

## Public Law 85-861

## AN ACT

To amend titles 10, 14, and 32, United States Code, to codify recent military law, and to improve the Code.

September 2, 1958  
[H. R. 8943]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 10, United States Code, is amended as follows:

Title 10, U. S.  
Code.  
Amendments.  
70A Stat. 3.  
10 USC 101.

(1) Section 101 is amended by inserting the following new clause after clause (24):

“(25) ‘Active status’ means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.”

(2) Chapter 3 is amended—

(A) by adding the following new sections after section 121:

“§ 122. Official registers

“The Secretary of a military department may have published, annually or at such other times as he may designate, official registers containing the names of, and other pertinent information about, such regular and reserve officers of the armed forces under his jurisdiction as he considers appropriate. The register may also contain any other list that the Secretary considers appropriate.

“§ 123. Suspension of certain provisions of law relating to reserve commissioned officers

“(a) In time of war, or of emergency declared by Congress, the President may suspend the operation of any provision of the following sections of this title with respect to any armed force: 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220, 3352 (a) (last sentence), 3353, 3354, 3359, 3360, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3375, 3378, 3380, 3382, 3383, 3384, 3385, 3386, 3388, 3389, 3390, 3391, 3392, 3393, 3494, 3571, 3819, 3820 (c), 3841, 3842, 3843, 3844, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 5414, 5457, 5458, 5506, 5600, 5665, 5867, 5891, 5892, 5893, 5894, 5895, 5896, 5897, 5898, 5899, 5900, 5901, 5902, 5903, 5904, 5905, 5906, 5907, 5908, 5909, 5910, 5911, 6389, 6391, 6397, 6403, 6410, 8217, 8218, 8219, 8353, 8354, 8358, 8359, 8360, 8361, 8362, 8363, 8365, 8366, 8367, 8368, 8370, 8371, 8372, 8373, 8374, 8375, 8376, 8377, 8378, 8379, 8380, 8381, 8392, 8393, 8494, 8571, 8819, 8841, 8842, 8843, 8844, 8845, 8846, 8847, 8848, 8849, 8850, 8851, 8852, and 8853.

10 USC 592-  
8853 *passim*.

“(b) If a provision is so suspended, the Secretary of Defense shall, before the end of that suspension, recommend to Congress legislation necessary to adjust the grades of reserve commissioned officers other than commissioned warrant officers. So far as practicable, this legislation shall be the same as that recommended for adjusting the grades of officers of the regular component of the armed force concerned.”; and

(B) by adding the following new items at the end of the analysis:

“122. Official registers.

“123. Suspension of certain provisions of law relating to reserve commissioned officers.”

(3) Section 268 is amended by striking out the figure “1,500,000” and inserting the figure “2,900,000” in place thereof.

10 USC 268.

(4) Section 269 (e) is amended—

10 USC 269.

(A) by inserting the following new clauses after clause (1):

“(2) he has served on active duty (other than for training) in the armed forces for at least one year and has served satisfac-

69 Stat. 602,  
50 USC 1014.

torily as a member of a unit of the Ready Reserve after being transferred under section 1014 (a) of title 50, for a period that, when added to the period of his active duty, totals four years;

“(3) he has satisfactorily completed an enlistment under section 1014 (b) of that title:” and

(B) by redesignating clauses (2), (3), and (4) as clauses “(4)”, “(5)”, and “(6)”, respectively.

10 USC 261-280.

(5) Chapter 11 is amended—

(A) by inserting the following new sections after section 269:

**“§ 270. Ready Reserve: training requirements**

“(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is inducted, enlisted, or appointed in an armed force after August 9, 1955, and who becomes a member of the Ready Reserve under any provision of law except section 269 (b) of this title, shall be required, while in the Ready Reserve, to—

“(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training not more than 17 days during each year; or

“(2) serve on active duty for training not more than 30 days during each year.

50 USC app.  
456.

“(b) A member of the Ready Reserve covered by this section, other than one enlisted under section 456 (c) (2) (C) of title 50, appendix, who fails in any year to satisfactorily perform the training duty prescribed in subsection (a), as determined by the Secretary concerned under regulations to be prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

**“§ 271. Ready Reserve: continuous screening**

“Under regulations to be prescribed by the President, each armed force shall provide a system of continuous screening of units and members of the Ready Reserve to insure that—

“(1) there will be no significance attrition of those members or units during a mobilization;

“(2) there is a proper balance of military skills;

“(3) except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills;

“(4) with due regard to national security and military requirements, recognition will be given to participation in combat; and

“(5) members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

**“§ 272. Ready Reserve: transfer back from Standby Reserve**

“Under regulations to be prescribed by the Secretary of Defense, or by the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.”:

**(B) by amending section 275—**

10 USC 275.

(i) by inserting the designation “(a)” before the word “Each” at the beginning thereof; and

(ii) by inserting the following new subsection at the end thereof:

“(b) Under regulations to be prescribed by the Secretary of Defense, each military department shall prepare and maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.”; and

(C) by inserting the following new section after section 278:

**“§ 279. Training reports**

“The Secretary of Defense shall report to the President and to Congress, in January of each year, the status of training of each reserve component, and the progress made in strengthening the reserve components, during the preceding fiscal year.”

(6) The analysis of chapter 11 is amended by inserting the following new items:

“270. Ready Reserve: training requirements.

“271. Ready Reserve: continuous screening.

“272. Ready Reserve: transfer back from Standby Reserve.

“279. Training reports.”

(7) Section 311 (a) is amended by inserting the following before the period at the end thereof: “and of female citizens of the United States who are commissioned officers of the National Guard”.

10 USC 311.

(8) Section 511 is amended—

10 USC 511.

(A) by inserting the following new subsection after subsection (a):

“(b) Under regulations to be prescribed by the Secretary concerned, a person who is qualified for enlistment for active duty in an armed force, and who is not under orders to report for induction into an armed force under sections 451-473 of title 50, appendix, may be enlisted as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, for a term of six years. Each person enlisted under this subsection shall serve—

50 USC app.  
451-473.

“(1) on active duty for a period of two years;

“(2) satisfactorily as a member of the Ready Reserve for a period that, when added to his active duty under clause (1), totals five years; and

“(3) the rest of his period of enlistment as a member of the Standby Reserve.”; and

(B) by redesignating subsection (b) as subsection “(c)”.

(9) Chapter 31 is amended—

(A) by adding the following new section at the end thereof:

**“§ 516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman**

“(a) The enlistment or period of obligated service of an enlisted member of the armed forces who accepts an appointment as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy or in the Naval Reserve, may not be terminated because of the acceptance of that appointment. However, while serving as a cadet or midshipman at an Academy, he is entitled only to the pay, allowances, compensation, pensions, and other benefits provided by law for such a cadet or midshipman or, if he is a midshipman in the Naval Reserve, to the compensation and emoluments of a midshipman in the Naval Reserve.

“(b) If a person covered by subsection (a) is separated from service as a cadet or midshipman, or from service as a midshipman in the Naval Reserve, for any reason other than his appointment as a commissioned officer of a regular or reserve component of an armed force or because of a physical disability, he resumes his enlisted status and shall complete the period of service for which he was enlisted or for which he has an obligation, unless he is sooner discharged. In computing the unexpired part of an enlistment or period of obligated service for the purposes of this subsection, all service as a cadet or midshipman is counted as service under that enlistment or period of obligated service.”

(B) by striking out the following item from the analysis:

“513. Reserve components: promotions.”; and

(C) by adding the following new item at the end of the analysis:

“516. Effect upon enlisted status of acceptance of appointment as cadet or midshipman.”

10 USC 591.

(10) Chapter 35 is amended—

(A) by amending section 591 (c) by inserting the following new sentence after the first sentence thereof: “Women who are otherwise qualified may be appointed as Reserves of the armed forces with a view to serving as nurses or medical specialists in the Army National Guard of the United States or the Air National Guard of the United States.”; and

(B) by inserting the following new section after section 591:

“§ 592. Commissioned officer grades

“Except for commissioned warrant officers, the reserve commissioned officer grades in each armed force are those authorized for regular commissioned officers of that armed force.”; and

10 USC 593.

(C) by striking out the period at the end of section 593 (a) and inserting the following words in place thereof: “, except as provided in section 3352 of this title.”

10 USC 3352.

(11) The analysis of chapter 35 is amended—

(A) by inserting the following new item:

“592. Commissioned officer grades.”; and

(B) by striking out the following item:

“596. Officers: promotion.”

10 USC 651.

(12) Section 651 (a) is amended to read as follows:

“(a) Each male person who after August 9, 1955, becomes a member of an armed force before his twenty-sixth birthday, other than a person enlisted under section 1013 of title 50 or deferred under the next to the last sentence of section 456 (d) (1) of title 50, appendix, shall serve in the armed forces for a total of six years, unless he is sooner discharged because of personal hardship under regulations prescribed by the Secretary of Defense or, if he is a member of the Coast Guard while it is not operating as a service in the Navy, by the Secretary of the Treasury. Any part of such service that is not active duty or is active duty for training shall be performed in a reserve component.”

50 USC 1013.

50 USC app.  
456.

10 USC 672.

(13) Section 672 (a) is amended to read as follows:

“(a) In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that

Secretary to active duty for the duration of the war or emergency and for six months thereafter. However—

“(1) a member on an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available; and

“(2) a member of the Standby Reserve may not be ordered to active duty under this subsection unless the Director of Selective Service determines that the member is available for active duty.”

(14) Section 673 is amended—

10 USC 673.

(A) by striking out the last sentence of subsection (a); and

(B) by adding the following new subsection after subsection (b):

“(c) Not more than 1,000,000 members of the Ready Reserve may be on active duty (other than for training), without their consent, under this section at any one time.”

(15) Chapter 39 is amended by inserting the following new sections after section 683:

10 USC 671-686.

**“§ 684. Payment of certain Reserves while on duty**

“(a) Except as provided by subsection (b), a Reserve of the Army, Navy, Air Force, or Marine Corps who because of his earlier military service is entitled to a pension, retired or retainer pay, or disability compensation, and who performs duty for which he is entitled to compensation, may elect to receive for that duty either—

“(1) the payments to which he is entitled because of his earlier military service; or

“(2) if he specifically waives those payments, the pay and allowances authorized by law for the duty that he is performing.

“(b) Unless the payments because of his earlier military service are greater than the compensation prescribed by subsection (a) (2), a Reserve of the Army, Navy, Air Force, or Marine Corps who because of his earlier military service is entitled to a pension, retired or retainer pay, or disability compensation, and who upon being ordered to active duty for a period of more than 30 days in time of war or national emergency is found physically qualified to perform that duty, ceases to be entitled to the payments because of his earlier military service until the period of active duty ends. While on that active duty, he is entitled to the compensation prescribed by subsection (a) (2). Other rights and benefits of the member or his dependents are unaffected by this subsection.

**“§ 685. Reserves: theological students; limitations**

“A Reserve may not be required to serve on active duty, or to participate in inactive duty training, while preparing for the ministry in a recognized theological or divinity school.”

(16) The analysis of chapter 39 is amended by inserting the following new items:

“684. Payment of certain Reserves while on duty.

“685. Reserves: theological students; limitations.”

10 USC 711-715.

(17) Chapter 41 is amended by adding the following new section after section 715:

**“§ 716. Members of the armed forces: participation in international sports**

“(a) The Secretary of Defense, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, may permit members of the armed forces under his jurisdiction to train for, attend, and participate in—

“(1) Pan-American Games and Olympic Games; and

“(2) any other international competition in amateur sports, if the Secretary of State determines that the interests of the United States will be served by participation in that competition.

“(b) At least 30 days before the entry of any members under subsection (a) (2), the Secretary of Defense or the Secretary of the Treasury, as the case may be, shall report to the Committees on Armed Services of the Senate and the House of Representatives the details of the proposed participation.

“(c) Subject to subsections (d), (e), and (f), the Secretary of Defense or the Secretary of the Treasury, as the case may be, may spend such funds, and acquire and use such supplies, as he determines to be necessary to provide for—

“(1) the training of members of the armed forces for the competitions covered by subsection (a);

“(2) their attendance at and participation in those competitions; and

“(3) the training of animals of the armed forces for, and their attendance at and participation in, those competitions.

“(d) Not more than \$800,000, to be apportioned among the military departments as the Secretary of Defense prescribes, may be spent during each successive four-year period beginning on March 14, 1955, for the participation of members of the Army, Navy, Air Force, and Marine Corps in the competitions covered by subsection (a).

“(e) Not more than \$100,000 may be spent during each successive four-year period beginning on March 14, 1955, for the participation of members of the Coast Guard in the competitions covered by subsection (a).

“(f) Appropriations available to the Department of Defense or to the Department of the Treasury, as the case may be, may be used to carry out this section.”

(18) The analysis of chapter 41 is amended by adding the following new item at the end thereof:

“716. Members of the armed forces: participation in international sports.”

(19) The analysis of chapter 43 is amended by striking out the following item:

“742. Rank: officers of regular and reserve components.”

(20) Chapter 49 is amended by striking out the words “[No present sections]” and inserting the following in place thereof:

“Sec.

“971. Service credit: officers may not count enlisted service performed while serving as cadet or midshipman.

“972. Enlisted members: required to make up time lost.

**“§ 971. Service credit: officers may not count enlisted service performed while serving as cadet or midshipman**

“The period of service under an enlistment or period of obligated service while also serving as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval

Academy or in the Naval Reserve, under an appointment accepted after June 25, 1956, may not be counted in computing, for any purpose, the length of service of an officer of an armed force.”

**“§ 972. Enlisted members: required to make up time lost**

“An enlisted member of an armed force who—

- “(1) deserts;
- “(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;
- “(3) is confined for more than one day while awaiting trial and disposition of his case, and whose conviction has become final;
- “(4) is confined for more than one day under a sentence that has become final; or
- “(5) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

is liable, after his return to full duty, to serve for a period that, when added to the period that he served before his absence from duty, amounts to the term for which he was enlisted or inducted.”

(21) The analysis of subtitle A and part II of subtitle A is amended by striking out the following item:

“49. Miscellaneous Prohibitions and Penalties. [No present sections]”

and inserting the following item in place thereof:

“49. Miscellaneous Prohibitions and Penalties..... 971”.

(22) Chapter 51 is amended—

(A) by inserting the following new section after section 1001:

**“§ 1002. Standards and qualifications: result of failure to comply with**

“(a) To be retained in an active status, a reserve commissioned officer must, in any applicable yearly period, attain the number of points under section 1332 (a) (2) of this title prescribed by the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, and must conform to such other standards and qualifications as the Secretary concerned may prescribe. The Secretary may not prescribe a minimum of more than 50 points under this subsection.

“(b) Subject to section 1005 of this title, a reserve commissioned officer who fails to attain the number of points, or to conform to the standards and qualifications, prescribed in subsection (a) shall—

- “(1) be transferred to the Retired Reserve if he is qualified and applies therefor;
- “(2) if he is not qualified or does not apply for transfer to the Retired Reserve, be transferred to an inactive status, if he is qualified therefor; or
- “(3) if he is not transferred to the Retired Reserve or an inactive status, be discharged from his reserve appointment.

“(c) This section does not apply to commissioned warrant officers or to adjutants general or assistant adjutants general of States and Territories, Puerto Rico, the Canal Zone, and the District of Columbia.”; and

10 USC 1001-1004.

10 USC 1332.

(B) by inserting the following new sections after section 1004:

**“§ 1005. Commissioned officers: retention until completion of required service**

“A reserve commissioned officer, other than a commissioned warrant officer, who has not completed the period of service required of him by section 651 of this title or any other provision of law, may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title. Unless, under regulations prescribed by the Secretary concerned, he is promoted to a higher reserve grade, he shall be retained in an active status in his reserve grade for the rest of his period of required service and shall be an additional number to the authorized strength of his grade.

**“§ 1006. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service**

“(a) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 18, but less than 19, years of service computed under section 1332 of this title, he may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title without his consent before the earlier of the following dates—

“(1) the date on which he is entitled to be credited with 20 years of service computed under section 1332 of this title; or

“(2) the third anniversary of the date on which he would otherwise be discharged or transferred from an active status.

“(b) If on the date prescribed for the discharge or transfer from an active status of a reserve commissioned officer he is entitled to be credited with at least 19, but less than 20, years of service computed under section 1332 of this title, he may not be discharged or transferred from an active status under chapter 337, 361, 363, 573, 837, 861, or 863 of this title without his consent before the earlier of the following dates—

“(1) the date on which he is entitled to be credited with 20 years of service computed under section 1332 of this title; or

“(2) the second anniversary of the date on which he would otherwise be discharged or transferred from an active status.

“(c) An officer of the Army or the Air Force who is retained in an active status under subsection (a) or (b) is an additional number to those otherwise authorized.

“(d) Subsections (a) and (b) do not apply to—

“(1) officers who are discharged or transferred from an active status for physical disability, for cause, or because they have reached the age at which transfer from an active status or discharge is required by law; or

“(2) commissioned warrant officers.

“(e) A reserve commissioned officer on active duty (other than for training) who, on the date on which he would otherwise be removed from an active status under section 3846, 3847, 3848, 3849, 3851, 3852, 6389, 6397, 6403, 6410, 8846, 8847, 8848, 8849, 8851, or 8852 of this title or section 1391 of title 50, and who is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, may, in the discretion of the Secretary concerned, be retained on active duty for a period of not more than two years, if at the end of that period he will be qualified for retirement under one of those sections and will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title. An officer who is retained on active duty under this section may not be removed from an active status while he is on that duty. For officers covered by sec-

10 USC 1332.

10 USC 3351 et  
seq.

10 USC 3846-  
8852 *passim*.

50 USC 1391.



tion 3846, 3847, 3848, 3849, 3851, or 3852 of this title, the ages at which transfer from an active status or discharge is required are those set forth in section 3843, 3844, or 3845 of this title, or section 21 (e) of the Act enacting this section, as the case may be.

**“§ 1007. Commissioned officers: retention in active status while assigned to Selective Service System**

“Notwithstanding chapters 337, 363, 573, 837, and 863 of this title, a reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until he becomes 60 years of age.”

10 USC 3351 et seq.

(23) The analysis of chapter 51 is amended by inserting the following new items:

“1002. Standards and qualifications: result of failure to comply with.

“1005. Commissioned officers: retention until completion of required service.

“1006. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.

“1007. Commissioned officers: retention in active status while assigned to Selective Service System.”

(24) Chapter 53 is amended—

(A) by adding the following new section at the end thereof:

10 USC 1031-1035.

**“§ 1037. Counsel before foreign judicial tribunals and administrative agencies; court costs and bail**

“(a) Under regulations to be prescribed by him, the Secretary concerned may employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation, before the judicial tribunals and administrative agencies of any foreign nation, of persons subject to the Uniform Code of Military Justice. So far as practicable, these regulations shall be uniform for all armed forces.

“(b) The person on whose behalf a payment is made under this section is not liable to reimburse the United States for that payment, unless he is responsible for forfeiture of bail provided under subsection (a).

“(c) Appropriations available to the military department concerned or the Department of the Treasury, as the case may be, for the pay of persons under its jurisdiction may be used to carry out this section.”; and

(B) by adding the following new item at the end of the analysis:

“1037. Counsel before foreign judicial tribunals and administrative agencies; court costs and bail.”

(25) Chapter 55 is amended—

(A) by amending the title to read as follows:

**“CHAPTER 55.—MEDICAL AND DENTAL CARE”;**

(B) by inserting the following new sections after the analysis:

**“§ 1071. Purpose of sections 1071-1085 of this title**

“The purpose of sections 1071-1085 of this title is to create and maintain high morale in the uniformed services by providing an improved and uniform program of medical and dental care for members and certain former members of those services, and for their dependents.

10 USC 1071-1085.

**“§ 1072. Definitions**

“In sections 1071–1085 of this title:

“(1) ‘Uniformed services’ means the armed forces and the Commissioned Corps of the Coast and Geodetic Survey and of the Public Health Service.

“(2) ‘Dependent’, with respect to a member or former member of a uniformed service, means—

“(A) the wife;

“(B) the unremarried widow;

“(C) the husband, if he is in fact dependent on the member or former member for over one-half of his support;

“(D) the unremarried widower, if, because of mental or physical incapacity he was in fact dependent on the member or former member at the time of her death for over one-half of his support;

“(E) an unmarried legitimate child, including an adopted child or a stepchild, who either—

“(i) has not passed his twenty-first birthday;

“(ii) is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of the member’s or former member’s death, in fact dependent on him for over one-half of his support; or

“(iii) has not passed his twenty-third birthday, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare, as the case may be, and is, or was at the time of the member’s or former member’s death, in fact dependent on him for over one-half of his support; and

“(F) a parent or parent-in-law who is, or was at the time of the member’s or former member’s death, in fact dependent on him for over one-half of his support and residing in his household.

