

Public Law 89-444

AN ACT

To improve and clarify certain laws of the Coast Guard.

June 9, 1966
[S. 2471]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Section 4 is amended—

(A) by inserting the word “and” at the end of clause (d); and

(B) by striking out “; and” at the end of clause (e) and inserting a period in place thereof.

(2) Subsection (a) of section 42 is amended by striking out “three thousand five hundred” and inserting “four thousand” in place thereof so that the subsection will read as follows:

“(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed four thousand.”

(3) Section 44 is amended by striking out “The position vacated by an officer appointed Commandant shall be filled by promotion according to law.”

(4) Subsection (c) of section 46 is amended to read as follows:

“(c) An officer who is retired prior to the expiration of his term, while serving as Commandant, may, in the discretion of the President, be retired with the grade of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant.”

(5) Subsection (d) of section 46 is repealed.

(6) Subsection (c) of section 47 is amended to read as follows:

“(c) An officer who is retired while serving as Assistant Commandant, or who, after serving at least two and one-half years as Assistant Commandant, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade and retired pay of vice admiral.”

(7) Subsection (d) of section 47 is amended to read as follows:

“(d) An officer who, after serving less than two and one-half years as Assistant Commandant, is retired after completion of that service while serving in a lower rank or grade, shall be retired in his permanent grade and with the retired pay of that grade.”

(8) Section 182 is amended by striking out “three” in the first sentence and inserting “four” in place thereof so that the sentence will read as follows:

“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 four hundred.”

(9) Section 186 is amended—

(A) by striking the words “of the teaching staff” and the words “whose compensation shall be fixed in accordance with the Classification Act of 1949, as amended” in the first sentence, by inserting the word “faculty” between “civilian” and “members” in the first sentence, and by inserting a period after the word “require” so that the first sentence will read as follows: “The Secretary may appoint in the Coast Guard such number of civilian faculty members at the Academy as the needs of the Service may require.”

(B) by redesignating the amended section as subsection (a).

(C) by adding a new subsection (b) as follows:

“(b) The compensation of persons employed under this section is as prescribed by the Secretary.”

Coast Guard.
Laws, improve-
ment and clarifica-
tion.
63 Stat. 497.

77 Stat. 174.

74 Stat. 144.

Repeal.

63 Stat. 508;
78 Stat. 153.

74 Stat. 145.

63 Stat. 954.
5 USC 1071
note.

63 Stat. 509;
74 Stat. 145;
77 Stat. 175.

77 Stat. 177.

(10) Section 190 is amended by inserting the following after the first sentence: "The Secretary may retire any member of the permanent commissioned teaching staff who has completed thirty years' active service."

(11) Subsection (a) of section 211 is amended by striking out "four" in paragraph (4) and inserting "two" in place thereof so that the paragraph will read as follows:

"(4) licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer."

(12) Subsection (a) of section 214 is amended by striking out the period at the end of the sentence and adding ", and from licensed officers of the United States merchant marine."

(13) Subsection (b) of section 214 is amended by striking out the period at the end of the sentence and adding ", and from licensed officers of the United States merchant marine."

(14) Subsection (c) of section 214 is amended by striking out the period at the end of the sentence and adding ", and from licensed officers of the United States merchant marine."

(15) Subsection (a) of section 253 is amended by inserting "the officers eligible for consideration," after "to be considered,".

(16) Subsection (a) of section 256 is amended by inserting the words "who are eligible for consideration for promotion to the next higher grade and" before the words "who have not" in the second sentence.

(17) Clause (2) of section 258 is amended to read as follows: "the names and records of all officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion, with identification of those officers who are in the promotion zone."

(18) Subsection (b) of section 332 is amended by inserting the following sentence at the end thereof: "However, this limitation does not apply to retired officers of these grades recalled to serve as members of courts, boards, panels, surveys, or special projects for periods not to exceed one year."

(19) The catchline of section 334 is amended to read as follows:

"§ 334. Grade on retirement".

(20) By adding the following new sections after section 370:

"§ 371. Aviation cadets; procurement; transfer

"(a) The grade of aviation cadet is established as a special enlisted grade in the Coast Guard. Under such regulations as the Secretary prescribes, male citizens in civil life may be enlisted as, and male enlisted members of the Coast Guard with their consent may be designated as, aviation cadets.

"(b) Except in time of war or national emergency declared by Congress, not less than 20 per centum of the aviation cadets procured in each fiscal year shall be procured from qualified enlisted members of the Coast Guard.

"(c) No persons may be enlisted or designated as an aviation cadet unless—

"(1) he agrees in writing that, upon his successful completion of the course of training as an aviation cadet, he will accept a commission as an ensign in the Coast Guard Reserve and will serve on active duty as such for at least three years, unless sooner released; and

"(2) if under twenty-one years of age, he has the consent of his parent or guardian to his agreement.

