

## [CHAPTER 439.]

## AN ACT

August 5, 1935.

[H. R. 5382.]

[Public, No. 239.]

To provide for advancement by selection in the Staff Corps of the Navy to the ranks of lieutenant commander and lieutenant; to amend the Act entitled "An Act to provide for the equalization of promotion of officers of the Staff Corps of the Navy with officers of the line" (44 Stat. 717; U. S. C., Supp. VII, title 34, secs. 348 to 348t), and for other purposes.

Navy Staff Corps.  
Advancement of officers; lieutenant grades.  
Vol. 44, p. 717; U. S. C., p. 1529.

Eligible officers to be recommended.

Selection boards; composition.  
Vol. 45, p. 815.

Proviso.  
Detail of officers of the line.

Lieutenants, etc., ineligibility for consideration.

Proviso.  
To be twice considered by selection board.

Commanders, etc., ineligibility for consideration.

Provisos.  
Service provisions, Construction Corps and Civil Engineer Corps.

Consideration by three selection boards.

Transfer of ineligible to retired list.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of existing law as amended by this Act with reference to advancement in rank by selection in the Staff Corps are hereby extended to include and authorize advancement to the ranks of lieutenant commander and lieutenant of officers of the next lower ranks who are eligible for consideration by a selection board. Each selection board appointed to recommend staff officers of the ranks of lieutenant and lieutenant (junior grade) for advancement, shall recommend all the eligible officers of said ranks who in the opinion of at least two-thirds of the members of such board are fitted to assume the duties of the next higher rank.

SEC. 2. Boards for the selection of staff officers for recommendation for advancement to the ranks of lieutenant commander and lieutenant shall be composed of not less than six nor more than nine officers above the rank of commander on the active or retired list of the Staff Corps concerned: *Provided*, That in case there be not a sufficient number of staff officers of the corps concerned legally or physically capacitated to serve on a selection board of such corps as herein provided, officers of the line on the active list above the rank of commander may be detailed to duty on such board to constitute the required minimum membership.

SEC. 3. Staff officers of the ranks of lieutenant and lieutenant (junior grade) who shall not have been recommended for advancement to the next higher rank by the report of a selection board as approved by the President prior to the completion of fourteen or seven years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That no such officer shall become ineligible for consideration by reason of length of commissioned service until he shall have been twice considered by a selection board for advancement to the next higher rank.

SEC. 4. Except as provided in section 6 of this Act, staff officers of the ranks of commander and lieutenant commander who shall not have been recommended for advancement by the report of a selection board as approved by the President prior to the completion of twenty-eight or twenty-one years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That for the purposes of this section, the length of such commissioned service for officers of the ranks of commander and lieutenant commander in the Construction Corps and Civil Engineer Corps shall be thirty or twenty-five years, respectively: *Provided further*, That no staff officer of the rank of commander or lieutenant commander shall become ineligible for consideration by reason of length of service until he shall have been considered by three selection boards for advancement to the next higher rank, at least two of which boards shall have been appointed after the date of this Act.

SEC. 5. All staff officers who have not been recommended for advancement and who, after the completion of the designated periods of service as prescribed for their respective ranks and corps, become ineligible for consideration by a selection board in accordance with this Act, or who, if recommended for advancement,



undergo the required examinations for advancement and are found not professionally qualified, shall be transferred to the retired list of the Navy.

SEC. 6. When the number of involuntary transfers in any fiscal year from the ranks of commander and lieutenant commander in the staff corps to the retired list pursuant to this Act, exclusive of officers who have failed professionally on examination for advancement to the next higher rank, would otherwise exceed the figures in the following tabulation, the selection board concerned shall designate by name such excess of officers for retention on the active list until the end of the next fiscal year, and officers so designated shall retain their eligibility for selection and advancement during said year: Medical Corps, seven commanders and twelve lieutenant commanders; Supply Corps, four commanders and seven lieutenant commanders; Chaplain Corps, one commander and one lieutenant commander; Construction Corps, two commanders and three lieutenant commanders; Civil Engineer Corps, one commander and one lieutenant commander; Dental Corps, one commander and two lieutenant commanders. If the officers so designated are not recommended for advancement or again designated for retention on the active list, they shall be transferred to the retired list in accordance with the provisions of this Act.

