- 830. Availability of appropriations.
- 831. Assignment and performance of duties.
- 832. Injury or death in line of duty.

§ 821. Administration

The Coast Guard Auxiliary established on February 19, 1941, is a nonmilitary organization administered by the Commandant under the direction of the Secretary.

§ 822. Purpose

The purpose of the Auxiliary is to assist the Coast Guard:

- (a) to promote safety and to effect rescues on and over the high seas and on navigable waters;
- (b) to promote efficiency in the operation of motorboats and yachts;
- (c) to foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts; and
- (d) to facilitate other operations of the Coast Guard.

§ 823. Eligibility, enrollments

The Auxiliary shall be composed of citizens of the United States and its territories and possessions, who are owners, sole or part, of motorboats, yachts, aircraft, or radio stations or who by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary, and who may be enrolled therein pursuant to applicable regulations.

§ 824. Disenrollment

Members of the Auxiliary may be disenrolled pursuant to applicable regulations.

§ 825. Membership in other organizations

Members of the Auxiliary may be appointed or enlisted in the Reserve, pursuant to applicable regulations, and membership in the Auxiliary shall not be a bar to membership in any other naval or military organization.

§ 826. Use of member's facilities

The Coast Guard may utilize for any purpose incident to carrying out its functions and duties as authorized by the Secretary, any motorboat, yacht, aircraft, or radio station placed at its disposition for any of such purposes by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof.

§ 827. Vessel deemed public vessel

Any motorboat or yacht, while assigned to authorized Coast Guard duty shall be deemed to be a public vessel of the United States, and within the meaning of section 646 of this title shall be deemed to be a vessel of the Coast Guard.

Ante, p. 548.

§ 828. Aircraft deemed public aircraft

Any aircraft, while assigned to authorized Coast Guard duty shall be deemed to be a vessel of the Coast Guard within the meaning of section 646 of this title.

Ante, p. 548.

§ 829. Radio station deemed government station

Any radio station, while assigned to authorized Coast Guard duty shall be deemed to be a radio station of the Coast Guard and a "government station" within the meaning of chapter 5 of Title 47.

47 U. S. C. § 151 *et seq.*; Supp. II, § 151 note.
Ante, p. 108.

§ 830. Availability of appropriations

Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation of ration allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized specific duties and for actual necessary expenses of operation of any motorboat, yacht, aircraft, or radio station when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term "actual necessary expenses of operation," as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, or radio station and for the constructive or actual loss of any motorboat, yacht, aircraft, or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such motorboat, yacht, aircraft, or radio station rests with the Coast Guard.

"Actual necessary expenses of operation."

§ 831. Assignment and performance of duties

No member of the Auxiliary, solely by reason of such membership, shall be vested with, or exercise, any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Reserve, except that any such member may, under applicable regulations, be assigned specific duties, which, after appropriate training and examination, he has been found competent to perform, to effectuate the purposes of the Auxiliary. No member of the Auxiliary shall be placed in charge of a motorboat, yacht, aircraft, or radio station assigned to Coast Guard duty unless he has been specifically designated by authority of the Commandant to perform such duty. Members of the Auxiliary, when assigned to specific duties as herein authorized shall, unless otherwise limited by the Commandant, be vested with the same power and authority, in the execution of such duties, as members of the regular Coast Guard assigned to similar duty. When any member of the Auxiliary is assigned to such duty he may, pursuant to regulations issued by the Secretary, be paid actual necessary traveling expenses, including a per diem allowance in conformity with standardized Government travel regulations in lieu of subsistence, while traveling and while on duty away from his home. No per diem shall be paid for any period during which quarters and subsistence in kind are furnished by the Government, and no per diem shall be paid for any period while such member is performing duty on a vessel.

§ 832. Injury or death in line of duty

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing any specific duty to which he has been assigned by competent Coast Guard authority, such member or his beneficiary shall be entitled to the same

benefits provided for temporary members of the Reserve who suffer physical injury or death resulting from physical injury incurred incident to service. Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard.

