

CHAP. 529.—An Act To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line.

June 10, 1926.
[H. R. 7181.]
[Public, No. 366.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for all purposes of this Act the words "staff officer" or "staff officers" as hereinafter used shall be construed to include officers of the Medical, Supply, Chaplain, Construction, Civil Engineer, and Dental Corps of the Navy only.

Navy.
Corps officers included as of the staff.

Hereafter all advancements to the ranks of rear admiral, captain, and commander in each of the staff corps above mentioned, including the advancement of staff officers who are or may be carried on the Navy list as additional to the numbers of such ranks, shall be by selection only from staff officers of the next lower respective rank in the corps concerned upon the recommendation of a board of naval officers as hereinafter provided: *Provided*, That nothing in this Act shall be construed as authorizing or permitting the advancement of any officer of the Chaplain Corps or Dental Corps to a higher rank than that of captain, and the ranks of commander and captain are hereby established in the grade of dental surgeon: *Provided further*, That the advancements of staff officers herein authorized to the ranks of rear admiral, captain, and commander shall be made regardless of numbers or percentages established by any prior Acts for the distribution of staff officers in the ranks or grades of such corps, and such prior Acts in so far as they establish numbers or percentages of staff officers in the various ranks or grades are hereby repealed: *Provided further*, That nothing in this Act shall be construed as authorizing or permitting in the permanent rank of rear admiral, exclusive of additional numbers, more than four officers of the Medical Corps, three officers of the Supply Corps, one officer of the Construction Corps, and one officer of the Civil Engineer Corps: *Provided further*, That when a staff officer is advanced by selection in accordance with this Act to a rank which does not now exist in the grade held by him at the time of such advancement he shall be promoted to the next higher grade in his corps at the same time he is so advanced in rank: *Provided further*, That no staff officer shall be advanced to the rank of rear admiral, captain, or commander except in accordance with the provisions of this Act and by and with the advice and consent of the Senate, but this shall not operate to repeal sections 1506 and 1507 of the Revised Statutes.

Advancements to rear admiral, captain, and commander from next lower rank of the corps.

Provisos.
Limitation of Chaplain and Dental Corps.

Former distribution of numbers and percentages repealed.

Limitation of numbers of rear admirals.

Promotion to next higher grade if rank does not exist in grade held by him.

Staff promotions to rear admirals only in accordance with this Act.

For heroism, etc., not affected.

R. S., secs. 1506, 1507, pp. 259, 260.

Boards of selection for recommendation for promotion.
Composition.

SEC. 2. Boards for the selection of staff officers for recommendation for advancement to the rank of rear admiral shall be composed of not less than three nor more than nine officers of the rank of rear admiral or commodore on the active or retired list of the staff corps concerned. Boards for the selection of staff officers for recommendation for advancement to the ranks of captain and commander shall be composed of not less than six nor more than nine officers not below the rank of captain 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 of the rank of rear admiral may be detailed to duty on such board to constitute the required minimum membership: *Provided further*, That no officer shall be recommended for advancement unless he shall have received the recommendation of not less than two-thirds of the members of the board.

Provisos.
Detail of line rear admiral if not sufficient number of the corps.

Recommendation by not less than two-thirds necessary.

SEC. 3. Each member of the selection board herein provided for shall swear, or affirm, that he will, without prejudice or partiality and having in view solely the special fitness of officers and the

Oath by selection board members.

efficiency of the naval service, perform the duties imposed upon him as herein provided.

Names, etc., furnished selection boards by the Secretary.

Each said selection board shall be furnished by the Secretary of the Navy with the number of officers to be recommended for advancement by said board and with the names of all officers who are eligible for consideration for selection by said board as herein authorized, together with the record of each such officer. 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 as provided in this section, 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 as prescribed by this section. Any officer eligible for consideration for selection as herein authorized shall have the right to forward through official channels at any time not later than ten days after the convening of a selection board for his rank and corps a written communication inviting attention to any matter of record in the Navy Department concerning himself which he deems important in the consideration of his case: *Provided*, That such communication shall not contain any reflection upon the character, conduct, or motives of, or criticism of, any officer.

