

[CHAPTER 402]

AN ACT

To authorize the adjustment of the lineal positions of certain officers of the naval service, and for other purposes.

August 5, 1949
[H. R. 5238]
[Public Law 210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Officer Personnel Act of 1947, as amended, is hereby further amended by—

(a) Amending subsection (o) of section 304 to read as follows:

“(o) Officers of the line or of any staff corps on active duty on the date of the establishment of lineal lists pursuant to this section, but not placed on any such list, shall not be eligible for selection for promotion pursuant to this title. Officers of the line and of the Staff Corps of the Regular Navy appointed thereto subsequent to the date of establishment of the lineal lists of line and staff corps officers as prescribed in subsections (a) and (i) of this section shall be placed on the appropriate lineal list. Officers of the line and Staff Corps of the Naval Reserve assigned to active duty subsequent to the date of establishment of the lineal lists as prescribed in subsections (a) and (i) of this section, shall be placed on the appropriate lineal list, and in each grade shall take precedence among themselves and with officers of the same grades of the Regular Navy in accordance with the dates of rank as stated in their commissions and such Reserve officers and Regular officers of the same grade who have the same date of rank shall take precedence among themselves as determined by the Secretary of the Navy: *Provided*, That, notwithstanding any other provisions of law, the Secretary of the Navy is authorized to readjust the precedence of each Reserve officer heretofore or hereafter placed on the lineal lists in order to equalize opportunities for promotion with officers of the Regular Navy. Such Reserve officer may be appointed in the same or the next higher grade not above that of captain and his date of rank changed to conform with his adjusted lineal precedence. The authorized number of officers in each grade concerned may be temporarily exceeded by such appointments until the next succeeding annual computation prescribed by this title. Such officer shall be entitled to the pay and allowances of the higher grade to which so appointed from the date of his appointment.”

(b) Adding the following new subsection to section 304:

“(s) For three years after the date of approval of this subsection the Secretary of the Navy shall from time to time but not to exceed twice annually convene boards composed of officers of the line and of each staff corps, the first such board to be convened within sixty days after the date of approval of this subsection, to recommend the reassignment of running mates to officers of the Staff Corps of the Navy in order to adjust precedence and equalize opportunities for promotion of staff corps officers with line officers. The Secretary of the Navy shall, in accordance with the approved recommendations of such boards, assign running mates and adjust the lineal positions of such Staff Corps officers in their present grades and in such higher grades to which promoted pursuant to this subsection. Should the running mate so assigned a Staff Corps officer have attained a higher grade than the Staff Corps officer, or have been recommended for temporary promotion to such higher grade in the approved report of a selection board, the Staff Corps officer shall be eligible for consideration for selection for temporary promotion to the next higher grade. A board, as prescribed by section 305 of this title, to consider any such Staff Corps officer for recommendation for temporary promotion

Officer Personnel Act of 1947, amendments.
61 Stat. 840.
34 U. S. C., Supp. II, § 211a (o).
Noneligibility for promotion.

Appointment subsequent to establishment of lineal list, etc.

Readjustment of precedence of Reserve officers.

61 Stat. 833.
34 U. S. C., Supp. II, § 211a.
Reassignment of running mates.

Adjustment of lineal positions.

Temporary promotion.

61 Stat. 841.
34 U. S. C., Supp. II, § 306.

to the next higher grade shall be convened as soon as practicable after the reassignment of his running mate and such board shall if it considers the Staff Corps officer fitted for temporary promotion so recommend him. If recommended for temporary promotion in the approved report of such board, the Staff Corps officer shall become eligible for such promotion when the line officer who is to be his running mate in that grade became or becomes eligible for temporary promotion thereto. Any such Staff Corps officer not recommended for temporary promotion by such board shall be considered as having failed of selection for temporary promotion and shall have assigned as his running mate the senior line officer in the grade in which he remains: *Provided*, That no Staff Corps officer promoted to a higher grade pursuant to this subsection shall be entitled to the pay and allowances of such higher grade from a date earlier than the date of the approval of the report of the board in accordance with whose recommendations his running mate was so reassigned."

Restriction.

61 Stat. 856.
34 U. S. C., Supp. II,
§ 306f (d) (2).
Precedence.

(c) Deleting the proviso to paragraph (2) of subsection (d) of section 311 and substituting in lieu thereof the following: "*Provided*, That a staff officer with the same date of rank as his line running mate shall take precedence ahead of all line and staff officers junior to his line running mate: *And provided further*, That, except as otherwise provided herein, officers serving in the same grade and having the same date of rank in that grade shall take precedence in the following order: (a) Line officers, (b) medical officers, (c) supply officers, (d) chaplains, (e) civil engineers, (f) dental officers, (g) officers of the Medical Service Corps, and (h) officers of the Nurse Corps".