**“§ 1073. Administration of sections 1071–1085 of this title**

“Except as otherwise provided in sections 1071–1085 of this title, the Secretary of Defense shall administer those sections for the armed forces under his jurisdiction, and the Secretary of Health, Education, and Welfare shall administer them for the Coast Guard when the Coast Guard is not operating as a service in the Navy, and for the Coast and Geodetic Survey and the Public Health Service.

**“§ 1074. Medical and dental care for members and certain former members**

“(a) Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare, a member of a uniformed service who is on active duty is entitled to medical and dental care in any facility of any uniformed service.

“(b) Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare, a member or former member of a uniformed service who is entitled to retired or retainer pay, or equivalent pay, except a member or former member who is entitled to retired pay under chapter 67 of this title and has served less than eight years on active duty (other than for training), may, upon request, be given medical and dental care in any facility of any uniformed service, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

**“§ 1075. Officers and certain enlisted members: subsistence charges**

“When an officer or former officer of a uniformed service is hospitalized under section 1074 of this title, he shall pay an amount equal to the part of the charge prescribed under section 1078 of this title that is attributable to subsistence. An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay, or equivalent pay may not be so charged.

**“§ 1076. Medical and dental care for dependents: general rule**

“(a) A dependent of a member of a uniformed service who is on active duty for a period of more than 30 days, or of such a member who died while on that duty, is entitled, upon request, to the medical and dental care prescribed by section 1077 of this title in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

“(b) Under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare, a dependent of a member or former member who is, or was at the time of his death, entitled to retired or retainer pay, or equivalent pay, except a member or former member who is, or was at the time of his death, entitled to retired pay under chapter 67 of this title and has served less than eight years on active duty (other than for training) may, upon request, be given the medical and dental care prescribed by section 1077 of this title in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

10 U S C 1331-1337.

“(c) A determination by the medical or dental officer in charge, or the contract surgeon in charge, or his designee, as to the availability of space and facilities and to the capabilities of the medical and dental staff is conclusive. Care under this section may not be permitted to interfere with the primary mission of those facilities.

“(d) To utilize more effectively the medical and dental facilities of the uniformed services, the Secretary of Defense and the Secretary of Health, Education, and Welfare shall prescribe joint regulations to assure that dependents entitled to medical or dental care under this section will not be denied equal opportunity for that care because the facility concerned is that of a uniformed service other than that of the member.

**“§ 1077. Medical and dental care for dependents: specific inclusions and exclusions**

“(a) Only the following medical care may be given under section 1076 of this title:

- “(1) Diagnosis.
- “(2) Treatment of acute medical and surgical conditions.
- “(3) Treatment of contagious diseases.
- “(4) Immunization.
- “(5) Maternity and infant care.
- “(6) Treatment authorized by subsection (b).

“(b) Hospitalization may not be given to dependents for the treatment of nervous or mental disorders or chronic diseases or for elective medical and surgical treatment, except that the Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, may by regulation provide, in special and unusual cases, for not more than one year's hospitalization for any such treatment. Hospitalization may not be given to dependents for domiciliary care.

“(c) None of the following may be given to dependents under section 1076 of this title:

“(1) Prosthetic devices, hearing aids, orthopedic footwear, and spectacles, except that outside the United States, and at remote stations inside the United States where adequate civilian facilities are unavailable, those items, if available from supplies belonging to the United States, may be sold to dependents at the invoice price to the United States.

“(2) Ambulance service, except in acute emergency.

“(3) Home calls, except in special cases in which the medical officer in charge, or contract surgeon in charge, or his designee, determines them to be medically necessary.

“(d) Only the following dental care may be given under section 1076 of this title:

“(1) Emergency care to relieve pain and suffering, but not including permanent restorative work or dental prosthesis.

“(2) Care as a necessary adjunct to medical or surgical treatment.

“(3) Care outside the United States, and in remote areas inside the United States where adequate civilian facilities are unavailable.

**“§ 1078. Medical and dental care for dependents: charges**

“(a) The Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, shall prescribe fair charges for inpatient medical and dental care given to dependents under section 1076 of this title. Charges shall be the same for all dependents.

“(b) As a restraint on excessive demands for medical and dental care under section 1076 of this title, uniform minimal charges may be imposed for outpatient care. Charges may not be more than such amounts, if any, as the Secretary of Defense may prescribe after consulting the Secretary of Health, Education, and Welfare, and after a finding that such charges are necessary.

“(c) Amounts received for subsistence and medical and dental care given under section 1076 of this title shall be deposited to the credit of the appropriation supporting the maintenance and operation of the facility furnishing the care.

**“§ 1079. Contracts for medical care for spouses and children: plans**

“(a) To assure that medical care is available for dependent spouses and children of members of the uniformed services who are on active duty for a period of more than 30 days, the Secretary of Defense, after consulting with the Secretary of Health, Education, and Welfare, shall contract, under the authority of this section, for medical care for those persons under such insurance, medical service, or health plans as he considers appropriate. Except as provided in subsection (b), these plans shall include the following:

“(1) Hospitalization in semiprivate rooms for not more than 365 days for each admission, including necessary services and supplies furnished during inpatient confinement.

“(2) Medical and surgical care incident to hospitalization.

“(3) Complete obstetrical and maternity service, including prenatal and postnatal care.

“(4) Required services of a physician or surgeon before and after hospitalization for a bodily injury or surgical operation.

“(5) Diagnostic tests and services, including laboratory and X-ray examinations, performed or recommended by a physician or surgeon incident to hospitalization.

“(6) Provision for payment by the patient of hospital expenses incurred for each admission under clause (1) in the amount of—

(A) \$25; or

(B) the charge prescribed under section 1078 (a) of this title multiplied by the number of days of hospitalization; whichever amount is greater.

“(b) The Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, may make such reasonable variances from the requirements of subsection (a) as he considers appropriate. However, a variance may not include outpatient care, or care other than that provided for in sections 1076–1078 of this title.

**“§ 1080. Contracts for medical care for spouses and children: election of facilities**

“A dependent covered by section 1079 of this title may elect to receive medical care either in (1) the facilities of the uniformed services, under the conditions prescribed by sections 1076–1078 of this title, or (2) the facilities provided under a plan contracted for under section 1079 of this title. However, under such regulations as the Secretary of Defense, after consulting the Secretary of Health, Education, and Welfare, may prescribe, the right to make this election may be limited for dependents residing in the area where the member concerned is assigned, if adequate medical facilities of the uniformed services are available in that area for those dependents.

**“§ 1081. Contracts for medical care for spouses and children: review and adjustment of payments; reports**

“Each plan under section 1079 of this title shall provide for a review, and if necessary an adjustment of payments, by the Secretary of Defense or the Secretary of Health, Education, and Welfare not later than 120 days after the close of each year the plan is in effect. Not later than 90 days after each such review, the Secretary of Defense shall report to the Committees on Armed Services of the Senate and the House of Representatives the amounts paid during the year covered by the review and the adjustments made.

**“§ 1082. Contracts for medical care for spouses and children: advisory committees**

“To carry out sections 1079–1081 of this title, the Secretary of Defense may establish advisory committees on insurance, medical service, and health plans, to advise and make recommendations to him. He shall prescribe regulations defining their scope, activities, and procedures. Each committee shall consist of the Secretary, or his designee, as chairman, and such other persons as the Secretary may select. So far as possible, the members shall be representative of the organizations in the field of insurance, medical service, and health plans. They shall serve without compensation but may be allowed transportation and a per diem payment in place of subsistence and other expenses.

**“§ 1083. Contracts for medical care for spouses and children: additional hospitalization**

“If a dependent covered by a plan under section 1079 of this title needs hospitalization beyond the time limits in that plan, and if the hospitalization is authorized in medical facilities of the uniformed services, he may be transferred to such a facility for additional hospitalization. If transfer is not feasible, the expenses of additional hospitalization in the civilian facility may be paid under such regulations as the Secretary of Defense may prescribe after consulting the Secretary of Health, Education, and Welfare.

**“§ 1084. Determinations of dependency**

“A determination of dependency by the Secretary of Defense or the Secretary of Health, Education, and Welfare under sections 1071–1085 of this title is conclusive. However, he may change a determination because of new evidence or for other good cause. The Secretary's determination may not be reviewed in any court or by the General Accounting Office, unless there has been fraud or gross negligence.

**“§ 1085. Medical and dental care from another uniformed service: reimbursement**

“If a person receives inpatient medical or dental care in a facility of a uniformed service other than that of the member or former member concerned, the appropriation for maintaining and operating that facility shall be reimbursed at rates established by the Bureau of the Budget to reflect the average cost of providing such care.” ; and

(C) by striking out the following items in the analysis:

- “1071. Purpose; construction.
- “1072. Definitions.
- “1073. Right to vote in wartime presidential and congressional elections.
- “1074. Enactment of legislation relating to voting in other elections.
- “1075. Post card requests for absentee ballots: printing and transmission.
- “1076. Use of post cards; waiver of registration; voting by discharged persons.
- “1077. Distribution of ballots, envelopes, and voting instructions.
- “1078. Instructions for marking ballots.
- “1079. Establishment of right to vote.
- “1080. Style and marking of envelope; inserts; return envelope; size and weight of ballots.
- “1081. Notification of elections.
- “1082. Extension of time limit.
- “1083. Transmission, delivery, and return of post cards, ballots, etc.
- “1084. Administration.
- “1085. Prevention of fraud, coercion, and undue influence; free discussion; acts done in good faith.
- “1086. Free postage.”

and inserting the following items in place thereof:

- “1071. Purpose of sections 1071–1085 of this title.
- “1072. Definitions.
- “1073. Administration of sections 1071–1085 of this title.
- “1074. Medical and dental care for members and certain former members.
- “1075. Officers and certain enlisted members: subsistence charges.
- “1076. Medical and dental care for dependents: general rule.
- “1077. Medical and dental care for dependents: specific inclusions and exclusions.
- “1078. Medical and dental care for dependents: charges.
- “1079. Contracts for medical care for spouses and children: plans.
- “1080. Contracts for medical care for spouses and children: election of facilities.
- “1081. Contracts for medical care for spouses and children: review and adjustment of payments; reports.
- “1082. Contracts for medical care for spouses and children: advisory committees.
- “1083. Contracts for medical care for spouses and children: additional hospitalization.
- “1084. Determinations of dependency.
- “1085. Medical and dental care from another uniformed service: reimbursement.”

(26) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are amended by striking out the following item:

“55. Voting by Members of Armed Forces..... 1071”

and inserting the following item in place thereof:

“55. Medical and Dental care..... 1071”

(27) Section 1162 is amended—

(A) by inserting “(a)” before the word “Subject” at the beginning thereof; and

(B) by inserting the following new subsection at the end thereof:

“(b) Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.”

(28) Chapter 61 is amended—

(A) by amending sections 1201, 1202, and 1203 by inserting the words “under section 270 (b) of this title” after the words “other than for training” in parentheses;

(B) by adding the following new section at the end thereof:

**“§ 1221. Effective date of retirement or placement of name on temporary disability retired list**

“Notwithstanding section 47a of title 5, the Secretary concerned may specify an effective date for the retirement of any member of the armed forces under this chapter, or for the placement of his name on the temporary disability retired list, that is earlier than the date provided for in that section.”; and

(C) by adding the following new item at the end of the analysis:

“1221. Effective date of retirement or placement of name on temporary disability retired list.”

(29) Chapter 69 is amended by inserting the following new section after section 1373:

**“§ 1374. Reserve commissioned officers: grade on retirement or transfer to Retired Reserve**

“(a) Unless holding an appointment in a higher grade or entitled to a higher grade under another provision of law, a reserve commissioned officer who is recommended for promotion to a higher reserve grade or who is found qualified for Federal recognition in a higher reserve grade, and who, before being promoted, is found to be incapacitated for service because of physical disability and is transferred to the Retired Reserve, transfers in the grade for which he has been recommended or found qualified for Federal recognition.

“(b) Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 1376 (a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned, in the armed force in which he is serving on the date of transfer.

“(c) A commissioned officer of the Retired Reserve who while serving on active duty (other than for training) is promoted to a higher temporary grade is entitled, upon his release from that duty, to be advanced on the retired list established by section 1376 (a) of this title to that grade.

“(d) Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of this section.

“(e) This section does not apply to commissioned warrant officers.”

(30) The analysis of chapter 69 is amended by inserting the following new item:

“1374. Reserve commissioned officers: grade on retirement or transfer to Retired Reserve.”

(31) Section 1376 (b) is amended by striking out the last sentence thereof.

(31A) Section 1405 is amended by inserting the figures “6323 (e),” and “6391 (h),” after the figures “6151 (b),” and “6390 (b) (2),” respectively.

10 USC 1201-1217.

5 USC 47a.

10 USC 1371-1376.

10 USC 1405.

10 USC 1441.

(31B) Section 1441 is amended by inserting the words "except section 1115 of title 38" after the word "Administration".

10 USC 1481-1488.

(32) Chapter 75 is amended—

(A) by inserting the following new sections at the beginning thereof:

**“§ 1475. Death gratuity: death of members on active duty or inactive duty training and of certain other persons**

“(a) Except as provided in section 1480 of this title, the Secretary concerned shall have a death gratuity paid to or for the survivor prescribed by section 1477 of this title, immediately upon receiving official notification of the death of—

“(1) a member of an armed force under his jurisdiction who dies while on active duty or while performing authorized travel to or from active duty;

“(2) a Reserve of an armed force who dies while on inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service);

“(3) any Reserve of an armed force who, when authorized or required by an authority designated by the Secretary, assumed an obligation to perform active duty for training, or inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution, under the sponsorship of an armed force or the Public Health Service), and who dies from an injury incurred by him after December 31, 1956, while traveling directly to or from that active duty for training or inactive duty training;

“(4) any member of a reserve officers' training corps who dies while performing annual training duty under orders for a period of more than 13 days, or while performing authorized travel to or from that annual training duty; or

“(5) a person who dies while traveling to or from or while at a place for final acceptance, or for entry upon active duty (other than for training), in an armed force, who has been ordered or directed to go to that place, and who—

“(A) has been provisionally accepted for that duty; or

“(B) has been selected, under the Universal Military Training and Service Act (50 App. U. S. C. 451 et seq.), for service in that armed force.

“(b) This section does not apply to the survivors of persons who were temporary members of the Coast Guard Reserve at the time of their death.

**“§ 1476. Death gratuity: death after discharge or release from duty or training**

“(a) Except as provided in section 1480 of this title, the Secretary concerned shall have a death gratuity paid to or for the survivor prescribed by section 1477 of this title of each person who dies within 120 days after his discharge or release from—

“(1) active duty; or

“(2) inactive duty training (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service); if the Administrator of Veterans' Affairs determines that the death resulted from (A) disease or injury incurred or aggravated while performing duty under clause (1) or the travel described in subsection



(b), or (B) injury incurred or aggravated while performing training under clause (2) or the travel described in subsection (b) (2).

“(b) The travel covered by subsection (a) is—

“(1) authorized travel to or from the duty described in subsection (a) (1); or

“(2) travel directly to or from the duty or training described in subsection (a) (1) or (2) that is performed by a Reserve who, when authorized or required by an authority designated by the Secretary, assumed an obligation to perform that duty or training and whose injury was incurred or aggravated after December 31, 1956.

“(c) For the purpose of this section, the standards and procedures for determining the incurrence or aggravation of a disease or injury are those applicable under the laws relating to disability compensation administered by the Veterans' Administration, except that there is no requirement under this section that any incurrence or aggravation have been in line of duty.

“(d) This section does not apply to the survivors of persons who were temporary members of the Coast Guard Reserve at the time of their death.

**“§ 1477. Death gratuity: eligible survivors**

“(a) A death gratuity payable upon the death of a person covered by section 1475 or 1476 of this title shall be paid to or for the living survivor highest on the following list:

“(1) His surviving spouse.

“(2) His children, as prescribed by subsection (b), in equal shares.

“(3) If designated by him, any one or more of the following persons:

“(A) His parents or persons in loco parentis, as prescribed by subsection (c).

“(B) His brothers.

“(C) His sisters.

“(4) His parents or persons in loco parentis, as prescribed by subsection (c), in equal shares.

“(5) His brothers and sisters in equal shares.

Clauses (3) and (5) of this subsection include brothers and sisters of the half blood and those through adoption.

“(b) Subsection (a) (2) applies, without regard to age or marital status, to—

“(1) legitimate children;

“(2) adopted children;

“(3) stepchildren who were a part of the decedent's household at the time of his death;

“(4) illegitimate children of a female decedent; and

“(5) illegitimate children of a male decedent—

“(A) who have been acknowledged in writing signed by the decedent;

“(B) who have been judicially determined, before the decedent's death, to be his children;

“(C) who have been otherwise proved, by evidence satisfactory to the Administrator of Veterans' Affairs, to be children of the decedent; or

“(D) to whose support the decedent had been judicially ordered to contribute.

“(c) Clauses (3) and (4) of subsection (a), so far as they apply to parents and persons in loco parentis, include fathers and mothers through adoption, and persons who stood in loco parentis to the de-

cedent for a period of not less than one year at any time before he acquired a status described in section 1475 or 1476 of this title. However, only one father and one mother, or their counterparts in loco parentis, may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered that status.

“(d) If an eligible survivor dies before he receives the death gratuity, it shall be paid to the living survivor next in the order prescribed by subsection (a).

**“§ 1478. Death gratuity: amount**

“(a) The death gratuity payable under sections 1475-1477 of this title shall be equal to six months' pay at the rate to which the decedent was entitled on the date of his death, except that the gratuity may not be less than \$800 or more than \$3,000. For this purpose:

“(1) A person covered by subsection (a) (1) of section 1475 of this title who died while traveling to or from active duty (other than for training) is considered to have been on active duty on the date of his death.

“(2) A person covered by subsection (a) (3) of section 1475 of this title who died while traveling directly to or from active duty for training is considered to have been on active duty for training on the date of his death.

“(3) A person covered by subsection (a) (3) of section 1475 of this title who died while traveling directly to or from inactive duty training is considered to have been on inactive duty training on the date of his death.

“(4) A person covered by subsection (a) (4) of section 1475 of this title who died while performing annual training duty or while traveling directly to or from that duty is considered to have been entitled, on the date of his death, to the pay prescribed by section 4385 (c) or 9385 (c) of this title.

“(5) A person covered by subsection (a) (5) of section 1475 of this title is considered to have been on active duty, on the date of his death, in the grade that he would have held on final acceptance, or entry on active duty.

“(6) A person covered by section 1476 of this title is considered to have been entitled, on the date of his death, to pay at the rate to which he was entitled on the last day on which he performed duty or training.

“(7) A person covered by section 1475 or 1476 of this title who performed active duty, or inactive duty training, without pay is considered to have been entitled to basic pay while performing that duty or training.

“(8) A person covered by section 1475 or 1476 of this title who incurred a disability while on active duty or inactive duty training and who became entitled to basic pay while receiving hospital or medical care, including out-patient care, for that disability, is considered to have been on active duty or inactive duty training, as the case may be, for as long as he is entitled to that pay.

“(b) A person who is discharged, or released from active duty (other than for training), is considered to continue on that duty during the period following the date of his discharge or release that, as determined by the Secretary concerned, is necessary for that person to go to his home by the most direct route. That period may not end before midnight of the day on which the member is discharged or released.

**"§ 1479. Death gratuity: delegation of determinations, payments**

"For the purpose of making immediate payments under section 1475 of this title, the Secretary concerned shall—

"(1) authorize the commanding officer of a territorial command, installation, or district in which a survivor of a person covered by that section is residing to determine the beneficiary eligible for the death gratuity; and

"(2) authorize a disbursing or certifying officer of each of those commands, installations, or districts to make the payments to the beneficiary, or certify the payments due them, as the case may be."

**"§ 1480. Death gratuity: miscellaneous provisions**

"(a) A payment may not be made under sections 1475-1477 of this title if the decedent was put to death as lawful punishment for a crime or a military offense, unless he was put to death by a hostile force with which the armed forces of the United States were engaged in armed conflict.