Involuntary transfers of officers in specified corps to retired list; excess number.

Designation of officers for retention on active list; status.

Subsequent retirement.

SEC. 7. If at the end of any fiscal year the number of involuntary transfers to the retired list from the ranks of commander or lieutenant commander of the Staff Corps would exceed the limits set forth in section 6 of this Act, and there has been no selection board convened during the fiscal year to recommend officers of those ranks for advancement in the Staff Corps concerned, special boards shall be convened by the Secretary of the Navy on or about June 1 preceding the end of the fiscal year to designate by name such excess of officers to be retained on the active list as provided in section 6 of this Act. Each such board shall be constituted as provided by law for selection boards for the Staff Corps concerned.

Special boards; convening.

Designation of officers for retention on active list.

How board constituted.

SEC. 8. All transfers to the retired list pursuant to this Act shall be made as of June 30 of the current fiscal year. Officers retired pursuant to this Act shall receive pay at the rate of  $2\frac{1}{2}$  per centum of their active-duty pay, multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 per centum of said active-duty pay: *Provided*, That 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  $2\frac{1}{2}$  per centum is multiplied.

Retired list; date of transfers to.  
Pay, retired officers.

*Proviso.*  
Fraction of year.

SEC. 9. As soon as practicable after the date of this Act, boards for the selection of staff officers for advancement to the ranks of captain and commander shall be appointed by the Secretary of the Navy in accordance with existing law. Each such board shall recommend for advancement to the ranks hereinafter listed in the corps for which it was appointed, from those staff officers of the next lower rank in said corps who are eligible for consideration, such officers, not to exceed the number furnished it by the Secretary of the Navy. The number furnished the boards appointed in execution of this section, in addition to such numbers if any, as would otherwise be furnished such boards as the result of computations required by law for the corps and ranks concerned, shall be: For the Medical Corps, eleven for advancement to the rank of captain and eighteen for advancement to the rank of commander; for the Supply Corps, one for advancement to the rank of captain and ten for advancement to the rank of commander; for the Civil Engineer

Selection boards.  
Appointment of, for selection of officers for advancement to ranks of captain and commander.

Number to be furnished.



If insufficient number recommended.

Vol. 44, pp. 720-721; U. S. C., p. 1531.

Assignment of running mates.

*Propisos.*  
Assignment if staff officers subsequently advanced.

Seniority provisions.

Officer resuming precedence when advanced.

Staff captains.

Applicability of provisions.

No prior increased pay.

Precedence of officers.  
Vol. 44, p. 719; U. S. C., p. 1530.

Rank of running mates.

Corps, one for advancement to the rank of commander; for the Construction Corps<sup>1</sup>, four for advancement to the rank of captain. If a selection board does not recommend a number of officers for advancement to any rank equal to the number furnished to that board for that rank by the Secretary of the Navy, the difference between the number actually recommended by the board and the number furnished the board by the Secretary of the Navy may be added by the Secretary of the Navy to the number furnished by him to the next succeeding board.

SEC. 10. That section 10 of the Act approved June 10, 1926 (44 Stat. 720-721; U. S. C., Supp. VII, title 34, sec. 348i), is hereby repealed.

If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fails to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate, but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced to the higher rank, shall have assigned as his running mate that line officer who would have been his running mate had said staff officer been recommended by the selection board which first considered him for the higher rank; except that if the running mate who would be so assigned him be senior to the running mate of an officer in his own staff corps made next senior to him in the higher rank, as determined by the order of their selection for advancement thereto, the running mate assigned him shall be that officer who had been assigned as the running mate of said next senior staff officer on the latter's advancement, and officers of the same staff corps thereby having the same running mate shall have precedence in said higher rank as determined by the order of their selection for advancement thereto: *Provided further*, That those officers of the staff corps with the rank of captain, who when eligible for consideration by a selection board for the rank of rear admiral, are not selected, shall retain their running mates; and if subsequently advanced to the rank of rear admiral shall have running mates assigned as required by the proviso next preceding. The provisions of this section shall be applicable to the cases of all staff officers now on the active list who have been advanced or have been eligible for consideration by a selection board for advancement to the rank of commander and above since June 10, 1926: *And provided further*, That no officer shall, by virtue of this section, receive any increased pay or allowance for any period prior to the date of this Act.