CHAPTER 25—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

Sec.

891. Flags; pennants; uniforms and insignia.

892. Penalty.

893. Limitation on rights of members of the Auxiliary and temporary members of the Reserve.

894. Availability of facilities and appropriations.

§ 891. Flags; pennants; uniforms and insignia

The Secretary may prescribe one or more suitable distinguishing flags, pennants, or other identifying insignia to be displayed by the motorboats, yachts, aircraft, and radio stations owned by members of the Auxiliary and one or more suitable insignia which may be worn by members of the Reserve or the Auxiliary, and may prescribe one or more suitable uniforms which may be worn by members of the Auxiliary. Such flags, pennants, uniforms, and insignia may be furnished by the Coast Guard at actual cost, and the proceeds received therefor shall be credited to current appropriations from which purchase of these articles is authorized.

§ 892. Penalty

Whoever, without proper authority, flies from any building, aircraft, motorboat, yacht, or other vessel, any flag or pennant or displays any identifying insignia or wears any uniform or insignia of the Reserve or the Auxiliary shall be fined not more than \$500.

§ 893. Limitation on rights of members of the Auxiliary and temporary members of the Reserve

Members of the Auxiliary and temporary members of the Reserve shall be entitled only to such rights, privileges, and benefits as are specifically set forth for them in this title or as may be specifically provided for them in any other Act of Congress. Any Act of Congress which grants rights, privileges, or benefits generally to military personnel, or among others, to personnel of the Coast Guard and the Coast Guard Reserve, without specifically granting such rights, privileges, or benefits to members of the Auxiliary or temporary members of the Reserve, shall not be deemed applicable to members of the Auxiliary or to temporary members of the Reserve.

§ 894. Availability of facilities and appropriations

The services and facilities of and appropriations for the Coast Guard shall be available to effectuate the purposes of the Reserve and the Auxiliary.

SEC. 2. If any part of Title 14, United States Code, as enacted by section 1 of this Act, shall be held invalid the remainder of such title shall not be affected thereby.

Ante, p. 495.

SEC. 3. No inference of a legislative construction is to be drawn by reason of the chapter in Title 14, Coast Guard, as set out in section 1 of this Act, in which any section is placed, nor by reason of the catch lines used in such title.

Ante, p. 495.

Rules and regulations.

SEC. 4. All orders, rules, and regulations of the Coast Guard in effect under provisions of law superseded or amended by this Act shall, to the extent they would have been authorized under this Act, remain in force and effect as the regulations and orders under the provisions of this Act and shall be administered and enforced under this Act as nearly as may be until specifically repealed, amended, or revised.

Benefits.

SEC. 5. Nothing contained in this Act shall operate to abolish or reduce the grade, rank, rating, pay, allowances, or other benefits to which any person in the Coast Guard is entitled on the effective date of this Act.

34 U. S. C. § 228.

SEC. 6. Section 1442 of the Revised Statutes, as amended, is further amended to read as follows:

Authority of Secretary of Navy.

"The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy and Marine Corps. This section shall not apply to reserve officers of such organizations."

Post, p. 840.

SEC. 7. Section 126 of the Act approved June 3, 1916, chapter 134 (39 Stat. 217; 10 U. S. C., sec. 752; 14 U. S. C., sec. 138; 34 U. S. C., sec. 895), is further amended to read as follows:

Travel allowance.

"SEC. 126. An enlisted person of the Army, Navy, or Marine Corps, including Reserve components thereof, upon discharge except by way of punishment for an offense, retirement, or relief from active duty, shall, under such regulations as the head of the department concerned may prescribe for personnel under his jurisdiction, receive a money allowance of 5 cents per mile for the distance from the place of discharge or release from active duty to his home, or place of acceptance for active duty, or place from which ordered to active duty, or such other place as may be determined to be most appropriate by the head of the department concerned. For sea travel involved in travel between place of discharge or release from active duty and place to which travel is authorized only transportation in kind and subsistence en route shall be allowed."