"(b) A payment may not be made under section 1476 unless the Administrator of Veterans' Affairs determines that the decedent was discharged or released, as the case may be, under conditions other than dishonorable from the last period of the duty or training that he performed.

"(c) For the purposes of section 1475 (a) (3) of this title, the Secretary concerned shall determine whether the decedent was authorized or required to perform the duty or training and whether or not he died from injury so incurred. For the purposes of section 1476 of this title, the Administrator of Veterans' Affairs shall make those determinations. In making those determinations, the Secretary or the Administrator, as the case may be, shall consider—

"(1) the hour on which the Reserve began to travel directly to or from the duty or training;

"(2) the hour at which he was scheduled to arrive for, or at which he ceased performing, that duty or training;

"(3) the method of travel used;

"(4) the itinerary;

"(5) the manner in which the travel was performed; and

"(6) the immediate cause of death.

In cases covered by this subsection, the burden of proof is on the claimant.

"(d) Payments under sections 1475-1477 of this title shall be made from appropriations available for the payment of members of the armed force concerned.":

(B) by striking out the words: "CARE OF THE DEAD" in the title thereof; and

(C) by inserting the following new items at the beginning of the analysis:

"1475. Death gratuity: death of members on active duty or inactive duty training and of certain other persons.

"1476. Death gratuity: death after discharge or release from duty or training.

"1477. Death gratuity: eligible survivors.

"1478. Death gratuity: amount.

"1479. Death gratuity: delegation of determinations, payments.

"1480. Death gratuity: miscellaneous provisions."

(33) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are amended by striking out the following item:

"75. Death Benefits: Care of the Dead----- 1481"

and inserting the following item in place thereof:

"75. Death Benefits----- 1475"

10 USC 1581.

(34) Section 1581 is amended—

(A) by amending subsection (a) to read as follows:

“(a) The Secretary of Defense may establish not more than 120 civilian positions in the Department of Defense, and not more than 25 civilian positions in the National Security Agency, to carry out research and development relating to the national defense, military medicine, and other activities of the Department of Defense and the National Security Agency, respectively, that require the services of specially qualified scientists or professional personnel.”; and

(B) by striking out the figures “\$10,000” and “\$15,000” in subsection (b) and inserting the figures “\$12,500” and “\$19,000”, respectively, in place thereof.

10 USC 1582.

(35) Section 1582 is amended by striking out the words “sections 1581, 4021, 7471, and 9021” and inserting the words “section 1581” in place thereof.

10 USC 2232.

(36) Section 2232 is amended by adding the following new clause at the end thereof:

“(3) ‘Armory’ means a structure that houses one or more units of a reserve component and is used for training and administering those units. It includes a structure that is appurtenant to such a structure and houses equipment used for that training and administration.”

10 USC 2233.

(37) Section 2233 (a) is amended by striking out clauses (2) and (3) and inserting the following clauses in place thereof:

“(2) contribute to any State or Territory, Puerto Rico, or the District of Columbia such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it for use jointly by units of two or more reserve components of the armed forces;

“(3) contribute to any State or Territory, Puerto Rico, or the District of Columbia such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it (or to acquire, construct, expand, rehabilitate, or convert additional facilities) made necessary by the conversion, redesignation, or reorganization of units of the Army National Guard of the United States or the Air National Guard of the United States authorized by the Secretary of the military department concerned; and

“(4) contribute to any State or Territory, Puerto Rico, or the District of Columbia such amounts for the acquisition, construction, expansion, rehabilitation, or conversion by it of additional facilities as he determines to be required by any increase in the strength of the Army National Guard of the United States or the Air National Guard of the United States.”

(38) Section 2233 (b) is amended to read as follows:

“(b) Title to property acquired by the United States under subsection (a) (1) vests in the United States.”

(39) Section 2233 is amended by adding the following new subsection at the end thereof:

“(d) The expenses of leasing property under subsection (a) (1) may be paid from appropriations available for the payment of rent.”

10 USC 2236.

(40) Section 2236 (a) and (b) is amended to read as follows:

“(a) Contributions under section 2233 of this title are subject to such terms as the Secretary of Defense, after consulting the Committees on Armed Services of the Senate and the House of Representatives, considers necessary for the purposes of this chapter. Except as otherwise agreed when the contribution is made, a facility provided by a contribution under section 2233 (a) (3) or (4) of this title may be used jointly by units of two or more reserve components of the

armed forces only to the extent that the State or Territory, Puerto Rico, or the District of Columbia, whichever is concerned, considers practicable.

“(b) A contribution made for an armory under section 2233 (a) (4) of this title may not be more than 75 percent of the cost of the construction to which it is applied. For the purpose of computing the cost of construction under this subsection, the amount contributed by the State or Territory, Puerto Rico, or the District of Columbia, whichever is concerned, may not include the cost or market value of any real property that it has contributed.”

(41) Section 2237 is amended to read as follows:

10 USC 2237.

**“§ 2237. Supervision of construction: compliance with State law**

“(a) Any construction, expansion, rehabilitation, or conversion under any provision of this chapter except section 2233 (a) (2), (3), and (4) of this title may be performed under the supervision of the Chief of Engineers of the Army or the Chief of the Bureau of Yards and Docks of the Navy.

“(b) The construction, expansion, rehabilitation, or conversion of facilities in a State or Territory, Puerto Rico, or the District of Columbia under section 2233 (a) (2), (3), or (4) of this title shall be done according to the laws of that jurisdiction and under the supervision of its officials, subject to the inspection and approval of the Secretary of Defense.”

(42) The analysis of chapter 133 is amended by striking out the following item:

“2237. Supervision of construction.”

and inserting the following item in place thereof:

“2237. Supervision of construction: compliance with State law.”

(43) Section 2238 is amended to read as follows:

10 USC 2238.

**“§ 2238. Army National Guard of United States; Air National Guard of United States; limitation on relocation of units**

“A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the State or Territory, or Puerto Rico, or the commanding general of the National Guard of the District of Columbia, as the case may be.”

(43A) Sections 2302 (3) and 2356 (b) are amended by striking out the words “(a) and (b)”.

10 USC 2302,  
2356.

(44) Section 2305 is amended—

(A) by redesignating subsections (b) and (c) as “(c)” and “(d)”, respectively; and

10 USC 2305.

(B) by inserting the following new subsection after subsection (a):

“(b) The specifications in invitations for bids must contain the necessary language and attachments, and must be sufficiently descriptive in language and attachments, to permit full and free competition. If the specifications in an invitation for bids do not carry the necessary descriptive language and attachments, or if those attachments are not accessible to all competent and reliable bidders, the invitation is invalid and no award may be made.”

(45) Chapter 141 is amended by adding the following new section after section 2386:

10 USC 2381-  
2386.

**“§ 2387. Procurement of table and kitchen equipment for officers’ quarters: limitation on**

“(a) Except under regulations approved by the Secretary of Defense and providing for uniform practices among the armed forces under his jurisdiction, no part of any appropriation of the Department of Defense may be used to supply or replace table linen, dishes, glassware, silver, and kitchen utensils for use in the residences on shore, or quarters on shore, of officers of those armed forces.

“(b) This section does not apply to—

“(1) field messes;

“(2) messes temporarily set up on shore for bachelor officers and officers attached to seagoing or district defense vessels;

“(3) aviation units based on seagoing vessels;

“(4) fleet air bases;

“(5) submarine bases; and

“(6) landing forces and expeditions.”

10 U S C 2381-  
2386.

(46) Chapter 141 is amended by adding the following new section at the end thereof:

**“§ 2388. Liquid fuels: contracts for storage, handling, and distribution**

“(a) The Secretary of a military department may contract for the storage, handling, and distribution of liquid fuels for periods of not more than five years, with options to renew for additional periods of not more than five years each, but not for more than a total of 20 years.

“(b) This section applies only to facilities that conform to standards prescribed by the Secretary of Defense for protection, including dispersal, and that are in a program approved by the Secretary of Defense for the protection of petroleum facilities.

“(c) A contract under this section may contain an option for the purchase by the United States of the facility covered by the contract at the expiration or termination of the contract, without regard to section 4774 (d) or 9774 (d) of this title, section 529 of title 31, or section 259 or 267 of title 40, and before approval of title to the underlying land by the Attorney General.

“(d) The Secretary concerned shall report to the Committees on Armed Services of the Senate and the House of Representatives the terms of the contracts made under this section and the names of the contractors. The reports shall be made at such times and in such form as may be agreed upon by the Secretary and those Committees.”

(47) The analysis of chapter 141 is amended by adding the following new items at the end thereof:

“2387. Procurement of table and kitchen equipment for officers’ quarters: limitation on.

“2388. Liquid fuels: contracts for storage, handling, and distribution.”

10 U S C 2541,  
2542.

(48) Chapter 151 is amended—

(A) by adding the following new section at the end thereof:

**“§ 2543. Equipment: Inaugural Committee**

“(a) The Secretary of Defense, under such conditions as he may prescribe, may lend, to an Inaugural Committee established under section 721 of title 36, hospital tents, smaller tents, camp appliances, hospital furniture, flags other than battle flags, flagpoles, litters, and ambulances and the services of their drivers, that can be spared without detriment to the public service.

“(b) The Inaugural Committee must give a good and sufficient bond for the return in good order and condition of property lent under subsection (a).

36 USC 721.

“(c) Property lent under subsection (a) shall be returned within nine days after the date of the ceremony inaugurating the President. The Inaugural Committee shall—

(1) indemnify the United States for any loss of, or damage to, property lent under subsection (a); and

(2) defray any expense incurred for the delivery, return, rehabilitation, replacement, or operation of that property.”; and

(B) by adding the following new item at the end of the analysis:

“2543. Equipment: Inaugural Committee.”

(49) Section 2571 is amended—

10 USC 2571.

(A) by amending the catchline to read as follows:

“§ 2571. Interchange of property and services”;

(B) by inserting the following new subsection at the beginning:

“(a) If either of the Secretaries concerned requests it and the other approves, supplies and real estate may be transferred, without compensation, from one armed force to another.”; and

(C) by redesignating subsections (a) and (b) as subsections “(b)” and “(c)”, respectively.

(50) The analysis of chapter 153 is amended by striking out the following item:

10 USC 2571-2575.

“2571. Interchange of supplies and services.”

and inserting the following item in place thereof:

“2571. Interchange of property and services.”

(51) Chapter 159 is amended by adding the following new sections at the end thereof:

10 USC 2661-2670.

“§ 2672. Acquisition: interests in land when cost is not more than \$5,000

“The Secretary of a military department may acquire any interest in land that—

“(1) he determines is urgently needed in the interest of national defense; and

“(2) does not cost more than \$5,000, exclusive of administrative costs and the amounts of any deficiency judgments.

This section does not apply to the acquisition, as a part of the same project, of more than one parcel of land unless the parcels are non-contiguous, or, if contiguous, unless the total cost is not more than \$5,000.

“§ 2673. Restoration or replacement of facilities damaged or destroyed

“With the approval of the Secretary of Defense and after notifying the Committees on Armed Services of the Senate and the House of Representatives, the Secretary of a military department may acquire, construct, rehabilitate, and install temporary or permanent public works, including appurtenances, utilities, equipment, and the preparation of sites, to restore or replace facilities that have been damaged or destroyed.

“§ 2674. Establishment and development of military facilities and installations costing less than \$200,000

“(a) Under such regulations as the Secretary of Defense may prescribe, the Secretary of a military department may acquire, construct, convert, extend, and install, at military installations and facilities, urgently needed permanent or temporary public works not otherwise authorized by law, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters.

“(b) This section does not authorize a project costing more than \$200,000. A project costing more than \$50,000 must be approved in advance by the Secretary of Defense, and a project costing more than \$25,000 must be approved in advance by the Secretary concerned.

“(c) Not more than one allotment may be made for any project authorized under this section.

“(d) Not more than \$50,000 may be spent under this section during a fiscal year to convert structures to family quarters at any one installation or facility.

“(e) Appropriations available for military construction may be used for the purposes of this section. In addition, the Secretary concerned may spend, from appropriations available for maintenance and operations, amounts necessary for any project costing not more than \$25,000 that is authorized under this section.

“(f) The Secretary of each military department shall report in detail every six months to the Committees on Armed Services of the Senate and House of Representatives on the administration of this section.

**“§ 2675. Leases: foreign countries: structures not on a military base**

“Notwithstanding any other provision of law, the Secretary of a military department may acquire by lease, in any foreign country, structures and real property relating thereto that are not located on a military base and that are needed for military purposes. A lease under this section may not be for a period of more than five years.

**“§ 2676. Acquisition: limitation**

“No military department may acquire real property not owned by the United States unless the acquisition is expressly authorized by law.

**“§ 2677. Options: property required for public works projects of military departments**

“(a) Before acquisition of a parcel of real property is authorized by law, the Secretary of a military department may acquire an option on it, if he considers it suitable and likely to be needed for a public works project of his department.

“(b) As consideration for an option acquired under subsection (a), the Secretary may pay, from funds available to his department for real property activities, an amount that is not more than 3 percent of the appraised fair market value of the property for each year the option is to continue, and proportionately for any other period.

“(c) For each six-month period ending on June 30 or December 31, during which he acquires options under subsection (a), the Secretary of each military department shall report those options to the Committees on Armed Services of the Senate and House of Representatives.”

**“§ 2678. Acquisition of mortgaged housing units**

“The Secretary of a military department may buy, subject to the mortgage, any housing unit that is subject to a mortgage insured under Title VI or IX of the National Housing Act (12 U. S. C. 1736 et seq. and 1750 et seq.), if the housing unit is—

“(1) located near a military installation; and

“(2) suitable and adequate for housing members of the armed forces and their dependents.

The Secretary may assume the obligation to make the payments on the mortgage that become due after the date of acquisition, and to make these payments he may use appropriations available for the construction of military public works.”



(52) The analysis of chapter 159 is amended by adding the following new items at the end thereof:

- "2672. Acquisition: interests in land when cost is not more than \$5,000.
- "2673. Restoration or replacement of facilities damaged or destroyed.
- "2674. Establishment and development of military facilities and installations costing less than \$200,000.
- "2675. Leases: foreign countries: structures not on a military base.
- "2676. Acquisition: limitation.
- "2677. Options: property required for public works projects of military departments.
- "2678. Acquisition of mortgaged housing units."

(53) Section 2732 (a) is amended by striking out the figure "\$2,500" and inserting the figure "\$6,500" in place thereof.

10 USC 2732.

(54) Section 2733 is amended—

10 USC 2733.

(A) by amending subsection (b) (1) to read as follows:

"(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or armed conflict or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after the war or armed conflict is terminated;"

(B) by amending subsection (b) by adding the following new sentence at the end thereof: "For the purposes of clause (1), the dates of the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President."; and

(C) by amending subsection (c) to read as follows:

"(c) Payment may not be made under this section for reimbursement for medical, hospital, or burial services furnished at the expense of the United States."

(55) Section 2734 is amended—

10 USC 2734.

(A) by striking out the figure "\$5,000" in subsections (a) and (d) and inserting the figure "\$15,000" in place thereof;

(B) by striking out the words "arising in foreign countries" in subsection (a);

(C) by striking out the words "that country" in subsections (a) (1) and (a) (2) and inserting the words "a foreign country" in place thereof;

(D) by striking out the words "in that country" in subsection (a) and inserting the words "outside the United States, or the Territories, Commonwealths, or possessions," in place thereof;

(E) by striking out the words "In time of war and upon" in subsection (f) and inserting the word "Upon" in place thereof; and

(F) by adding the following new subsection at the end:

"(h) The Secretary of Defense may designate any claims commission appointed under subsection (a) to settle and pay, as provided in this section, claims for damage caused by a civilian employee of the Department of Defense other than an employee of a military department. Payments of claims under this subsection shall be made from appropriations available to the Office of the Secretary of Defense for the payment of claims."

(56) Section 2771 is amended to read as follows:

10 USC 2771.

**§ 2771. Final settlement of accounts: deceased members**

"(a) In the settlement of the accounts of a deceased member of the armed forces who dies after December 31, 1955, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

"(1) Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased

member's death, at the place named in regulations to be prescribed by the Secretary concerned.

"(2) Surviving spouse.

"(3) Children and their descendants, by representation.

"(4) Father and mother in equal parts or, if either is dead, the survivor.

"(5) Legal representative.

"(6) Person entitled under the law of the domicile of the deceased member.

"(b) Designations and changes of designation of beneficiaries under subsection (a) (1) are subject to regulations to be prescribed by the Secretary concerned. So far as practicable, these regulations shall be uniform for the armed forces, the Coast and Geodetic Survey, and the Public Health Service.

"(c) Under such regulations as the Comptroller General may prescribe, payments under subsection (a) shall be made by the military department concerned or the Department of the Treasury, as the case may be. Payments under clauses (2)-(6) of subsection (a) may be paid only after settlement by the General Accounting Office.

"(d) A payment under this section bars recovery by any other person of the amount paid."

10 USC 3012.

(57) Section 3012 (h) is amended by striking out the figure "\$18,000" and inserting the figure "\$22,000" in place thereof.

10 USC 3013.

(58) Section 3013 (b) is amended to read as follows:

"(b) The compensation of the Under Secretary and of each of the four Assistant Secretaries is \$20,000 a year."

10 USC 3011-3017.

(59) Chapter 303 is amended—

(A) by adding the following new section at the end thereof:

**"§ 3018. Compensation of General Counsel**

"The compensation of the General Counsel of the Department of the Army is \$19,000 a year."; and

(B) by adding the following new item at the end of the analysis:

**"3018. Compensation of General Counsel."**

(60) The following sections are amended by striking out the words "Women's Medical Specialist Corps" wherever they appear therein and inserting the words "Army Medical Specialist Corps" in place thereof: 3067 (8), 3205 (2), 3209 (a), 3311, 3357, 3579 (a) and (b), and 3963 (b).

10 USC 3067-3963 *passim*.

10 USC 3201.

(62) Section 3201 is amended—

(A) by striking out the word "and" at the end of subsection (a) (3);

(B) by adding the word "and" at the end of subsection (a) (4);

(C) by adding the following new clause after subsection (a) (4):

"(5) enlisted members serving as cadets at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;";

(D) by striking out the word "and" at the end of subsection (b) (2);

(E) by adding the word "and" at the end of subsection (b) (3); and

(F) by adding the following new clause after subsection (b) (3):

"(4) enlisted members serving as cadets at the United States Military Academy, the United States Air Force Academy, or

the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;”.

(63) Section 3202 (c) is amended by inserting the word “authorized” before the word “appointment”. 10 USC 3202.

(64) Sections 3203 and 3214 are amended by striking out the figures “3201 (a) (1)-(4)” and inserting the figures “3201 (a) (1)-(5)” in place thereof. 10 USC 3203, 3214.

(65) Section 3205 is amended— 10 USC 3205.

(A) by inserting the designation “(a)” before the words “The authorized strength” at the beginning thereof;

(B) by striking out the figure “30,600” and inserting the figure “49,500” in place thereof; and

(C) by adding the following new subsection at the end thereof:

“(b) Subject to subsection (a), the Secretary of Defense, with the approval of the President, shall estimate each year, for each of the five years following that year, the strength of the Regular Army in commissioned officers on the active list exclusive of officers in the categories listed in subsection (a) (1)-(4).”

(66) Section 3210 is amended— 10 USC 3210.

(A) by striking out the word “The” at the beginning of subsection (a) and inserting the words “Subject to section 3202 (a) of this title, the” in place thereof; and

(B) by striking out subsection (c) and designating subsections (d) and (e) as subsections “(c)” and “(d)”, respectively.

(67) The last sentence of section 3211 (a) is amended by inserting the word “authorized” before the word “appointment”. 10 USC 3211.

(68) Section 3212 is amended to read as follows: 10 USC 3212.

**“§ 3212. Regular Army; Army Reserve; Army National Guard of United States: strength in grade; temporary increases**

“The authorized strength in any regular or reserve grade, as prescribed by or under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 541, 1211 (a), 3036, 3298, 3299, 3304, 3365 (a), 3366, or 4353 of this title. An authorized strength so increased is increased for no other purpose, and while he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.”

(69) Chapter 331 is amended—

(A) by inserting the following new sections after section 3216: 10 USC 3201-3225.

**“§ 3217. Reserves: commissioned officers in active status**

“The authorized strength of the Army in reserve commissioned officers in an active status is 275,000. However, the Secretary of the Army may prescribe a higher authorized strength to meet mobilization requirements or to permit increases otherwise required by or resulting from the operation of any law.

