

does not, for the most part, grant new authority to the Coast Guard as an organization. It merely clarifies the method by which Coast Guard functions shall be administered. Under existing statutes, functions relating to the Coast Guard have been conferred upon the President, the Secretary of the Treasury, and the Commandant, and sometimes upon the Secretary of the Treasury in times of peace and the Secretary of the Navy in times of war. This revision confers some functions directly upon the Coast Guard, and this section provides for the execution of those functions by the Commandant, the military head of the organization, thereby making for consistency and uniformity. The functions are to be executed "subject to the general supervision of the Secretary". Title 14, U.S.C., 1946 ed., §91 now grants authority to the Commandant to prescribe regulations; this is changed to the issuance of rules, orders, and instructions as the promulgation of regulations in a military organization is properly a function of the Secretary.

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 545.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§92, 185e (June 20, 1874, ch. 344, §8, 18 Stat. 127; May 26, 1906, ch. 2556, §1, 34 Stat. 200; May 24, 1939, ch. 146, §6, 53 Stat. 756).

This section enlarges said sections to prescribe what is generally understood in a military organization, that the promulgation of regulations is a function of the head of the Department.

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 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 Deputy Marshals in Alaska.

(Aug. 4, 1949, ch. 393, 63 Stat. 545; Pub. L. 86-70, §11, June 25, 1959, 73 Stat. 143; Pub. L. 97-295, §2(18), Oct. 12, 1982, 96 Stat. 1302.)

HISTORICAL AND REVISION NOTES

1949 ACT

Subsection (a) is based on title 14, U.S.C., 1946 ed., §48 (June 22, 1936, ch. 705, §4, 49 Stat. 1821; July 11, 1941, ch. 290, §7, 55 Stat. 585).

Subsection (b) is derived from the last 6 lines of title 48, U.S.C., 1946 ed., §1460 (July 31, 1939, ch. 399, 53 Stat. 1143). An additional provision is added waiving the requirement of a performance bond inasmuch as Coast Guard officers appointed as United States commissioners or marshals are not custodians of funds, and in any case their oath as a commissioned officer appears to be sufficient to insure faithful performance of duty.

Changes were made in phraseology. 81st Congress, House Report No. 557.

1982 ACT

This amends 14:634(b) to reflect the effect of 28:631(c) and sections 401(a) and 402(a) of the Federal Magistrates Act (Pub. L. 90-578, Oct. 17, 1968, 82 Stat. 1118).

AMENDMENTS

1982—Subsec. (b). Pub. L. 97-295 struck out "United States Commissioners or" after "appointed as" and last sentence which provided that any commissioned officer appointed as United States Commissioner in Alaska shall not be required to execute a bond for the faithful performance of his official duties as such Commissioner.

1959—Subsec. (b). Pub. L. 86-70 substituted "in Alaska" for "in and for the territory of Alaska" in two places.

§ 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 545.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §170 (Apr. 12, 1902, ch. 501, §5, 32 Stat. 100).

Said section has been divided. That part relating to oaths is covered in this section. The remainder is covered in section 425 of this title.

Said section is enlarged to include the oaths required for all boards, rather than to cover retiring boards only. 81st Congress, House Report No. 557.

§ 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.

(Aug. 4, 1949, ch. 393, 63 Stat. 545.)

HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§26, 27 (Apr. 16, 1908, ch. 145, §12, 35 Stat. 63; June 5, 1920, ch. 235, §1, 41 Stat. 880).

Said sections are rewritten, the provisions concerning oaths being broadened to conform more closely to law applicable to officers of the Navy (see title 34, U.S.C., 1946 ed., §217a). 81st Congress, House Report No. 557.