14 U. S. C., Supp. II, §§ 164, 165 note.

SEC. 8. The fifth and sixth paragraphs of section 7 of the Act approved July 1, 1918, chapter 114 (40 Stat. 717; 14 U. S. C., sections 164, 165), are amended to read as follows:

Restoration to active duty during emergency.

"That hereafter, during the existence of war or of a national emergency declared by the President to exist, any commissioned or warrant officer of the Navy or Marine Corps of the United States on the retired list may in the discretion of the Secretary of the Navy, be ordered to active duty at sea or on shore; and any retired officer performing such active duty in time of war or national emergency, declared as aforesaid, shall be entitled to promotion on the retired list to the grade or rank, not above that of lieutenant commander in the Navy or major in the Marine Corps, and shall thereafter receive the pay and allowances thereof, which his total active service as an officer both prior and subsequent to retirement, in the manner rendered by him, would have enabled him to attain in due course of promotion had such service been rendered continuously on the active list during the period of time last past.

Promotion on retired list.

Temporary advance of designated officers.

"That during the existence of war or of a national emergency, declared as aforesaid, any commissioned or warrant officer of the Navy or Marine Corps of the United States on the retired list, while on active duty, may be temporarily advanced to and commissioned in such higher grade or rank on the retired list, not above that of lieutenant commander in the Navy or major in the Marine Corps, as the President may determine, and any officer so advanced shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank on the active list: *Provided*, That any

Reversion in status.

such commissioned or warrant officer who has been so temporarily advanced in grade or rank shall, upon his relief from active duty, or in any case not later than six months after the termination of the war or of the national emergency, declared as aforesaid, revert to the grade or rank on the retired list and to the pay and allowance status which he would have held had he not been so temporarily advanced: *Provided further*, That nothing in this Act shall operate to reduce the pay and allowances now allowed by law to retired officers."

SEC. 9. The Act of January 12, 1919, ch. 8 (40 Stat. 1054; 34 U. S. C., section 537) is amended to read as follows:

"That hereafter uniforms, accouterments, and equipment shall, upon the request of any officer of the Navy or any officer of the Marine Corps or any officer of the Coast Guard while operating with the Navy or any midshipman at the Naval Academy, be furnished by the Government at cost, subject to such restrictions and regulations as the Secretary of the Navy may prescribe."

Sale of uniforms,
etc., at cost.

SEC. 10. The last paragraph under the heading, "Pay, Miscellaneous", of the Act approved July 11, 1919, as amended (41 Stat. 132; 10 U. S. C., sec. 1274; 14 U. S. C., sec. 50b; 34 U. S. C., sec. 540a), is further amended to read as follows:

"The interchange, without compensation therefor, of military stores, supplies, and equipment of every character, including real estate owned by the Government, is hereby authorized between the Army and Navy upon the request of the head of one service and with the approval of the head of the other service."

Interchange of sup-
plies, etc.

SEC. 11. The sixth paragraph under the heading "Miscellaneous" in the Act approved March 2, 1923 (ch. 178, 42 Stat. 1385; 10 U. S. C., sec. 717; 14 U. S. C., sec. 121b; 33 U. S. C., sec. 862a; 34 U. S. C., sec. 912; 42 U. S. C., sec. 65), is amended to read as follows:

"Nothing contained in any existing laws, or regulations or orders promulgated in pursuance of law, shall authorize on or after July 1, 1922, the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters under the provisions of the Pay Readjustment Act of 1942, approved June 16, 1942 (ch. 413, 56 Stat. 359; 37 U. S. C., sec. 101 et seq.), as amended."

Restriction on issu-
ance of heat and light.

SEC. 12. Section 2 of the Act approved June 21, 1930 (ch. 536, 46 Stat. 793; 10 U. S. C., sec. 1028b; 14 U. S. C., sec. 167b-2; 34 U. S. C., sec. 399d), is amended to read as follows:

"SEC. 2. All persons who have served honorably in the Army, Navy, or Marine Corps of the United States during war shall, when not in the active military and/or naval service of the United States, be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest grade held by them during their war service."

