

rant officers. (As amended Aug. 4, 1947, ch. 459, title III, § 301 (b), 61 Stat. 738.)

AMENDMENTS

1947—Act Aug. 4, 1947, cited to text, changed the appointive power from the President to the Secretary of the Navy, and omitted references to pharmacists and rating of chief pharmacists mate. Provisions relating to pharmacists are now covered by section 30a et seq. of this title.

CROSS REFERENCES

Regulations to carry out provisions of this section, see section 34a of this title.

Chapter 2.—ENLISTED PERSONNEL

ELIGIBILITY FOR ENLISTMENT

§ 163. Insane or intoxicated person or deserter.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

RECRUITING AND ENLISTMENT

§§ 181, 181a.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

FURLOUGHS AND DISCHARGES; DISPOSITION OF ENLISTED MEN AT EXPIRATION OF TERM OF ENLISTMENT

§ 191. Furlough without pay for unexpired portion of enlistment.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of the provision of this section authorizing the Secretary of the Navy to recall to active duty enlisted men on furlough without pay to complete the enlistment period, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§§ 201a, 201h.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

Chapter 3.—GENERAL PROVISIONS RELATING TO OFFICERS

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 - (l) Assignment to engineering, aeronautical engineering, or special duty; termination of limited duty status.
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 - (o) Designation of limited duty officers.
- 211d. Designation of officers for certain commands or unusual missions [New].
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 - (b) Grade officers designated.
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 - (d) Repeal of other provisions of law.
- 211e. Limitation on number of retired and Reserve officers serving on active duty in flag ranks [New].
235. Additional numbers in grade changed to regular numbers; exceptions [New].

§ 211a. Lineal lists—(a) Line officers; exclusion from list; order of placement.

As soon as practicable, but not later than thirty days after August 7, 1947, the Secretary of the Navy shall establish a single lineal list of all officers of the grade of ensign and above of the line of the Navy or Naval Reserve on active duty on the date of establishment of such list, and such lineal list shall constitute the order of seniority of such officers as of the date of its establishment: *Provided*, That there shall be excluded from such lineal list the following: (1) Retired officers of the Navy or Naval Reserve who are on active duty; (2) retired enlisted men on active duty serving under a temporary appointment above commissioned warrant officer pur-

suant to sections 350–350j of this title; (3) members of the Fleet Reserve on active duty serving under a temporary appointment above commissioned warrant officer pursuant to said sections; (4) temporary officers serving in grades above commissioned warrant officers pursuant to said sections, whose only appointment to any such grades was one for a period of limited duration; (5) regular or temporary officers of the Navy or officers of the Naval Reserve, who, prior to the establishment of the lineal list, are under orders directing their release from active duty; and (6) officers of the Naval Reserve ordered to active duty in connection with organizing, administering, recruiting, instructing, training, or drilling the Naval Reserve, or ordered to temporary active duty for the purpose of prosecuting special work. Officers shall be placed on this list in accordance with the grade or rank and precedence held by them on August 7, 1947, whether by virtue of temporary or permanent appointment except officers serving with the rank of rear admiral without appointment to that grade or rank shall be placed upon such list in accordance with the grade and precedence which they would hold were they not serving with the rank of rear admiral: *Provided*, That in the event of the termination, subsequent to August 7, 1947, and prior to the establishment of the lineal list, of the temporary appointment of an officer serving in the grade or rank of admiral or vice admiral, or in a grade to which appointed for a period of limited duration, such officer shall be placed on such list with the grade or rank and precedence he would have held had he not been so temporarily appointed: *And provided further*, That any officer who, on the date of establishment of such list, is serving under a temporary appointment in the grade or rank of admiral or vice admiral or in a grade to which appointed for a period of limited duration, shall, upon termination of such temporary appointment, be placed on the lineal list in accordance with the grade and precedence he would have held had he not been so temporarily appointed.

(b) Determination of number of permanent by appointed line officers.

As soon as practicable, but not later than thirty days after August 7, 1947, the Secretary of the Navy shall determine, as of August 7, 1947, the number of officers authorized to be permanently appointed in the various grades of the line as provided in section 4 of this title.

(c) Determination of number of temporarily appointed line officers.

As soon as practicable, but not later than thirty days after August 7, 1947, the Secretary of the Navy shall determine, as of August 7, 1947, the number of officers authorized to be temporarily appointed in the various grades of the line as provided in section 5a of this title.

(d) Filling vacancies by permanent appointments; temporary appointments made permanent.