Action of Secretary if number recommended less than that furnished.

Personal communications from eligibles, as to their record, authorized.

Proviso.
Restrictions.

Report of the board recommending eligibles.

The report of each board shall be in writing, signed by all of the members, and shall certify that the board has carefully considered the case of every officer eligible for consideration by said board under the provisions of this Act, and that in the opinion of not less than two-thirds of the members of the board the officers therein recommended are the best fitted of all those under consideration to assume the duties of the next higher rank. The report of the board shall be submitted to the President for approval or disapproval. In case any officer recommended by the board be not acceptable to the President, the board shall be informed of the name of such officer and may recommend another officer, provided that there be another officer eligible for consideration by said board, and if necessary the board shall be reconvened for this purpose.

Submission to the President.

If officer not acceptable, another may be recommended.

On approval of President, officers deemed eligible for promotion.

When the report of the board shall have been approved by the President the officers recommended therein shall be deemed eligible for selection and shall in accordance with the provisions of this Act be advanced to and commissioned in the rank for which recommended, and when so commissioned each such officer shall be given in his new commission the same date of rank which has been, or in due course will be, stated in the commission in such rank of his running mate assigned him in accordance with this Act: *Provided*, That a staff officer who is recommended for advancement by the report of a selection board approved by the President shall be eligible for advancement to a higher rank in his corps under the provisions of this Act if and when his running mate 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 further*, That a staff officer selected and advanced in accordance with the provisions of this Act shall be entitled to the pay and allowances of the rank to which so advanced from the date stated in his commission, but should such date stated in his commission be prior to the date of this Act he shall be entitled to the pay and allowances of the rank to which so advanced from the date of this Act: *Provided further*, That any

Provisos.
Advancement to higher rank when running mate promoted to that rank in the line.

Date of pay, etc.

officer so selected for advancement shall prior to advancement be subject in all respects to the examinations prescribed by law for officers advanced by seniority, and in case of failure to pass the required professional examination such officer shall thereafter be ineligible for selection and advancement. Should any such officer fail to pass the required physical examination, he shall not be considered, in the event of retirement, entitled to the next higher rank.

Examination required prior to promotion.

Status if failing in physical examination.

Precedence of staff officers commissioned prior to March 4, 1913.

SEC. 4. Hereafter all staff officers in the Navy commissioned prior to March 4, 1913, 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. Such staff officers of a higher rank than the rank held by their running mates until their 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: *Provided*, That 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.

If of higher rank than running mate.

If of lower rank.

Provisos.
Order of precedence if of same rank and date.

Staff officers assigned to new running mates.

SEC. 5. For the purposes of this Act the term "passed over," when applied to an officer, shall be construed to mean that such officer when eligible for consideration for selection for permanent advancement has failed to be so selected and an officer junior to him in the same rank and branch of the Navy has been selected and permanently advanced: *Provided*, That no staff officer shall be regarded as having been passed over by reason of the advancement to the rank of rear admiral, prior to July 1, 1918, of an officer junior to him in his corps nor by reason of the advancement in rank since that date and prior to the date of this Act of any officer of his corps not now on the active list of the Navy.

Meaning of "passed over" when applied to an officer.

Proviso.
If junior advanced to rear admiral prior to July 1, 1918, etc.

SEC. 6. Each staff officer commissioned in his corps prior to March 4, 1913, who has served continuously on the active list of said corps since that date, and who has not lost numbers for any cause since January 1, 1914, or who has not been passed over, shall be assigned as his running mate the junior line officer who appeared above him on the precedence list of the Navy as published in the Navy Register of January 1, 1914; each staff officer commissioned on or after March 4, 1913, now on the active list, who has not lost numbers for any cause or who has not been passed over, shall be assigned as his running mate that line officer with or next after whom he took precedence when commissioned originally in his corps, and with whom he has taken precedence for promotion purposes in accordance with the Act of August 29, 1916: *Provided*, That if the running mate who would be assigned in accordance with the foregoing clauses of this section to any staff officer appointed in his corps prior to March 4, 1913, is junior to the running mate of any staff officer appointed in the same corps, on or after said date, the

Running mates in the line to be assigned.