37 U. S. C., Supp.
II, § 101b et seq.
Post, p. 840.

Right of armed serv-
ices personnel to of-
ficial title, etc.

SEC. 13. The first sentence of the Act approved May 25, 1933 (ch. 37, 48 Stat. 73; 10 U. S. C., sec. 486a; 14 U. S. C., sec. 15a; 34 U. S. C., sec. 1057a; 46 U. S. C., sec. 1126a), as amended, is further amended to read as follows:

"That the superintendents of the United States Naval Academy, the United States Military Academy, and the United States Merchant Marine Academy may, under such rules and regulations as the Secretary of the Navy, the Secretary of the Army, and the United States Maritime Commission, respectively, may prescribe, confer the degree of bachelor of science upon all graduates of their respective academies, from and after the date of the accrediting of said academies by the Association of American Universities."

Post, p. 614.

B. S. degrees con-
ferred upon Academy
graduates.

SEC. 14. The Act approved December 12, 1941, chapter 566 (55 Stat. 797; 10 U. S. C., sec. 628a; 14 U. S. C., sec. 35b; 34 U. S. C., sec. 185), is amended to read as follows:

Extension of enlistment for medical purposes.

"That hereafter any enlisted man of the Army, Navy, and Marine Corps of the United States in the active service, whose term of enlistment shall expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment, and any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the service concerned that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier: *Provided*, That any enlisted man whose enlistment is extended as provided herein shall be subject to forfeiture in the same manner and to the same extent as if his term of enlistment had not expired, and nothing contained in this Act shall prevent any enlisted man of the Army, Navy, or Marine Corps from being held in the service without his consent under, respectively, the provisions of the one hundred and seventh article of war, the Act of August 29, 1916, as amended (40 Stat. 717), and section 1, subsection (a), of the Act of May 26, 1906, as amended (50 Stat. 547)."

Forfeiture.

41 Stat. 809.
10 U. S. C. § 1579.
39 Stat. 580.
34 U. S. C. § 183.
14 U. S. C. § 35 (a).
14 U. S. C. § 174a; 33 U. S. C. § 864e.
Post, p. 836.
Advancement of certain officers on retired list.

SEC. 15. The Act approved June 6, 1942, ch. 383 (56 Stat. 328), is amended to read as follows:

"That all officers of the Coast and Geodetic Survey who have been specially commended for their performance of duty in actual combat by the head of the executive department under whose jurisdiction such duty was performed, shall, upon retirement, be placed upon the retired list with the rank of the next higher grade and with three-fourths of the active-duty pay of the grade in which serving at the time of retirement."

34 U. S. C. § 338g.
Applicability of Act to Marine Corps.

SEC. 16. Section 8 of the Act approved June 27, 1942, ch. 451 (56 Stat. 423), is amended to read as follows:

"The provisions of this Act, except as may be necessary to adapt the same thereto, shall apply to the Marine Corps in like manner and to the same extent and with the same relative conditions in all respects as are provided for the Regular Navy."

Civilian clothing for certain discharged personnel.

SEC. 17. The last paragraph under the subheading "General Provisions" under the heading "Navy Department" of the Act approved December 23, 1943, chapter 380 (57 Stat. 628; 14 U. S. C., sec. 148; 34 U. S. C., sections 197a and 722), is amended to read as follows:

"On and after July 1, 1943, the limitation on the cost of civilian clothing per person, including an overcoat when necessary, for enlisted personnel of the Navy and Marine Corps given discharges for bad conduct, undesirability, unsuitability, or inaptitude is hereby increased to \$30."

34 U. S. C. § 941a;
14 U. S. C. § 136a.

Settlement of accounts of deceased personnel.

SEC. 18. Section 1 of the Act approved February 25, 1946, ch. 35 (60 Stat. 30) is amended to read as follows:

"That, hereafter, in the settlement of the accounts of deceased officers or enlisted persons of the Navy and Marine Corps, where no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow, widower, or legal heirs in the following order of precedence: First, to the widow or widower; second, if decedent left no widow or widower, or the widow or widower be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow, widower, or descendants, then to the father and mother

in equal parts; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, widower, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this Act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers."