Upon completion of the establishment of the lineal list as prescribed by subsection (a) of this section, and upon the determination of the number of officers authorized to be permanently appointed in the va-

rious grades of the line, as prescribed by subsection (b) of this section, the President is authorized to fill vacancies in the various grades of the line of the Regular Navy by permanently appointing thereto and regularly commissioning therein officers holding permanent appointments in the line of the Regular Navy in the grade of ensign or above who are on the lineal list established under subsection (a) of this section, and such officers shall be so appointed in the order of their seniority on such lineal list: *Provided*, That any line officer holding a permanent appointment in the Regular Navy below the grade of rear admiral and above the grade of chief warrant officer on the date of establishment of the lineal list, and who at that time is serving in the grade or rank of admiral or vice admiral or in a grade to which appointed for a period of limited duration, may be permanently appointed and regularly commissioned in the grade and with precedence therein according to the lineal position to which he would be entitled were he not so serving or had not been so temporarily appointed: *Provided further*, That an officer designated for engineering duty, aeronautical engineering duty, or special duty holding a permanent appointment in the Regular Navy may be permanently appointed to and regularly commissioned in the same grade to which the line officer next junior to him on the lineal list, who is not restricted in the performance of duty, and who is not serving under a temporary appointment in a grade to which appointed for a period of limited duration, is so appointed pursuant to this subsection: *Provided further*, That officers designated for engineering duty, aeronautical engineering duty, or special duty who solely by reason of the limitation of section 4 (b) of this title are not permanently appointed to and regularly commissioned in the grade of rear admiral may be permanently appointed to and regularly commissioned in the grade of captain: *Provided further*, That an officer designated for engineering duty, aeronautical engineering duty, or special duty holding a permanent appointment in the Regular Navy on the date of establishment of the lineal list, and who at that time is serving under a temporary appointment in a grade to which appointed for a period of limited duration, may be permanently appointed to and regularly commissioned in the grade and with precedence therein according to the lineal position to which he would be entitled had he not been so temporarily appointed: *Provided further*, That officers who, on the date of the establishment of the lineal list, were permanently commissioned in the line of the Regular Navy as ensigns, and who at that time were serving under temporary appointments as lieutenants (junior grade), may be permanently appointed to and regularly commissioned in the line of the Regular Navy in the grade of lieutenant (junior grade) and with the precedence to which entitled by virtue of their position on the lineal list: *Provided further*, That each line officer of the Naval Reserve on the lineal list who holds a permanent commission in the grade of ensign or above may be permanently appointed to and regularly commissioned in the same grade in the Naval Reserve to which the line officer of the Regular Navy next junior

to him is permanently appointed in the Regular Navy, and for the purpose of this proviso the position of any such Reserve officer on the lineal list shall be determined without regard to such temporary appointment in a grade to which appointed for a period of limited duration which he may hold: *Provided further*, That no officer shall be appointed, pursuant to this subsection, to a higher grade than the grade held by him on the lineal list: *Provided further*, That appointments made pursuant to this subsection shall not be subject to qualification by examination: *Provided further*, That all appointments to grades below that of rear admiral effected pursuant to this subsection shall be regarded as having been made with the advice and consent of the Senate: *And provided further*, That no provision of sections 3c, 5a, 211a, 306–306n, 332b, 332c, 410j–410m, 626–1, and 864b of this title shall be construed to require the reappointment to a permanent grade of any officer who already holds a permanent appointment in such grade.

(e) Filling vacancies by temporary appointments; order of appointment; continuation of temporary appointments.

Upon completion of the establishment of the lineal list as prescribed by subsection (a) of this section, and upon the determination of the number of officers authorized to be temporarily appointed in the various grades of the line, as prescribed by subsection (c) of this section, the President is authorized to fill vacancies in the various grades of the line of the Navy by temporarily appointing thereto officers who are on the lineal list established under subsection (a) of this section, and such officers shall be so appointed in the order of their seniority on such list: *Provided*, That an officer designated for engineering duty, aeronautical engineering duty, or special duty may be temporarily appointed to the same grade to which the line officer next junior to him on the lineal list, who is not restricted in the performance of duty, and who is not serving under a temporary appointment in a grade to which appointed for a period of limited duration, may be so appointed pursuant to this subsection: *Provided further*, That the existing temporary appointment or designation of a line officer placed on the lineal list and who, on the date of establishment of such list, is serving in the grade or rank of admiral or vice admiral or in a grade to which appointed for a period of limited duration, is hereby continued in effect until such appointment or designation shall terminate by its terms or until terminated by the President, whichever shall be earlier; upon such termination such officer may be temporarily appointed to the grade and with the precedence therein to which he would be entitled were he not so serving or had he not been so temporarily appointed: *Provided further*, That retired personnel of the Navy or Naval Reserve who are serving on active duty on the date of the establishment of the lineal list under a temporary appointment in the grade of ensign or above, may be retained on active duty, and the existing temporary appointments of such personnel are continued in effect until such appointments shall terminate by their own terms or until such appoint-