61 Stat. 856.
34 U. S. C., Supp. II,
§ 306f (d) (6).
Naval Reserve staff
corps officer.

(d) Amending paragraph (5) of subsection (d) of section 311 to read as follows:

61 Stat. 833.
34 U. S. C., Supp. II,
§ 211a (a).
Ante, p. 567.

"(5) An officer of a staff corps of the Naval Reserve assigned to active duty subsequent to the date of establishment of the lineal list of line officers as prescribed by subsection 304 (a) of this title, shall, upon assignment to active duty and upon appointment to adjust his precedence as provided in subsection 304 (o) of this title, be assigned as his running mate by the Secretary of the Navy a line officer of the same grade and appropriate to his adjusted precedence."

61 Stat. 367.
34 U. S. C., Supp. II,
§§ 15, 306g-306n, 332b,
410k, 410m.
Officers designated
for engineering duty.

(e) Adding to section 316 the following new subsection:

"(o) Each officer on the active list of the line of the Navy designated for engineering duty or aeronautical engineering duty who, on August 7, 1947, was serving in the grade of captain with date of rank prior to June 21, 1942, and who, subsequent to August 7, 1947, has been or may be temporarily promoted to the grade of rear admiral shall, if in the grade of rear admiral or upon promotion thereto, as the case may be, have lineal rank among all line officers of the grade of rear admiral corresponding to the relative lineal rank of all such officers while serving in the grade of captain: *Provided*, That if the assignment of such lineal rank would result in giving any such officer a lineal position senior to that of another rear admiral of the same category promoted earlier to that grade such first-mentioned officer shall have lineal position next after the junior rear admiral of the same category who attained that grade as the result of such earlier promotion: *Provided further*, That in the assignment of lineal rank as herein provided there shall be disregarded any officer who, on August 7, 1947, was serving in the grade of rear admiral or captain under a temporary appointment of limited duration."

Lineal position.

Temporary appoint-
ment of certain officers.

61 Stat. 371.
34 U. S. C., Supp. II,
§ 211c (e).

61 Stat. 371.
34 U. S. C., Supp. II,
§ 211c (h).

(f) Deleting in subsection (c) of section 404 the words "service in the Navy" and substituting in lieu thereof the words "naval service, exclusive of active duty for training in a reserve component"; deleting in the first sentence of subsection (h) of the said section the words "For two years after the date of approval of this Act" and substituting

in lieu thereof the words "During the period that title III of this Act remains in effect"; and deleting in the second sentence of subsection (h) of the said section the words "shall have completed service in the Navy" and substituting in lieu thereof the words "shall have been selected therefor prior to August 7, 1949, and shall have completed active naval service, exclusive of active duty for training in a reserve component,".

SEC. 2. All commissioned officers of the active list of the United States Navy on active duty on the effective date of this Act, who on that date or within one year thereafter are designated for special duty in accordance with the provisions of section 401 of the Officer Personnel Act of 1947, as amended, shall be credited for purposes of adjustment of lineal position, eligibility for selection for promotion, eligibility for promotion, eligibility for continuation on the active list and in respect to separation from the active list, pursuant to the provisions of that Act but not pay or retired pay, with a period of active service equal to the time spent in attendance at a professional school, or in graduate study at a college or university, in the attainment of education which is a requirement or an alternative requirement of the United States Navy for qualification for designation for the performance of the special duty for which the officer is designated: *Provided*, That the maximum period of active service so credited shall be three calendar years, and shall not include any time spent in attendance at such professional school or in graduate study at such college or university while serving on active duty: *Provided further*, That no such period of active service shall be credited to those of such officers who, although required to hold a graduate degree, were originally and permanently appointed and commissioned in the line of the Regular Navy in the grade of lieutenant (junior grade) as officers designated for special duty, pursuant to section 408 of the Officer Personnel Act of 1947, as amended: *Provided further*, That no officer who attended the United States Naval Academy shall be advanced, pursuant to this Act, to a lineal position senior to any member of his class who was as such senior to him and has not lost numbers or precedence.