Payment of funeral expenses.

SEC. 19. This Act shall take effect on the first day of the third month after approval by the President but shall not affect any proceedings commenced by or against any person prior to the effective date of this Act.

Effective date.

SEC. 20. The sections or parts thereof of the Revised Statutes or Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts thereof shall not be affected by this repeal.

Repeals.

Revised Statutes	U. S. Code		Revised Statutes	U. S. Code	
	Title	Sec.		Title	Sec.
Section:			Section—Continued		
1536-----	34	471	2765-----	14	68
2747-----	14	52	3618 ¹ -----	31	487
2748-----	14	69	3692 ² -----	31	720
2749-----	14	58	4242-----		
2751-----	14	6	4245-----	14	94
2756-----	14	131	4249-----	14	98a
2758-----	14	51	4402-----	46	371
2759-----	14	60	4668-----	33	739
2760-----	14	66	4673-----	33	745
2761-----	14	70	4676-----	33	736
2762-----	14	67	4678-----	33	734
2764-----	14	64	4741-----	14	177

¹ Only that portion of line 3 as follows "or of the sales of revenue cutters."

² Only that portion of line 2 as follows "or the sale of revenue cutters."

Statutes at Large					U. S. Code	
Date	Ch.	Sec.	Vol.	Page	Title	Section
1874—June 20----	344	2-9	18	127	14	192, 193, 92, 108
June 23-----	455	1	18	³ 220	33	740b
1875—Mar. 3-----	130		18	⁴ 372	14	96
1878—June 18-----	265	3-12	20	163	14	91, 99, 104, 109- 111, 194
1880—June 16-----	235		21	⁵ 263	33	755
1882—May 4-----	117	2-10	22	55-58	14	93, 97, 101, 103, 105, 106, 178, 195
1884—July 7-----	332		23	⁶ 198, 199	14	65
					33	722

³ Only the ninth paragraph on page 220 of volume 18 of the Statutes at Large.

⁴ Only the last paragraph under the heading, "For Life-Saving and Life-Boat Stations."

⁵ The proviso in line 21 under the heading "Lighthouses, Beacons, and Fog Signals."

⁶ Only the last paragraph under the heading "Lighthouses, Beacons, and Fog Signals."

⁷ Only the last clause of the first paragraph under the heading "Revenue-Cutter Service," reading as follows: "And hereafter revenue cutters shall be used exclusively for the public service and in no way for private purposes."

Statutes at Large					U. S. Code	
Date	Ch.	Sec.	Vol.	Page	Title	Section
1888—Oct. 2	1069		25	⁸ 511	14	37
1889—Feb. 26	279		25	⁹ 719		
1892—July 22	231		27	257		
1896—June 11	420		29	¹⁰ 421	14	129
1897—Jan. 21	83		29	494	14	196
1898—July 1	546		30	¹¹ 604	14	13
1900—June 6	791		31	¹² 597	14	98
1902—Apr. 12	501	1-10	32	100	14	9, 18, 167, 168, 169, 170, 172, 173
June 28	1303		32	484		
1903—Feb. 25	755		32	¹³ 869		
1905—Mar. 1	1293	2	33	819	14	98
1906—Apr. 19	1640	2, 3	34	123	14	62
May 12	2454		34	190	14	63
May 26	2556	1-7	34	200	14	35, 142-147
June 20	3447	2, 3	34	324	33	759
June 23	3520	1-3, 5, 6	34	452	14	15, 124, 128
1907—Feb. 26	1638	6-8	34	997	33	718
Mar. 4	2918		34	¹⁴ 1309	5	41
1908—Mar. 26	99		35	46	14	106
Apr. 16	145		35	61	14	8, 9, 11, 11a, 12, 16, 17, 23, 26, 125
May 14	168	4-6, 8	35	162-163	33	760, 761
May 30	231		35	553	14	112
Dec. 11	1		35	581	14	107
1909—Mar. 4	299		35	¹⁵ ¹⁶ 972, 973	33	723, 731
1910—Apr. 21	182	2	36	326	14	54
June 17	301	4-14	36	537-539	5	597
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					33	152, 716, 720, 722, 724, 725, 729, 731, 735, 736, 740b, 759, 761.
					44	213
1912—July 27	255	¹⁷ 2	37	239	33	749, 754
1913—Mar. 4	168		37	¹⁸ 1018- 1019	33	730, 752
1914—June 24	124		38	387	14	59, 61
Aug. 1	223		38	¹⁹ 620	14	132

