

by will or otherwise for study, investigation, and research in the fundamental problems of the diseases of man and matters pertaining thereto, and for the acquisition of grounds or for the erection, equipment, and maintenance of buildings and premises; *Provided*, That conditional gifts may be accepted if recommended by the Surgeon General and at National Advisory Health Council. Any such gifts shall be held in trusts and shall be invested by the Secretary of the Treasury in securities of the United States, and the principal or income thereof shall be expended by the Surgeon General, with the approval of the Secretary of the Treasury, for the purposes indicated in this section and sections 23a and 23c to 23e of this title, subject to the same examination and audit as provided for appropriations made for the Public Health Service by Congress. Donations of \$500,000 or over in aid of research will be acknowledged permanently by the establishment within the Institute of suitable memorials to the donors. The Surgeon General, with the approval of the Secretary of the Treasury, is authorized to establish and maintain fellowships in the National Institute of Health, from funds donated for that purpose. (May 26, 1930, c. 320, § 2, 46 Stat. 402.)

For title of Act see note to § 23a.

23c. Same; duties of scientists receiving fellowships.—Individual scientists, other than commissioned officers of the Public Health Service, designated by the Surgeon General to receive fellowships may be appointed for duty in the National Institute of Health established by section 23a of this title. During the period of such fellowship these appointees shall hold appointments under regulations promulgated by the Secretary of the Treasury and shall be subject to administrative regulations for the conduct of the Public Health Service. Scientists so selected may likewise be designated for the prosecution of investigations in other localities and institutions in this and other countries during the term of their fellowships. (May 26, 1930, c. 320, § 3, 46 Stat. 380.)

For title of Act see note to § 23a.

23d. Same; personnel; appointment; titles; compensation; expenditures authorized.—The Secretary of the Treasury, upon the recommendation of the Surgeon General, is authorized (1) to designate the titles and fix the compensation of the necessary scientific personnel under regulations approved by the President; (2) in accordance with the civil service laws to appoint, and in accordance with sections 661 to 674 of Title 5, and amendments thereto, fix the compensation of such clerical and other assistants; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government, for books of reference, periodicals, and exhibits, and for printing and binding) as he deems necessary for the proper administration of such institution. (May 26, 1930, c. 320, § 4, 46 Stat. 380.)

For title of Act see note to § 23d.

23e. Same; facilities to whom available.—The facilities of the Institute shall from time to time be made available to bona fide health authorities of States, counties, or municipalities for purposes of instruction and investigation. (May 26, 1930, c. 320, § 5, 46 Stat. 380.)

For title of Act see note to § 23a.

23f. Same; rank, pay, and allowances of Director.—The Director of the National Institute of Health while so serving shall have the rank and shall receive the pay and allowances of a medical director of the Public Health Service. (May 26, 1930, c. 320, § 6, 46 Stat. 380.)

For title of Act see note to § 23a.

28. Divisions under Assistant Surgeons General; assistants; pay and allowances; rank.—

It has been suggested that in view of the fact that the pay and allowances of commissioned medical officers of the Public Health

Service, when acting as Assistant Surgeons General (with rank relative to that of colonel in the Army) are now entirely covered by the provisions of Title 37, PAY AND ALLOWANCES, the following sentence in this section should be omitted: "Their pay and allowances shall be the same as are provided by regulations of the Public Health Service for officers in charge of said divisions."

34. Titles of officers.—

In connection with this section see §§ 71k, 71l, and 71m of this title. Section 71m repeals the limitation imposed by law upon the number of senior surgeons and Assistant Surgeons General at large of the Public Health Service on active duty.

PAY

61. Travel expenses for travel on Government-owned vessels.—

This section was repealed and made permanent in the Treasury and Post Office Departments Appropriation Act of Mar. 2, 1926, c. 43, § 1, 44 Stat. 147.

62. Longevity pay; credit for service in other branches.—

The relevant portion of the Act May 18, 1920, c. 190, sec. 11, 41 Stat. 603, cited to the text, reads as follows:

"Longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey shall be based on the total of all service in any or all of said services."

It has been suggested that this language should be substituted for that of § 62, it being a later expression of the opinion of Congress. It may be considered, however, that both of these provisions, while not repealed, are, in effect, superseded by Title 37, PAY AND ALLOWANCES which brings to pass the same results, by virtue of §§ 1 and 4 thereof.

63. Computation of length of service of officers of Public Health Service.—

This section was repealed in the Navy Department Appropriation Act of May 21, 1926, c. 355, 44 Stat. 604.

64. Transportation of dependents.—

For definition of words "child" and "children" as used in this section, see § 64a.