If staff officer commissioned prior to March 3, 1913.

Subsequently commissioned.

Provisos.
Assignment, if running mate of staff officer appointed prior March 4, 1913, is junior to that of any other.

staff officer first mentioned shall then be assigned as his running mate the running mate of the senior staff officer of the same corps now on the active list who was appointed on or after March 4, 1913: *Provided further*, That if the line officer assigned as a running mate to a staff officer, in accordance with this section, has become separated from the active list, has been passed over, or has for any cause lost numbers, a running mate shall be assigned such staff officer who shall be the line officer on the active list who, on the date of this Act, occupies the position on the active list of the Navy next senior to that which would have been occupied by the line officer first mentioned had he not become separated from the active list, been passed over, or lost numbers: *Provided further*, That each staff officer now on the active list who has been passed over or who has lost numbers for any cause since January 1, 1914, and each staff officer appointed on or after March 4, 1913, and who has lost numbers between that date and January 1, 1914, shall be assigned as his running mate the running mate of the next senior staff officer now on the active list of the same corps, but should such running mate be senior to the running mate who would otherwise under this section have been assigned the staff officer who has been passed over, or lost numbers, as aforesaid, such staff officer shall be assigned as his running mate the line officer who would have been his running mate under this section had he not been passed over or lost numbers: *And provided further*, That any officer of a staff corps of the Navy advanced to the rank of rear admiral prior to July 1, 1918, shall have as his running mate that line officer who shall be the running mate of the officer in his own corps next junior to such staff officer on the date of this Act or thereafter until such time as the line officer who would otherwise be assigned as the running mate of such staff officer in accordance with this Act becomes his running mate.

Assignment if line officer has been passed over, etc.

Assignment of running mates to staff who have been passed over, etc., since March 4, 1913.

Running mate to staff rear admiral advanced prior to July 1, 1918.

Assignments when first commissioned.

Proviso.
Running mate for line officer transferred to a staff corps.

New running mate to staff officer if one assigned separated from active list, etc.

Running mate on promotion of staff officer if none selected.

Proviso.
Rank of new running mate.

New running mate, if former promoted, and staff officer not selected for advancement.

SEC. 7. Hereafter each staff officer, when first commissioned in the Navy, shall have assigned as his running mate that line officer who at the time is the junior officer of the rank in which the staff officer is commissioned: *Provided*, That a line officer hereafter transferred to a staff corps shall retain the rank and date of commission in such rank held by him at the time of such transfer and shall have assigned as his running mate that line officer immediately above him in the Navy at the time of such transfer.

SEC. 8. Should the running mate assigned a staff officer be separated from the active list, or for any cause lose numbers, a new running mate shall be assigned such staff officer who shall be the line officer next senior to such former running mate, or the line officer next junior if such former running mate was the senior officer in the rank concerned.

SEC. 9. When a staff officer is advanced whose running mate has not been selected such staff officer shall have assigned as a new running mate the line officer who is selected and promoted next senior to his former running mate: *Provided*, That should his running mate be the senior officer in the rank from which said staff officer is advanced, such staff officer shall have assigned as his new running mate the senior line officer recommended for selection by the immediately preceding line selection board as approved by the President.

SEC. 10. 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 fail 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 shall have assigned as a new running mate the senior line officer in the rank to which advanced who was promoted to that rank upon recommendation of the line selection board immediately succeeding the last staff selection board which considered such staff officer but did not recommend him for advancement in its report as approved by the President: *Provided further*, That the foregoing provisions of this section shall not apply to officers of the staff corps of the rank of captain who, when eligible for promotion to the rank of rear admiral, are not passed over; such officers shall retain their running mates, and if subsequently promoted to the rank of rear admiral shall continue to retain the running mates they had while in the rank of captain.

Provisos.
Assignment if subsequently advanced.

Restriction as to staff captains.

SEC. 11. If a staff officer shall lose numbers for any cause he shall have assigned as his new running mate the line officer who is the running mate of the junior of those officers in his corps who becomes or will become senior to him as the result of such loss of numbers.

New mate, if staff officer lose numbers, etc.

SEC. 12. If the running mate of a staff officer shall be advanced in accordance with section 1506 or section 1508 of the Revised Statutes, such staff officer shall have assigned as his new running mate the line officer not advanced who was next senior to his former running mate in the rank in which the staff officer remains, or if there remain in that rank no line officer who was senior to such former running mate in the rank concerned, such staff officer shall then have assigned as his new running mate the senior line officer in the rank in which such staff officer remains.

If running mate promoted for heroism, etc., new one to be assigned. R. S., secs. 1506, 1508, pp. 259, 260.

SEC. 13. If a staff officer shall be advanced in accordance with section 1506 of the Revised Statutes, he shall have assigned as his new running mate the line officer who is the running mate of the officer in his corps immediately senior to such staff officer in the position to which he is so advanced.

New running mate to officer advanced for heroism.

R. S., sec. 1506, p. 259.

SEC. 14. Hereafter a staff officer shall become eligible for consideration by a selection board for recommendation for advancement to the next higher rank when the President approves the report of a line selection board in which the running mate of such staff officer or a line officer junior to such running mate is recommended for promotion to the next higher rank above that held by such staff officer: *Provided*, That on the date of this Act a staff officer shall immediately become eligible for consideration by a selection board for recommendation for advancement to the next higher rank if his running mate or a line officer junior to such running mate has heretofore been permanently promoted to a rank above that now held by such staff officer or if his running mate or a line officer junior to such running mate has been recommended for such permanent promotion by the report of a selection board which has heretofore been approved by the President.

Staff officer eligible for consideration when line running mate recommended for promotion.

Proviso.
Staff officer eligible for next higher rank, if running mate promoted to higher rank, etc.

SEC. 15. As soon as practicable after the date of this Act, boards for the selection of staff officers for advancement to the ranks of rear admiral, captain, and commander shall be appointed by the Secretary of the Navy in accordance with section 2 of this Act.

Appointment of board for selection of staff officers for promotion.

Each such board appointed to recommend staff officers for advancement to the rank of rear admiral shall recommend for advancement to such rank in the corps for which it was appointed, from such staff officers of the next lower rank in said corps who are eligible for consideration by such board in accordance with this Act, such

Action of board for recommending advancement to rank of rear admiral.

Number to be furnished.

officers, not to exceed the number furnished it by the Secretary of the Navy, as according to its judgment, its oath, and the terms of the certificate herein required should be advanced to the next higher rank. The number so computed and furnished such board by the Secretary of the Navy shall be that number of officers which if advanced to the rank of rear admiral in the corps concerned will make the total number of staff officers on the active list of said corps in the rank of rear admiral, exclusive of additional numbers in said rank, 61 per centum of the total number of officers on the active list of said corps of the ranks of rear admiral and captain, exclusive of additional numbers in said ranks, whose running mates or line officers junior to such running mates have been promoted to the rank of rear admiral or have been recommended for such promotion by the report of a selection board which has heretofore been approved by the President: *Provided*, That the number to be furnished such board by the Secretary of the Navy shall not exceed that number of officers which if advanced to the rank of rear admiral in the corps concerned would make the total number of officers on the active list in that rank and corps more than the maximum number prescribed for said rank and corps by section 1 of this Act.

Proviso. Limit.

Action of board for recommending advancement to rank of captain.

Each such board appointed to recommend staff officers for advancement to the rank of captain shall recommend for advancement to such rank in the corps for which it was appointed, from such staff officers of the next lower rank in said corps who are eligible for consideration in accordance with section 14 of this Act, such officers not to exceed the number furnished it by the Secretary of the Navy, as according to its judgment, its oath, and the terms of the certificate herein required, should be advanced to the next higher rank. The number so computed and furnished such board by the Secretary of the Navy shall be that number of officers which, if advanced to the rank of captain in the corps concerned, will make the total number of staff officers on the active list in the rank of captain of said corps, exclusive of additional numbers in said rank, 91 per centum of the total number of officers on the active list of said corps of the ranks of captain and commander whose running mates or line officers junior to such running mates are captains, excluding additional numbers in said ranks and excluding such officers of the rank of captain, in each corps whose running mates or juniors thereto have been recommended for promotion to the rank of rear admiral by the report of a selection board which has heretofore been approved by the President.

Number to be furnished.

Action of board for recommending advancement to rank of commander.

Each such board appointed to recommend staff officers for advancement to the rank of commander shall recommend for advancement to such rank in the corps for which it was appointed, from such staff officers of the next lower rank in said corps who are eligible for consideration in accordance with section 14 of this Act, such officers not to exceed the number furnished it by the Secretary of the Navy, as according to its judgment, its oath, and the terms of the certificate herein required, should be advanced to the next higher rank. The number so computed and furnished such board by the Secretary of the Navy shall be that number of officers which, if advanced to the rank of commander in the corps concerned, will make the total number of staff officers on the active list in the rank of commander of said corps, exclusive of additional numbers in said rank, 91 per centum of the total number of officers on the active list of said corps of the ranks of commander and lieutenant commander whose running mates or line officers junior to such running mates are commanders, excluding additional numbers in said ranks and excluding such officers of the rank of commander in each corps whose running mates or juniors thereto

Number to be furnished.

have been recommended for promotion to the rank of captain by the report of a selection board which has heretofore been approved by the President.

SEC. 16. After the President has approved the report of the selection boards, provided for in section 15 of this Act, succeeding boards to recommend staff officers for advancement to the ranks of rear admiral, captain, and commander, respectively, shall be appointed by the Secretary of the Navy in accordance with section 2 of this Act as soon as practicable after the President has approved the report of each line selection board hereafter submitted to him.

Each such board appointed to recommend staff officers for advancement to the rank of rear admiral, and each such board appointed to recommend staff officers for advancement to the ranks of captain and commander, shall recommend for advancement in the corps for which it is appointed, from such staff officers in the next lower rank in said corps who are eligible for consideration by said board in accordance with this Act, such officers as according to its judgment, its oath, and the terms of the certificate herein required, should be advanced to the next higher rank not to exceed the number furnished it by the Secretary of the Navy. The number so furnished each board shall be computed in the following manner: The number for each rank in each corps shall be determined as of the date of the approval by the President of the last preceding line selection board and shall be a fraction of the number of officers in the next lower rank in said corps eligible for consideration by a selection board as provided in this Act, exclusive of additional numbers and inclusive of those officers who would otherwise have been eligible for consideration by the board concerned but who have been retired from said rank upon their own application after thirty years' service if such application was submitted within one year prior to the date that they would have become eligible for consideration by a selection board: *Provided*, That the number to be furnished such board by the Secretary of the Navy shall not exceed that number of officers which, if advanced to the rank of rear admiral in the corps concerned, would make the total number of officers on the active list in that rank and corps more than the maximum number prescribed for said rank and corps by section 1 of this Act.

In determining the number of staff officers to which such fraction shall be applied, no staff officer shall be counted who was included in any preceding computation for the same rank or who was eligible for consideration for the same rank on the date of this Act. The numerator of the fraction for each rank shall be a number equal to the total number of line officers recommended for promotion to that rank by the report of the preceding four line-selection boards as approved by the President. The denominator of the fraction for each rank shall be a number equal to the total number of line officers whose names have appeared upon the active list of the next lower rank, from and excluding the junior line officer in that rank recommended for promotion by the report of the fifth preceding line-selection board approved by the President, to and including the junior line officer in that rank recommended for promotion by the report of the last preceding line-selection board as approved by the President, exclusive of those officers who have become separated from the active list for reasons other than retirement because of ineligibility for promotion or upon their own application after thirty years' service if such application was submitted within one year prior to the date that they would have become ineligible for promotion by reason of age or length of service.

Boards to recommend for promotion to be appointed after approval of report of selection board.

Ante, p. 717.

Recommendations to be made by the board.

Computation of numbers to be determined by board.

Proviso.
Restriction.

Computation determining selections for promotions.

If a mixed number result from computation, fractions less than one-half to be eliminated.

SEC. 17. In computing the number to be furnished each selection board by the Secretary of the Navy as provided in the preceding section, if the result of such computation for any rank in any corps shall be a mixed number, the fraction, if less than one-half, shall be eliminated and the whole number shall be furnished the board, but such fraction shall be carried forward and added to the number obtained as the result of the computation for the next succeeding selection board appointed for the same rank and corps in order to determine the number to be furnished by the Secretary of the Navy to such succeeding selection board.

If fraction greater than one-half.

In computing the number to be furnished each selection board by the Secretary of the Navy as provided in the preceding section, if the result of such computation for any rank in any corps shall be a mixed number in which the fraction shall be one-half or greater, the whole number next above shall be furnished the board, but the difference between such fraction and one shall be subtracted from the number obtained as the result of the computation for the next succeeding selection board appointed for the same rank and corps in order to determine the number to be furnished by the Secretary of the Navy to such succeeding selection board.

Staff rear admirals to have pay, etc., of upper half of rear admirals.

SEC. 18. All staff officers of the rank of rear admiral now on the active list who are not now receiving the pay and allowances of the upper half of such rank, and all staff officers who may hereafter be advanced to the rank of rear admiral on the active list, shall receive the pay and allowances prescribed by law for rear admirals of the upper half from the date on which their respective running mates became entitled or shall hereafter become entitled to such pay and allowances: *Provided*, That no staff officer shall become by virtue of this Act entitled to any increased pay or allowances prior to the date of this Act.

Proviso.
No increased pay, etc., prior to date of Act.

Service of acting chaplain on shipboard repealed.

SEC. 19. The provisions of existing law which require acting chaplains to serve for a period of three years on board ship in order to become eligible for commissions as chaplains, and which restrict the number of acting chaplains who may be commissioned as chaplains each year, are hereby repealed, and hereafter all acting chaplains shall be commissioned as chaplains when advanced in accordance with the provisions contained in this Act to the rank of lieutenant.

Chaplains to be advanced in rank to lieutenant commander.

That all other officers now on the active list in the Corps of Chaplains and all officers who may hereafter be appointed thereto shall be advanced in rank, up to and including the rank of lieutenant commander, with the officer of the line with whom or next after whom they take precedence, provided they are found qualified in accordance with law for such advancement.

Retirement limitation applied to Professors of Mathematics.
R. S., sec. 1481, p. 257.

SEC. 20. Hereafter section 1481, Revised Statutes of the United States, as amended, shall apply only to officers of the Corps of Professors of Mathematics.

Rear admiral restriction.

SEC. 21. Nothing contained in this Act shall operate to change the provisions of existing law as to the authorized number, eligibility of officers, date of commission, or pay for permanent rank of rear admiral in those staff corps where but one officer of such permanent rank is authorized.

No reduction of pay, etc.

SEC. 22. Nothing contained in this Act shall operate to reduce the pay and allowances of any officer below the pay and allowances to which he is entitled by reason of his rank and length of service on the date of the approval of this Act.

Approved, June 10, 1926.