

fifty feet, more or less, along said line 2-3, to its intersection with the westerly boundary of the aforesaid block K; thence, along said westerly boundary of block K, south nineteen degrees twenty-three minutes west forty-nine feet, more or less, to the place of beginning.

SEC. 2. The transfer of this property and its use for the purposes mentioned shall be without expense to the United States of America.

Approved, July 19, 1935.

No Federal expense.

[CHAPTER 402.]

AN ACT

To regulate the strength and distribution of the line of the Navy, and for other purposes.

July 22, 1935.  
[H. R. 5599.]  
[Public, No. 212.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the Naval Appropriation Act approved August 29, 1916 (39 Stat. 576; U. S. C., title 34, sec. 2), as provides that "hereafter the total number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be 4 per centum of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps", is hereby amended to read as follows: "Hereafter the total authorized number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be equal to 4¾ per centum of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps."

Navy.  
Number of commis-  
sioned officers of line.  
Vol. 39, p. 576;  
U. S. C., p. 1511.

Percentage increased.

SEC. 2. That so much of the Naval Appropriation Act approved August 29, 1916 (39 Stat. 576; U. S. C., title 34, sec. 4), as amended by the Act approved March 3, 1931 (46 Stat. 1482; U. S. C., Supp. VII, title 34, sec. 4), as provides: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of one in the grade of rear admiral, to four in the grade of captain, to eight in the grade of commander, to fifteen in the grade of lieutenant commander, to thirty in the grade of lieutenant, to forty-two in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That no officer shall be reduced in rank or pay or separated from the active list of the Navy as the result of any computation made to determine the authorized number of officers in the various grades of the line", is hereby amended to read as follows: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of one in the grade of rear admiral, to four in the grade of captain, to eight in the grade of commander, to fifteen in the grade of lieutenant commander, to thirty in the grade of lieutenant, to forty-two in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That no officer shall be reduced in rank or pay or separated from the active list of the Navy as the result of any computation made to determine the authorized number of officers in the various grades of the line: *Provided further*, That for the purpose of making any computation to determine the authorized number of officers in the various grades of the line above the grade of lieutenant (junior grade), the number of commissioned line officers on the active list, exclusive of commissioned warrant officers, shall, until June 30, 1936, be assumed to be five thousand four

Distribution of com-  
missioned line officers  
among grades.  
Vol. 39, p. 576; Vol.  
46, p. 1482; U. S. C.,  
p. 1512.

Total numbers.

*Provisos.*  
No reductions in  
rank, etc.

Distribution in  
grades until June 30,  
1936.