64a. "Child" and "children" in section 64 defined.—The words "child" and "children" as used in section 64 of this title, shall be held to include, legitimate children, stepchildren, and adopted children, where such legitimate children, stepchildren, or adopted children are in fact dependent upon the person claiming dependency allowance. (Feb. 21, 1929, c. 288, 45 Stat. 1254.)

The Act cited to the text was entitled "An Act to define the terms 'child' and 'children' as used in the Acts of May 18, 1920, and June 10, 1922."

66. Retired pay of officers and warrant officers retired on or before June 30, 1922.—

See § 26a of Title 37.

Chapter 1A.—THE PUBLIC HEALTH SERVICE; SUPPLEMENTAL PROVISIONS.

This chapter constitutes Act Apr. 9, 1930, c. 125, 46 Stat. 150, entitled "An Act to provide for the coordination of the public-health activities of the Government, and for other purposes." The chapter supersedes, amends in effect, or supplements some of the provisions in chapter 1 of this title.

Section 71. Officers and employees; details to executive and independent departments carrying on public-health activities; salaries and allowances.—Upon the request of the head of an executive department or an independent establishment which is carrying on a public-health activity the Secretary of the Treasury is authorized to detail officers or employees of the Public Health Service to such department or independent establishment in order to cooperate in such work. When officers or employees are so detailed their salaries and allowances shall be paid by the Public Health Service from applicable appropriations. (Apr. 9, 1930, c. 125, § 1, 46 Stat. 150.)

71a. Same; details to educational and research institutions.—The Surgeon General of the Public Health Service is

authorized to detail personnel of the Public Health Service to educational and research institutions for special studies of scientific problems relating to public health and for the dissemination of information relating to public health. (Apr. 9, 1930, c. 125, § 2 (a), 46 Stat. 150.)

71b. Facilities of service; extension to health officials and scientists.—The Surgeon General of the Public Health Service is authorized to extend the facilities of the Public Health Service to health officials and scientists engaged in special study. (Apr. 9, 1930, c. 125, § 2 (a), 46 Stat. 150.)

71c. National Institute of Health; additional divisions; purpose.—The Secretary of the Treasury is authorized to establish such additional divisions in the National Institute of Health in the District of Columbia as he deems necessary to provide agencies for the solution of public-health problems, and facilities therein for the coordination of research by public-health officials and other scientists and for demonstrations of sanitary methods and appliances. (Apr. 9, 1930, c. 125, § 2 (b), 46 Stat. 150; May 20, 1930, c. 320, § 1, 46 Stat. 379.)

In connection with this section see §§ 21 to 23 and 23a to 23f of this title, which also relate to the National Health Institute.

71d. Administrative office and bureau divisions in District of Columbia as part of departmental organization; scientific offices and research laboratories as part of field service.—The administrative office and bureau divisions of the Public Health Service in the District of Columbia shall be administered as a part of the departmental organization, and the scientific offices and research laboratories of the Public Health Service (whether or not in the District of Columbia) shall be administered as a part of the field service. (Apr. 9, 1930, c. 125, § 3, 46 Stat. 150.)

71e. Medical, dental, sanitary engineer, and pharmacist officers; appointment; grades.—Under such regulations as the President may prescribe, medical, dental, sanitary engineer, and pharmacist officers selected for general service in the regular corps of the Public Health Service and subject to change of station shall be appointed by the President, by and with the advice and consent of the Senate; original appointments shall be made only in the grade corresponding to that of assistant surgeon or passed assistant surgeon, except as provided under sections 71f and 71g of this chapter. (Apr. 9, 1930, c. 125, § 4, 46 Stat. 150.)

71f. Same; number; salary; service credits for pay purposes.—The President is authorized to appoint, by and with the advice and consent of the Senate, to grades in the regular corps not above that of medical director, under such regulations as he may prescribe, not to exceed a total of fifty-five medical, dental, sanitary engineer, and pharmacist officers in the Public Health Service upon April 9, 1930 (except commissioned officers of the regular corps). Not more than four such appointments shall be in a grade above that of surgeon. In making such appointments due regard shall be had to the salary received by such officer at the time of such appointment. For purposes of pay and pay period, said officers shall be credited only with active service in the Public Health Service and active commissioned service in the Army and the Navy. (Apr. 9, 1930, c. 125, § 5, 46 Stat. 150.)

71g. Reserve officers; assignment to active duty; service credits for promotion purposes.—The Secretary of the Treasury is authorized to order officers in the reserve of the Public Health Service to active duty for the purpose of training and of determining their fitness for appointment in the regular corps, and such active duty shall be credited for purposes of future promotion in the regular corps. (Apr. 9, 1930, c. 125, § 6, 46 Stat. 151.)

In connection with this section see § 18 of this title.