SEC. 3. As used in this Act, the term "time spent in attendance at a professional school, or in graduate study at a college or university" shall, for the purpose of establishing the active service credit authorized by this Act, be computed as follows: (1) Full-time, regular-session attendance at a college, university, or professional school for one academic year, exclusive of summer or extra sessions, shall be considered one calendar year; (2) full-time, regular-session attendance at a college, university, or professional school for a fraction of an academic year, exclusive of summer or extra sessions, resulting in the completion of the units of study undertaken during that period, shall be considered to be an identical fraction of a calendar year; and (3) part-time attendance at a college, university, or professional school, or attendance at summer sessions or other extra sessions, shall first be converted into an equivalent fraction of an academic year of full-time, regular-session attendance, and shall be considered to be an identical fraction of a calendar year: *Provided*, That, subject to the limitation contained in section 2 hereof, every officer entitled to the benefits of sections 2, 3, 4, and 5 of this Act who holds a professional or graduate degree, with the exception of an honorary degree, from a professional school or a college or university, which degree is acquired through attendance at a professional school or in graduate study at a college or university for a period of at least three academic years, and which degree is a requirement or an alternative requirement of the United States Navy for qualification for service in the special-duty-only classification for which the officer is designated, shall be credited

61 Stat. 829.
34 U. S. C., Supp. II,
§ 3c note.

Crediting of active
service for special
duty.

61 Stat. 869.
34 U. S. C., Supp. II,
§ 21b.

Maximum period of
active service.

Restriction.

61 Stat. 873.
34 U. S. C., Supp. II,
§ 77.

Computation of at-
tendance time at pro-
fessional school, etc.

Credit of maximum
period.

Supra; *post*, p. 570.

with the maximum period of three calendar years of active service without regard to the actual time elapsed between matriculation and qualification for the professional or graduate degree held.

Adjustment of lineal position.

61 Stat. 833.
34 U. S. C., Supp. II,
§ 211a.
Ante, p. 567.

SEC. 4. The lineal position of each officer described in section 2 of this Act shall be adjusted by advancing such officer on the lineal list established pursuant to section 304 of the Officer Personnel Act of 1947, as amended, in accordance with his active service credit determined pursuant to sections 2 and 3 of this Act. If such adjustment would advance any such officer to a grade higher than the grade in which he is serving under a permanent or temporary appointment on the effective date of this Act, he shall be assigned a position on the lineal list senior to the line officer in his grade not restricted in the performance of duty who was the junior officer in the promotion zone last established for his grade and, when selected for promotion to the next higher grade, shall upon promotion be advanced to the position on the lineal list commensurate with his active-service credit: *Provided further*, That officers described in section 2 of this Act below the grade of captain whose names appear on a promotion list on the effective date of this Act, if not then eligible for temporary promotion to the next higher grade under other provisions of law, shall become so eligible on that date.

Temporary promotion below captain.

Selection boards.

Ante, p. 569.
Supra.
61 Stat. 829.
34 U. S. C., Supp. II,
§ 3e note.
61 Stat. 869.
34 U. S. C., Supp. II,
§ 211b.
Promotion zone.

SEC. 5. As soon as practicable after each officer described in section 2 of this Act has been advanced on the lineal list pursuant to section 4 of this Act, the Secretary of the Navy shall appoint and convene selection boards pursuant to the provisions of title III of the Officer Personnel Act of 1947, as amended, to consider for temporary promotion to the next higher grade all eligible officers designated for special duty pursuant to section 401 of that Act. The promotion zone for each grade shall consist of those officers who have been advanced pursuant to section 4 of this Act, to a lineal position in such grade senior to the line officer of that grade not restricted in the performance of duty who was the junior officer in the promotion zone last established for that grade. Notwithstanding any other provision of law, all officers recommended for temporary promotion in the approved report of a selection board, appointed and convened as herein provided, shall be eligible for temporary promotion to the next higher grade on the date of approval of such report. Upon promotion to a higher grade and advancement on the lineal list pursuant to section 4 of this Act, each such officer shall be deemed to have as much service in grade as the line officer not restricted in the performance of duty who has not lost numbers or precedence and who is next junior to such officer on the lineal list.

Ante, p. 569; *supra*.

61 Stat. 833.
34 U. S. C., Supp. II,
§ 211a.
Ante, p. 567.

SEC. 6. The Secretary of the Navy shall prescribe all necessary and proper regulations, not inconsistent with the provisions of sections 2, 3, 4, and 5 of this Act, for the computation and crediting of the active service credit provided by this Act to the officers entitled thereto, and for their appropriate advancement on the lineal list of officers established pursuant to section 304 of the Officer Personnel Act of 1947, as amended.

Approved August 5, 1949.

[CHAPTER 403]

AN ACT

August 8, 1949
[S. 1184]
[Public Law 211]

To encourage construction of rental housing on or in areas adjacent to Army, Navy, Marine Corps, and Air Force installations, and for other purposes.

National Housing Act, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National