ments are terminated by the President or until the officers concerned shall be placed on inactive duty, whichever shall be earliest, and all such temporary appointments other than those for a period of limited duration may be affirmed by the President and upon such affirmation shall thereafter be considered as having been effected pursuant to this section; upon the termination of the temporary appointment and retention on active duty of any such officer who is so serving, but whose temporary appointment is one to a grade to which he is appointed for a period of limited duration, he may be temporarily appointed to the grade in which he would have been serving on August 7, 1947, had he not been serving at that time under such temporary appointment in a grade to which appointed for a period of limited duration: *Provided further*, That members of the Fleet Reserve who are serving on active duty on the date of the establishment of the lineal list under a temporary appointment in the grade of ensign or above may be retained on active duty and the existing temporary appointments of such personnel are continued in effect until such appointments shall terminate by their own terms or until such appointments are specifically terminated by the President or until the officers concerned shall be placed on inactive duty, whichever shall be earliest, and all such temporary appointments other than those for a period of limited duration may be affirmed by the President and upon such affirmation shall thereafter be considered as having been effected pursuant to this section; upon the termination of the temporary appointment and retention on active duty of any such officer who is so serving, but whose temporary appointment is one to a grade to which he is appointed for a period of limited duration, he may be temporarily appointed to the grade in which he would have been serving on August 7, 1947, had he not been serving at that time under such temporary appointment in a grade to which appointed for a period of limited duration: *Provided further*, That personnel of the Navy or Naval Reserve who are serving on active duty on the date of the establishment of the lineal list in grades above commissioned warrant officer, and who have never served in any such grade except under a temporary appointment in a grade to which appointed for a period of limited duration, may be retained on active duty and serve under such appointment until the termination thereof: *Provided further*, That no officer shall be temporarily appointed, pursuant to this subsection, to a higher grade than the grade held by him on August 7, 1947, exclusive of a temporary appointment in the grade of admiral or vice admiral or in a grade to which appointed for a period of limited duration: *Provided further*, That officers who are eligible to be temporarily appointed to any grade pursuant to this subsection may be so appointed notwithstanding receipt of a permanent appointment pursuant to subsection (d) of this section if such temporary appointment is necessary to the maintenance of their relative rank and precedence established by the lineal list: *And provided further*, That the number of line officers who may serve on active duty

in any grade shall not exceed the authorized number of officers in such grade determined as prescribed in section 5a of this title.

(f) Effective date of permanent appointment.

Permanent appointments effected pursuant to subsection (d) of this section shall be effected with such dates of rank and registered numbers as shall maintain for each officer the precedence evidenced by his position on the lineal list established pursuant to subsection (a) of this section: *Provided*, That for the purpose of this subsection such position on the lineal list shall be determined without regard to temporary appointments in the grades of admiral or vice admiral or in a grade to which appointed for a period of limited duration.

(g) Effective date of temporary appointment.

Temporary appointments effected pursuant to subsection (e) of this section shall be effected with such dates of rank and registered numbers as shall maintain for each officer the precedence held by him at the time of the establishment of the lineal list established pursuant to subsection (a) of this section: *Provided*, That for the purpose of this subsection such precedence shall be determined without regard to temporary appointments in the grades of admiral or vice admiral or in a grade to which appointed for a period of limited duration.

(h) Assignment of running mates; governing principles.

(1) As soon as practicable after the establishment of the lineal list for line officers as prescribed by subsection (a) of this section the Secretary of the Navy shall convene a board, composed of officers of the line and of each staff corps of the Navy, and such board, which is authorized to conduct its studies in appropriate panels but to make determinations only by the full board after a majority vote, shall recommend the assignment of running mates from among line officers on such lineal list to all officers of the grade of lieutenant (junior grade) and above of the various staff corps of the Navy or Naval Reserve on active duty on the date of establishment of such lineal list: *Provided*, That running mates shall not be assigned to the following officers of the staff corps: (1) Officers of the same categories as the line officers described in clauses (1) through (6) of the first proviso of subsection (a) of this section, and (2) officers serving in the grade of ensign.

(2) In recommending the assignment of running mates the board will be governed by the following principles except with respect to officers of the Nurse Corps:

a. Each staff officer shall, except as provided in paragraph d of this subsection, have assigned as his running mate a line officer who, on August 7, 1947, is serving in the same grade as such staff officer.

b. If there be more than one line officer who, on August 7, 1947, is serving in the same grade and with the same date of rank as a particular staff officer, one of such line officers shall be assigned as the running mate of such staff officer.

c. If there be no line officer who, on August 7, 1947, is serving in the same grade and with the same date

of rank as a particular staff officer, such staff officer shall have assigned as his running mate the line officer serving in the same grade who has the next earlier date of rank in such grade, and if there be no such line officer, he shall have assigned as his running mate the senior line officer in the same grade.

d. An officer of a staff corps who, on August 7, 1947, or subsequently, is serving under a temporary appointment in a grade above rear admiral or in a grade to which appointed for a period of limited duration shall be assigned a running mate based upon the rank and precedence he would have held had he not been so serving.

(3) The assignment of running mates as recommended by the Board convened pursuant to this subsection and approved by the Secretary of the Navy shall be accomplished not later than sixty days after August 7, 1947.

(i) Lineal list for each staff corps.

As soon as practicable, but not later than thirty days after the assignment of running mates is completed, as prescribed in subsection (h) of this section, the Secretary of the Navy shall establish a single lineal list, for each staff corps of the Navy, of all staff officers who were assigned running mates pursuant to such subsection, and such officers shall be placed on such list in the order of seniority of their running mates as of the date of establishment of the line officers lineal list pursuant to subsection (a) of this section: *Provided*, That in the event that more than one officer in the same staff corps is assigned the same running mate such officers of such staff corps shall have lineal positions with respect to each other in accordance with the order of their seniority as of August 7, 1947: *Provided further*, That, notwithstanding any of the provisions of this subsection, officers of any staff corps who, on the date of establishment of the lineal list under this subsection, are serving under a temporary appointment in a grade above rear admiral or in a grade to which appointed for a period of limited duration, shall retain the lineal position to which they are entitled by virtue of such appointment until the termination thereof: *And provided further*, That officers of the grade of ensign in any staff corps shall have lineal position with respect to each other in accordance with the order of their seniority as of August 7, 1947.