71h. Appointment of persons other than commissioned officers for scientific research; grades; service credits for pay purposes.—Whenever commissioned officers of the Public Health Service are not available for the performance of permanent duties requiring highly specialized training and experience in scientific research, the Secretary of the Treasury shall report that fact to the President with his recommendations, and the President, under the provision of this section, is authorized to appoint, by and with the advice and consent of the Senate, not to exceed three persons in any one fiscal year to grades in the regular corps of the Public Health Service above that of assistant surgeon, but not to a grade above that of medical director; and for purposes of pay and pay period any person appointed under the provisions of this section shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed. (Apr. 9, 1930, c. 125, § 7, 46 Stat. 151.)

71i. Disability pay of persons commissioned under provisions of this chapter.—Any person commissioned in the regular corps of the Public Health Service under the provisions of this chapter of an age greater than forty-five years, if placed on waiting orders for disability incurred in line of duty, shall receive pay at the rate of 4 per centum of active pay for each complete year of service in the Army, Navy, or Public Health Service, the total to be not more than 75 per centum. (Apr. 9, 1930, c. 125, § 8, 46 Stat. 151.)

71j. Commissioned officers; promotions; pay and allowances.—Commissioned officers of the regular corps of the Public Health Service, after examination under regulations approved by the President, shall be promoted according to the same length of service and shall receive the same pay and allowances as are now or may hereafter be authorized for officers of corresponding grades of the Medical Corps of the Army, except that—

(a) For purposes of future promotion an officer whose original appointment to the regular corps under the provisions of this chapter is in a grade above that of assistant surgeon shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed; if the actual service of such officer in the Public Health Service exceeds that of the junior officer of the grade, such actual service not exceeding ten years for a passed assistant surgeon, and fourteen years for a surgeon shall be credited for purposes of future promotion;

(b) Pharmacists shall not be promoted to the grade of passed assistant surgeon until after five years of service in the grade of assistant surgeon and shall not be promoted above the grade of passed assistant surgeon.

(c) When an officer, after examination under regulations approved by the President, is found not qualified for promotion for reasons other than physical disability incurred in line of duty—

(1) If in the grade of assistant surgeon, he shall be separated from the service and paid six months' pay and allowances;

(2) If in the grade of passed assistant surgeon, he shall be separated from the service and paid one year's pay and allowances; and

(3) If in the grade of surgeon or of senior surgeon, he shall be reported as not in line of promotion, or placed on waiting orders and paid at the rate of 2½ per centum for each complete year of active commissioned service in the Public Health Service, but in no case to exceed 60 per centum of his active pay at the time he is placed on waiting orders. (Apr. 9, 1930, c. 125, § 9, 46 Stat. 151.)

In connection with this section see § 13 of this title.

71k. Commissioned officers other than medical officers; titles.—The President is authorized to prescribe appropriate titles for commissioned officers of the Public Health Service

other than medical officers, corresponding to the grades of medical officers. (Apr. 9, 1930, c. 125, § 10 (a), 46 Stat. 152.)

In connection with this section see § 84 of this title.

71l. Officers in grade of Assistant Surgeons General; designation as medical directors.—Officers of the Public Health Service in the grade of Assistant Surgeon General (except those in charge of bureau divisions) shall be known and designated as medical directors. (Apr. 9, 1930, c. 125, § 10 (a), 46 Stat. 152.)

71m. Senior surgeons and Assistant Surgeons General; repeal of limitation upon number.—The limitation as of April 9, 1930, imposed by law upon the number of senior surgeons and Assistant Surgeons General at large of the Public Health Service on active duty is hereby repealed. (Apr. 9, 1930, c. 125, § 10 (a), 46 Stat. 152.)

71n. Surgeon General; pay and allowances; reversion in grade on expiration of his commission.—The Surgeon General of the Public Health Service shall be entitled to the same pay and allowances as the Surgeon General of the Army; and a regular commissioned officer of the Public Health Service who serves as Surgeon General shall, upon the expiration of his commission, if not reappointed as Surgeon General, revert to the grade and number in the regular corps that he would have occupied had he not served as Surgeon General. (Apr. 9, 1930, c. 125, § 10 (b), 46 Stat. 152.)

71o. Chief of narcotic division; rank.—The officer detailed as chief of the narcotics division of the Public Health Service shall, while thus serving, be an Assistant Surgeon General, subject to the provisions of law applicable to Assistant Surgeons General in charge of other administrative divisions of the Public Health Service. (Apr. 9, 1930, c. 125, § 10 (c), 46 Stat. 152.)