- Thereafter. hundred and ninety-nine, and after that date any computation to determine the authorized number of officers in the various grades of the line shall be based on the total number of commissioned line officers on the active list at any one time not below five thousand four hundred and ninety-nine, exclusive of commissioned warrant officers: *Provided further*, That except in time of war, the following numbers, exclusive of additional numbers in grade, in the grades as indicated shall not be exceeded: In the grade of rear admiral, fifty-eight; in the grade of captain, two hundred and forty; in the grade of commander, five hundred and fifteen: *And provided further*, That except in time of war, if any computation made to determine the authorized number of officers in the various grades of the line would, except for the immediately foregoing proviso, give a greater number of rear admirals than fifty-eight, or a greater number of captains than two hundred and forty, or a greater number of commanders than five hundred and fifteen, such excess number shall be carried in the grade of lieutenant commander and an increase in that grade above the 15 per centum of the total number of commissioned officers on the active list at any one time, exclusive of commissioned warrant officers, is hereby authorized for that purpose."
- Numbers during peace time.
- Excess numbers to be carried in lieutenant commander grade.
- Increase authorized.
- Vol. 48, p. 814.
- Lieutenants and lieutenants (junior grade), not selected for promotion.
- Carried as additional numbers; included in authorized number.
- Eligibility for promotion, officers below lieutenant commander grade.
- Vol. 46, p. 1483; U. S. C., p. 1525.
- Provisos.
- Age limitation.
- Involuntary transfers to retired list.
- Vol. 46, p. 1484; U. S. C., p. 1525.
- Number of commissioned officers of staff corps.
- Vol. 38, p. 404; Vol. 39, p. 581; Vol. 40, p. 708; U. S. C., p. 1512.
- Provisions amended.
- SEC. 3. That section 4 of the Act approved May 29, 1934 (48 Stat. 814), is hereby amended to read as follows:  
 "That after June 30, 1936, lieutenants and lieutenants (junior grade) who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President shall, on and after June 30 next succeeding the date of the approval of said line selection board, if they have completed fourteen or seven years, respectively, of commissioned service, be carried as additional numbers in grade, but shall be included in the authorized number of commissioned officers of the active list of the line of the Navy in any grade to which later promoted. That for the purpose of extending section 3 of the Act of March 3, 1931 (46 Stat. 1483; U. S. C., Supp. VII, title 34, sec. 286a), to officers below the rank of lieutenant commander, the said section is amended so that the length of service therein prescribed shall be twenty-one years for lieutenants and fourteen years for lieutenants (junior grade): *Provided*, That lieutenants with less than twenty-one years commissioned service shall become ineligible for promotion on June 30 of the fiscal year in which they attain the age of forty-five years: *Provided further*, That no officer of said rank shall become so ineligible prior to June 30, 1936: *And provided further*, That the restriction on the number of involuntary transfers in any fiscal year to the retired list prescribed in section 7 of the Act of March 3, 1931 (46 Stat. 1484; U. S. C., Supp. VII, title 34, sec. 286e), shall not apply to the grade of lieutenant and lieutenant (junior grade)."
- SEC. 4. That so much of the Act approved June 30, 1914 (38 Stat. 404), as amended by the Act approved August 29, 1916 (39 Stat. 576, 581), as further amended by the Act approved July 1, 1918 (40 Stat. 708), which, as contained in the United States Code, title 34, section 3, provides:  
 "The total authorized number of commissioned officers of the active list of the following Staff Corps, exclusive of commissioned warrant officers, shall be based on percentages of the total number of commissioned officers of the active list of the line of the Navy as follows:  
 "Supply Corps, 12 per centum; Construction Corps, 5 per centum; Corps of Civil Engineers, 2 per centum; and the total authorized number of commissioned officers of the Medical Corps shall be sixty-five one hundredths of 1 per centum of the total authorized number

of the officers and enlisted men of the Navy and Marine Corps, including midshipmen, hospital corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps: *Provided*, That hereafter the authorized number of surgeons in the United States Navy be, and it is hereby, increased by one.

“Dental Corps: There shall be one dental officer in the Navy for each thousand of the total authorized number of officers and enlisted men of the Navy and Marine Corps.

“Corps of Chaplains: The total number of chaplains and acting chaplains in the Navy shall be one to each one thousand two hundred and fifty of the total personnel of the Navy and Marine Corps as fixed by law, including midshipmen, apprentice seamen, and naval prisoners”

is hereby amended to read as follows:

“The total authorized number of commissioned officers of the active list of the following staff corps, exclusive of commissioned warrant officers, shall be based on percentages of the total number of commissioned officers of the active list of the line of the Navy as follows:

“Supply Corps, 12 per centum; Construction Corps, 5 per centum; Corps of Civil Engineers, 2 per centum; and the total authorized number of commissioned officers of the Medical Corps shall be sixty-five one-hundredths of 1 per centum of the total authorized number of the officers and enlisted men of the Navy and Marine Corps, including midshipmen, Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps: *Provided*, That hereafter the authorized number of surgeons in the United States Navy be, and it is hereby, increased by one.

“Dental Corps: The total authorized number of commissioned officers of the Dental Corps shall be one for each five hundred of the actual number of officers and enlisted men of the Navy and Marine Corps.

“Corps of Chaplains: The total authorized number of chaplains and acting chaplains in the Navy shall be one to each one thousand two hundred and fifty of the total personnel of the Navy and Marine Corps as fixed by law, including midshipmen, apprentice seamen, and naval prisoners.”