**“§ 3218. Reserves: strength in grade; general officers in active status**

“The authorized strength of the Army in reserve general officers in an active status, exclusive of those serving as adjutants general or assistant adjutants general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, and those serving in the National Guard Bureau, is 207.

**“§ 3219. Reserves: strength in grade; commissioned officers in grades below brigadier general in active status**

“(a) Subject to subsection (b), the authorized strength of the Army in reserve commissioned officers in an active status in each grade named in that subsection is as prescribed by the Secretary of the Army. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

“(b) A strength prescribed by the Secretary under subsection (a) may not be higher than the percentage of the authorized strength fixed for the grade by the following table:

“Grade	Percentage of authorized strength under sec. 3217 of this title
Colonel.....	2
Lieutenant colonel.....	6
Major.....	13
Captain.....	35
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 3218 of this title).....	44

**“§ 3220. Reserve officers: distribution**

“The Secretary of the Army shall distribute the number of reserve commissioned officers authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. He shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. He shall distribute the number who are not assigned to such units between—

- “(1) each special branch and the Women’s Army Corps; and  
 “(2) all other branches taken together.”; and

(B) by adding the following new section after section 3225:

**“§ 3230. Personnel detailed outside Department of Defense**

“Members of the Army who are detailed for duty with agencies of the United States outside the Department of Defense on a reimbursable basis are not counted in computing strengths under any law.”

(70) The analysis of chapter 331 is amended—

(A) by striking out the following item:

“3212. Regular Army; strength in grade; temporary increases.”  
 and inserting the following item in place thereof:

“3212. Regular Army; Army Reserve; Army National Guard of United States: strength in grade; temporary increases.”;

(B) by inserting the following new items:

“3217. Reserves: commissioned officers in active status.

“3218. Reserves: strength in grade; general officers in active status.

“3219. Reserves: strength in grade; commissioned officers in grades below brigadier general in active status.

“3220. Reserve officers: distribution.”; and

(C) by adding the following new item at the end thereof:

“3230. Personnel detailed outside Department of Defense.”

(71) Chapter 333 is amended—

(A) by amending section 3262 (b) by striking out the figure “3638” and inserting the figure “972” in place thereof;

10 USC 3225.

10 USC 3251-3262.

(B) by adding the following new section after section 3262:

10 USC 3262.

**“§ 3263. Voluntary extension of enlistment**

“(a) Under such regulations as the Secretary of the Army may prescribe, the term of enlistment of a member of the Army may be extended, with his written consent, for a period of less than one year from the date of the expiration of his existing enlistment.

“(b) While serving under an enlistment extended under this section, a member is entitled to the pay and allowances to which he would have been entitled if he had been discharged and reenlisted immediately after the expiration of his enlistment, if it had not been so extended.

“(c) The extension of a term of enlistment under this section does not deprive the member, upon discharge from that enlistment, of any right, privilege, or benefit to which he would have been entitled, at the expiration of the term, if it had not been so extended.”; and

(C) by adding the following new item at the end of the analysis:

“3263. Voluntary extension of enlistment.”

(72) Section 3285 is amended to read as follows:

10 USC 3285.

**“§ 3285. Commissioned officers: original appointment; qualifications**

“To be eligible for original appointment in a commissioned grade in the Regular Army, except in the Medical Corps or the Dental Corps, and except as provided in section 4353 (b) of this title, a person must—

“(1) be a citizen of the United States;

“(2) be at least 21 years of age;

“(3) be of good moral character;

“(4) be physically qualified for active service; and

“(5) have such other qualifications as the Secretary of the Army may prescribe.”

(73) Section 3286 is amended to read as follows:

10 USC 3286.

**“§ 3286. Commissioned officers: original appointment; age limitations**

“(a) A person may not be originally appointed in a commissioned grade in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, if on the date of his appointment he has already passed his—

“(1) thirty-fourth birthday, for a person appointed as a chaplain;

“(2) thirty-second birthday, for a person appointed in the Judge Advocate General's Corps or the Veterinary Corps;

“(3) thirtieth birthday, for a person appointed in the Medical Service Corps; or

“(4) twenty-seventh birthday, for all other persons.

However, each maximum age is increased by the period credited to the appointee under section 3287 (a) of this title, other than that credited under clause (2) (A) or (B) of that section.

“(b) Notwithstanding subsection (a), a person may not be originally appointed in a commissioned grade in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, if he is above the age that would permit him to complete 20 years of active commissioned service in the armed forces before his fifty-fifth birthday.”

10 USC 3287.

(74) Section 3287 is amended to read as follows:

**“§ 3287. Commissioned officers: original appointment; service credit**

“(a) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Army, and eligibility for promotion, a person originally appointed in a commissioned grade in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, may, in the discretion of the Secretary of the Army, be credited at the time of his appointment—

“(1) with the active commissioned service in the Army that he performed after December 6, 1941, after becoming 21 years of age, and before his appointment; and

“(2) with one of the following periods, if applicable:

“(A) Three years, if he is appointed as a chaplain, in the Judge Advocate General's Corps, or in the Veterinary Corps.

“(B) Three years, if he is appointed in the Medical Service Corps and if he holds the degree of doctor of philosophy or a comparable degree recognized by the Surgeon General in a science allied to medicine.

“(C) If he was a commissioned officer on active duty on July 20, 1956, a period of not more than 8 years, computed by—

“(i) taking the period of commissioned service that may be credited to him in computing his basic pay, but not more than the period computed by subtracting 27 years from his age on the date of his appointment; and

“(ii) subtracting the period of active commissioned service in the Army that he performed after December 6, 1941, after becoming 21 years of age, and before his appointment, but not more than the difference in age computed under subparagraph (i).

“(D) The number of days, months, and years by which the appointee's age exceeds 27 years, but not more than two years.

“(b) Notwithstanding any other provision of law, a person who was a cadet at the United States Military Academy or the United States Air Force Academy, or a midshipman at the United States Naval Academy, may not be originally appointed in a commissioned grade in the Regular Army before his classmates at that academy are graduated and appointed as officers. A person who was a cadet or midshipman at, but was not graduated from, one of those academies may not be credited, upon original appointment as a commissioned officer of the Regular Army, with longer service than that credited to any member of his class at that academy whose service in the Army has been continuous since graduation.

“(c) A graduate of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy who is originally appointed as a second lieutenant in the Regular Army is not entitled to any service credit under this section.”

10 USC 3288.

(75) Section 3288 is amended to read as follows:

**“§ 3288. Commissioned officers: original appointment; determination of grade**

“A person originally appointed as a commissioned officer in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, is appointed in the grade that is held by the junior officer on the applicable promotion list who is not a deferred officer, or an officer considered but not recommended for promotion under section 518 of the Officer Personnel Act of 1947 (61 Stat. 910), and who has the same or the next longer service.”

10 USC 5591.

(77) Section 3294 is amended to read as follows:

10 USC 3294.

**“§ 3294. Commissioned officers; Medical and Dental Corps: original appointment**

“(a) Original appointments in the Regular Army may be made in the grades of first lieutenant through colonel in the Medical Corps or Dental Corps, as the needs of the Army require. These appointments may be made only from qualified doctors of medicine, osteopathy, or dentistry, as the case may be, who are citizens of the United States and who have such other qualifications as the Secretary of the Army may prescribe. In addition, to be eligible for appointment in the Medical Corps under this section, a doctor of osteopathy must—

“(1) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

“(2) be licensed to practice medicine, surgery, or osteopathy in a State or Territory or in the District of Columbia;

“(3) under regulations to be prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for appointment under this section in the grade for which that person is applying; and

“(4) have such other qualifications as the Secretary of the Army prescribes after considering the recommendation, if any, of the Surgeon General.

“(b) For the purposes of determining grade, position on a promotion list, seniority in his grade in the Regular Army, and eligibility for promotion, an officer appointed under subsection (a) shall be credited with the amount of service prescribed by the Secretary, but not less than four years. However, a doctor of medicine or osteopathy who has completed an internship of one year, or the equivalent, may not be credited with less than five years.”

(78) Section 3295 is amended to read as follows:

10 USC 3295.

**“§ 3295. Commissioned officers: original appointment; determination of place on promotion list**

“The name of each person who is originally appointed in a commissioned grade in the Regular Army and whose name is to be carried on a promotion list, other than a person appointed in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, shall be placed on the applicable promotion list immediately below the junior officer of the same grade on that list who is not a deferred officer, or an officer considered but not recommended for promotion under section 518 of the Officer Personnel Act of 1947 (61 Stat. 910), and who has the same or the next longer service.”

10 USC 5591.

(79) Chapter 335 is amended—

(A) by adding the following new section at the end thereof:

10 USC 3281-3313.

**“§ 3314. Commissioned officers: promotion not to be delayed by another appointment**

“The promotion to a higher regular grade of a commissioned officer of the Regular Army who is on a recommended list awaiting promotion may not be withheld or delayed because of the original appointment of any other person to a commissioned grade in the Regular Army. This section does not apply to appointments in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps.”; and

(B) by adding the following new item at the end of the analysis:

"3314. Commissioned officers: promotion not to be delayed by another appointment."

10 USC 3351-  
3395.

(80) Chapter 337 is amended—

(A) by amending the last sentence of section 3352 (a) to read as follows: "Notwithstanding any other provision of this chapter or section 593 of this title, an officer who is transferred under this section shall be advanced to the highest regular or reserve grade ever held by him in the Army, unless the Secretary determines that it is not in the best interests of the service.";

(B) by inserting the following new section after section 3352:

**"§ 3353. Commissioned officers: appointment; service credit**

"(a) For the purposes of chapters 337 and 363 of this title, a person who is appointed as a reserve commissioned officer of the Army and is not already a commissioned officer of an armed force may be credited, upon his appointment, with service in an active status that reflects his combined years of experience and education and such other qualifications as the Secretary of the Army may by regulation prescribe.

"(b) A person covered by subsection (a) who is appointed with a view to assignment or designation in one of the following categories shall be credited, upon his appointment, and for the purposes of subsection (a), with at least the following service in an active status:

"(1) Medical Corps—four years.

"(2) Dental Corps—three years.

"(3) Veterinary Corps—three years.

"(4) Judge Advocate General's Corps—three years.

"(5) Chaplains—three years.

"(c) A person covered by subsection (a) who is appointed with a view to assignment as a medical service officer, and who holds a degree of doctor of philosophy, or a comparable degree, in a science that the Secretary determines is allied to medicine may be credited upon his appointment, and for the purposes of subsection (a), with at least three years of service in an active status.";

(C) by amending section 3354—

(i) by amending the catchline to read as follows:

**"§ 3354. Commissioned officers: appointment of warrant officers and enlisted members of Army National Guard of United States; status";**

(ii) by inserting the designation "(a)" before the word "Notwithstanding" at the beginning thereof; and

(iii) by inserting the following new subsection at the end thereof:

"(b) A member of the Army National Guard of the United States who is appointed in a commissioned grade under this section is not in an active status as a commissioned officer unless he is on active duty as a commissioned officer.";

(D) by amending section 3357—

(i) by amending the catchline to read as follows:

**"§ 3357. Commissioned officers; Army Reserve: for service in Army Nurse Corps or Army Medical Specialist Corps"; and**

(ii) by striking out the words "a woman".



(E) by inserting the following new sections after section 3357:

**“§ 3359. Commissioned officers: original appointment; determination of grade**

“Based upon the service credited under section 3353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer of the Army is:

“(1) For persons with less than three years of service—second lieutenant.

“(2) For persons with at least three, but less than seven, years of service—first lieutenant.

“(3) For persons with at least seven, but less than 14, years of service—captain.

“(4) For persons with at least 14, but less than 21, years of service—major.

“(5) For persons with at least 21 years of service—lieutenant colonel.

“(6) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Army determines.

**“§ 3360. Commissioned officers: promotion service**

“(a) To be eligible under this chapter for (1) consideration for promotion, (2) examination for Federal recognition, or (3) promotion, a reserve commissioned officer must be in an active status.

“(b) For the purposes of sections 3363, 3364, 3365, 3366 (a) (column 2), 3367, 3370, 3371 (a), 3382, 3819, and 3820 (c) of this title, an officer's years of service are computed by adding—

10 USC 3820.

“(1) all service that he has, or is credited by the Secretary of the Army with having, in his current grade in the Army, or in the discretion of the Secretary of the Army, any other armed force, while in an active status or on the active list;

“(2) for a person who was on active duty (other than for training) before September 3, 1945, all service while on active duty (other than for training) before January 1, 1949, in the Army or, in the discretion of the Secretary, any other armed force, in a temporary grade equal to or higher than his current reserve grade; and

“(3) for a person originally appointed in a grade below colonel, all service credited under section 3353 of this title or section 22 of the Act enacting this section, that exceeds the minimum years of service prescribed by section 3359 of this title for the grade in which he is appointed.

No service may be counted more than once. For a person credited with service under section 3353 of this title or section 22 of the Act enacting this section, no service before appointment or transfer may be counted under clause (1) or (2).

“(c) For the purposes of section 3369 of this title, an officer's years of service are the greater of—

“(1) the sum of (A) his years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component, (B) his years of service before June 15, 1933, as a commissioned officer in the federally recognized National Guard or in a federally recognized commissioned status in the National Guard, and (C) the years of service credited to him under section 3353 of this title or section 22 of the Act enacting this section; and

“(2) the number of years by which his age exceeds 25 years. No service may be counted more than once. For a person credited

with service under section 3353 of this title or section 22 of the Act enacting this section, no service before appointment may be counted.

**“§ 3362. Commissioned officers: selection boards**

“(a) The Secretary of the Army, or such authority as he directs, shall convene selection boards to consider reserve commissioned officers under this chapter.

“(b) Each board shall be composed of at least five members who are seniors in regular or reserve grade to, and who outrank, any officer considered by that board. Five members of a board constitute a quorum. So far as practicable, at least one-half of the members of the board must be reserve officers.

“(c) A board may not serve longer than one year and a member may not serve on two consecutive boards for promotions to the same grade, if the second board considers any officer considered but not recommended by the first.

“(d) Each member of a board must swear that he will perform his duties without prejudice or partiality, having in view the special fitness of officers and the efficiency of the Army.

“(e) A recommendation for promotion must be made by the majority of the total membership of the board.

“(f) An officer eligible for consideration for promotion by a board under this chapter is entitled to send a letter, through official channels, calling attention to any matter of record in the armed forces concerning himself that he considers important to his case. The letter may not criticize any officer or reflect on his character, conduct, or motives. A letter sent under this subsection may not be considered by a selection board unless it is received by the time the board convenes.

“(g) The Secretary of the Army shall prescribe regulations to carry out this chapter.

**“§ 3363. Commissioned officers: selection boards; general procedure**

“(a) Except as provided in section 3383 (b) of this title and section 309 of title 32, an officer in the reserve grade of second lieutenant may not be promoted or federally recognized in the next higher reserve grade until he completes three years of service computed under section 3360 (b) of this title.

“(b) An officer in a reserve grade above second lieutenant may not be considered for promotion, or examined for Federal recognition in the next higher reserve grade, until he completes the following number of years of service computed under section 3360 (b) of this title:

“(1) First lieutenant—two years.

“(2) Captain—four years.

“(3) Major—four years.

“(4) Lieutenant colonel—three years.

“(5) Colonel—two years.

“(6) Brigadier general—two years.

This subsection does not apply to the adjutant general or assistant adjutants general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

“(c) An officer may not be considered by a selection board for promotion under this chapter more than two years before the date on which it is anticipated that he will be promoted if recommended by the selection board.

“(d) A promotion under this chapter may be made effective before, on, or after the date on which it is made. The officer concerned is entitled to pay, allowances, and any other benefits provided by law for the grade to which he is promoted from the effective date of the promotion.

“(e) The Secretary of the Army may delay the promotion of a reserve commissioned officer who is under investigation or against whom proceedings of a court-martial or board of officers are pending, until the investigation or proceedings are completed.

“(f) On the basis of the results of an investigation or proceedings of a court-martial or board of officers, the Secretary may remove from a recommended list the name of any officer whom he considers to be not qualified for promotion. An officer in an active status who is not assigned to a unit organized to serve as a unit, and whose name is so removed from a recommended list, shall be treated, for the purposes of section 3368 of this title, as if he had been considered but not recommended for promotion.

“(g) Promotions of reserve commissioned officers of each special branch and the Women’s Army Corps shall be made from reserve commissioned officers assigned to that branch or corps, as the case may be. Promotions of reserve commissioned officers in any other branch shall be made from reserve commissioned officers who are not assigned to a special branch or the Women’s Army Corps.

**“§ 3364. Commissioned officers: selection for promotion; order of promotion; zone of consideration list; officers not assigned to units**

“(a) When officers are considered for promotion under section 3366, 3367, 3370, or 3371 of this title, the names of reserve officers assigned to each special branch, except the Judge Advocate General’s Corps, and to the Women’s Army Corps shall be placed on a separate zone of consideration list for, or be considered for promotion for service in, that branch or corps. The names of all other reserve officers shall be placed on a zone of consideration list, or considered for promotion, without regard to the branch to which they are assigned. The convening officer shall refer each list to a selection board for consideration.

“(b) Except as provided in subsection (d), an officer in an active status who is assigned to a special branch or the Women’s Army Corps, and who is recommended for promotion under section 3366, 3367, or 3370 of this title, may not be promoted before an officer of the same reserve grade and the same branch or corps who is in an active status, who has more service computed under section 3360 (b) of this title, who has been recommended for promotion, and who is not assigned to a unit organized to serve as a unit.

“(c) Except as provided in subsection (d), an officer who is not assigned to a special branch or the Women’s Army Corps, and who is recommended for promotion under section 3366, 3367, or 3370 of this title, may not be promoted before an officer of the same reserve grade in an active status who is not assigned to a special branch or the Women’s Army Corps, who has more service computed under section 3360 (b) of this title, who has been recommended for promotion, and who is not assigned to a unit organized to serve as a unit.

“(d) For the purposes of subsections (b) and (c) —

“(1) the Secretary shall, by regulation, prescribe the order of promotion of officers having the same amount of service computed under section 3360 (b) of this title;

“(2) the promotion of an officer who is otherwise eligible for promotion may not be withheld because of a delay in the promotion, under section 3362, 3363, 3368, or 3380 of this title, of an officer with more service computed under section 3360 (b) of this title; and

“(3) an officer who has completed the service in grade prescribed in section 20 of the Act enacting this section may be promoted before an officer who has not completed that service.

**“§ 3365. Commissioned officers: promotion of second lieutenants not assigned to units**

“(a) Without regard to vacancies, each second lieutenant of the Army Reserve who is in an active status and who is not assigned to a unit organized to serve as a unit, and each reserve second lieutenant who is on active duty (other than for training) shall, if he is found qualified for promotion by the Secretary of the Army or an officer designated by him, be promoted to the reserve grade of first lieutenant effective as of the date on which he completes three years of service computed under section 3360 (b) of this title.

“(b) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the reserve grade of first lieutenant.

**“§ 3366. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; mandatory consideration**

“(a) Without regard to vacancies, each officer of the Army Reserve in the reserve grade of first lieutenant, captain, or major, who is in an active status, who is not assigned to a unit organized to serve as a unit, and who has not been considered by a selection board under this section or section 3367 of this title, and each reserve officer in such a grade who is on active duty (other than for training) and who has not been so considered, shall be considered for promotion to the next higher reserve grade far enough in advance of the date on which he will complete the service prescribed in column 2 of the following table that, if recommended, he may be promoted effective on the date on which he will complete that service:

“Column 1	Column 2
Current reserve grade	Years of service computed under sec. 3360 (b) of this title
First lieutenant.....	4
Captain.....	7
Major.....	7

“(b) An officer recommended for promotion under this section may be promoted to fill a vacancy at any time. If not sooner promoted, he shall be promoted, effective as of the date on which he completes the service prescribed in column 2 of the table in subsection (a) without regard to vacancies.

“(c) If an officer in the reserve grade of first lieutenant, captain, or major becomes subject to this section upon transfer from an inactive status, upon transfer from the Army National Guard of the United States, or upon release from a unit of the Army Reserve, and after completing the service necessary for consideration under subsection (a), he shall be considered by the next appropriate selection board. If recommended by that board, he shall be promoted on the later of the following dates—

“(1) the date on which the board reports its recommendations;

or

“(2) the date on which he completes the service prescribed in column 2 of the table in subsection (a).