69 Stat. 88.

"(d) Under such regulations as the Secretary prescribes, an aviation cadet may be transferred to another enlisted grade or rating in the Coast Guard, released from active duty, or discharged.

"§ 372. Aviation cadets; benefits

"Except as provided in section 402(c) of title 37, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits as are provided for enlisted members in pay grade E-4. While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.

76 Stat. 470.

"§ 373. Aviation cadets; appointment as Reserve officers

"(a) An aviation cadet who fulfills the eligibility requirements of section 6023(b) of title 10 for designation as a naval aviator may be appointed an ensign in the Coast Guard Reserve and designated a Coast Guard aviator.

70A Stat. 376.

"(b) Aviation cadets who complete their training at approximately the same time are considered for all purposes to have begun their commissioned service on the same date, and the decision of the Secretary in this regard is conclusive."

(21) Section 438 is amended by striking out "and section 438 of this title."

70A Stat. 623.

(22) Section 654 is amended by inserting the following catchline immediately after the section number:

73 Stat. 357.

"Public and commercial vessels and other watercraft; sale of fuel, supplies, and services".

(23) Subsection (b) of section 755 is amended to read as follows:

63 Stat. 522.

"(b) The provisions of chapter 13 of this title, except for section 461, 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."

14 USC 461-511.

(24) Section 771 is amended to read as follows:

72 Stat. 1543.

"§ 771. Applicability of this subchapter

"(a) This subchapter applies—

"(1) only to the Coast Guard Reserve;

"(2) equally to women members of the Reserve except where the context indicates otherwise.

"(b) This subchapter does not apply to temporary members of the Coast Guard Reserve."

(25) The analysis of chapter 11 is amended—

14 USC 211-438.

(A) by striking out—

"334. Retirement in cases where higher grade has been held."

and inserting in place thereof:

"334. Grade on retirement."

(B) by inserting the following new items:

"371. Aviation cadets; procurement; transfer.

"372. Aviation cadets; benefits.

"373. Aviation cadets; appointment as Reserve officers."

(26) The analysis of chapter 13 is amended by striking out the following items:

"462. Pay and allowances of rear admirals.

"464. Allotment of pay.

"465. Advance to officers ordered to and from sea or shore duty beyond the seas.

"466. Settlement of accounts of deceased officers and men.

"474. Compensation for travel tolls and fares.

"504. Disposition of remains of personnel.

"505. Escorts for deceased officers and enlisted men.

"506. Issue of national flag free of cost."

SEC. 2. Title 37, United States Code, is amended as follows:

76 Stat. 477.

(1) Subsection (e) of section 415 is amended by striking out "435" and inserting "214" in place thereof.

(2) The second sentence of section 402(c) is amended by deleting "or" between Air Force and Marine Corps in both places that it appears and by inserting ", or Coast Guard" after "Marine Corps" in both places where the latter appears so that the sentence will read as follows: "An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively."

14 USC 211 note.

SEC. 3. Subsection (e) of section 5 of the Act of September 24, 1963 (77 Stat. 193), is amended by adding the following at the end thereof: "An officer of the Regular Coast Guard who was appointed as a permanent commissioned officer under any provision of law in effect prior to the effective date of this Act and who is serving on active duty shall be considered to have been appointed under section 211 of title 14, United States Code, and subject to the provisions thereof."

77 Stat. 177.

63 Stat. 954;
74 Stat. 912.

SEC. 4. Section 202 of the Classification Act of 1949, as amended (5 U.S.C. 1082), is further amended by adding the following paragraph:

"(36) civilian members of the faculty of the Coast Guard Academy whose compensation is fixed under section 186 of title 14, United States Code."

74 Stat. 145.

Approved June 9, 1966.

Public Law 89-445

AN ACT

June 9, 1966
[H. R. 12264]

To declare that 99.84 acres of Government-owned land acquired for Indian administrative purposes is held by the United States in trust for the Apache Tribe of the Mescalero Reservation.

Indians.
Apache Tribe.
Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to a tract of land situated in sections 27 and 28, township 13 south, range 12 east, New Mexico principal meridian, and improvements thereon, formerly used for Indian administrative purposes, are hereby declared to be held by the United States in trust for the Apache Tribe of the Mescalero Reservation, New Mexico, subject to valid existing rights, and subject to the right of the United States to use any of said land and improvements for governmental purposes for the benefit of the Indians. The land is within the Mescalero Reservation and is commonly known as small holding claim numbered 485, United States Land Office serial numbered Las Cruces 07366, containing approximately 99.84 acres. It is identified on supplemental plats of survey of sections 27 and 28, township 13 south, range 12 east, New Mexico principal meridian, New Mexico, accepted April 30, 1936, as "Private Claim 485".

25 USC 70a.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved June 9, 1966.