SEC. 11. That section 4 of the Act approved June 10, 1926 (44 Stat. 719; U. S. C., Supp. VII, title 34, sec. 348c), is hereby amended to read as follows:

"Hereafter all staff officers in the Navy, when of the same rank as their running mates or of the rank for which their running mates have been selected, shall take precedence with all other line and staff officers of the same rank from the dates stated in the commissions or which in due course will be stated in the commissions of their running mates in said rank, and ahead of all line officers junior to their respective running mates. Such staff officers of a higher rank than the rank held by their running mates until their

<sup>1</sup> So in original.



running mates have been selected for such higher rank shall take precedence with all line and staff officers of the rank then held by them in accordance with the date stated in the commission of the junior line officer in such higher rank; staff officers of a lower rank than the rank held by their running mates shall take precedence with all line and staff officers of the same rank in accordance with the dates stated in the commissions that had been held by their running mates in such lower rank, and ahead of all line officers in such rank who were junior therein to their respective running mates: *Provided*, That except as otherwise provided herein, officers having the same rank and the same date of precedence in that rank shall take precedence in the following order: (a) Line officers, (b) medical officers, (c) officers of the supply corps, (d) chaplains, (e) naval constructors, (f) civil engineers, (g) dental officers: *Provided further*, That staff officers assigned running mates in accordance with this Act, if thereafter assigned new running mates, shall have with respect to other staff officers who also have as their running mates the new running mates so assigned, the precedence held by them prior to the assignment of such new running mates.

*Provisos.*  
Order of precedence  
when of same rank and  
date.

Staff officers assigned  
new running mates.

SEC. 12. If any staff officer who has been recommended for advancement to the rank of captain or commander by the report of a selection board as approved by the President fails to receive such advancement by reason of failure to qualify upon examination therefor or because of his removal from the active list for any cause, the number to be furnished the next ensuing selection board for the corps and rank concerned shall be increased accordingly.

Filling numbers  
when officer recom-  
mended for advance-  
ment fails to advance.

SEC. 13. That all laws or parts of laws, so far as they are inconsistent with or in conflict with the provisions of this Act, are hereby repealed.

Inconsistent laws re-  
pealed.

Approved, August 5, 1935.

#### [CHAPTER 440.]

#### AN ACT

To authorize the conveyance of certain Government land to the Borough of Stroudsburg, Monroe County, Pennsylvania, for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route Numbered 498.

August 5, 1935.  
[H. R. 5920.]  
[Public, No. 240.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, empowered and authorized to convey, by the usual quitclaim deed, to the Borough of Stroudsburg, Monroe County, Pennsylvania, for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route Numbered 498 and no other, that portion of the post-office site in said borough, bounded and described as follows, to wit: Beginning at the southwest corner of the intersection of Seventh and Ann Streets, in the Borough of Stroudsburg, said corner being opposite station 1244 plus 97 and sixteen feet from the center line of the said Seventh Street; thence along the west side of said Seventh Street, south twenty degrees thirty-six minutes east one hundred and twenty-four and forty-four one hundredths feet to a point; thence by land of United States Government, of which this parcel is a part along a curved line to the right having a radius of one hundred and eighty-six and six-tenths feet, a distance of fifty-seven and fifty-four one hundredths feet and subtended by a chord north twenty-nine degrees twenty-six minutes west fifty-seven and thirty-one one hundredths feet to a point on tangent; thence by the same, north twenty degrees thirty-six minutes west, sixty-seven and ninety-six one hundredths feet to a point on the south line of Ann Street;

Borough of Strouds-  
burg, Pa.  
Conveyance of cer-  
tain land for street pur-  
poses, etc., authorized.

Description.