“(d) A selection board considering officers under this section shall use one of the following methods of selection, as directed by the Secretary of the Army:

“(1) Recommend those officers whose names have been referred to it whom it considers to be fully qualified for promotion, and report those whom it considers not to be so qualified.

“(2) Recommend a number specified by him whom it considers to be the best qualified of those officers whose names have been referred to it.

If the method prescribed in clause (2) is used in considering officers for promotion to the grade of captain, major, or lieutenant colonel, the number recommended by the selection board must be at least 80 percent of those listed for consideration.

“(e) A reserve officer whose name is on a zone of consideration list for consideration for promotion under this section and who is serving in, or has been recommended for promotion to, a temporary grade that is equal to or higher than the grade for which he is to be considered under this section, may not be considered under this section, but shall be considered to have been recommended for promotion and shall be promoted when he completes the service prescribed by column 2 of the table in subsection (a) for the grade concerned.

“(f) This section does not apply to the promotion to a grade above captain of reserve officers of the Army Nurse Corps or the Army Medical Specialist Corps, or to the promotion to a grade above major of reserve officers of the Women’s Army Corps.

“(g) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

**“§ 3367. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units to fill vacancies**

“(a) Whenever the Secretary of the Army determines that, within the distribution of officers not assigned to units, there are existing or anticipated vacancies in the reserve grade of captain, major, or lieutenant colonel, he may convene a selection board to consider and recommend, for promotion to those grades, officers of the Army Reserve who are in an active status and who are not assigned to units organized to serve as units, and reserve officers who are on active duty (other than for training). The Secretary shall prescribe for each zone of consideration list established under section 3364 of this title the minimum service, computed under section 3360 (b) of this title, that an officer of the appropriate branch must have to be placed on that list. He shall also require that officers—

“(1) who are in an active status and not assigned to units organized to serve as units, or are on active duty (other than for training); and

“(2) who have the prescribed service computed under section 3360 (b) of this title;

be placed on that list, and shall prescribe the number to be recommended for promotion from each list.

“(b) Subject to section 3380 of this title, an officer recommended for promotion under this section may be promoted whenever there is a vacancy; but it is not mandatory that the authorized number be maintained in any grade.

“(c) A selection board considering officers under this section shall use one of the following methods, as directed by the Secretary of the Army:

“(1) (A) Consider the officers referred to it in the order of their service computed under section 3360 (b) of this title;

“(B) recommend those who are fully qualified for promotion;

“(C) pass over and report those not so qualified; and

“(D) continue this procedure until the number of officers specified by him is recommended.

“(2) Recommend a number specified by him whom it considers to be the best qualified of those officers referred to it.

If the method prescribed in clause (2) is used, the number recommended by the selection board must be at least 80 percent of the officers listed for consideration.

“(d) This section does not apply to the promotion to a grade above captain of reserve officers of the Army Nurse Corps or the Army Medical Specialist Corps, or to the promotion to a grade above major of reserve officers of the Women’s Army Corps.

“(e) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

**“§ 3368. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; second consideration**

“An officer in the reserve grade of first lieutenant, captain, or major who is considered, but not recommended, by a selection board under section 3366 or 3367 of this title shall, if he remains in an active status, be placed on the next zone of consideration list established under either of those sections for the consideration of officers of his branch and grade. If he is again considered under section 3366 of this title and is recommended for promotion, he shall be promoted one year after the date on which he would have been promoted if he had been recommended by the board that first considered him. However, if, upon second consideration under either section, he is not recommended for promotion, he may not thereafter be considered for promotion or examined for Federal recognition and shall be treated as prescribed in section 3846 of this title.

**“§ 3369. Commissioned officers: Army Reserve; first promotion of officers not assigned to unit after transfer from unit or from Army National Guard of United States**

“A reserve officer in a grade named in the following table who, upon transfer from the Army National Guard of the United States or upon release from a unit in the Army Reserve, is in an active status and is not assigned to a unit organized to serve as a unit, or who is on active duty (other than for training) may not be promoted to a higher reserve grade for the first time after that transfer or release, or entrance on active duty, as the case may be, until he completes the following service:

“Grade	Years of service computed under sec. 3366 (e) of this title
First lieutenant.....	6
Captain.....	12
Major.....	17
Lieutenant colonel or higher.....	19

**“§ 3370. Commissioned officers: officers not assigned to units; promotion to field grade in certain cases**

“(a) Whenever the Secretary of the Army determines that, within the distribution of officers not assigned to units, there are existing or anticipated vacancies in the reserve grade of—

“(1) major in the Army Nurse Corps or the Army Medical Specialist Corps;

“(2) lieutenant colonel in the Army Nurse Corps or the Women’s Army Corps; or

“(3) colonel in any other branch;

he may convene a selection board to consider and recommend, to fill those vacancies, reserve officers who are in an active status and who are not assigned to units organized to serve as units and reserve officers who are on active duty (other than for training).

“(b) The Secretary shall prescribe for each zone of consideration list established under section 3364 of this title the amount of service computed under section 3360 (b) of this title that an officer of the branch concerned must have to be placed on it for consideration under this section. The Secretary shall require that each officer with that amount of service be placed on that list. He shall prescribe the number to be recommended for promotion from each list.

“(c) A selection board considering officers under this section shall recommend the prescribed number of officers whom it considers to be the best qualified.

“(d) Subject to section 3380 of this title, an officer recommended for promotion under this section may be promoted whenever there is a vacancy, but it is not mandatory that the authorized number be maintained in any grade.

“(e) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

**“§ 3371. Commissioned officers: promotion of brigadier generals and colonels not assigned to units**

“(a) Whenever vacancies are authorized or anticipated in the Army Reserve in the reserve grades of major general or brigadier general for officers who are in an active status and who are not assigned to units organized to serve as a unit or for officers who are on active duty (other than for training), the Secretary of the Army may convene a selection board to consider those officers who are in the reserve grade of brigadier general or colonel, as the case may be, for promotion and prescribe the number to be promoted. Only officers who have at least two years of service computed under section 3360 (b) of this title and who meet standards prescribed by the Secretary may be considered by a selection board under this section.

“(b) The selection board shall recommend the prescribed number of those officers whom it considers to be the best qualified.

“(c) Subject to section 3380 of this title, an officer recommended for promotion under this section may be promoted whenever there is a vacancy, but it is not mandatory that the authorized number be maintained in any grade.

“(d) If an officer of the Army National Guard of the United States is found qualified for promotion under this section, section 3390 of this title applies in place of the examination for Federal recognition in the grade for which found qualified.

**“§ 3375. Commissioned officers: generals ceasing to occupy commensurate positions**

“Within 30 days after an officer in a reserve general officer grade ceases to occupy a position commensurate with his grade or with a higher grade, the Secretary of the Army shall, as the officer elects—

“(1) transfer him in grade to the Retired Reserve, if he is qualified and applies therefor;

“(2) transfer him in grade to the inactive status list of the Standby Reserve, if he is qualified;

“(3) discharge him from his reserve appointment and, if he is qualified and applies therefor, appoint him in the reserve grade held by him as a reserve officer before his appointment in a general officer grade; or

“(4) discharge him from his reserve appointment.

**“§ 3378. Commissioned officers: promotion of officers removed from active status**

“(a) A reserve commissioned officer who has been recommended by a selection board for promotion to, or found qualified for Federal recognition in, the next higher reserve grade, and who at the time he would otherwise be promoted is not eligible because he has been removed from an active status, may not be placed on the recommended list when he returns to an active status unless he is again recommended by a selection board or is again found qualified for Federal recognition in the next higher reserve grade.

“(b) A reserve commissioned officer who has been removed from an active status after being recommended by a selection board for promotion to, or found qualified for Federal recognition in, the next higher reserve grade, shall be treated as if he had not been considered by that selection board or examined by the Federal recognition board that found him qualified for that Federal recognition.

**“§ 3380. Commissioned officers: election to continue on active duty after promotion**

“(a) A reserve commissioned officer on active duty (other than for training) who is promoted to a reserve grade that is higher than the grade in which he is serving continues to serve on active duty in the grade in which he was serving immediately before that promotion. Unless he expressly declines the promotion he shall be treated as if he had accepted, on the date of that promotion, an appointment in a temporary grade equal to the grade in which he was serving before that promotion. If he elects not to continue on active duty in the grade in which he is serving, he shall, except as provided in subsection (b), be relieved from active duty and be promoted on the day after he is relieved or on the date on which he would have been promoted if he had stayed on active duty, whichever is the later. If he is relieved from active duty after the date on which he would have been promoted if he had stayed on active duty, he shall be credited with the service he would have had if he had remained on active duty and had been promoted.

“(b) A reserve commissioned officer on active duty (other than for training) who has not completed the period of active duty that he is required by law or regulation to perform as a member of a reserve component, and who is recommended or found qualified for promotion to a higher reserve grade, may not elect to be relieved from active duty under subsection (a), but may decline the promotion if he does not desire to serve on active duty in a grade lower than his reserve grade. If he so declines the promotion, he shall, if he applies, be promoted to the grade for which he was recommended or found qualified upon being temporarily promoted to that higher grade or, subject to subsection (a), upon completing his period of required active duty.

**“§ 3382. Commissioned officers: Army Reserve; promotion of second lieutenants assigned to units**

“Without regard to vacancies, each second lieutenant of the Army Reserve who is in an active status and who is assigned to a unit organized to serve as a unit shall, if he is found qualified for promotion by the Secretary of the Army or an officer designated by him, be promoted to the reserve grade of first lieutenant effective as of the date on which he completes three years of service computed under section 3360 (b) of this title.



**“§ 3383. Commissioned officers: Army Reserve; promotion to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies in units**

“(a) The Secretary of the Army may convene a selection board to consider and recommend officers of any unit of the Army Reserve that is organized to serve as a unit for promotion to fill a vacancy in that unit in the grade of captain, major, lieutenant colonel, or colonel within the numbers authorized for that unit under sections 3217 and 3219 of this title.

“(b) In referring the names of officers for consideration for promotion under subsection (a), the convening officer shall place on a zone of consideration list the name of each officer who is assigned to a unit organized to serve as a unit, who is eligible for consideration for promotion under section 3363 (b) or (g) of this title, and who is geographically available to fill the vacancy. The convening officer shall refer the list to the selection board for consideration. Without regard to section 3363 (a) and (b) of this title, he may also place on such a list for promotion to the next higher reserve grade the name of any reserve first lieutenant or second lieutenant who has served creditably for at least a year in a position that is in a unit organized to serve as a unit and is prescribed to be filled by a captain, and who has not previously been promoted under this section.

“(c) The selection board shall recommend the officer whom it considers to be the best qualified.

“(d) An officer recommended for promotion under this section may be immediately promoted to fill the vacancy.

**“§ 3384. Commissioned officers: Army Reserve; promotion to grade of brigadier general or major general to fill vacancies in units**

“(a) Officers of the Army Reserve may be promoted to the reserve grades of brigadier general and major general to fill vacancies in those grades in any unit of the Army Reserve that is organized to serve as a unit and has attained the strength prescribed by the Secretary of the Army.

“(b) Within one year after an officer has been assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, he shall be evaluated by his superior officer. If the superior officer determines that the officer has shown his fitness for the position, he shall send the officer's name to the Secretary for consideration by a selection board for promotion to the next higher reserve grade.

“(c) To be eligible for consideration for promotion under this section, an officer must meet the requirements of this chapter and the standards prescribed by the Secretary.

“(d) The names of officers who meet the requirements of this section and section 3363 (b) of this title shall be submitted to a selection board convened at least once each year by the Secretary. The selection board shall recommend the officer whom it considers to be the best qualified to fill each vacancy.

“(e) An officer recommended for promotion under this section may be immediately promoted to fill the vacancy.

**“§ 3385. Commissioned officers: Army National Guard of United States; promotion upon Federal recognition**

“An officer of the Army National Guard of the United States to whom Federal recognition has been extended under section 309 or 310 of title 32 may, as of the date of that Federal recognition, be promoted to the next higher reserve grade.

**“§ 3386. Commissioned officers: promotion upon release from active duty**

“Upon release from active duty (other than for training), a reserve commissioned officer shall be promoted to a reserve grade that is equal to the highest temporary grade in which he served on that duty satisfactorily, as determined by the Secretary of the Army. An officer who is promoted under this section may not thereafter be promoted for the first time as a reserve officer in an active status and not assigned to a unit organized to serve as a unit, until he completes the service prescribed under section 3369 of this title for promotion to the grade concerned.

**“§ 3388. Commissioned officers: Army Reserve; effect of entering upon active duty while eligible for promotion**

“If a commissioned officer of the Army Reserve who enters upon active duty (other than for training) while his name is on a zone of consideration list under section 3383 of this title has had his name submitted to a selection board, or is recommended for promotion under section 3383 or 3384 of this title, his name shall be removed from the list or withdrawn from those recommended for promotion, and he shall be treated as if he had not been considered for promotion.

**“§ 3389. Commissioned officers: promotion to higher reserve grade after temporary appointment**

“(a) When he completes the service prescribed by the Secretary of the Army, a commissioned officer of the Army Reserve who is on active duty (other than for training) in a temporary grade that is higher than his reserve grade shall be promoted to an appropriate higher reserve grade that is not higher than his temporary grade and not above colonel.

“(b) When he completes the service prescribed by the Secretary, a commissioned officer of the Army National Guard of the United States who is on active duty in a temporary grade that is higher than his reserve grade is eligible for promotion to an appropriate higher reserve grade that is not higher than his temporary grade and not above colonel.

“(c) The Secretary shall annually prescribe the period of service required for promotion to each grade under this section. The period shall conform as nearly as possible to the corresponding period of service then being applied to the promotion of regular officers.

**“§ 3390. Commissioned officers: Army National Guard of United States; procedure for promotion to higher reserve grade after temporary appointment**

“(a) If an officer of the Army National Guard of the United States who is on active duty (other than for training) is recommended for promotion or becomes eligible for promotion under section 3389 of this title, an opportunity shall be given to the appropriate authority of the State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, as the case may be, to promote that officer to fill a vacancy in the Army National Guard of that jurisdiction. If necessary, a vacancy may be created for the purposes of this subsection.

“(b) If such an officer is so promoted in the Army National Guard, Federal recognition is extended to him effective as of the date on which he would have been promoted if he were an officer of the Army Reserve, and he may be promoted in his reserve grade effective as of the date of the extension of Federal recognition. However, if he is not so promoted in the Army National Guard, his Federal recognition in his reserve grade shall be withdrawn and he shall be transferred to the Army Reserve.

**“§ 3391. Commissioned officers: officers of Army Nurse Corps, Army Medical Specialist Corps, and Women’s Army Corps not to be promoted above certain grades**

“A reserve officer of the Army Medical Specialist Corps may not be promoted to a reserve grade above major. A reserve officer of the Army Nurse Corps or the Women’s Army Corps may not be promoted to a reserve grade above lieutenant colonel.

**“§ 3392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general**

“Notwithstanding any other provision of this chapter, the adjutant general or an assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

**“§ 3393. Commissioned officers: sea or foreign service not to be required for promotion**

“Sea or foreign service may not be made a condition to the promotion of reserve commissioned officers in reserve grades.”

(F) by striking out the following item in the analysis:

“3354. Commissioned officers; Army Reserve: appointment of warrant officers and enlisted members of Army National Guard of United States.”

and inserting the following item in place thereof:

“3354. Commissioned officers: appointment of warrant officers and enlisted members of Army National Guard of United States; status.”;

(G) by striking out the following item in the analysis:

“3357. Female commissioned officers; Army Reserve: for service in Army Nurse Corps or Women’s Medical Corps.”

and inserting the following item in place thereof:

“3357. Commissioned officers; Army Reserve: for service in Army Nurse Corps or Army Medical Specialist Corps.”; and

(H) by inserting the following new items in the analysis:

“3353. Commissioned officers: appointment; service credit.

“3359. Commissioned officers: original appointment; determination of grade.

“3360. Commissioned officers: promotion service.

“3362. Commissioned officers: selection boards.

“3363. Commissioned officers: selection boards; general procedure.

“3364. Commissioned officers: selection for promotion; order of promotion; zone of consideration list; officers not assigned to units.

“3365. Commissioned officers: promotion of second lieutenants not assigned to units.

“3366. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units; mandatory consideration.

“3367. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units to fill vacancies.

“3368. Commissioned officers: promotion of first lieutenants, captains, and majors not assigned to units: second consideration.

“3369. Commissioned officers: Army Reserve; first promotion of officers not assigned to units after transfer from unit or from Army National Guard of United States.

“3370. Commissioned officers: officers not assigned to units; promotion to field grade in certain cases.

“3371. Commissioned officers: promotion of brigadier generals and colonels not assigned to units.

“3375. Commissioned officers: generals ceasing to occupy commensurate positions.

“3378. Commissioned officers: promotion of officers removed from active status.

“3380. Commissioned officers: election to continue on active duty after promotion.

“3382. Commissioned officers: Army Reserve; promotion of second lieutenants assigned to units.

- "3383. Commissioned officers: Army Reserve; promotion to grades of first lieutenant, captain, major, lieutenant colonel, and colonel to fill vacancies in units.
- "3384. Commissioned officers: Army Reserve; promotion to grade of brigadier general or major general to fill vacancies in units.
- "3385. Commissioned officers: Army National Guard of United States; promotion upon Federal recognition.
- "3386. Commissioned officers: promotion upon release from active duty.
- "3388. Commissioned officers: Army Reserve; effect of entering upon active duty while eligible for promotion.
- "3389. Commissioned officers: promotion to higher reserve grade after temporary appointment.
- "3390. Commissioned officers: Army National Guard of United States; procedure for promotion to higher reserve grade after temporary appointment.
- "3391. Commissioned officers: officers of Army Nurse Corps, Army Medical Specialist Corps, and Women's Army Corps not to be promoted above certain grades.
- "3392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.
- "3393. Commissioned officers: sea or foreign service not to be required for promotion."

10 U S C 3441-  
3451.

(81) Chapter 339 is amended—

(A) by amending section 3444 by adding the following new subsection at the end thereof:

"(d) For the purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, an officer of the Medical or Dental Corps who is appointed in a temporary grade under subsection (a) shall, when he enters on active duty, be credited with the constructive service authorized by section 3294 (b) of this title.";

(B) by amending section 3445 (b) by striking out the figure "3443,";

(C) by amending section 3446 to read as follows:

**"§ 3446. Retention on active duty**

"Notwithstanding any other provision of law, the President may retain on active duty a disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law.";

(D) by amending section 3447 (a) by striking out the figure "3443,";

(E) by adding the following new section at the end thereof:

**"§ 3452. Officers: Medical and Dental Corps: temporary promotion to captain**

"Notwithstanding any other provision of law, an officer of the Medical Corps or Dental Corps may be promoted to the temporary grade of captain at any time after the first anniversary of the date upon which he graduated from a medical, osteopathic, or dental school, as the case may be.";

(F) by striking out the following item in the analysis:

"3443. Commissioned officer; Reserves: appointment in higher or lower grade.";

(G) by adding the following new item at the end of the analysis:

"3452. Officers; Medical and Dental Corps: temporary promotion to captain."

(82) Chapter 341 is amended—

(A) by inserting the following new section after section 3493:

10 USC 3491-3504.

**“§ 3494. Commissioned officers: grade in which ordered to active duty**

“A reserve commissioned officer who is ordered to active duty shall be ordered to that duty in his reserve grade unless the Secretary of the Army, in his discretion, orders him to active duty (other than for training) in a higher temporary grade.”; and

(B) by inserting the following new item in the analysis:

“3494. Commissioned officers: grade in which ordered to active duty.”

(83) Section 3504 (c) (2) is amended by inserting the words “or the Army Medical Specialist Corps” before the period at the end thereof.

(84) The analysis of chapter 343 is amended by striking out the following item:

10 USC 3531-3548.

“3546. Duties: officers of Medical Corps, contract surgeons; attendance on families of members.”

(85) Section 3571 is amended to read as follows:

10 USC 3571.

**“§ 3571. Rank: commissioned officers on active duty**

“(a) Commissioned officers of the Army on active duty in the same grade rank among themselves according to date of rank. The date of rank—

“(1) for an officer of the Regular Army serving in his regular grade, is that stated in his commission or letter of appointment;

“(2) for an officer of the Regular Army serving in a temporary grade, is his date of appointment in that grade, unless adjusted under section 3572 of this title; and

10 USC 3572.

“(3) for a reserve officer, precedes his date of entry on active duty by a period computed by adding—

“(A) the years of service after July 1, 1955, while in his current grade or in any higher grade, that are credited to him under section 1332 (a) (2) of this title;

10 USC 1332.

“(B) the periods of active service, while in his current grade or in any higher grade, that are not credited to him under clause (A);

“(C) the periods of service, while in his current grade or in any higher grade, that he has performed under section 502, 503, 504, or 505 of title 32, and that are not credited to him under clause (A); and

32 USC 502-505

“(D) one day for each point for drill or equivalent instruction after July 1, 1955, while in his current grade or in any higher grade, that is credited to him under section 1332 (a) (2) (B) of this title and not credited to him under clause (A).

