

five years except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may also be removed by the Governor for cause after due notice and public hearing."

SEC. 2. The Hawaiian Homes Commission Act of 1920 is further amended by adding a new section thereto to read as follows:

"SEC. 224. The Secretary of the Interior shall designate from his Department some one experienced in sanitation, rehabilitation, and reclamation work to reside in the Territory of Hawaii and cooperate with the Commission in carrying out its duties. The salary of such official so designated by the Secretary of the Interior shall be paid by the Hawaiian Homes Commission while he is carrying on his duties in the Territory of Hawaii, which salary, however, shall not exceed the sum of \$6,000 per annum."

Approved, July 26, 1935.

Vol. 42, p. 115,
amended.

Detail of Interior
Department expert.

[CHAPTER 421.]

AN ACT

To amend the Act entitled "An Act authorizing the Reconstruction Finance Corporation to make loans to nonprofit corporations for the repair of damages caused by floods or other catastrophes, and for other purposes", approved April 13, 1934.

July 26, 1935.
[S. 3269.]
[Public, No. 224.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of the Act entitled "An Act authorizing the Reconstruction Finance Corporation to make loans to nonprofit corporations for the repair of damages caused by floods or other catastrophes, and for other purposes", approved April 13, 1934 (48 Stat. 589), is hereby amended by striking out the words "year 1933, and in the months of January and February 1934" and inserting in lieu thereof the words "years 1933, 1934, 1935, and 1936".

Approved, July 26, 1935.

Emergency aid for
flood, etc., damages.
Benefits of Act for,
extended.
Vol. 48, p. 589; *Post*,
p. 1232.

[CHAPTER 422.]

AN ACT

To promote the efficiency of national defense.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the promotion list of the Regular Army and Philippine Scouts shall include all officers on the active list in the grades of second lieutenant to colonel, inclusive, except officers of the Medical Department, chaplains, and professors of the United States Military Academy; promotion-list colonels shall be placed immediately above the lieutenant colonels on the promotion list provided for in section 24a of the Act of June 4, 1920 (U. S. C., 10: 553, 41 Stat. 771), in the order of their standing on the relative rank list of colonels on the date of this Act; officers on the promotion list as above defined shall be known as promotion-list officers; all other officers, except general officers, shall be known as non-promotion-list officers: *Provided*, That nothing in this Act shall be so construed as to change the respective relative positions held by officers on the promotion list, hereinbefore prescribed, nor the method of determining the position of officers on that list as prescribed by the Act of June 4, 1920, as amended, except as hereinbefore provided.

All promotions provided for in this Act shall be subject to the examination prescribed by existing law.

July 31, 1935.
[S. 1404.]
[Public, No. 225.]

Regular Army and
Philippine Scouts pro-
motion lists.
Officers included; ex-
ception.

Promotion-list colo-
nels.
Vol. 41, p. 771; U. S.
C., p. 257.

Classification of offi-
cers.

Proviso.
Relative positions to
remain unchanged.

Examinations.

Authorized numbers of promotion-list officers.

Proviso.
Fractional numbers.

Vacancies filled from promotion-list officers.
Vol. 41, p. 774.

Proviso.
Promotion to grade of colonel; service requirement.

Other grades.

Vol. 41, p. 771.

Rank of promoted officers.

Captains and first lieutenants; numbers.

Lieutenants; automatic promotion; service requirements.

Proviso.
Order of promotion.

General line officers; chiefs, etc., of branches and nonpromotion list officers; appointment and promotion.
Veterinary Corps officers; chaplains.

SEC. 2. That from and after the effective date of this Act the authorized number of promotion-list officers in the grade of colonel shall be 6 per centum; the number of such officers in the grade of lieutenant colonel shall be 9 per centum; and the number of such officers in the grade of major shall be 25 per centum of the aggregate number of promotion-list officers authorized by law: *Provided*, That in making any computation under the provisions of this section whenever a final fraction of one-half or more occurs in the number of officers involved in any such computation the next higher whole number of officers shall be regarded as the authorized or required number thereof.