⁸ Only the last paragraph under the heading "Revenue-Cutter Service."

⁹ Only the last sentence under the heading "Office of Life-Saving Service."

¹⁰ Only the proviso under the heading "Revenue-Cutter Service."

¹¹ All three provisos under the heading "Revenue-Cutter Service."

¹² Only the fifth paragraph on this page, reading "The Secretary of the Treasury may change the serial numbers of the several districts as may be necessary to conform to the provisions of this Act."

¹³ Only the proviso under the heading "Revenue-Cutter Service."

¹⁴ Only the second paragraph under the heading "Revenue-Cutter Service."

¹⁵ Only the clause after the last semicolon under subheading "Lighting of Rivers" under the heading "Lighthouse Establishment," reading as follows: "The Lighthouse Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels and which in consequence cannot be made permanent. * * *

¹⁶ Only the proviso in the first paragraph of subheading "Repairs to Lighthouse Tender Pansy" under the heading "Lighthouse Establishment."

¹⁷ Under the heading "Thirteenth Lighthouse District."

¹⁸ Only the last three paragraphs under the heading "Eighteenth Lighthouse District."

¹⁹ Only the proviso in paragraph 1 under the heading "Revenue-Cutter Service."

Statutes at Large					U. S. Code	
Date	Ch.	Sec.	Vol.	Page	Title	Section
1915—Jan. 28-----	20	-----	38	800	5 10 14	41, 93 1370 1, 2, 5, 6, 8, 9, 11- 13, 15, 18, 19, 26, 35-38, 51, 52, 54, 58-70, 91-94, 96, 97, 98a, 99-108, 110, 111, 125, 128, 129, 131, 142, 143, 145- 147, 167-170, 172, 173, 175- 178, 192, 196.
					16 18 19 24 31 33 38 42 44 48 50	743, 785 523 29, 540 8, 191, 281 72, 487, 600, 720 222, 262, 471, 474 27 97 213 246, 247, 510 222
Mar. 3-----	81	4-8	38	927, 928	33	740, 751, 756, 762, 767, 768.
1916—Aug. 28-----	414	2-5	39	538	33	732, 740, 747
Aug. 29-----	417	-----	39	²⁰ 600-602	14	3, 4, 7, 22, 28, 29, 55, 57, 95.
					33	757-758
Aug. 29-----	418	-----	39	²¹ 649	14	39
1918—June 20-----	103	4	40	608	33	753
1920—Mar. 6-----	94	-----	41	²² 506	14	31
May 18-----	190	8	41	603, 604	10	756
					14	21, 121, 123
June 5-----	235	-----	41	²³ 879-880	14	5, 27, 141
1923—Jan. 12-----	25	-----	42	1130	14	5, 9, 10, 11, 12a, 18, 36, 97, 127, 161, 162, 171, 174.
					44	213
1924—Apr. 21-----	130	-----	43	105	14	56, 201-208
1925—Jan. 22-----	87	-----	43	²⁴ 772	14	126
1926—May 22-----	371	3, 5, 6, 7	44	626	33	740a, 752a, 763a
July 3-----	742	-----	44	815	14	5, 5a, 9, 10, 10a, 10b, 15, 16, 16a- 16c, 20a, 25, 42, 91, 102, 105, 110, 127, 201, 203, 204.
1927—Feb. 28-----	227	-----	44	1261	-----	-----
1928—Apr. 19-----	381	-----	45	433	14	167b
1929—Feb. 25-----	313	3, 5	45	1262	33	769
Mar. 2-----	574	-----	45	1533	14	5, 9, 10, 10c, 10e, 12a, 14, 16, 41, 43, 44, 127, 203.
1930—Apr. 14-----	148	1, 2	46	164, 165	14	178a, 178b
Apr. 23-----	210	-----	46	253	14	12a
Apr. 23-----	211	-----	46	253	14	11