“(b) When the dates of rank prescribed by subsection (a) are the same, rank is determined by adding all active commissioned service in the Army, all commissioned service under section 502, 503, 504, or 505 of title 32, and all service credited for points under section 1332 (a) (2) (B) of this title.

“(c) When the dates of rank prescribed by subsection (a) and service computed under subsection (b) are the same:

“(1) Regular officers rank before reserve officers.

“(2) Regular officers rank among themselves according to sections 3573 and 3574 of this title.

10 USC 3573, 3574.

“(3) Reserve officers rank among themselves according to age.”

(86) Section 3574 (c) is amended to read as follows:

“(c) Rank among the graduates of each class at the United States Military Academy, United States Naval Academy, or United States

Air Force Academy who, upon graduation, are appointed in the Regular Army shall be fixed under regulations to be prescribed by the Secretary.”

10 USC 3579. (87) Section 3579 (b) is amended by striking out the words “her own” and “her” and inserting the word “his” in place thereof.

10 USC 3631-3639. (88) The analysis of chapter 349 is amended by striking out the following item:

“3638. Enlisted members: required to make up time lost.”

10 USC 3685. (89) Section 3685 (b) is amended by inserting the words “the Army National Guard of the United States or” before the words “the Army Reserve”.

10 USC 3687. (90) Section 3687 (1) is amended by inserting the words “under section 270 (b) of this title” after the words “other than for training” in parentheses.

10 USC 3681-3693. (91) The analysis of chapter 353 is amended by striking out the following items:

“3681. Army Register: regular officers; service to be listed.

\* \* \* \* \*

“3688. Death gratuity.”

10 USC 3721-3723. (92) Chapter 355 is amended—

(A) by inserting the words “(other than for training under section 270 (b) of this title)” after the words “active duty” in section 3721 (1);

(B) by striking out the words “R. O. T. C. and” in the catch-line of section 3722;

(C) by striking out the words “member of the Reserve Officers’ Training Corps, or person attending a Citizens’ Military Training Camp,” in section 3722 (a) (3) and inserting the words “person attending a Citizens’ Military Training Camp” in place thereof and by striking out the words “4385 or” in the same section; and

(D) by striking out the following item in the analysis:

“3722. Members of R. O. T. C. and C. M. T. C.; members of Army not covered by section 3721 of this title.”;

and inserting the following item in place thereof:

“3722. Members of C. M. T. C.; members of Army not covered by section 3721 of this title.”

10 USC 3811-3820. (93) Chapter 361 is amended—

(A) by inserting the following new section after section 3818:

**“§ 3819. Army Reserve officers: discharge for failure of promotion to first lieutenant**

“Except as provided in sections 1005 and 1006 of this title, each second lieutenant of the Army Reserve who is in an active status shall be discharged from his reserve appointment if he is not promoted before or on the date on which he completes three years of service computed under section 3360 (b) of this title.”;

(B) by adding the following new subsection at the end of section 3820:

“(c) Except as provided in sections 1005 and 1006 of this title, each second lieutenant of the Army National Guard of the United States who is not promoted before or on the date on which he completes three years of service computed under section 3360 (b) of this title, shall be discharged from his reserve appointment.”; and

(C) by inserting the following new item in the analysis:

“3819. Army Reserve officers: discharge for failure of promotion to first lieutenant.”

(94) Chapter 363 is amended by striking out the words “[No present sections]” and inserting the following new items and sections in place thereof:

“Sec.

“3841. Age 50: Army Nurse Corps or Army Medical Specialist Corps; reserve officers below major.

“3842. Age 55: Army Nurse Corps or Army Medical Specialist Corps; reserve officers above captain.

“3843. Age 60: reserve officers below major general.

“3844. Age 62: reserve major generals other than those covered by section 3845 and brigadier generals on a recommended list.

“3845. Age 64: officers holding certain offices.

“3846. First lieutenants, captains, and majors not recommended by two selection boards.

“3847. Twenty-five years: Women's Army Corps majors.

“3848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels.

“3849. Twenty-eight years: Women's Army Corps lieutenant colonels.

“3850. Thirty years or more: reserve commissioned officers; excessive number.

“3851. Thirty years or five years in grade: reserve colonels and brigadier generals.

“3852. Thirty-five years or five years in grade: reserve major generals.

“3853. Computation of years of service.

“3854. Regulations.

**“§ 3841. Age 50: Army Nurse Corps or Army Medical Specialist Corps; reserve officers below major**

“After July 1, 1960, each officer in a reserve grade below captain who is assigned to the Army Nurse Corps or the Army Medical Specialist Corps, and each officer in the reserve grade of captain who is so assigned and who has not been recommended for promotion to the reserve grade of major or has not remained in an active status since such a recommendation shall, on the last day of the month in which he becomes 50 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 3842. Age 55: Army Nurse Corps or Army Medical Specialist Corps; reserve officers above captain**

“After July 1, 1960, each officer in a reserve grade above captain who is assigned to the Army Nurse Corps or the Army Medical Specialist Corps, and each officer in the reserve grade of captain who is so assigned and who has been recommended for promotion to the reserve grade of major and has remained in an active status since that recommendation, shall, on the last day of the month in which he becomes 55 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 3843. Age 60: reserve officers below major general**

“(a) Except as provided in section 3845 of this title, each officer in the reserve grade of brigadier general who has not been recommended for promotion to the reserve grade of major general or has not remained in an active status since such a recommendation shall, on the last day of the month in which he becomes 60 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Except as provided in section 3845 of this title, after July 1, 1960, each commissioned officer in an active status in a reserve grade below brigadier general shall, on the last day of the month in which he becomes 60 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 3844. Age 62: reserve major generals other than those covered by section 3845 and brigadier generals on a recommended list**

“Except as provided in section 3845 of this title, each officer in an active status in the reserve grade of major general and each officer in an active status in the reserve grade of brigadier general who is on a recommended list for promotion to the reserve grade of major general shall, on the last day of the month in which he becomes 62 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 3845. Age 64: officers holding certain offices**

“An officer of the Army National Guard of the United States who is Chief of the National Guard Bureau, and each adjutant general or commanding general of the troops of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, shall, on the last day of the month in which he becomes 64 years of age—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 3846. First lieutenants, captains, and majors not recommended by two selection boards**

“Except as provided in sections 1005 and 1006 of this title, an officer in the reserve grade of first lieutenant, captain, or major who, while serving in the reserve grade that he then holds, was considered but not recommended for promotion by two selection boards convened under section 3366 or 3367 of this title, shall, within 90 days after the second selection board submits its report to the convening authority if he is not on active duty or is on active duty for training, or within 120 days after being notified of his failure of selection by the second selection board if he is on active duty (other than for training)—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 3847. Twenty-five years: Women's Army Corps majors**

“After July 1, 1960, each officer in the reserve grade of major who is assigned to the Women's Army Corps, and who has not been recommended for promotion to the reserve grade of lieutenant colonel or has not remained in an active status since such a recommendation shall, 30 days after she completes 25 years of service computed under section 3853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.



**“§ 3848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels**

“(a) After July 1, 1960, each officer in an active status in the reserve grade of first lieutenant, captain, major, or lieutenant colonel shall, 30 days after he completes 28 years of service computed under section 3853 of this title—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Each officer in the reserve grade of lieutenant colonel who has been recommended for promotion, and who would otherwise be removed from an active status under this section, shall be retained in that status until he is appointed or is refused appointment to the next higher grade.

“(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of any officer of the Army National Guard of the United States who would otherwise be removed from an active status under this section and who is assigned to a headquarters or headquarters detachment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

**“§ 3849. Twenty-eight years: Women’s Army Corps lieutenant colonels**

“(a) After July 1, 1960, each officer in an active status in the reserve grade of lieutenant colonel who is assigned to the Women’s Army Corps, and each officer in the reserve grade of major who is assigned to the Women’s Army Corps and who has been recommended for promotion to the reserve grade of lieutenant colonel and has remained in an active status since that recommendation, shall, 30 days after she completes 28 years of service computed under section 3853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

“(b) Notwithstanding subsection (a), an officer who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the Army, be retained in an active status, but not later than 30 days after she completes 30 years of service computed under section 3853 of this title.

**“§ 3850. Thirty years or more: reserve commissioned officers; excessive number**

“Whenever the Secretary of the Army believes that there are too many commissioned officers in an active status, in any reserve grade, who have at least 30 years of service computed under section 3853 of this title or at least 20 years of service computed under section 1332 of this title, he shall convene a board to consider all officers in an active status in that grade who have that amount of service and who are not assigned to a unit organized to serve as a unit. The board shall recommend officers by name for removal from an active status, in the number specified by the Secretary. In the case of an officer so recommended, the Secretary may—

“(1) transfer him to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, discharge him from his reserve appointment.

**“§ 3851. Thirty years or five years in grade: reserve colonels and brigadier generals**

“(a) After July 1, 1960, each officer in an active status in the reserve grade of colonel or brigadier general shall, 30 days after he completes 30 years of service computed under section 3853 of this title or on the fifth anniversary of the date of his appointment in his current reserve grade, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Each officer who has been recommended for promotion, and who would otherwise be removed from an active status under this section, shall be retained in that status until he is appointed or refused appointment to the next higher grade.

“(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of any officer of the Army National Guard of the United States whose reserve grade is colonel, who would otherwise be removed from an active status under this section, and who is assigned to a headquarters or headquarters detachment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

**“§ 3852. Thirty-five years or five years in grade: reserve major generals**

“After July 1, 1960, each officer in an active status in the reserve grade of major general shall, 30 days after he completes 35 years of service computed under section 3853 of this title, or on the fifth anniversary of the date of his appointment to that grade, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 3853. Computation of years of service**

“For the purpose of determining whether a reserve commissioned officer may be transferred to the Retired Reserve, or discharged, under this chapter, his years of service are the greater of—

“(1) the sum of (A) his years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component, (B) his years of service before June 15, 1933, as a commissioned officer in the federally recognized National Guard or in a federally recognized commissioned status in the National Guard, and (C) the years of service credited to him under section 3353 of this title or section 23 of the Act enacting this section; and

“(2) the number of years by which his age exceeds 25 years.

No service may be counted more than once. For a person credited with service under section 3353 of this title or section 22 of the Act enacting this section, no service before appointment may be counted.

**“§ 3854. Regulations**

“The Secretary of the Army shall prescribe regulations to carry out this chapter.”

(95) The chapter analysis of subtitle B and the chapter analysis of part II of subtitle B are amended by striking out the following item:

"363. Separation or Transfer to Retired Reserve. [No present sections]"

and inserting the following item in place thereof:

"363. Separation or Transfer to Retired Reserve..... 3841".

(96) Section 3888 is amended to read as follows:

10 USC 3888.

**"§ 3888. Computation of years of service: mandatory retirement; regular commissioned officers**

"For the purpose of computing the retired pay of a commissioned officer of the Regular Army retired under section 3883, 3884, 3885, or 3886 of this title, his years of service are the greatest of—

10 USC 3883-3886.

"(1) the years of service that may be credited to him under section 1405 of this title;

"(2) the years of service credited to him at the time of his original appointment in the Regular Army to determine his eligibility for promotion, except the constructive service credited to him under section 3287 (a) (2) (A) or (B) or 3294 (b) of this title or under section 506 (c) of the Officer Personnel Act of 1947 (61 Stat. 890), plus his years of active commissioned service in the Regular Army after that appointment; or

10 USC 506c.

"(3) his years of service computed under clause (A), (B), or (C), whichever applies, if any:

"(A) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General's Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

53 Stat. 557.

"(i) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

"(ii) the number of days, months, and years by which his age at the time of that appointment exceeded 25 years;

whichever is greater, plus his years of active commissioned service in the Regular Army after that appointment.

"(B) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, before December 31, 1947, other than an officer covered by clause (A) or appointed under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

10 USC 131, 142, 233, 291.

"(i) his years of active commissioned service in the Regular Army after that appointment; and

"(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 7, 1941, under any earlier appointment.

"(C) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, after December 31, 1947, other than an officer appointed in the Women's Army Corps, Regular Army, under section 108 of the Women's Armed Services Integration Act of 1948 (62 Stat. 361), the sum of—

10 USC 559c.

"(i) his years of active commissioned service in the Regular Army after that appointment; and

"(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 31, 1947, under an earlier appointment."

10 USC 3925.

(97) Section 3925 (b) is amended by striking out the figure "3638" and inserting the figure "972" in place thereof.

10 USC 3927.

(98) Section 3927 is amended to read as follows:

**“§ 3927. Computation of years of service: mandatory retirement; regular commissioned officers**

“(a) For the purpose of determining whether a regular commissioned officer may be retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title, his years of service are the greater of—

10 USC 3913-3923 *passim*.

“(1) the years of service credited to him at the time of his original appointment in the Regular Army to determine his eligibility for promotion, except the constructive service credited to him under section 3287 (a) (2) (A) or (B) or 3294 (b) of this title or under section 506 (c) of the Officer Personnel Act of 1947 (61 Stat. 890), plus his years of active commissioned service in the Regular Army after that appointment; or

10 USC 506c.

“(2) his years of service computed under clause (A), (B), or (C), whichever applies, if any:

“(A) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General's Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

“(i) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

“(ii) the number of days, months, and years by which his age at the time of the appointment exceeded 25 years; whichever is greater, plus his years of active commissioned service in the Regular Army after that appointment.

“(B) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, before December 31, 1947, other than an officer covered by clause (A) or appointed under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

“(i) his years of active commissioned service in the Regular Army after that appointment; and

“(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 7, 1941, under any earlier appointment.

“(C) For an officer appointed in the Regular Army, except in the Army Nurse Corps or Army Medical Specialist Corps, after December 31, 1947, other than an officer appointed in the Women's Army Corps, Regular Army, under section 108 of the Women's Armed Services Integration Act of 1948 (62 Stat. 361), the sum of—

“(i) his years of active commissioned service in the Regular Army after that appointment; and

“(ii) his years of active commissioned service in the Army after becoming 21 years of age and after December 31, 1947, under any earlier appointment.

“(b) For the purpose of computing the retired pay of a commissioned officer of the Regular Army retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title, his years of service are the greater of—

“(1) the years of service that may be credited to him under section 1405 of this title; or

“(2) his years of service computed under subsection (a).”

10 USC 131, 142, 233, 291.

10 USC 559c.

(99) Section 3962 is amended by striking out subsection (c) and redesignating subsection (d) as subsection “(c)”. 10 USC 3962.

(100) Sections 3963 (a) and 3964 are amended by striking out the words “, after September 8, 1940, and before July 1, 1946”. 10 USC 3963.

(101) Section 3966 is amended by striking out the words “, to be published annually in the official Army Register,” in subsections (a) and (b). 10 USC 3966.

(101A) The table in section 3991 is amended— 10 USC 3991.

(A) by striking out the figure “3962 (d)” in footnote 1 and inserting the figure “3962 (c)” in place thereof; and

(B) by striking out the figures “3962 (c), 3963 (a),” in footnote 2 and inserting the figure “3963 (a)” in place thereof.

(102) The analysis of chapter 373 is amended by striking out the following item: 10 USC 4021-4025.

“4021. Appointment: professional and scientific services.”

(103) Section 4353 (b) is amended to read as follows: 10 USC 4353.

“(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Army.”

(104) Section 4384 is amended— 10 USC 4384.

(A) by inserting the words “, including flight instruction,” after the words “practical military training”; and

(B) by adding the following new sentence at the end thereof: “The Secretary shall report to Congress in January of each year on the progress of the flight instruction program authorized by this section.”

(105) Chapter 449 is amended— 10 USC 4771-4779.

(A) by adding the following new section at the end thereof:

**“§ 4780. Acquisition of buildings in District of Columbia**

“(a) In time of war or when war is imminent, the Secretary of the Army may acquire by lease any building, or part of a building, in the District of Columbia that may be needed for military purposes.

“(b) At any time, the Secretary may, for the purposes of the Department of the Army, requisition the use and take possession of any building or space in any building, and its appurtenances, in the District of Columbia, other than—

“(1) a dwelling house occupied as such;

“(2) a building occupied by any other agency of the United States; or

“(3) space in such a dwelling house or building.

The Secretary shall determine, and pay out of funds appropriated for the payment of rent by the Department of the Army, just compensation for that use. If the amount of the compensation is not satisfactory to the person entitled to it, the Secretary shall pay 75 percent of it to that person, and the claimant is entitled to recover by action against the United States an additional amount that, when added to the amount paid by the Secretary, is determined by the court to be just compensation for that use.”;

(B) by adding the following new item at the end of the analysis:

"4780. Acquisition of buildings in District of Columbia."

10 USC 5011-5013.

(106) Chapter 503 is amended—

(A) by adding the following new section at the end thereof:

**§ 5014. Compensation of General Counsel**

"The compensation of the General Counsel of the Department of the Navy is \$19,000 a year."; and

(B) by adding the following new item at the end of the analysis:

"5014. Compensation of General Counsel."

10 USC 5031.

(107) Section 5031 (d) is amended by striking out the figure "\$18,000" and inserting the figure "\$22,000" in place thereof.

10 USC 5033.

(108) Section 5033 (c) is amended to read as follows:

"(c) The compensation of the Under Secretary is \$20,000 a year."

10 USC 5034.

(109) Section 5034 (d) is amended to read as follows:

"(d) The compensation of each of the four Assistant Secretaries is \$20,000 a year."

10 USC 5401-5413.

(110) Chapter 531 is amended—

(A) by adding the following new sections at the end thereof:

**§ 5414. Naval Reserve and Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4**

"(a) The authorized strength of the Naval Reserve in officers in an active status in permanent grades above chief warrant officer, W-4, is 150,000.

"(b) The authorized strength of the Marine Corps Reserve in officers in an active status in permanent grades above chief warrant officer, W-4, is 29,500.

"(c) The authorized strengths prescribed by this section may not be exceeded unless the Secretary of the Navy determines that a greater number is necessary for planned mobilization requirements, or unless the excess results directly from the operation of mandatory provisions of law.

**§ 5415. Enlisted members serving as midshipmen or cadets excluded**

"Enlisted members of the Navy or the Marine Corps serving as cadets at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve, are not counted in computing strengths under any law.

**§ 5416. Personnel detailed outside Department of Defense**

"Members of the Navy or the Marine Corps, or of the Coast Guard when it is operating as a service in the Navy, who are detailed for duty with agencies of the United States outside the Department of Defense on a reimbursable basis are not counted in computing strengths or numbers in grade under any law.

**§ 5417. Estimate of future regular commissioned officer strength**

"The Secretary of Defense, with the approval of the President, shall estimate each year, for each of the five years following that year, the strengths of the Navy and the Marine Corps in officers on the active lists exclusive of officers specifically authorized by law as additional numbers."; and

(B) by adding the following new items at the end of the analysis:

- "5414. Naval Reserve and Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4.
- "5415. Enlisted members serving as midshipmen or cadets excluded.
- "5416. Personnel detailed outside Department of Defense.
- "5417. Estimate of future regular commissioned officer strength."

(111) Section 5452 is amended to read as follows:

**"§ 5452. Navy: women line officers on the active list; permanent grade** 10 USC 5452.

"(a) The numbers of women officers on the active list in the line of the Navy holding permanent appointments in the grades of commander and lieutenant commander may not exceed, respectively, 10 percent and 20 percent of the number of women officers on the active list in the line of the Navy. The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall compute the number of women officers authorized under this section to hold permanent appointments in each of these grades. The number so computed for each grade is the number of women officers on the active list in the line of the Navy prescribed for that permanent grade. The Secretary may, however, determine a lesser number for each grade and, if he determines a lesser number for the grade of commander only, he may determine a number for the grade of lieutenant commander that exceeds the computed number for that grade by the amount of the difference between the computed and determined numbers for the grade of commander. The numbers so determined become the prescribed numbers for the grades concerned until the next computations and determinations are made.