(j) Redistribution of permanent staff corps officers; grade appointed to.

Immediately after the establishment of the lineal list for each staff corps as prescribed by subsection (i) of this section each officer holding a permanent appointment in a staff corps of the Regular Navy who is on such lineal list may be permanently appointed to and regularly commissioned in such staff corps of the Regular Navy in the same permanent grade to which his running mate is permanently appointed pursuant to subsection (d) of this section: *Provided*, That each officer holding a permanent appointment in a staff corps of the Regular Navy who is on such lineal list and whose running mate does not hold a permanent appointment in the line of the Regular Navy may be permanently appointed to and regu-

larly commissioned in such staff corps of the Regular Navy in the same permanent grade to which the permanently commissioned line officer of the Regular Navy next junior to his running mate is permanently appointed: *Provided further*, That each officer in any staff corps of the Naval Reserve on the lineal list established under subsection (1) of this section may be permanently appointed to and regularly commissioned in the same grade in the Naval Reserve to which his running mate is permanently appointed in the Regular Navy, and in the event that such running mate does not hold a permanent appointment in the line of the Regular Navy, such officer may be so permanently appointed to the same grade in the Naval Reserve to which the permanently commissioned line officers of the Regular Navy next junior to his running mate is permanently appointed: *Provided further*, That nothing contained in this subsection shall be construed to authorize the limitation upon (1) the number of rear admirals which may be appointed in any corps, (2) the number of captains which may be appointed in the Medical Service Corps, and (3) the number of commanders and lieutenant commanders which may be appointed in the Nurse Corps, to be exceeded: *Provided further*, That appointments made pursuant to this subsection shall not be subject to qualification by examination: *Provided further*, That all appointments to grades below that of rear admiral effected pursuant to this subsection shall be regarded as having been made with the advice and consent of the Senate: *And provided further*, That no provision of sections 3c, 5a, 211a, 306-306n, 332b, 332c, 410j-410m, 626-1, and 864b of this title shall be construed to require the reappointment to a permanent grade of any officer who already holds a permanent appointment in such grade.

(k) Temporary appointment to grade; retired personnel on active duty; Fleet Reserve personnel.

Immediately after the establishment of the lineal list for each staff corps as prescribed by subsection (1) of this section each officer of a staff corps on such lineal list, exclusive of those serving on the date of establishment of such list under temporary appointment in a grade above rear admiral or in a grade to which appointed for a period of limited duration, may be temporarily appointed to the same grade to which his running mate is temporarily appointed pursuant to subsection (e) of this section: *Provided*, That the existing temporary appointment of an officer of any staff corps placed on the lineal list established under subsection (1) of this section and who, on the date of establishment of such list is serving under a temporary appointment in a grade above rear admiral or in a grade to which appointed for a period of limited duration, is continued in effect until such appointment shall terminate by its own terms or until such appointment is specifically terminated by the President whichever shall be earlier; upon such termination, such officer may be temporarily appointed to the same grade in which his running mate may be serving under a temporary appointment at such time: *Provided further*, That retired personnel of the Navy or Naval Reserve who

are serving on active duty on the date of the establishment of the lineal list under a temporary appointment in the grade of ensign or above may be retained on active duty, and the existing temporary appointments of such personnel are hereby continued in effect until such appointments shall terminate by their own terms or until such appointments are specifically terminated by the President or until the officers concerned shall be placed on inactive duty, whichever may be earliest, and all such temporary appointments other than those for a period of limited duration may be affirmed by the President and upon such affirmation shall thereafter be considered as having been effected pursuant to this section; upon the termination of the temporary appointment and retention on active duty of any such officer who is so serving, but whose temporary appointment is one to a grade to which he is appointed for a period of limited duration, he may be temporarily appointed to the grade in which he would have been serving on August 7, 1947, had he not been serving at that time under such temporary appointment in a grade to which appointed for a period of limited duration: *Provided further*, That each officer of a staff corps on such lineal list, who does not hold a permanent commission in the Regular Navy above the grade of commissioned warrant officer, and whose running mate holds a permanent appointment in the line of the Regular Navy, may be temporarily appointed to the highest grade, whether under a permanent or temporary appointment, in which his running mate is serving: *Provided further*, That members of any staff corps of the Fleet Reserve who are serving on active duty on the date of the establishment of the lineal list for such staff corps under a temporary appointment in the grade of ensign or above may be retained on active duty and the existing temporary appointments of such personnel are hereby continued in effect until such appointments shall terminate by their own terms or until such appointments are specifically terminated by the President or until the officers concerned shall be placed on inactive duty, whichever may be earliest, and all such temporary appointments other than those for a period of limited duration may be affirmed by the President and upon such affirmation shall thereafter be considered as having been effected pursuant to this section; upon the termination of the temporary appointment and retention on active duty of any such officer who is so serving, but whose temporary appointment is one to a grade to which he is appointed for a period of limited duration, he may be temporarily appointed to the grade in which he would have been serving on August 7, 1947, had he not been serving at that time under such temporary appointment in a grade to which appointed for a period of limited duration: *Provided further*, That personnel of any staff corps of the Navy or Naval Reserve who are serving on active duty on the date of the establishment of the lineal list for such staff corps in grades above commissioned warrant officer, and who have never served in any such grade except under a temporary appointment in a grade to which appointed for a period of limited duration, may be

