

When no protest filed, procedure.

Disapproval by Commandant of recommendation; effect.

Transmittal of approved recommendations to Secretary of the Treasury.

Recommendations to be laid before the President.

Powers of the President.

Lieutenant commanders, placement of limited number out of line of promotion; exception.

Officers with 30 years' service, retirement of limited number.

Officers out of line of promotion with 10 years' service, retirement.

hereinafter provided. At the expiration of thirty days after receipt by an officer of notice aforesaid, in the event that no such protest is filed by him, such officer may upon approval by the President, be retired from active service with retired pay as prescribed by section 3 hereof, or be placed out of line of promotion, as the case may be, as hereinafter provided. If the Commandant shall disapprove any recommendation of the Board, the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Board. Except as hereinbefore provided, each recommendation of the Board which is finally approved by the Commandant, together with the proceedings and findings of the Board, shall be transmitted to the Secretary of the Treasury for further review, and if the Secretary shall disapprove any recommendation of the Board, the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Board. Each recommendation of the Board which is not disapproved by the Secretary shall be laid before the President by the Secretary with his recommendation in the case. The President may, in any calendar year, pursuant to recommendations so laid before him:

"(a) Place out of line of promotion such number of lieutenant commanders on the active list as will not exceed the whole number nearest to 2 per centum of the officers in that grade as of January 1 of such year; except that such limitation shall not be construed to limit the number of lieutenant commanders who may be placed out of line of promotion, in accordance with regulations prescribed by the Secretary of the Treasury, for failing to establish their mental, moral, and professional fitness for promotion.

"(b) Place upon the retired list such number of commissioned officers who have thirty or more years of service as will not exceed the whole number nearest to 5 per centum of the number of officers falling within that classification on January 1 of such year.

"(c) Place upon the retired list any officer who has been placed out of line of promotion and who has ten years or more of commissioned service."

Approved, June 6, 1940.

[CHAPTER 250]

AN ACT

To provide for the enlargement of the Coast Guard depot at Seattle, Washington, and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tennessee.

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 is authorized to acquire, at a cost not to exceed \$8,500, by purchase, condemnation, or otherwise such additional land adjacent to the present Coast Guard depot at the foot of Twenty-seventh Avenue West, Seattle, Washington, and to make such improvements thereon as may be necessary for the development of the depot to best meet the needs of the Coast Guard.

SEC. 2. The Secretary of the Treasury is authorized to acquire, at a cost not to exceed \$5,000, by purchase, condemnation, or otherwise such land and to make such improvements thereon as may be necessary for the establishment of a Coast Guard servicing base in such locality as the Commandant of the Coast Guard may recommend at or in the vicinity of Chattanooga, Tennessee.

Approved, June 6, 1940.

June 6, 1940
[H. R. 8537]
[Public, No. 557]

Coast Guard.
Depot, Seattle,
Wash., acquisition of
land for.

Servicing base,
Chattanooga, Tenn.,
acquisition of land for.