"(b) During the period between one computation and the next, the number of officers prescribed for the grade of lieutenant commander under subsection (a) is temporarily increased by the number of officers of that grade for whom vacancies exist in the grade of commander but whose promotion to the grade of commander is delayed for any reason."

(112) Section 5453 is amended—

(A) by striking out the words "as of January 1 of each year" in the second sentence and inserting the words "whenever the needs of the service require but at least once annually" in place thereof; 10 USC 5453.

(B) by striking out the word "annual" in the fifth sentence; and  
(C) by striking out the words "annual" and "succeeding computation" in the sixth sentence.

(113) Chapter 533 is amended—

(A) by adding the following new sections at the end thereof: 10 USC 5441-5456.

**"§ 5457. Naval Reserve: officers in an active status in permanent grades above chief warrant officer, W-4**

"(a) The authorized strength of the Naval Reserve in officers in an active status in the permanent grade of rear admiral is 48, distributed among the line and the staff corps as follows:

- "(1) Line—28.
- "(2) Medical Corps—7.
- "(3) Supply Corps—8.
- "(4) Chaplain Corps—1.
- "(5) Civil Engineer Corps—2.
- "(6) Dental Corps—2.

"(b) The authorized strengths of the Naval Reserve in line officers in an active status in the permanent grades of captain, commander, lieutenant commander, and lieutenant, and in the permanent grades of

lieutenant (junior grade) and ensign combined are the following percentages of the total number of such officers:

- “(1) Captain—1.5 percent.
- “(2) Commander—7 percent.
- “(3) Lieutenant commander—22 percent.
- “(4) Lieutenant—37 percent.
- “(5) Lieutenant (junior grade) and ensign combined—32.5 percent.

“(c) When the actual number of line officers in an active status in any grade is less than the number authorized by subsection (b) for that grade, the difference may be applied to increase the number authorized by subsection (b) for any lower grade or grades.

“(d) An officer may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

**“§ 5458. Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4**

“(a) The authorized strength of the Marine Corps Reserve in officers in an active status in the permanent grades of brigadier general and major general combined is 5.

“(b) The authorized strengths of the Marine Corps Reserve in officers in an active status in the permanent grades of colonel, lieutenant colonel, major, and captain, and in the permanent grades of first and second lieutenant combined are the following percentages of the total number of such officers:

- “(1) Colonel—2 percent.
- “(2) Lieutenant colonel—6 percent.
- “(3) Major—12 percent.
- “(4) Captain—35 percent.
- “(5) First and second lieutenant combined—45 percent.

“(c) When the actual number of officers in an active status in any grade is less than the number authorized by subsection (b) for that grade, the difference may be applied to increase the number authorized by subsection (b) for any lower grade or grades.

“(d) An officer may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.”; and

(B) by adding the following new items at the end of the chapter analysis:

“5457. Naval Reserve: officers in an active status in permanent grades above chief warrant officer, W-4.

“5458. Marine Corps Reserve: officers in an active status in permanent grades above chief warrant officer, W-4.”

(114) Chapter 535 is amended—

(A) by inserting the following new section after section 5505:

**“§ 5506. Naval Reserve and Marine Corps Reserve; officers: precedence**

“Officers in an active status in the Naval Reserve in each grade and officers in an active status in the Marine Corps Reserve in each grade rank among themselves and among officers of the same grade in the Regular Navy and the Regular Marine Corps, respectively, in accordance with the dates of rank stated in their commissions. When regular and reserve officers are in the same grade and have the same date of rank, they rank among themselves as the Secretary of the Navy determines.”; and



(B) by inserting the following new item in the analysis:

"5506. Naval Reserve and Marine Corps Reserve; officers: precedence."

(115) The analysis of chapter 537 is amended by striking out the following item: 10 USC 5531-5540.

"5536. Extension: time lost through misconduct or unauthorized absence."

(116) Section 5539 (a) is amended by inserting the words "for less than one year or" after the word "agreement".

(117) Section 5572 is amended by striking out the word "Each" and inserting the words "Except as provided in section 5573a of this title, each" in place thereof. 10 USC 5572.

(118) Chapter 539 is amended—

(A) by inserting the following new section after section 5573: 10 USC 5571-5599.

**§ 5573a. Regular Navy and Regular Marine Corps: from reserve and temporary officers**

"(a) Appointments to the active list of the Navy in permanent grades not above lieutenant and to the active list of the Marine Corps in permanent grades not above captain may be made from officers of the Naval Reserve or the Marine Corps Reserve and from officers of the Regular Navy or the Regular Marine Corps who do not hold permanent commissioned appointments therein.

"(b) Appointments under subsection (a) shall be made by the President alone under regulations to be prescribed by him for the administration of this section. The regulations shall include provisions—

"(1) establishing standards and qualifications for appointments in each grade in which appointments are authorized by subsection (a);

"(2) for determining the lineal position of appointees; and

"(3) for assigning running mates to officers appointed in a staff corps.

"(c) To be eligible for an appointment under this section, an officer must have such qualifications as the Secretary of the Navy may prescribe.

"(d) An officer may not be appointed to the active list of the Navy or the Marine Corps under this section in a permanent grade higher than the grade in which he is serving at the time of that appointment. However, an officer appointed in a permanent grade under this section may also be temporarily appointed to a higher grade appropriate to the lineal position assigned to him. Such a temporary appointment shall be considered to have been made under the provisions of law under which officers having a comparable lineal position on the active list of the Navy or the Marine Corps, as the case may be, were temporarily promoted to that higher grade.

"(e) An officer who, at the time of his appointment under this section, has to his credit leave accrued but not taken does not lose that accrued leave because of that appointment."; and

(B) by inserting the following new item in the analysis:

"5573a. Regular Navy and Regular Marine Corps: from reserve and temporary officers."

(119) Section 5574 is amended—

(A) by amending subsection (b) to read as follows:

"(b) Under such regulations as the Secretary may prescribe, original appointments to the active list of the Navy in the Medical Corps may also be made, as the needs of the service require, from—

"(1) doctors of medicine who have such qualifications as the Secretary may prescribe; and

“(2) doctors of osteopathy who are qualified under subsection (c) and who have such other qualifications as the Secretary may prescribe.

Appointments under this subsection may be in the grades of lieutenant (junior grade) through captain.”;

(B) by amending subsection (c) to read as follows:

“(c) To be eligible for appointment in the Medical Corps under subsection (b), a doctor of osteopathy must—

“(1) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

“(2) be licensed to practice medicine, surgery, or osteopathy in a State or Territory or in the District of Columbia;

“(3) under regulations to be prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for appointment under this section in the grade for which that person is applying; and

“(4) have such other qualifications as the Secretary of the Navy prescribes after considering the recommendation, if any, of the Chief of the Bureau of Medicine and Surgery.”; and

(C) by adding the following new subsection at the end thereof:

“(d) For the purposes of determining lineal position, permanent grade, seniority in permanent grade, and eligibility for promotion, an officer appointed under subsection (b) shall be credited with the amount of service prescribed by the Secretary, but not less than four years. However, an officer who has completed an internship of one year, or the equivalent, may not be credited with less than five years.”

10 USC 5578.

(120) Section 5578 is amended—

(A) by amending subsection (b) to read as follows:

“(b) Under such regulations as the Secretary may prescribe, original appointments to the active list of the Navy in the Dental Corps may also be made, as the needs of the service require, from doctors of dentistry who have such qualifications as the Secretary may prescribe. Appointments under this subsection may be in the grades of lieutenant (junior grade) through captain.”; and

(B) by adding the following new subsection at the end thereof:

“(c) For the purposes of determining lineal position, permanent grade, seniority in permanent grade, and eligibility for promotion, an officer appointed in the Dental Corps under subsection (b) shall be credited with the amount of service prescribed by the Secretary, but not less than four years.”

10 USC 5571-5599.

(121) Chapter 539 is amended—

(A) by adding the following new sections at the end thereof:

**“§ 5600. Naval Reserve and Marine Corps Reserve: service credit upon original appointment**

“(a) For the purpose of determining his grade and lineal position, a person who is not already an officer in an armed force in a permanent grade above chief warrant officer, W-4, may be credited, at the time of his original appointment as an officer of the Naval Reserve or the Marine Corps Reserve, with an amount of service in an active status that will reflect his combined years of experience and education and such other qualifications as the Secretary of the Navy prescribes by regulations.

“(b) For the purposes of this section—

“(1) a person appointed in the Naval Reserve in any of the following corps shall be credited with at least the following amounts of service in an active status:

“(A) Medical Corps—4 years;

“(B) Dental Corps—3 years;

“(C) Chaplain Corps—3 years;

“(2) a person appointed in the Naval Reserve with a view to designation as a law specialist shall be credited with at least 3 years of service in an active status; and

“(3) a person who is appointed in the Naval Reserve in the Medical Service Corps, and who holds a degree of doctor of philosophy or a comparable degree in a science allied to medicine as determined by the Secretary, may be credited with at least 3 years of service in an active status.

“§ 5601. Naval Reserve: Nurse Corps: men

“Men may be appointed in the Naval Reserve in the Nurse Corps.”

and

(B) by adding the following new items at the end of the analysis:

“5600. Naval Reserve and Marine Corps Reserve: service credit upon original appointment.

“5601. Naval Reserve: Nurse Corps: men.”

(122) Section 5652 is amended—

10 USC 5652.

(A) by amending subsection (a) to read as follows:

“(a) Except as provided in sections 5652a, 5652b, 5652c, 5653, and 5654 of this title, officers serving in the grade of lieutenant (junior grade) on the active list of the Navy in each staff corps who have dates of rank in the same calendar year shall, after the end of that calendar year, have assigned to them, in the order of their lineal rank, running mates from among eligible line officers who are serving on active duty in the grade of lieutenant (junior grade) and who have dates of rank in the same calendar year as the staff corps officers.”; and

10 USC 5654.

(B) by striking out the words “calendar year prescribed in subsection (a)” and the words “prescribed calendar year” wherever they occur in subsection (b) and inserting the words “same calendar year as the staff corps officer” in place thereof.

(123) Chapter 541 is amended—

10 USC 5651-5666.

(A) by inserting the following new sections after section 5652:

“§ 5652a. Regular Navy: lieutenants (junior grade); Medical and Dental Corps

“An officer appointed to the active list of the Navy in the grade of lieutenant (junior grade) in the Medical Corps or the Dental Corps shall have assigned as his running mate the junior eligible line officer serving on active duty in the grade of lieutenant (junior grade) with the same date of rank as himself or, if there is none, the junior eligible line officer serving on active duty in that grade with the next earlier date of rank.

“§ 5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title

“Each officer appointed to the active list of the Navy in the grade of ensign under section 5573, 6904, 6906, or 6909 of this title who is serving as a staff corps officer at the time of his promotion to the grade of lieutenant (junior grade) shall, upon that promotion, have assigned to him as his running mate the eligible officer serving

10 USC 5573, 6904, 6906, 6909.

on active duty in the grade of lieutenant (junior grade), with date of rank in the same calendar year, who would be next senior to him if the staff corps officer had been originally appointed in the grade of ensign in the line and had continued to serve as a line officer until the date of his promotion to the grade of lieutenant (junior grade), or, if there is none, the eligible line officer who would have been next junior to the staff corps officer.

**“§ 5652c. Regular Navy: officers appointed from the Naval Reserve or from temporary officers**

“An officer appointed to the active list of the Navy in a staff corps under section 5573a of this title shall have a running mate assigned to him under regulations to be prescribed by the President.”; and

(B) by inserting the following new items in the analysis thereof:

“5652a. Regular Navy: lieutenants (junior grade); Medical and Dental Corps.

“5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title.

“5652c. Regular Navy: officers appointed from the Naval Reserve or from temporary officers.”

10 USC 5653.

(124) Section 5653 is amended by striking out the words “section 5654” and inserting the words “sections 5652c and 5654” in place thereof.

10 USC 5651-5666.

(125) Chapter 541 is amended—

(A) by inserting the following new section after section 5664:

**“§ 5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W-4**

“(a) While in the grade of lieutenant (junior grade) or in a higher grade in which initially appointed, each officer in an active status in the Naval Reserve shall have a running mate of the same grade. Except as provided in subsection (d), the running mate shall be the officer not restricted in the performance of duty on the lineal list of line officers of the Navy who is next junior to the reserve officer.

“(b) While in the grade of first lieutenant or in a higher grade in which initially appointed, each officer in an active status in the Marine Corps Reserve shall have a running mate of the same grade. Except as provided in subsection (d), the running mate shall be the officer not restricted in the performance of duty on the active list of the Marine Corps who is next junior to the reserve officer.

“(c) An officer in an active status in the Naval Reserve or the Marine Corps Reserve who is assigned a running mate after the initial assignment under subsection (a) or (b) shall be assigned a running mate in accordance with the principles prescribed by this chapter for the assignment of running mates to staff corps officers on the active list of the Navy. However, except as provided in subsection (d), the running mate shall, whenever possible, be the officer not restricted in the performance of duty on the lineal list of line officers of the Navy or on the active list of the Marine Corps, as appropriate, who is next junior to the reserve officer.

“(d) The running mate of a woman officer of the Naval Reserve, except an officer in the Nurse Corps or an officer appointed under section 5581 of this title, shall be the woman officer on the active list in the line of the Navy who is next junior to her. The running mate of a woman officer of the Marine Corps Reserve shall be the woman officer on the active list of the Marine Corps who is next junior to her.

10 USC 5581.

“(e) A reserve officer who was assigned a running mate under laws in effect before July 1, 1955, continues to have that running mate unless assigned a new one under subsection (c).”; and

(B) by inserting the following new item in the analysis:

“5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W-4.”

(126) Clause (3) of section 5752 (a) is amended to read as follows:

10 USC 5752.

“(3) Such period of service in the grade of lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps as the Secretary of the Navy prescribes.”

(127) Section 5763 is amended by adding the following new sentence at the end thereof: “If the computation produces an indeterminate or inequitable number, the Secretary shall furnish the board with a number that is equitable.”

10 USC 5763.

(128) Chapter 545 is amended—

10 USC 5751-5792.

(A) by inserting the following new sections after section 5787:

“§ 5787a. Navy; lieutenants (junior grade) in Medical and Dental Corps: temporary promotion

“(a) Notwithstanding any other provision of law, an officer in the Medical Corps or the Dental Corps may be temporarily promoted to the grade of lieutenant at any time after the first anniversary of the date upon which he graduated from medical, osteopathic, or dental school, as the case may be.

“(b) The Secretary of the Navy may prescribe regulations for the administration of this section.

“§ 5787b. Navy, women ensigns; Marine Corps, women second lieutenants: temporary promotion

“(a) A woman officer serving on active duty in the grade of ensign in the Navy or second lieutenant in the Marine Corps may be temporarily promoted to the next higher grade under regulations prescribed by the President.

“(b) The permanent appointment of a woman officer who is temporarily promoted under subsection (a) is not vacated by that temporary promotion.

“(c) A woman officer temporarily promoted under subsection (a) is entitled to the pay and allowances of the higher grade from the date of her eligibility for that temporary promotion.”; and

(B) by inserting the following new items in the analysis:

“5787a. Navy: lieutenants (junior grade) in Medical and Dental Corps: temporary promotion.

“5787b. Navy, women ensigns; Marine Corps, women second lieutenants: temporary promotion.”

(129) Section 5861 is amended to read as follows:

10 USC 5861.

“§ 5861. Regular Navy and Regular Marine Corps: physical examination

“Before an officer of the Regular Navy or the Regular Marine Corps may be promoted to a grade above ensign in the Navy or second lieutenant in the Marine Corps, he must qualify for promotion by passing such physical examination as the Secretary of the Navy may prescribe. However, such an officer may not be excluded from a promotion to which he would otherwise be entitled if in his case the Secretary, or the Chief of the Bureau of Medicine and Surgery when authorized by the Secretary, determines that—

(1) his physical disqualification was caused by wounds received in the line of duty; and

(2) these wounds do not incapacitate him for the performance of useful service in the higher grade.”

10 USC 5861-5866.

(130) The analysis of chapter 547 is amended by striking out the following item:

“5861. Physical examination.”

and inserting the following item in place thereof:

“5861. Regular Navy and Regular Marine Corps: physical examination.”

(131) Section 5862 is amended to read as follows:

“§ 5862. Navy and Marine Corps: mental, moral, and professional examination; examining board; board members; procedure

“(a) Before an officer on the active list of the Navy or the Marine Corps may be promoted permanently to the grade of lieutenant (junior grade) or first lieutenant, he must demonstrate to the satisfaction of an examining board such mental, moral, and professional qualifications as the Secretary of the Navy may prescribe.

“(b) Before an officer serving on active duty in a grade above ensign and below captain in the Navy or in a grade above second lieutenant and below colonel in the Marine Corps may be promoted to the next higher grade, he must demonstrate to the satisfaction of an examining board such professional qualifications as the Secretary may prescribe.

“(c) Examining boards for the examination of officers under this section shall be convened from time to time by the Secretary or, when authorized by the Secretary, by the senior officer present, or other commanding officer, on a foreign station. A board convened by a senior officer present, or other commanding officer, on a foreign station may examine only officers who are under the command of the convening authority and who are directed to appear before the board.

“(d) Each examining board convened under this section shall be composed of commissioned officers of the naval service. At least three members must act in each case. A member may not act in the case of an officer senior to him.

“(e) The Secretary shall prescribe regulations governing the procedures to be followed by examining boards, including regulations to insure a full and fair hearing to officers whose cases come before the boards and who demand a hearing.

“(f) The Secretary may suspend the operation of any part of this section in connection with the promotion of officers under section 5787 of this title.”

10 USC 5787.

(132) Chapter 547 is amended—

(A) by adding the following new section after section 5866:

“§ 5867. Naval Reserve and Marine Corps Reserve; officers: moral, professional, and physical examinations

“(a) Before an officer of the Naval Reserve or the Marine Corps Reserve may be promoted to the next higher grade he must—

“(1) qualify for promotion by passing such moral, professional, and physical examinations as the Secretary of the Navy prescribes: and

“(2) attain the minimum number of points, credited under section 1332 of this title, prescribed by the Secretary of the Navy with the approval of the Secretary of Defense.

10 USC 1332.

“(b) The physical standards for the promotion of reserve officers prescribed by the Secretary of the Navy under this section shall be the same as those prescribed by him for the retention of officers in the Naval Reserve and the Marine Corps Reserve.

“(c) This section does not exclude from the promotion to which he would otherwise be entitled any reserve officer in whose case a medical board reports that—

“(1) his physical disqualification for duty at sea or in the field was caused by wounds received in the line of duty; and

“(2) these wounds do not incapacitate him for other duties in the grade to which he is to be promoted.”;

(B) by striking out the following item from the analysis:

“5862. Mental, moral, and professional examination: examining boards; board members.”

and inserting the following item in place thereof:

“5862. Navy and Marine Corps: mental, moral, and professional examinations; examining board; board members; procedure.”;

(C) by striking out the following items from the analysis:

“5863. Examining boards: procedure.”

“5866. Delegation of power of President to Secretary of the Navy.”; and

(D) by adding the following new item at the end of the analysis:

“5867. Naval Reserve and Marine Corps Reserve officers: moral, professional, and physical examinations.”

(133) Subtitle C is amended by inserting the following new chapter after chapter 547:

#### “CHAPTER 549.—RESERVE PROMOTIONS

“Sec.

“5891. Officers who may be promoted under this chapter.

“5892. Numbers that may be promoted.

“5893. Selection boards: composition.

“5894. Selection boards: oath of members.

“5895. Selection boards: information furnished to boards.

“5896. Selection boards: officers to be recommended for promotion.

“5897. Selection boards: reports; certification required.

“5898. Selection boards: reports; submission to President.

“5899. Eligibility for consideration by selection board: promotion zones.

“5900. Communication with selection board.

“5901. Numbers that may be recommended for promotion.

“5902. Promotion lists; eligibility for promotion; date of rank.

“5903. Failure of selection.

“5904. Effect of erroneous omission of name from list furnished to selection board.

“5905. Removal from promotion list.

“5906. Effect of transfer to inactive status list.

“5907. Pay and allowances.

“5908. Ensigns; second lieutenants.

“5909. Sea or foreign service not required.

“5910. Promotions under regulations prescribed by Secretary.

“5911. Promotions: temporary; permanent.

“5912. Appointing power.

#### “§ 5891. Officers who may be promoted under this chapter

“(a) To be eligible for consideration for promotion by a selection board convened under this chapter, or for promotion under this chapter, an officer must be in an active status in the Naval Reserve or the Marine Corps Reserve.