SEC. 5. That section 3 of the Act approved March 3, 1931 (46 Stat. 1483; U. S. C., Supp. VII, title 34, sec. 286a), is hereby amended by inserting after the word “*Provided*,” appearing in line 10 of said section 3 of Statutes at Large, volume 46, page 1483, the following clause: “That the term ‘service in grade<sup>1</sup>’ shall be construed to include service on the promotion list for his grade: *Provided further*,” so that the said section will read as follows: “Except as provided in section 7, captains, commanders, and lieutenant commanders who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of thirty-five, twenty-eight, or twenty-one years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line selection board, and any officer in said grade shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years’ service in his grade: *Provided*, That the term ‘service in his grade’ shall be construed to include service on the promotion list for his

Percentages.

Supply—Construction—and Civil Engineers Corps.  
Medical Corps.

*Proviso.*  
Navy surgeons; number.

Dental Corps; authorized number increased.

Corps of Chaplains; authorized number.

Promotions; captains, commanders, and lieutenant commanders.  
Vol. 46, p. 1483.  
U. S. C., p. 1525.

Officers not recommended for promotion; consideration by line selection board.

*Provisos.*  
“Service in his grade”, construed.

<sup>1</sup> So in original

<p>Naval Academy graduates. Computation of commissioned service.</p>	<p>grade: <i>Provided further</i>, That the commissioned service of Naval Academy graduates, for the purpose of this section only, shall be computed from June 30 of the calendar year in which the class in which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years: <i>Provided further</i>, That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section."</p>
<p>Commissioned from other than Naval Academy.</p>	<p>SEC. 6. That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to transfer and appoint officers of the line of the Navy, not above the grade of lieutenant commander, to the corresponding grade in the Construction Corps, Civil Engineer Corps, or Supply Corps, without regard to the age of the officers so transferred and appointed.</p>
<p>When ineligible for consideration.</p>	<p>SEC. 7. That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to transfer and appoint officers of the Staff Corps of the Navy not above the rank of lieutenant commander to the corresponding rank and grade in the line of the Navy and the officers so transferred and appointed shall have the lineal position and precedence in the line which they would have held had they remained in the line or had their original appointments been in the line. Any officer so transferred and appointed shall be carried as an additional number in the grade in which he is serving and to which he may hereafter be promoted.</p>
<p>Construction—Civil Engineer—and Supply Corps officers.</p>	<p>SEC. 8. That exclusive of student aviators and qualified aircraft pilots of the Navy and Marine Corps, the number of tactical and gunnery observers of the Navy and Marine Corps detailed to duty in aircraft and involving actual flying shall hereafter be in accordance with the requirements of naval aviation as determined by the Secretary of the Navy. So much of section 20 of the Act approved June 10, 1922 (42 Stat. 632), as amended by section 6 of the Act approved July 2, 1926 (44 Stat. 782; U. S. C., Supp. VII, title 37, sec. 29), which is inconsistent with or in conflict with the provision of this section, insofar as it relates to the Navy and Marine Corps, is hereby repealed.</p>
<p>Transfers authorized.</p>	<p>SEC. 9. The last proviso of the appropriation "Pay of the Navy" contained in the Naval Appropriation Act for the fiscal year 1897, approved June 10, 1896 (29 Stat. 361), is hereby amended to read as follows: "<i>And provided further</i>, That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active list while such officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war materials to the Government, and such employment is hereby made unlawful after said date: <i>Provided</i>, That no payment shall be made from appropriations made by Congress to any retired officer in the Navy or Marine Corps who for himself or for others is engaged in the selling of, contracting for the sale of, or negotiating for the sale of, to the Navy or the Navy Department, any naval supplies or war material."</p>
<p>Staff Corps officers.</p>	<p>SEC. 10. That all laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof, insofar as they relate to the Navy and Marine Corps, are hereby repealed.</p>
<p>Transfers authorized.</p>	<p>Approved, July 22, 1935.</p>
<p>Rank and grade of transferred officers.</p>	
<p>Carried as additional number.</p>	
<p>Naval aviation. Detail of tactical and gunnery observers to duty in.</p>	
<p>Vol. 42, p. 632; Vol. 44, p. 782. U. S. C., p. 1622.</p>	
<p>Navy and Marine Corps officers. Vol. 29, p. 361.</p>	
<p>Payment to, when employed by contractors, prohibited.</p>	
<p>Retired officers.</p>	
<p>Inconsistent laws repealed.</p>	