SEC. 3. All vacancies, including original vacancies resulting from the operation of section 2 hereof, occurring on or after July 1, 1935, in the respective grades of colonel, lieutenant colonel, and major of promotion-list officers shall be filled by the promotion of promotion-list officers in the manner provided in section 24c of the said Act of June 4, 1920: *Provided*, That no promotion-list officer shall be promoted in time of peace under the provisions of this Act to the grade of colonel until he shall have completed twenty-six years' service; to the grade of lieutenant colonel until he shall have completed twenty years' service, or to the grade of major until he shall have completed fifteen years' service, the service to be counted for purposes of this proviso to be only active commissioned service of the same classes prescribed for promotion-list purposes in section 24a of the said Act of June 4, 1920; but this proviso shall not apply to lieutenant colonels and majors whose first appointments in the permanent service were in grades above those of captain and second lieutenant, respectively, or who were appointed to the Regular Army under the provisions of the first sentence of section 24 of the Act of June 3, 1916, as amended by the said Act of June 4, 1920, nor to captains whose first appointments in the permanent service were in a grade above second lieutenant, or whose present rank dates from July 1, 1920, or earlier. All officers promoted under the provisions of this paragraph shall take rank in the grade to which promoted according to the dates stated in their commissions in said grade; and when the dates of rank of two or more officers in said grade are the same, such officers shall take rank among themselves according to their standing on the promotion list.

The number of promotion-list officers that shall be in the respective grades of captain and first lieutenant at any time after the effective date of this Act shall be such as results from the operation of the promotion system hereinafter in this paragraph prescribed. Promotion-list second lieutenants and first lieutenants shall be promoted to the respective grades of first lieutenant and captain immediately upon completing respectively three years' and ten years' commissioned service in the Regular Army, but not otherwise; and all such officers in the said grades of second lieutenant and first lieutenant, respectively, who shall have completed the said respective periods of service on or before the effective date of this Act shall be so promoted as of said date: *Provided*, That no officer shall be promoted, under the provisions of this paragraph, in advance of any officer in the same grade whose name appears above his on the promotion list.

SEC. 4. That general officers of the line, chiefs and assistant chiefs of branches, and all nonpromotion-list officers shall continue to be appointed and promoted as now authorized by law, except that officers of the Veterinary Corps of the Medical Department shall be promoted to, and chaplains shall be given the rank, pay, and allowances of the respective grades to and including that of colonel

upon completion of the same respective periods of service prescribed by law in force on June 30, 1935, for officers of the Medical Corps. From and after the effective date of this Act original appointments in the Veterinary Corps shall be made in the grade of first lieutenant from Reserve veterinary officers between the ages of twenty-three and thirty-two years, and officers serving in that Corps on the effective date of this Act in the grade of second lieutenant shall be promoted to the grade of first lieutenant as of said date.

SEC. 5. That any officer on the active list of the Regular Army or Philippine scouts who, on the effective date of this Act or at any time thereafter, shall have completed not less than fifteen nor more than twenty-nine years' service may upon his own application be retired, in the discretion of the President with annual pay equal to the product of 2½ per centum of his active duty annual pay at the time of his retirement, multiplied by a number equal to the years of his active service not in excess of twenty-nine years: *Provided*, That the number of years of service to be credited in computing the right to retirement and retirement pay under this section shall include all service now or hereafter credited for active duty pay purposes any fractional part of a year amounting to six months or more to be counted as a complete year: *And provided further*, That any officer of the Regular Army or Philippine scouts below the grade of major who served as a commissioned officer in the Army of the United States prior to November 12, 1918, and whose application for retirement under the provisions of this section has been approved by the President shall be retired in the grade of major with retired pay computed as hereinbefore provided as for a major with the same length of service: *And provided further*, That nothing in this Act shall operate to deprive any officer of the retired rank to which he is now entitled under the provisions of law: *And provided further*, That any officer originally appointed as of July 1, 1920, at an age greater than forty-five years, may if he so elects, in lieu of retired pay at the rate hereinbefore provided, receive retired pay at the rate of 4 per centum of active duty pay for each complete year of commissioned service in the United States Army, the total to be not more than 75 per centum: *And provided further*, That all officers retired under the provisions of this section shall be placed on the unlimited retired list.

