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[CHAPTER 368.]

AN ACT

May 29, 1934.
[H.R. 9068.]
[Public, No. 264.]

To provide for promotion by selection in the line of the Navy in the grades of lieutenant commander and lieutenant; to authorize appointment as ensigns in the line of the Navy all midshipmen who hereafter graduate from the Naval Academy; and for other purposes.

Navy, promotion by selection in the line.
Vol. 39, p. 578; U.S.C., p. 1110.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise provided in this Act, the provisions of existing law with reference to promotion by selection in the line of the Navy and the retirement of officers who are not on the promotion list or who are found not professionally qualified are hereby extended to include and authorize promotion to the grades of lieutenant commander and lieutenant, and the retirement of lieutenants and lieutenants (junior grade). The number to be recommended for promotion to each such grade and to be placed upon the promotion list shall be furnished the selection board for that grade by the Secretary of the Navy and shall be the number of existing vacancies in the grade concerned plus such additional number, if any, as the needs of the service may require.

Lieutenant commander and lieutenant grades.
Retirement of lieutenants and lieutenants (junior grade).
Promotion list to be furnished selection board.

Junior lieutenant, service requirement for promotion.

SEC. 2. That lieutenants (junior grade) who on June 30 of the year of the convening of the board shall have had three years' service in the grade of junior lieutenant shall be eligible for consideration for selection for promotion to the next higher grade.

Recommendation board.
Composition.

SEC. 3. That the board for the recommendation of line officers for promotion to the grades of lieutenant commander and lieutenant shall consist of nine officers on the active list of the line of the Navy above the rank of commander, not restricted by law to the performance of shore duty only, at least one of whom shall be a rear admiral.

Selection for promotion, grades below lieutenant commander.
Vol. 46, p. 1483; U.S.C., Supp. VII, p. 803.
Service requirements modified.
Provisos.
Ineligibility provisions.
Involuntary transfers to retired lists.
Vol. 46, p. 1483; U.S.C., Supp. VII, p. 806.

SEC. 4. 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 fourteen years for lieutenants and seven years for lieutenants (junior grade): *Provided*, That no officer of said rank shall become so ineligible prior to June 30 of the second calendar year following the date of this Act: *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).

Naval Academy graduates.
Vol. 47, p. 149; U.S.C., Supp. VII, p. 801.

SEC. 5. That section 1 of the Act approved May 6, 1932 (47 Stat. 149; U.S.C., Supp. VII, title 34, sec. 12), is hereby amended by inserting the words "in 1934 and hereafter" after the words "midshipmen who", and the words "*Provided*, That all former midshipmen graduated in 1933 who received a certificate of graduation and honorable discharge and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to August 1, 1934, by the President and shall take rank next after the junior ensign appointed in 1933 and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*," after the words "Naval Academy" and by striking out "in 1932, and at least 50 per centum of all graduates in subsequent years: *Provided*", so that as amended the said section will read as follows:

Appointment of midshipmen as ensigns.

"That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint as ensigns in the line of the Navy all midshipmen who in 1934 and hereafter graduate from the Naval Academy: *Provided*, That all former mid-

Provisos.

shipmen graduated in 1933 who received a certificate of graduation and honorable discharge and whether they have since been married or not may, upon their own application, if physically qualified, and under such regulations as the Secretary of the Navy may prescribe, be appointed as ensigns prior to August 1, 1934, by the President and shall take rank next after the junior ensign appointed in 1933 and among themselves in accordance with their proficiency as shown by the order of merit at date of graduation: *And provided further*, That the number of such officers so appointed shall, while in excess of the total number of line officers otherwise authorized by law, be considered in excess of the number of officers in the grade of ensign as determined by any computation, and shall be excluded from any computation made for the purpose of determining the authorized number of line officers in any grade on the active list above the grade of lieutenant (junior grade) until the total number of line officers shall have been reduced below the number otherwise authorized by law."

Class of 1933.

Excess to be carried as extra numbers, etc.

SEC. 6. That hereafter any staff officer on the active list below the rank of lieutenant commander shall be advanced to the next higher rank in his corps when the running mate of such staff officer or an officer junior to such running mate has been promoted to that higher rank in the line of the Navy or when a vacancy in that rank exists in the line of the Navy which will in due course be filled by the promotion of his running mate or an officer junior to his running mate: *Provided*, That such staff officer is found qualified in accordance with law for such advancement. The provisions of law relating to the advancement of staff officers now embodied in sections 255, 321, and 348r (Supplement VII), of title 34, United States Code, are hereby amended in accordance with this section.

Equalization of promotions, staff with line officers.

Proviso. Qualification requirements.

U.S.C., Supp. VII, p. 802.

Approved, May 29, 1934.

[CHAPTER 369.]

AN ACT

To provide for the donation of certain Army equipment to posts of the American Legion.

May 29, 1934.
[S. 1328.]
[Public, No. 265.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is authorized and directed to give to each post of the American Legion to which obsolete or condemned Army rifles, slings, or cartridge belts have been loaned under authority of the Act entitled "An Act authorizing the Secretary of War to loan Army rifles to posts of the American Legion", approved February 10, 1920, as amended, any such equipment now held by such post, and to cancel and release all obligations to the United States incurred pursuant to such Act in connection with loans of such equipment to posts of the American Legion.

American Legion. Obsolete Army equipment donated to.

Vol. 41, pp. 403, 977.

Approved, May 29, 1934.

[CHAPTER 370.]

AN ACT

To amend the laws relating to the length of tours of duty in the Tropics and certain foreign stations in the case of officers and enlisted men of the Army, Navy, and Marine Corps, and for other purposes.

May 29, 1934.
[S. 3397.]
[Public, No. 266.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 (requiring assignments of officers of the Army, Navy, or Marine Corps to permanent duty in the Tropics and at certain foreign stations to be for not less than three years) of the Treasury and Post

Foreign assignments of Army, etc., officers. Provision concerning permanent duty at certain foreign stations repealed.