

rank of rear admiral in those staff corps where but one officer of such permanent rank is authorized. (June 10, 1926, c. 529, § 21, 44 Stat. 724.)

For title of Act see note to § 348.

348t. Effect on existing pay and allowances of officers.—Nothing contained in sections 348 to 348t or section 305a of this title shall operate to reduce the pay and allowances of any officer below the pay and allowances to which he is entitled by reason of his rank and length of service on June 10, 1926. (June 10, 1926, c. 529, § 22, 44 Stat. 724.)

For title of Act see note § 348.

Chapter 6.—GRATUITIES, MEDALS, AND OTHER INSIGNIA OF HONOR; MEDAL OF HONOR ROLL; BADGES.

GRATUITIES, MEDALS, ETC.

CROSS REFERENCE

Distinguished flying crosses and additional pay, see §§ 1420 and 1430 of Title 10, ARMY, in this Supplement.

Section 351. Gratuities and medals of honor to enlisted men for heroism.—

The Veterans' Administration and the Comptroller General are of opinion that this section is obsolete. The latter has held in 1 Comp. Gen. 242, par. 2 (citing 20 Comp. Dec. 461), that "The Act of February 4, 1919 (c. 14, 40 Stat. 1056), [§§ 351-364 of this title] repealed the earlier acts, the scope of that Act showing clearly that it dealt with the entire subject matter involved in the earlier acts and constituted a complete substitute therefor."

The previous Acts held repealed and obsolete under this decision constitute §§ 352 and 353 of this title.

352. Rosettes and ribbons for holders of medals.—

See note to § 351.

353. Medals of honor to officers.—

See note to § 351.

★**361. Exceptions to rule as to time.**—

The word "now" in line 2 of this section should be omitted and "on February 4, 1919" read into the same line after "service."

365. Medal of honor roll.—

The Commissioner of Pensions mentioned in this section no longer exists. The Bureau of Pensions has by authority of chapter 1A of Title 38, and the President's order of July 21, 1930, been consolidated with certain other agencies into an establishment known as the Veterans' Administration. The Administrator of Veterans' Affairs is the head of the establishment and has all the powers and duties of the former Commissioner of Pensions.

Chapter 7.—RETIREMENT.

CROSS REFERENCE

Uniform date for retirement of Federal personnel, see § 47a of Title 5.

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

Section 382. Exceptions.—[Repealed.]

R. S. 1445, constituting, with the exception of obsolete provisions, § 382 of this title was repealed by § 1 of Act Jan. 28, 1929, c. 109, 45 Stat. 1142, which read as follows: "That section 1445 of the Revised Statutes of the United States is hereby repealed."

For title of Act see note to § 384.

384. Age of Retirement.—When any officer below the rank of Vice Admiral, including any officer of the Dental Corps, is sixty-four years old, he shall be retired by the President from active service: *Provided*, That the retirement of officers at the age of sixty-four years subsequent to August 29, 1916, is hereby validated. (As amended Jan. 28, 1929, c. 109, § 2, 45 Stat. 1142.)

388a. Voluntary retirement of officers from other sources than Naval Academy; retired pay.—Any officer, other than commissioned warrant or warrant officers, commissioned in the

line of the Navy from sources other than the Naval Academy, may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with retired pay at the rate of 2½ per centum of his active-duty pay multiplied by the number of years of service for which entitled to credit in computation of his pay on the active list, not to exceed a total of 75 per centum of said active-duty pay. (Feb. 28, 1931, c. 320, 46 Stat. 1440.)

389. Grades and status of retired officers; privileges and liabilities.—

Right of persons serving in Navy or Marine Corps during war to bear official title and to wear uniform of highest grade held by them during war service, see § 1028b of Title 10.

Right of commissioned officers of Navy and Marine Corps serving in World War to war-time rank on retirement or death, see § 1028a of Title 10.

390. Retired rank of officer failing in physical examination.—

See the Equalization Act (§§ 348 to 348t of this title) which provides that a staff officer selected for advancement who fails to pass the required physical examination "shall not be considered, in the event of retirement, entitled to the next higher rank."

391. Retired rank and pay of officers of Civil War; in general.—[Repealed.]

This section was repealed by Act Dec. 16, 1930, c. 11, § 1, 46 Stat. 1028.

392. Retirement in next higher grade.—[Repealed.]

This section was repealed by Act Dec. 16, 1930, c. 11, § 1, 46 Stat. 1028.

393. Officer not to be deprived of increased rank and pay.—[Repealed.]

This section was repealed by Act Dec. 16, 1930, c. 11, § 1, 46 Stat. 1028.

395. Officers of Medical and Supply Corps, chaplains, professors of mathematics, and constructors.—[Repealed in part.]

This section was repealed in part by § 20 of Act June 10, 1926, c. 529, 44 Stat. 724, set out as § 395a.

395a. Restriction of section 395 to professors of mathematics.—After June 10, 1926, section 395 of this title shall apply only to officers of the Corps of Professors of Mathematics. (June 10, 1926, c. 529, § 20, 44 Stat. 724.)

See note to § 348.

396. Officers of Naval Dental Corps.—

This section is affected by the Equalization Act (see §§ 348 to 348t of this title), which establishes the ranks of commander and captain in the grade of dental surgeon.