SEC. 6. That nothing in this Act shall be deemed to apply to temporary advancements in rank of commissioned officers of the Air Corps as authorized in the Act of July 2, 1926 (U. S. C., Supp. III, 19:292a, 44 Stat. 780), and officers temporarily advanced in rank under the provisions of said Act shall be counted only in the grade in which they hold permanent commissions in computing the numbers in such grades.

SEC. 7. All existing law governing the termination of active service of officers shall continue in full force and effect, except as herein modified.

SEC. 8. This Act shall be effective the first of the month following the date of enactment of this Act, and all laws and parts of laws, insofar as they are inconsistent with or in conflict with any of the provisions hereof, are hereby repealed as of that date.

Approved, July 31, 1935.

Original appointments, Veterinary Corps.

Age and rank.

Retirement provisions; service requirement.

Pay.

Provisos.
Computation of service.

Officers below grade of major, serving prior to November 12, 1918.

Rank of officers retired heretofore.

Retired pay of officers over forty-five years of age when appointed.

Placing on unlimited retired list.

Air Corps officers; temporary advancements.
Vol. 44, p. 782; U. S. C., p. 242.

Existing law respecting termination of active service.

Effective date; inconsistent laws repealed.

[CHAPTER 423.]

AN ACT

To authorize the acquisition of land on McNeil Island.

August 2, 1935.
[S. 3059.]
[Public, No. 226.]

McNeil, etc., Islands,
Wash.
Acquisition of land.
Post, p. 1120.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby authorized to acquire by condemnation proceedings all of that portion of McNeil Island which is not now owned by the United States, Gertrudis Island, and Pitt Island, all in the State of Washington, at a total cost of not to exceed \$300,000.

Approved, August 2, 1935.

[CHAPTER 424.]

AN ACT

To authorize the adjustment of the boundaries of the Chelan National Forest in the State of Washington.

August 2, 1935.
[H. R. 3061.]
[Public, No. 227.]

Chelan National For-
est, Wash.
Boundary adjust-
ment.
Vol. 42, p. 465.
U. S. C., p. 660.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of Congress approved March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), be, and the same are hereby, extended and made applicable to any lands within four miles of the present boundaries of the Chelan National Forest. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Chelan National Forest and subject to all laws relating thereto. Any lands in public ownership lying within the area described in this Act and found to be valuable for national-forest purposes may, upon recommendation of the Secretaries of Agriculture and of the Interior, be added to the Chelan National Forest by proclamation of the President: *Provided, however,* That nothing contained herein shall affect prior valid existing claims or entries or prior existing withdrawals or reservations.

Approved, August 2, 1935.

Proviso.
Existing rights.

[CHAPTER 425.]

AN ACT

To provide for the appointment of additional United States judges.

August 2, 1935.
[H. R. 5917.]
[Public, No. 228.]

United States courts.
California Southern
District.
Additional judges for.
U. S. C., p. 1241.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to appoint, by and with the consent of the Senate, two additional judges of the District Court of the United States for the Southern District of California, who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district, and one additional judge of the Circuit Court of the United States for the Ninth Judicial Circuit, by and with the advice and consent of the Senate.

Ninth Judicial Cir-
cuit, additional judge.
U. S. C., p. 1257.
Vacancy, filling of.

SEC. 2. In the event a vacancy occurs in the office of the district judge now senior in date of commission in said district, and who was appointed under the Act of September 14, 1922, such vacancy, and succeeding vacancies in the same office, shall be filled without further action by Congress.

Vol. 42, p. 838.

Virginia Eastern Dis-
trict.
Additional judge for.
U. S. C., p. 1255.

SEC. 3. That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Virginia.

Approved, August 2, 1935.