71p. Officers and employees other than commissioned officers; appointment; qualification.—The Secretary of the Treasury shall appoint, in accordance with the civil service laws, all officers and employees, other than commissioned officers, of the Public Health Service, and may make any such appointment effective as of the date on which the officer or employee enters upon duty: *Provided*, That any regulations which may be prescribed as to the qualifications as to the appointment of medical officers or employees shall give no preference to any school of medicine. (Apr. 9, 1930, c. 125, § 11, 46 Stat. 152.)

71q. Officers disabled by sickness or injury; medical, surgical and hospital services and supplies.—Officers of the Public Health Service when disabled on account of sickness or injury incurred in line of duty shall be entitled to medical, surgical, and hospital services and supplies under such regulations as the Secretary of the Treasury may prescribe. (Apr. 9, 1930, c. 125, § 12, 46 Stat. 152.)

71r. Advisory board for National Institute of Health; name changed to National Advisory Health Council; additional members; appointment; qualifications; service; compensation; allowances; duties.—The advisory board for the National Institute of Health shall be known as the National Advisory Health Council, and the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, is authorized to appoint, from representatives of the public-health profession, five additional members of such council. The terms of service, compensation, and allowances of such additional members shall be the same as the other members of such council not in the regular employment of the Government, except that the terms of service of the members first appointed shall be so arranged that the terms of not more than two members shall expire each year. Such council, in addition to its other function, shall advise the Surgeon General of the Public Health Service in respect to public-health activities. (Apr. 9, 1930, c. 125, § 13, 46 Stat. 152; May 26, 1930, c. 320, § 1, 46 Stat. 379.)

In connection with this section see § 21 of this title, which creates the advisory board for the Hygienic Laboratory.

Chapter 2.—SANITATION AND QUARANTINE.

Section 82a. Bills of health and duplicate copies; to whom presented.—The original bills of health required to be obtained in duplicate in foreign ports under the provisions of section 82 of this title shall be presented to the collector of customs in accordance with the provisions of section 94 of this title, and the duplicate copies of such bills of health shall be presented to the quarantine officer at the time quarantine inspection is performed by him. (Feb. 15, 1893, c. 114, § 13, as added Mar. 3, 1931, c. 400, § 1, 46 Stat. 1491.)

★ **91. Extending time for entry of vessels subject to quarantine.**—

“or according to the regulations hereinafter established” in last two lines of this section should read “or according to the regulations established by sections 88 and 90 of this title.”

★ **92a. National quarantine system; powers of State and municipal authorities; duties of officers of Public Health Service.**—Wherever, at any port of the United States, any State or municipal quarantine system may exist, the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States. At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Public Health Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon General of that service under this Act: *Provided*, That there shall be no interference in any manner with any quarantine laws or regulations as they existed on April 29, 1878, or may thereafter be adopted under State laws. (Apr. 29, 1878, c. 69, § 5, 20 Stat. 38; July 1, 1902, c. 1370, § 1, 32 Stat. 712; Aug. 14, 1912, c. 288, § 1, 37 Stat. 309.)

This section, which was omitted from the Code, constitutes § 5 of Act Apr. 29, 1878, c. 69, 20 Stat. 38, entitled “An Act to prevent the introduction of contagious or infectious diseases into the United States.”

Act July 1, 1902, c. 1370, cited to the text, entitled “An Act to increase the efficiency and change the name of the United States Marine-Hospital Service,” substituted “Public Health and Marine-Hospital Service” for “United States Marine-Hospital Service,” and “Surgeon General” for “Supervising Surgeon General.”

Act Aug. 14, 1912, c. 288, cited to the text, entitled “An Act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes,” substituted “Public Health Service” for “Public Health and Marine-Hospital Service.”

The changes are incorporated in the text.

The words “this Act” before the word “Provided” refer to the Act of Apr. 29, 1878, cited above, and cannot be translated since that Act, with the exception of section 1, incorporated in § 80 of this title, and § 5, set out above, are impliedly repealed or superseded. Provisions somewhat similar to those superseded may be found in sections 81, 82, 92, and 93 of this title.

94a. Quarantine services; hours of inspection at stations.—The Secretary of the Treasury shall establish by regulation the hours during which quarantine service shall be performed at each quarantine station, and, upon application by any interested party, may establish quarantine inspection during the twenty-four hours of the day, or any fraction thereof, at such quarantine stations as, in his judgment, require such extended service; but the Secretary may restrict the performance of quarantine inspection to hours of daylight for such arriving vessels as can not, in his opinion, be satisfactorily inspected during hours of darkness. Nothing herein contained, however, shall be construed to require a vessel upon arriving at the quarantine anchorage to undergo quarantine inspection during the hours of darkness, unless the quarantine officer at such quarantine station shall deem an immediate inspection neces-