retained on active duty and serve under such appointment until the termination thereof: *Provided further*, That no officer shall be temporarily appointed, pursuant to this subsection, to a higher grade than the grade held by him on August 7, 1947, exclusive of a temporary appointment in a grade above rear admiral or in a grade to which appointed for a period of limited duration: *Provided further*, That officers of any staff corps who are eligible to be temporarily appointed to any grade pursuant to this subsection may be so appointed notwithstanding receipt of a permanent appointment pursuant to subsection (j) of this section: *And provided further*, That nothing contained in this subsection shall be construed to authorize the limitation upon (1) the number of rear admirals, which may be temporarily appointed in any corps, (2) the number of captains which may be temporarily appointed in the Medical Service Corps, and (3) the number of commanders and lieutenant commanders which may be temporarily appointed in the Nurse Corps, to be exceeded.

(l) Affirmation of existing temporary appointments.

When, in effecting the temporary appointments contemplated by the preceding subsections of this section, it would otherwise be necessary to temporarily appoint an officer in a grade in which he is then serving by virtue of temporary appointment therein pursuant to authority contained in sections 350–350j of this title, the President is authorized to affirm the existing temporary appointment with such necessary readjustment of the date of rank and registered number of officers concerned as shall maintain for him the precedence evidenced by his position on the appropriate lineal list established pursuant to the provisions of this section. Upon such affirmation such appointment shall thereafter be considered as having been effected pursuant to authority contained in this section.

(m) Termination of subsections (a)–(k) of this section.

Upon accomplishment of the provisions of subsections (a)–(k) of this section the redistribution of officers contemplated by said subsections shall be deemed completed and said subsections shall be deemed terminated.

(n) Cessation of appointments under sections 350–350j of this title.

No additional temporary appointments in the naval service shall be effected pursuant to the authority of sections 350–350j of this title, after August 7, 1947, but nothing herein contained shall be held to impair the authority to make temporary appointments under said sections during any future war or national emergency.

(o) Failure of placement on any lineal lists.

Officers of the line or of any staff corps who are on active duty on the date of the establishment of lineal lists pursuant to this section, but who are not placed on any such list, shall not be eligible for selection for promotion pursuant to sections 3c, 5a, 211a, 306–306n, 332b, 332c, 410j–410m, 626–1, and 864b of this title: *Provided*, That officers of the line of the Regular Navy appointed thereto subsequent to

the date of establishment of the lineal list of line officers as prescribed in subsection (a) of this section shall be placed on such lineal list and officers of the line of the Naval Reserve assigned to active duty subsequent to such date shall be placed on such lineal list according to their length of active duty in the grade in which so assigned to active duty: *Provided further*, That officers of the staff corps of the Regular Navy appointed thereto subsequent to the date of establishment of the lineal list of line officers as prescribed in subsection (a) of this section shall be placed on the lineal list of the appropriate staff corps and officers of the staff corps of the Naval Reserve assigned to active duty subsequent to such date shall be placed on such appropriate lineal list according to their length of active duty in the grade to which so assigned to active duty.

(p) Recommendation for temporary appointments.

All temporary promotions to grades above that of lieutenant (junior grade) in the line or Staff Corps of the Navy, including the promotion of those officers who are or may be carried on the Navy list as additional numbers in grade, shall be only upon the recommendation of a board of naval officers as herein prescribed.

(q) Permanent promotions from among temporarily appointed officers.

All permanent promotions shall be effected, from among officers temporarily promoted, in the manner prescribed in section 306f of this title.

(r) Retention of rear admirals on active list.

Rear admirals of the line not restricted in the performance of duty, upon attaining the status of having completed at any time during any fiscal year at least four years of service in grade and at least thirty-four years of total commissioned service as defined in section 3a of this title, shall, subject to the provisions of section 306b (a) of this title, be continued on the active list only upon the recommendation of a board of naval officers convened in such fiscal year as prescribed in section 306 of this title. (Aug. 7, 1947, ch. 512, title III, § 304, 61 Stat. 833.)

TERMINABLE PROVISIONS

Section as a terminable provision relating to all officers, see note set out under section 3c of this title.

§ 211b. Assignment of officers to special duty.

(a) Officers of the line of the Navy not below the grade of ensign may, upon application, and with the approval of the Secretary of the Navy, be assigned to special duty only, including but not restricted to the performance of specialized duties in the fields of communications, law, naval intelligence, photography, public information, psychology, and hydrography.

(b) The total number of officers assigned to special duty only shall not exceed at any one time a number equal to 2½ per centum of the total number of officers holding permanent appointments on the active list of the line of the Regular Navy at that time.

(c) Officers assigned to special duty only shall be additional numbers in grade. They shall perform

sea or shore duty appropriate to their special qualifications but shall not succeed to command except on shore and then only as authorized by the Secretary of the Navy.

(d) Officers assigned to special duty only shall be described and known as officers designated for special duty. (Aug. 7, 1947, ch. 512, title IV, § 401, 61 Stat. 869.)

§ 211c. Appointment of officers to limited duty—(a) Limitation on grade; persons eligible.

The President is authorized to permanently appoint in the Regular Navy, in commissioned grades not above the grade of commander; commissioned warrant officers; warrant officers; chief petty officers; and petty officers, first class, of the Regular Navy, for the performance of limited duty only in the technical fields indicated by their warrants or ratings. Such appointments shall be effected by and with the advice and consent of the Senate.

(b) Supply Corps and Civil Engineering Corps.

The appointment of such officers in the Staff Corps of the Regular Navy is limited to such appointments in the Supply Corps and Civil Engineer Corps.

(c) Determination of eligibility for appointment.

The eligibility of commissioned warrant officers; warrant officers; chief petty officers; and petty officers, first class, for appointment pursuant to the authority of subsection (a) of this section shall be determined in accordance with rules to be prescribed by the Secretary of the Navy, but no person shall be eligible for such appointment until he shall have completed ten years of active service in the Navy.

(d) Application to Marine Corps.

The provisions of subsections (a) and (c) of this section shall be applicable in like manner and with like effect, except as may be necessary to adapt the same thereto, to the Regular Marine Corps.

(e) Number appointed in line.

The total number of officers on the active list of the line of the Regular Navy appointed for limited duty only shall not exceed, in any year, a number equal to $6\frac{22}{100}$ per centum of the total number of officers holding permanent appointments on the active list of the line, exclusive of officers designated for engineering duty, aeronautical engineering duty, and special duty, of the Regular Navy in that year.

(f) Number appointed in staff corps.

The number of officers on the active list of the staff corps concerned appointed for limited duty only shall not in any year exceed the following proportions of the authorized number of officers appointed for limited duty only of the active list of the line in that year: In the Supply Corps, 12 per centum; in the Civil Engineer Corps, 3 per centum.

(g) Number appointed in Marine Corps.

The total number of officers on the active list of the Marine Corps appointed for limited duty only shall not exceed, in any year, a number equal to $6\frac{22}{100}$ per centum of the total number of officers holding permanent appointments on the active list, exclusive of officers designated for supply duty, of the Marine Corps in that year.

(h) Original appointments in grade below captain; persons eligible.

For two years after August 7, 1947, the President may make original appointments, pursuant to the provisions of the preceding subsections of this section, in the grade of commander or any lower grade, in accordance with the needs of the service as determined by him, but, with respect to line officers appointed for limited duty only, not to exceed in any grade the maximum number of such officers for that grade as last computed pursuant to section 4 (f) of this title. No person shall be eligible for original appointment in a grade above ensign except he shall have completed service in the Navy as follows: For commander, twenty-eight years; for lieutenant commander, twenty-two years; for lieutenant, sixteen years; for lieutenant (junior grade), thirteen years. Commissioned warrant officers; warrant officers; chief petty officers; and petty officers, first class, of the Regular Navy, who are otherwise eligible, shall be eligible for such appointment, notwithstanding that they may be serving in commissioned grades by virtue of temporary appointment therein, but no such person shall be so appointed in a higher grade or with a higher lineal rank in grade than the grade and lineal rank in grade held by him by virtue of his temporary appointment. Original appointments pursuant to this subsection shall be effected with such dates of rank and registered numbers as may be necessary to place each appointee in a lineal position within the grade to which initially appointed commensurate as far as possible with his total length of active naval service. Officers originally appointed pursuant to this subsection to a grade above lieutenant (junior grade) in the line shall be carried as excess in grade until the next subsequent annual computation shall be made to determine the total numbers of line officers authorized in the grade concerned.

(i) Original appointments in grade of ensign.

Upon the termination of subsection (h) of this section all original appointments effected pursuant to the authority of subsection (a) of this section shall be in the grade of ensign.

(j) Reduction in pay and allowances.

No officer appointed for limited duty only shall suffer any reduction in pay and allowances to which he was entitled at the time of such appointment by virtue of his permanent status.

(k) Application of subsections (h)–(j) to Marine Corps.

The provisions of subsections (h)–(j) of this section are made applicable in like manner and with like effect, except as may be necessary to adapt the same thereto, to the Regular Marine Corps.

(l) Assignment to engineering, aeronautical engineering, or special duty; termination of limited duty status.

Any officer appointed in the line of the Navy for limited duty only, may, upon application, and upon determination by the Secretary of the Navy, in accordance with rules to be prescribed by him, that such officer is qualified therefor, be assigned to engineering duty only, aeronautical engineering

duty only, or special duty only, or to unrestricted performance of duty. Upon being so assigned, his status as an officer designated for limited duty shall terminate.

(m) Assignment to unrestricted duty, termination of limited duty status.

Any officer appointed in a staff corps of the Navy for limited duty only may, upon application, and upon determination by the Secretary of the Navy, in accordance with rules to be prescribed by him, that such officer is qualified therefor, be assigned to unrestricted performance of duty in the staff corps concerned. Upon being so assigned, his status as an officer designated for limited duty shall terminate.

(n) Assignment to unrestricted duty or supply corps in Marine Corps; termination of limited duty status.

Any officer appointed in the Marine Corps for limited duty only may, upon application, and upon determination by the Secretary of the Navy, in accordance with rules to be prescribed by him, that such officer is qualified therefor, be assigned to supply duty only, or to unrestricted performance of duty. Upon being so assigned, his status as an officer designated for limited duty shall terminate.

(o) Designation of limited duty officers.

Officers appointed for limited duty only shall be described and known as officers designated for limited duty. (Aug. 7, 1947, ch. 512, title IV, § 404, 61 Stat. 870.)

§ 211d. Designation of officers for certain commands or unusual missions—(a) Grade, rank, pay, and allowances.

The President is authorized to designate officers of the active list of the Navy for the command of fleets or subdivisions thereof, or to command naval units afloat organized for the purpose of performing a special or unusual mission, or for the performance of any duty of great importance and responsibility, and officers so designated may, by and with the advice and consent of the Senate, have the grade, rank, pay, and allowances of admiral or vice admiral while so serving: *Provided*, That the number of officers who may be so serving at any one time shall not exceed 15 per centum of the total authorized number of officers of the line of the Regular Navy above the grade of captain, determined pursuant to sections 4 and 5a of this title, and, of such number, not to exceed eight, may be serving in the grade of admiral: *Provided further*, That after July 1, 1948, except in time of war or national emergency declared after August 7, 1947, not to exceed twenty-six officers, including the Chief of Naval Operations, may be so serving at any one time of whom only the Chief of Naval Operations, and three others, may have the rank of admiral; whenever a naval officer is assigned as Chief of Staff to the President as Commander in Chief, he shall have, by and with the advice and consent of the Senate, unless entitled under other provisions of law to higher grade, rank, pay, or allowances, the grade, rank, pay, and allowances of admiral while so serving and shall be in addition to the numbers otherwise authorized by

this subsection: *Provided further*, That the designation of any officer as authorized by this section shall not create a vacancy in any grade of the Navy or increase the total number of officers allowed by law: *And provided further*, That officers so designated shall have such precedence among themselves in the grade in which serving pursuant to this section as may be determined by the Secretary of the Navy.

(b) Grade officers designated.

In time of war or national emergency the designations authorized by this section shall be made from among officers not below the grade of captain, and at all other times from among officers above the grade of captain.

(c) Increased pay and allowances.

Each officer so designated shall receive the pay and allowances now or hereafter prescribed by law for the grade in which serving pursuant to this section from the date of reporting for the duty designated and until detached therefrom, at which time he shall resume his regular grade and lineal position on the active list of the Navy.

(d) Repeal of other provisions of law.

Nothing in this section shall be held or construed as amending or repealing the provisions of sections 216, 424, or 425 of this title. (Aug. 7, 1947, ch. 512, title IV, § 413, 61 Stat. 875.)

CONTINUATION OF CERTAIN OFFICERS IN GRADES OF GENERAL AND ADMIRAL UNTIL JULY 1, 1950

Section 2 of act June 28, 1948, ch. 696, 62 Stat. 1069, provided that: "In addition to the number of officers authorized to serve after July 1, 1948, on the active list in the grade of General in the Army and Admiral in the Navy pursuant to sections 504 and 413 of the Officer Personnel Act of 1947 [this section and section 506b of Title 10], officers now on the active list of the Army in the grade of general whose dates of rank in such grade are between March 8, 1945, and April 15, 1945, inclusive, and of the Navy in the grade of admiral whose dates of rank in such grade are prior to April 4, 1945, may, at the discretion of the President, be continued in such grades until July 1, 1950, unless sooner retired and the total number of officers authorized by these sections to have the grade, rank, title, pay, and allowances of vice admiral or admiral and lieutenant general or general, is temporarily increased accordingly: *Provided*, That the provisions of this section in no way affect the status of the officer who may be serving as Chief of Staff in the Army on the effective date of this Act. [June 28, 1948]."

§ 211e. Limitation on number of retired and Reserve officers serving on active duty in flag ranks.

In addition to fleet admirals and to the number of rear admirals and above authorized by sections 3a-5a, 211a, 304-304g, 305-305g, 306-306n, 332b, 332c, 410f-410m, 626, 626-1, 864a, and 864b of this title and by section 211d of this title, a total of not to exceed ten retired and Reserve officers may be serving on active duty in the grade of rear admiral or above: *Provided*, That the above shall be exclusive of retired officers ordered to temporary active duty on boards of officers as provided in titles I through IV of this Act: *And provided further*, That the above restrictions shall not apply in time of war or national emergency declared after August 7, 1947. (Aug. 7, 1947, ch. 512, title IV, § 430, 61 Stat. 881.)

REFERENCES IN TEXT

Titles I through IV of this act referred to in text have been classified to sections 2-5b, 10a, 21, 43, 43b, 43d, 43g, 43i, 56, 71-73, 76, 77, 93a, 97, 211a-211e, 235, 283, 304-304g, 305-305g, 306-306s, 332b, 332c, 405a, 410c, 410d, 410f-410g, 622, 623b, 626-1, 632b, 737, 855h, 864a, and 864b of this title.

§§ 212-215. Repealed. Aug. 7, 1947, ch. 512, title IV, § 436 (c), (i), 61 Stat. 882.

Section 212, related to designation of officers for command of fleets, and is now covered by section 211d of this title.

Section 212a, related to designation of officers for unusual or special duty, and is now covered by section 211d of this title.

Section 213, related to grades of officers designated from, and is now covered by section 211d of this title.

Section 214, related to designation as creating vacancies in grade or increasing number of officers, and is now covered by section 211d of this title.

Section 215, related to detachment from command and return to former rank, and is now covered by section 211d of the title.

§ 216. Commanding officer of squadron; rank and title; authority.

REPEALS

Act May 22, 1917, cited to text, was repealed by act Aug. 7, 1947, ch. 512, title IV, § 436 (c), 61 Stat. 882.

§ 222. Shore duty; employment of officers.

SUSPENSION DURING WAR

Act May 29, 1946, ch. 137, 59 Stat. 226, suspending this section until six months after World War II, was repealed by Joint Res. July 25, 1947, ch. 327, § 1, 61 Stat. 449.

§ 225. Staff officers; exemption from sea duty.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§ 234. Repealed. Aug. 7, 1947, ch. 512, title IV, § 436 (g), 61 Stat. 882.

Section related to a uniform system of efficiency records, and is not now covered.

§ 235. Additional numbers in grade changed to regular numbers; exceptions.

Officers of the Navy, except those assigned to engineering duty only, aeronautical engineering duty only, or special duty only, and officers of the Marine Corps, except those assigned to supply duty only, who, on August 7, 1947, are additional numbers in grade, are changed to regular numbers on the Navy and Marine Corps lists, respectively. (Aug. 7, 1947, ch. 512, title IV, § 406, 61 Stat. 872.)

Chapter 4.—RANK AND PRECEDENCE

Sec.

241a. Relative rank of flag officers of the Navy and general officers of the Army [New].

§ 241a. Relative rank of flag officers of the Navy and general officers of the Army.

Officers holding commissions in the grade of major general in the Regular Army and officers holding commissions in the grade of rear admiral in the Navy who are entitled to the pay of the upper half of that grade shall take rank among themselves according to their respective dates of rank in such

grades. Officers holding commissions in the grade of brigadier general in the Regular Army and officers holding commissions in the grade of rear admiral in the Navy who are entitled to the pay of the lower half of that grade shall take rank among themselves according to their respective dates of rank in such grades. All officers in the Army of the United States, including all components thereof, senior in relative rank to any Regular Army officer, shall also be senior to all Navy officers junior in relative rank to such Regular Army officer. (Aug. 7, 1947, ch. 512, title V, § 516, 61 Stat. 908.)

CODIFICATION

Similar provisions are set out as section 517 of Title 10, Army.

§§ 262, 263. Repealed. Apr. 16, 1947, ch. 38, § 213 (g), 61 Stat. 52.

Section 262 related to relative rank of Nurse Corps members and is now covered by sections 43 and 43a of this title.

Section 263 related to authority of nurses with regard to medical and sanitary matters and is now covered by section 43d of this title.

EFFECTIVE DATE

Section 213 of act Apr. 16, 1947, ch. 38, 61 Stat. 51, provided in part that all laws and parts of laws inconsistent with sections 43-43i, 348b, 348o, 853b, and 858-858d of this title, and sections 102 and 113 of Title 37 are repealed effective six months after Apr. 16, 1947, and that said sections shall be in effect in lieu thereof.

ACTUAL RANK

Act Feb. 26, 1944, ch. 66, 58 Stat. 105, which provided for actual rank of the former Navy Nurse Corps was repealed by § 213 (i) of act Apr. 16, 1947, ch. 38, 61 Stat. 52.

Chapter 5.—PROMOTION AND ADVANCEMENT

PROMOTION TO GRADES ABOVE LIEUTENANT
(JUNIOR GRADE)

Sec.

304. Promotion of line officers by selection; retention of rear admirals [New].

304a. Selection boards for line officers; composition; qualifications of members; appointment of members [New].

304b. Oath of members of selection boards for line officers [New].

304c. Eligibility of line officers for consideration by selection boards [New].

(a) Rear admirals.

(b) Captains designated for engineering, aeronautical engineering, and special duty.

(c) Completion of necessary periods of service.

(d) Limited duty officers.

304d. Information to be furnished selection boards for line officers [New].

(a) Information furnished by Secretary of the Navy.

(b) Determination of number of unrestricted duty officers for promotion.

(c) Determination of number of limited duty officers for promotion.

(d) Determination of number of engineering, aeronautical engineering, or special duty officers for promotion to rear admiral.

(e) Determination of engineering duty officers for promotion below grade of captain.

(f) Determination of aeronautical engineering duty officers for promotion below grade of captain.

(g) Determination of number of special duty officers for promotion below grade of captain.