²⁰ All that portion under the heading "Coast Guard," and the first two paragraphs under the heading "Lighthouse Service."

²¹ Only the third full paragraph on said page.

²² Only the eleventh paragraph under the heading "Coast Guard."

²³ Only the third and last three paragraphs under the heading "Coast Guard."

²⁴ Only the second proviso on page 772.

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					14	133
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Aug. 5-----	478	-----	53	1217	14	5, 5a, 5b, 5c, 10, 10i
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Oct. 9-----	778	-----	54	1029	14	260, 266, 266a, 266b, 267-271, 301, 315, 351, 354.
1941—Feb. 19-----	8	-----	55	9	14	134
May 31-----	156	-----	55	25 221	14	1, 35, 45, 48, 268, 302, 305, 306, 310.
1941—July 11-----	290	1, 2, 5, 6 (a), 7, 8, 10	55	584-588	14	Note preceding Sec. 51.
July 15-----	302	-----	55	597	14	35a
Aug. 18-----	364	3	55	629	14	48a
Nov. 15-----	471	1	55	763	14	72, 72 note, 73, 74
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June 6-----	385	-----	56	329	14	133a
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1943—May 25-----	99	-----	57	84	14	34a, 132a, 134
June 26-----	147	-----	57	29 211-212	14	-----
Dec. 23-----	378	-----	57	609	-----	-----

²⁵ Only the last proviso of subheading "Pay and Allowances" under the heading "Coast Guard."

²⁶ Only the last proviso of subheading "Pay and Allowances" under the heading "Coast Guard."

²⁷ Only the last proviso of subheading "Pay and Allowances" under the heading "Coast Guard."

²⁸ Only the proviso in the second and third paragraphs, and the entire last paragraph, under the heading "Coast Guard (Navy)."

²⁹ Only the last two provisos in subheading "Pay and Allowances," and the proviso in subheading "General Expenses, Coast Guard," under the heading "Coast Guard."

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1948—May 19----	305	-----	62	239	14	6b
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June 26----	672	-----	62	1050	14	50m, 50n, 50o
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³⁰ Only the last two provisos in subheading "Pay and Allowances," and the proviso in the subheading "General Expenses, Coast Guard," under the heading "Coast Guard."

³¹ Only the last 2 provisos in subheading "Pay and Allowances," and the proviso in subheading "General Expenses, Coast Guard," under the heading "Coast Guard."

³² Only that portion adding sec. 5 to Public Law 277, 79th Cong.

³³ Only the last proviso in subheading "Pay and Allowances" and last proviso in subheading "General Expenses" under the heading "Coast Guard."

³⁴ Only the first 2 sentences.

Approved August 4, 1949.

[CHAPTER 394]

AN ACT

To provide increased pensions for widows and children of deceased members and retired members of the Police Department and the Fire Department of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fourth paragraph of section 12 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916 (39 Stat. 718), as amended, as follows the first sentence thereof is hereby amended to read as follows:

"In case of the death of any member of the Police Department or the Fire Department of the District of Columbia, before or after retirement from the service thereof, leaving a widow, or a child or children under eighteen years of age, the widow shall be entitled to receive relief from the said policemen and firemen's relief fund, District of Columbia, in an amount not to exceed \$125 per month, and

59 Stat. 662.
31 U. S. C. §§ 215-
217 notes, 222e-222h.

August 4, 1949
[H. R. 2021]
[Public Law 208]

Police and Fire De-
partments, D. C.

D. C. Code § 4-507.

Pension to widow or
children.