399. Officers of Navy and Marine Corps specifically commended for performance of duty in actual combat during War.—All officers of the Navy and Marine Corps who have been specially commended for their performance of duty in actual combat with the enemy during the World War, by the head of the executive department under whose jurisdiction such duty was performed, when retired by reason of age ineligibility for promotion, or ineligibility for consideration by a selection board after completion of the designated periods of service for their respective grades, shall be placed upon the retired list with the rank of the next higher grade and with three-fourths of the pay they would have received if not advanced in rank pursuant to this section. (As amended Mar. 3, 1931, c. 397, § 10, 46 Stat. 1485.)

403. Revocation of commissions; authority; time; discharge pay.—All commissions hereafter issued as ensigns in the line of the Navy, second lieutenants in the Marine Corps, and in the lowest commissioned grades of the Staff Corps of the Navy with the rank of ensign, may be revoked by the Secretary of the Navy, under such regulations as he may prescribe, at any time during a period of two years from the dates of such commissions, and each officer whose commission is so revoked shall be discharged from the service with not more than one year's pay.

The rank of such officers of the same date of commission among themselves at the end of said period shall be determined by boards of officers under such rules as may be prescribed by the Secretary of the Navy, and the recommendations of such boards shall be final when approved by him. (May 6, 1932, c. 176, § 2, 47 Stat. 149.)

RETIREMENT OF ENLISTED MEN AND PETTY OFFICERS

★ 435. Provision as to promotion construed.

The word "heretofore" in line 5 of this section should be omitted and "prior to July 11, 1919" read into the same line after "made."

RETIREMENT OF NURSES

CROSS REFERENCE

Retirement of Navy nurses, see §§ 1029 to 1032 of Title 10, ARMY.

Chapter 8.—DETAIL OF OFFICERS AND ENLISTED MEN.

CROSS-REFERENCE

As to rank, pay, and allowances of medical officer assigned to White House, see § 515 of Title 10.

Section 441a. Detail of officers and enlisted men to assist Latin-American Republics.—The President of the United States is authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed are authorized to accept from the government to which detailed officers and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That 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 whereto entitled in the United States Army, Navy, and Marine Corps 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 forces of the United States. (May 19, 1923, c. 334, 44 Stat. 505.)

The Act cited to the text was entitled, "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters."

Chapter 10.—NAVY YARDS AND NAVAL STATIONS.

CROSS REFERENCE

As to building of aircraft, spare parts, or equipment at navy yards, see par. 3 of section 749a of this title.

Chapter 11.—NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS.

CROSS REFERENCES

For purchase by members of lighthouse service of commissary and quartermaster supplies from Navy, see § 754a of Title 33, NAVIGATION AND NAVIGABLE WATERS.

Protection of uniform, see § 1303 of Title 10, ARMY.

GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

Section 520. Prerequisites to expenditure of public money on site purchased for navy yard or buildings.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until

the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively: *Provided, however*, That in all cases of the acquisition of land or any interest therein by the United States for the purposes herein specified or for other purposes, wherein the written opinion of the Attorney General in favor of the validity of the title of such land is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of a title company. (As amended June 28, 1930, c. 710, 43 Stat. 828.)

522. Lease of property of United States not required for public use.—[Repealed in part.]

This section was repealed in part by Act May 29, 1928, c. 901, § 1, 45 Stat. 986, 990, entitled "An Act to discontinue certain reports now required by law to be made to Congress," which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * *

"50. Report of leases of naval lands. (Statutes at Large, volume 39, part 1, page 559; title 34, section 522, United States Code.)"

★524. Naval petroleum reserves; Secretary of Navy to take possession of, conserve, develop, use, operate, or lease; rights of claimants; royalties.—

"201, 203, 208, 211, 221, 241, 261-263, and", should be inserted after "sections" in lines 8 and 10 of this section.

It is the opinion of the Secretary of the Interior that this section as set out in the Code did not adequately translate the Act of February 25, 1920, (c. 85, 41 Stat. 437) [§§ 181-194, 201-208, 211-214, 221, 223-229, 241, 251, 261-263 of Title 30]; that "sections 223-229 of Title 30 do not fully comprehend all of the sections of such Act, under which claims and applications for permits and leases arise, and that all claims and applications under these sections which are not mentioned in this section, pending June 4, 1920, are protected by its exceptions."

524a. Naval petroleum reserves; jurisdiction over leases transferred to Secretary of Navy.—Jurisdiction over and the administration and enforcement of all oil and gas leases on lands in naval petroleum reserves issued pursuant to the provisions of section 227 of Title 30 and section 18 (a) of the Act approved February 25, 1920 (Forty-first Statutes at Large, page 437), entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are hereby transferred to the Secretary of the Navy. (Feb. 25, 1928, c. 104, 45 Stat. 148.)

The Act cited to the text was entitled "An Act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves."

Section 18 (a) mentioned above is not contained in the Code as it has been executed. It reads as follows: "That whenever the validity of any gas or petroleum placer claim under pre-existing law to land embraced in the executive order of withdrawal issued September 27, 1900, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within twelve months after the approval of this Act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation."