

March 3, 1931.

[S. 471.]

[Public No. 783.]

CHAP. 396.—An Act Providing for Saturday half holidays for certain Government employees.

Saturday half holidays.

Authorized for certain Government employees.

U. S. C., p. 29, amended.

Pay or earnings.

Vol. 30, p. 316.

Proviso.

Compensatory leave.

Employees not deprived of leave, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the effective date of this Act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees can not be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this Act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws.

Approved, March 3, 1931.

March 3, 1931.

[S. 550.]

[Public, No. 784.]

CHAP. 397.—An Act To regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

Navy.
Promotion, etc., of
commissioned line officers.

Vol. 39, p. 576.

U. S. C., p. 1100.

Matter amended.

Organization, distribution, etc.

New percentages of
line officers established.

Proviso.
No reductions in
rank, etc.

Board for recommending
promotions.

Vol. 39, p. 578.

Meetings.

List of names for
consideration.

Recommendations.

Number of.

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 (Statutes at Large, volume 39, page 576; United States Code, title 34, section 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 of the grade of rear admiral to four in the grade of captain, to seven in the grade of commander, to fourteen in the grade of lieutenant commander, to thirty-two and one-half in the grade of lieutenant, to forty-one and one-half in the grades of lieutenant (junior grade) and ensign, inclusive:" 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:"

SEC. 2. The selection board established by the Act of August 29, 1916, shall be convened at least once each year and at such times as the Secretary of the Navy may direct. The Secretary of the Navy shall furnish the selection board with the names of all officers who are eligible by law for consideration by said board for selection for promotion as herein authorized, together with the record of each officer. Each board shall recommend for promotion from among those officers who are eligible such number as may be directed by the Secretary of the Navy, which number shall be 10 per centum of the authorized number of officers in the grades to which promotions are to be made as determined by the existing computation, and in addition thereto

the number, if any, of vacancies then existing and which may occur on or before June 30 in said grade in excess of the number of officers in the next lower grade on the promotion list provided for in section 4: *Provided*, That if the number of officers in any grade on the promotion list is in excess of the number of vacancies then existing and which may occur in the next higher grade on or before June 30, as aforesaid, and said excess shall equal or exceed 10 per centum of the authorized number of officers in said next higher grade as above determined, the number to be furnished the board for recommendation for promotion to said next higher grade shall be reduced to 8 per centum of said authorized number: *Provided further*, That if the number of officers in any grade on the promotion list shall at any time be insufficient to fill vacancies then existing and which may occur in the next higher grade prior to the convening of the selection board next ensuing, the Secretary of the Navy may, in his discretion, convene a selection board to recommend for promotion such additional number of officers as may be necessary to fill said vacancies.

Proviso.
Reduced if vacancies not existing.

Additional promotions if list insufficient to fill vacancies.

SEC. 3. 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 grades 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 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: *Provided further*, 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.

Captains, commanders, lieutenant commanders.

When ineligible for consideration by Board. Post, p. 1484.

Proviso.
Naval Academy graduates. Computation of commissioned service of.

Officers commissioned from other than Naval Academy.

When ineligible for consideration.

SEC. 4. The names of all officers recommended for promotion to the next higher grade by the report of a line-selection board as approved by the President shall be placed on a promotion list and, except as otherwise provided in this section, shall not be considered again for the next higher grade by any subsequent selection board. Promotions to fill vacancies in the grades of commander and above shall be made from officers of the next lower grade whose names appear on said promotion list. Officers so promoted pursuant to the recommendations of the same report shall take rank with one another in accordance with their seniority in the grade from which promoted, and officers recommended in an earlier report shall, when promoted, have precedence of officers recommended in a later report: *Provided*, That the Secretary of the Navy, may, in his discretion, with the approval of the President, remove the name of any officer from said promotion list and submit it to the next ensuing selection board for consideration and recommendation. If recommended for promotion by said board and approved by the President, the name of such officer shall be replaced on the promotion list in the position from which removed, without prejudice, by reason of its having been temporarily removed therefrom, and when promoted such officer shall take rank in accordance with his seniority on the promotion

Names approved placed on promotion list.

Subsequent consideration denied.

Promotions to commander grade, etc.

Rank and precedence.

Proviso.
Removal of name from list.

Replaced in same status, if approved.

Subject to involuntary retirement if not approved.

List increased to replace removals.

Retirement if designated service periods completed and ineligible for consideration.

Lieutenants.

Proviso.
Option of reverting to permanent warrant status, etc., allowed.

Annuity upon retirement.

Computation.
Total limited.

Proviso.
Fractional year of nine months considered full year.

Deferred retirement.

Retention on active list by board.

Officers designated to retain eligibility, etc., for promotion.
Transferred to retired list if not promoted.

Provisos.
Retention of officer losing numbers, etc.

Transfers effective June 30 of current calendar year.

Naval Academy graduates.
Commissions as ensigns authorized.
Acte, p. 1440.

list at the time his name was removed therefrom. If not recommended by said board, such officer shall be subject to involuntary retirement, as provided later herein, under the same conditions in all respects as though his name had not previously been placed on the promotion list. If the name of any officer shall be removed from the promotion list of officers in any grade and submitted to another board as herein provided, the number furnished said board by the Secretary of the Navy to be recommended for promotion to the next higher grade shall be increased accordingly.

SEC. 5. All officers who are not on the promotion list and who, after completion of the designated periods of service as prescribed for their respective grades, become ineligible for consideration by a line-selection board in accordance with this Act, or who, if on said promotion list, undergo the required examinations for promotion and are found not professionally qualified, shall be transferred to the retired list of the Navy. All lieutenants who are forty-five or more years of age, or who have completed twenty or more years of service, counting all service for which they would be entitled to credit for voluntary retirement, and who undergo the required examination for promotion to lieutenant commander and are found not professionally qualified, shall be transferred to the retired list of the Navy: *Provided*, That if such lieutenants were permanently appointed as ensign or above in the permanent line of the Navy while holding permanent warrant or permanent commission warrant rank in the Navy they shall have the option of reverting to such permanent warrant or permanent commissioned warrant status in the lineal position to which their seniority would have entitled them had their service subsequent to such appointment been rendered in the status to which they revert.

SEC. 6. Officers retired pursuant to any section of this Act shall receive pay at the rate of 2½ 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 because of variations in the date of entry into the Naval Academy of members of the classes of 1906 to 1916, inclusive, ranging from June to September, a fractional year of nine months or more shall be considered a full year in computing the number of years of service of members of those classes by which the rate of 2½ per centum is multiplied.

SEC. 7. When the number of involuntary transfers in any fiscal year from any grade to the retired list pursuant to this Act would otherwise exceed one-seventh of the authorized number of officers in said grade, less one-seventh of the authorized number in the grade next above, as determined by existing computations, 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. Officers so designated shall retain their eligibility for selection and promotion during said year. If not recommended for promotion 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: *Provided*, That the selection board may in any fiscal year designate for retention on the active list until the end of the next fiscal year any officer who has lost numbers or precedence and has been promoted after suffering such loss: *Provided further*, That all transfers to the retired list pursuant to this Act shall be made as of June 30 of the current calendar year and the resulting vacancies shall be regarded as occurring on that date: *And provided further*, That such number of the graduating class of the Naval Academy may be commissioned as ensigns in excess of the total authorized number of

commissioned line officers of the Navy as in the opinion of the Secretary of the Navy may be necessary to fill vacancies which will occur prior to July 1 of the current calendar year, and thereafter no further appointments shall be made in the grade of ensign until the total number of commissioned line officers has been reduced below that authorized by law.

SEC. 8. In making any computation required or authorized by or pursuant to this Act there shall be excluded from consideration those officers carried by law as additional numbers, and whenever a final fraction of one-half or more occurs the whole number next above shall be regarded as the authorized number.

SEC. 9. The provision in the Act approved August 29, 1916 (Thirty-ninth Statutes at Large, page 579; United States Code, title 34, section 311), prescribing maximum age limits for the promotion of captains, commanders, and lieutenant commanders is hereby repealed.

SEC. 10. The Act of March 4, 1925, section 30 (Forty-third Statutes at Large, page 1279; United States Code, title 34, section 399), providing for the retirement of officers who have been specially commended for their performance of duty in actual combat with the enemy is hereby amended by inserting after the words "by reason of age ineligibility for promotion," the words "or ineligibility for consideration by a selection board after completion of the designated periods of service for their respective grades," so that the first paragraph of said section 30 will read as follows:

"All officers of the Navy and Marine Corps who have been specially commended for their performance of duty in actual combat with the enemy during the World War, by the head of the executive department under whose jurisdiction such duty was performed, when retired by reason of age ineligibility for promotion, or ineligibility for consideration by a selection board after completion of the designated periods of service for their respective grades, shall be placed upon the retired list with the rank of the next higher grade and with three-fourths of the pay they would have received if not advanced in rank pursuant to this section."

SEC. 11. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

Approved, March 3, 1931.

CHAP. 398.—An Act To authorize the city of Fernandina, Florida, under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the payment of \$4,762.50 by the city of Fernandina, Florida, to the Secretary of Commerce such city is authorized to convey, without regard to the conditions and limitations of paragraph (6) of section 1 and of section 2 of the Act entitled "An Act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations, and to increase the efficiency of the Lighthouse Service, and for other purposes," approved May 22, 1926, the lands conveyed to such city pursuant to paragraph (6) of section 1 of such Act, except a tract bounded on the south by so much of the shell road as crosses section 12, on the east by the eastern boundary of section 12 with a water front of not less than nine hundred and sixty feet, on the north by a straight line extending from such eastern boundary for one thousand feet, more or less to the western boundary of section 12, and on the west by the western boundary of section 12 extending

Officers carried as additional numbers excluded in computation.

Age limits.
Vol. 39, p. 579, repealed.
U. S. C., p. 1111.

Matter amended.
Vol. 43, p. 1279, amended.
U. S. C., p. 1117.
Retirement grade, etc.
Combat citations.

Officers specially commended for combat duty in World War to be retired with rank of next higher grade.

Inconsistent laws repealed.

March 3, 1931.
[S. 340a.]
[Public, No. 735.]

Amelia Island Lighthouse Reservation.
Fernandina, Fla., may convey portion of, upon payment.
Vol. 44, p. 624.

Portion excepted.