“(b) Except as provided in subsections (c), (d), and (e), a reserve officer who is on a lineal list maintained under section 5504 of this title is ineligible for promotion under this chapter and for consideration by a selection board convened under this chapter.

“(c) A reserve officer who was eligible for consideration for promotion by a selection board convened under chapter 543 of this title, but whose name was not furnished to that board, may be considered by the corresponding selection board convened under this chapter to

consider officers of his grade for promotion to the next higher grade and may be promoted under this chapter even though he is on a lineal list at the time of his selection and promotion.

“(d) A reserve officer who has been recommended for promotion in the approved report of a selection board convened under this chapter, and who is placed on a lineal list before he is promoted, may be promoted under this chapter, notwithstanding the fact that he is on a lineal list at the time of promotion.

“(e) A reserve officer who has been recommended for promotion in the approved report of a selection board convened under chapter 543 of this title and who is removed from the lineal list before he is promoted may be promoted under this chapter, notwithstanding the fact that he was on a lineal list when selected for promotion.

“(f) A reserve officer whose name was furnished to a selection board convened under chapter 543 of this title, and who is removed from the lineal list before the corresponding selection board is convened under this chapter to consider officers of his grade for promotion to the next higher grade, is ineligible for consideration by the latter board.

**“§ 5892. Numbers that may be promoted**

“Each year the Secretary of the Navy shall prescribe the number of officers in each grade in the Naval Reserve and the Marine Corps Reserve that may be promoted in that year to the next higher grade under this chapter. He shall prescribe for each grade the number that he determines to be necessary to provide—

“(1) equitable opportunity for promotion among succeeding groups of reserve officers; and

“(2) an adequate continuing strength of reserve officers in an active status.

However, the Secretary may not prescribe numbers that will cause the number of reserve officers in an active status holding permanent appointments in any grade to exceed the number authorized for that grade in section 5457 or section 5458 of this title. With respect to the numbers of reserve officers in the staff corps that may be promoted, the Secretary shall prescribe numbers that will cause the relationship between line and staff corps officers in an active status in the Naval Reserve to conform to that prescribed for line and staff corps officers on the active list of the Navy.

**“§ 5893. Selection boards: composition**

“(a) The Secretary of the Navy, or such other authority as he directs, shall appoint and convene selection boards, each consisting of at least five officers, to consider for promotion to the next higher grade—

“(1) officers of the Naval Reserve in each grade above ensign and below rear admiral; and

“(2) officers of the Marine Corps Reserve in each grade above second lieutenant and below major general.

“(b) At least half the members of each selection board convened under this section must be reserve officers so far as practicable. All members of each board must be senior in both permanent and temporary grade to all officers that are to be considered by the board. An officer may not serve on two consecutive boards to consider officers for promotion to the same grade if the second of the two is to consider any officer who was considered and not recommended for promotion to that grade by the first board. Selection boards convened under this section may serve for as long as the Secretary prescribes, but not longer than one year.

“(c) Regardless of the number of officers appointed to a board under this section, five officers constitute a quorum. However, at least



a majority of the total membership of the board must concur in each recommendation made by the board.

**“§ 5894. Selection boards: oath of members**

“Each member of a selection board convened under this chapter shall swear that he will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the naval service, perform the duties imposed on him as a member of the board.

**“§ 5895. Selection boards: information furnished to boards**

“The Secretary of the Navy shall furnish each board convened under this chapter with—

“(1) the number of officers that the board may recommend for promotion, as prescribed or determined by him under section 5901 of this title; and

“(2) the names and records of all officers who are eligible for consideration for promotion by the board.

**“§ 5896. Selection boards: officers to be recommended for promotion**

“(a) Of the officers considered for promotion by a selection board convened under this chapter, the board shall recommend for promotion, as appropriate—

“(1) those eligible male officers in the line of the Naval Reserve or eligible male officers of the Marine Corps Reserve whom the board considers best fitted for promotion;

“(2) those eligible male officers of the Naval Reserve in the Supply Corps or the Civil Engineer Corps whom the board considers best fitted for promotion;

“(3) those eligible male officers of the Naval Reserve and eligible women officers appointed under section 5581 of this title, under consideration for promotion to the grade of commander or above in the Medical Corps, the Chaplain Corps, the Dental Corps, or the Medical Service Corps whom the board considers best fitted for promotion;

“(4) those eligible male officers of the Naval Reserve and women officers appointed under section 5581 of this title, under consideration for promotion to the grade of lieutenant commander or below in the Medical Corps, the Chaplain Corps, the Dental Corps, or the Medical Service Corps whom the board considers fitted for promotion;

“(5) those eligible officers of the Naval Reserve under consideration for promotion to the grade of captain or commander in the Nurse Corps whom the board considers best fitted for promotion;

“(6) those eligible officers of the Naval Reserve under consideration for promotion to the grade of lieutenant commander or lieutenant in the Nurse Corps whom the board considers fitted for promotion;

“(7) those eligible women officers of the Naval Reserve, other than officers in the Nurse Corps and officers appointed under section 5581 of this title, under consideration for promotion to the grade of commander or lieutenant commander, and those eligible women officers of the Marine Corps Reserve under consideration for promotion to the grade of lieutenant colonel or major, whom the board considers best fitted for promotion; and

“(8) those eligible women officers of the Naval Reserve, other than officers in the Nurse Corps and officers appointed under section 5581 of this title, under consideration for promotion to the grade of lieutenant, and those eligible women officers of the Marine Corps Reserve under consideration for promotion to the grade of captain, whom the board considers qualified for promotion.

“(b) The recommendation of a selection board with respect to any woman line officer of the Naval Reserve or any woman officer of the Marine Corps Reserve shall be based on her comparative fitness for the duties to which women officers are normally assigned in the line of the Navy or in the Marine Corps. The recommendation of a selection board with respect to any woman officer of the Naval Reserve in a staff corps, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, shall be based on her comparative fitness for the duties to which women officers are normally assigned in her staff corps.

10 USC 5581.

“(c) Administrative staff duty, duty in aviation, or duty in any technical specialty performed by an officer of the Marine Corps Reserve shall be given weight by the selection board in determining his fitness for promotion equal to that given line duty equally well performed.

“(d) The status of having once failed of selection for promotion to a grade does not prejudice an officer with respect to his qualifications, his fitness for the naval service, or his eligibility for selection for promotion to that grade by the next succeeding selection board.

“(e) The total number of officers that may be recommended for promotion to any grade may not exceed the number furnished the board concerned by the Secretary of the Navy.

“(f) An officer may not be recommended for promotion unless he receives the recommendation of a majority of the total membership of the board concerned.

**“§ 5897. Selection boards: reports; certification required**

“(a) Each board convened under this chapter shall submit a report in writing, signed by all the acting members thereof, and shall certify in its report that the board has carefully considered the case of each officer whose name was furnished to it under section 5895 of this title.

“(b) A board convened under this chapter that recommends officers in any of the following categories for promotion shall certify in its report that, in the opinion of a majority of the members of the board, the officers recommended are selected as best fitted to assume the duties of the next higher grade:

“(1) Male officers in the line of the Naval Reserve.

“(2) Male officers of the Marine Corps Reserve.

“(3) Male officers of the Naval Reserve in the Supply Corps.

“(4) Male officers of the Naval Reserve in the Civil Engineer Corps.

“(5) Officers of the Naval Reserve in the Nurse Corps in the grade of lieutenant commander or above;

“(6) Women officers in the line or staff corps of the Naval Reserve in the grade of lieutenant or above, other than officers in the Nurse Corps and officers appointed under section 5581 of this title.

“(7) Women officers of the Marine Corps Reserve in the grade of captain or above.

“(8) Officers of the Naval Reserve in any staff corps in the grade of lieutenant commander or above.

“(c) A board convened under this chapter that recommends officers in any of the following categories for promotion shall certify in its report that, in the opinion of a majority of the members of the board, the officers recommended are selected as fitted to assume the duties of the next higher grade:

“(1) Male officers of the Naval Reserve, and women officers appointed under section 5581 of this title, in the grade of lieutenant or lieutenant (junior grade) in the Medical Corps, the Chaplain Corps, the Dental Corps, or the Medical Service Corps.

10 USC 5581.

“(2) Officers of the Naval Reserve in the grade of lieutenant or lieutenant (junior grade) in the Nurse Corps.

“(d) A board convened under this chapter that recommends officers in any of the following categories for promotion shall certify in its report that, in the opinion of a majority of the members of the board, the officers recommended are selected as qualified for promotion:

“(1) Women officers in the line and staff corps of the Naval Reserve in the grade of lieutenant (junior grade), other than officers in the Nurse Corps and officers appointed under section 5581 of this title.

10 USC 5581.

“(2) Women officers of the Marine Corps Reserve in the grade of first lieutenant.

**“§ 5898. Selection boards: reports; submission to President**

“(a) The report of a board convened under this chapter shall be submitted to the President for his approval or disapproval. If any officer recommended by the board is not acceptable to the President, the board shall be informed of the name of that officer and shall, except as provided in subsection (b) of this section, recommend another eligible officer for promotion.

“(b) If any woman officer, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, who is recommended for promotion to the grade of lieutenant in the Naval Reserve or to the grade of captain in the Marine Corps Reserve, is not acceptable to the President, the board shall be informed, the name of that officer shall be removed from the report of the board, and no additional recommendation may be made.

10 USC 5581.

**“§ 5899. Eligibility for consideration by selection board: promotion zones**

“(a) A male officer of the Naval Reserve, or a woman officer appointed under section 5581 of this title, is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when his running mate is in or above the promotion zone established for his grade under section 5764 of this title.

10 USC 5581.

“(b) A male officer of the Marine Corps Reserve is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when any male officer of the Marine Corps Reserve on the lineal list who is junior to him is in or above the promotion zone established for his grade under section 5765 of this title or when his running mate is in or above that zone.

10 USC 5764.

“(c) A woman officer of the Naval Reserve, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when her running mate is eligible for consideration for promotion under section 5752 of this title.

10 USC 5765.

“(d) A woman officer of the Marine Corps Reserve is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when her running mate is eligible for consideration for promotion under section 5752 of this title.

“(e) An officer of the Naval Reserve in the Nurse Corps is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when she is senior to the junior officer on the lineal list of the Nurse Corps who has been selected for promotion to that grade by a selection board convened under section 5702 of this title.

10 USC 5702.

“(f) An officer who becomes eligible for consideration for promotion under this section remains so eligible while he is in an active status, regardless of failures of selection for promotion. However, a selection board convened under this chapter may not consider for promotion to the next higher grade an officer whose name is on the promotion list for that grade as a result of his selection by an earlier board convened under this chapter or by a board convened under chapter 543 of this title.

10 USC 5701-5711.

“(g) The Secretary of the Navy may withhold from consideration by a selection board the name of an officer who is otherwise eligible for consideration for promotion under this section but who has failed to meet the requirements for eligibility prescribed by the Secretary.

**“§ 5900. Communication with selection board**

“An officer who is eligible for consideration for promotion by a selection board convened under this chapter has the right to send a communication through official channels, inviting attention to any matter of record in the armed forces concerning himself that he considers important in his case. The communication may not criticize any officer or reflect upon the character, conduct, or motive of any officer. A communication sent under this section must arrive by the time the board convenes.

**“§ 5901. Numbers that may be recommended for promotion**

“(a) The Secretary of the Navy shall prescribe, subject to section 5892 of this title, and shall furnish to the appropriate selection board convened under this chapter, the number of officers in each category that the Board may recommend for promotion.

“(b) Within the number to be recommended that the Secretary furnishes to a selection board considering line officers of the Naval Reserve for promotion to any grade, the Secretary may specify numbers of officers of stated qualifications and experience that are required to meet mobilization needs in that grade.

“(c) The numbers furnished to selection boards under this section shall be determined by the Secretary in accordance with the procedures prescribed in sections 5756–5763 of this title, except as may be necessary, in the discretion of the Secretary, to adapt those procedures to the reserve components.

10 USC 5756-5763.

**“§ 5902. Promotion lists; eligibility for promotion; date of rank**

“(a) Officers of the Naval Reserve and the Marine Corps Reserve who are recommended for promotion in the report of a selection board convened under this chapter are considered as selected for promotion upon approval of the report by the President. The names of these officers shall be placed on the promotion list for officers of their grade.

“(b) An officer of the Naval Reserve whose name is on a promotion list established under this section is eligible for promotion to the grade for which selected when the officer who is to be his running mate in the higher grade becomes eligible for promotion under chapter 545 of this title. When promoted, he shall be given the same date of rank as that given to his running mate in the grade to which promoted.

10 USC 5751-5792.

“(c) A male officer of the Marine Corps Reserve whose name is on a promotion list established under this chapter is eligible for promotion to the grade for which selected under the following conditions:

“(1) If his running mate was in or above the promotion zone established under chapter 545 of this title, the reserve officer is eligible for promotion when his running mate becomes eligible for promotion; or, if the running mate was not selected for promotion, when a selected officer on the lineal list junior to his running mate is eligible for promotion.

"(2) If his running mate was not in or above the promotion zone established under chapter 545 of this title and the reserve officer was eligible for consideration for promotion because of being senior to a reserve officer on the lineal list who was in the zone, the reserve officer is eligible for promotion when that reserve officer on the lineal list becomes eligible for promotion; or, if that reserve officer was not selected for promotion, when a selected officer on the lineal list junior to that officer becomes eligible for promotion.

10 USC 5751-5792.

When promoted, an officer of the Marine Corps Reserve shall be given the same date of rank in the higher grade as that given to the officer upon whom his eligibility for promotion depended.

"(d) A woman officer of the Marine Corps Reserve whose name is on a promotion list established under this chapter is eligible for promotion to the grade for which selected when the officer who is to be her running mate in the higher grade becomes eligible for promotion under chapter 545 of this title. When promoted, she shall be given the same date of rank as that given to her running mate in the grade to which promoted.

#### "§ 5903. Failure of selection

"(a) A male officer of the Naval Reserve, a woman officer appointed under section 5581 of this title, or a male officer of the Marine Corps Reserve is considered as having failed of selection for promotion if—

10 USC 5581.

"(1) he is in a promotion zone established under this chapter;

"(2) his name is furnished to the appropriate selection board;

and

"(3) he is not selected for promotion.

"(b) A male officer of the Naval Reserve, a woman officer appointed under section 5581 of this title, or a male officer of the Marine Corps Reserve whose name is withheld by the Secretary of the Navy, under section 5899 (g) of this title, from consideration by two selection boards for promotion to the same higher grade is considered as having twice failed of selection for promotion to that grade.

#### "§ 5904. Effect of erroneous omission of name from list furnished to selection board

"An officer of the Naval Reserve or the Marine Corps Reserve who has met the requirements for eligibility for consideration for promotion but whose name is omitted by administrative error from the list of officers furnished a selection board is not considered as having failed of selection for promotion by that board. If he is selected for promotion by the next selection board to consider officers of the same grade, he is entitled to the same date of rank and to the pay and allowances of the higher grade for duty performed from the same date as if he had been selected by the board from which his name was erroneously withheld.

#### "§ 5905. Removal from promotion list

"(a) The President may remove the name of any reserve officer from a promotion list established under this chapter.

"(b) The name of a reserve officer selected under this chapter for promotion to a grade above captain in the Navy or above colonel in the Marine Corps shall be removed from the promotion list if the Senate rejects his appointment to the grade for which he has been recommended.

"(c) An officer whose name is removed from a promotion list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is recommended for promotion by the next selection board, and the report of the board is approved by the President, his

name shall be placed on the promotion list without prejudice and, if he is promoted, he shall have the same lineal rank and date of rank that he would have had if his name had not been removed. However, if the officer is not recommended for promotion in the approved report of the next selection board, or if he is so recommended but the President removes his name from the promotion list or the Senate rejects his appointment, he is considered for all purposes as having twice failed of selection for promotion.

**“§ 5906. Effect of transfer to inactive status list**

“A reserve officer who is recommended for promotion by a selection board convened under this chapter or under chapter 543 of this title, and who, at the time he would otherwise be promoted, is ineligible for promotion because he has been transferred to the inactive status list, shall be treated as if he had not been considered for promotion by the selection board that last considered him. If he is later returned to an active status, his name may not be placed on a promotion list for promotion to the next higher grade until he is considered by another selection board and is recommended for promotion in the approved report of that board.

**“§ 5907. Pay and allowances**

“A reserve officer, when promoted under this chapter to a grade above lieutenant (junior grade) in the Naval Reserve or above first lieutenant in the Marine Corps Reserve, is entitled to the pay and allowances of the grade to which promoted for duty performed from the date on which he became eligible for promotion to that grade.

**“§ 5908. Ensigns; second lieutenants**

“(a) An ensign in the Naval Reserve or a second lieutenant in the Marine Corps Reserve is eligible for promotion to the grade of lieutenant (junior grade) or first lieutenant, as appropriate, upon completing three years of service in grade in an active status computed from his date of rank in the grade of ensign or second lieutenant. He is entitled to the pay and allowances of the higher grade for duty performed from the date given him as his date of rank.

“(b) The Secretary of the Navy may withhold from promotion any officer who is otherwise eligible for promotion under this section but who has failed to meet the requirements for promotion prescribed by the Secretary.

**“§ 5909. Sea or foreign service not required**

“Sea or foreign service may not be made a prerequisite for the promotion of reserve officers under this chapter.

**“§ 5910. Promotions under regulations prescribed by Secretary**

“(a) Notwithstanding any other provision of this chapter, an officer of the Naval Reserve in a grade above ensign may be promoted under regulations prescribed by the Secretary of the Navy whenever any part of the law governing the promotion of his running mate is suspended by the President. An officer of the Naval Reserve in the grade of ensign may be promoted under regulations prescribed by the Secretary whenever ensigns on the active list of the Navy are being promoted with less than three years of service in that grade.

“(b) Notwithstanding any other provision of this chapter, an officer of the Marine Corps Reserve in a grade above second lieutenant may be promoted under regulations prescribed by the Secretary whenever any part of the law governing the promotion of his running mate is suspended by the President. An officer of the Marine Corps Reserve in the grade of second lieutenant may be promoted under regulations prescribed by the Secretary whenever second lieutenants on the active

list of the Marine Corps are being promoted with less than three years of service in that grade.

“(c) Promotions under subsections (a) and (b) may be made in such numbers as the Secretary prescribes.

“(d) In the regulations prescribed by him for the promotion of reserve officers under subsections (a) and (b), the Secretary shall provide for equality of opportunity for consideration for promotion among officers of the Naval Reserve and among officers of the Marine Corps Reserve, respectively.

**“§ 5911. Promotions: temporary; permanent**

“Notwithstanding any other provision of law, the promotion of a reserve officer under this chapter shall be made by a temporary appointment if the promotion of his running mate is made by a temporary appointment. If the running mate's temporary appointment is terminated for reasons other than disciplinary and he reverts to a lower grade, the temporary appointment of the reserve officer shall also be terminated and the reserve officer reverts to the same lower grade in the same manner as his running mate and with corresponding rank. If the running mate is permanently appointed in the grade in which he is serving under a temporary appointment, the reserve officer may be permanently appointed in the grade in which he is serving under a temporary appointment.

**“§ 5912. Appointing power**

“Permanent and temporary appointments under this chapter in grades above captain in the Naval Reserve and in grades above colonel in the Marine Corps Reserve shall be made by the President, by and with the advice and consent of the Senate. All other permanent and temporary appointments under this chapter shall be made by the President alone.”

(134) The chapter analysis of subtitle C and the chapter analysis of part II of subtitle C are amended by inserting the following item:

“549. Reserve Promotions----- 5891”

(135) The analysis of chapter 555 is amended by striking out the following item:

10 USC 6011-6034.

“6016. Retired officers carried on Navy Register.”

(136) Chapter 559 is amended by striking out the following item in the analysis:

10 USC 6111-6116.

“6115. Drill pay; uniform gratuity; time limit for filing claims.”

(137) Section 6148 is amended—

10 USC 6148.

(A) by amending subsection (b) by inserting the words “under section 270 (b) of this title” after the words “other than active duty for training”;

(B) by amending subsection (c) to read as follows:

“(c) Subsections (a) and (b) do not authorize the hospitalization of dependents of members of the Naval Reserve, the Fleet Reserve, the Marine Corps Reserve, or the Fleet Marine Corps Reserve.”; and

(C) by amending subsection (e) to read as follows:

“(e) If a person is entitled to benefits under subsection (a) or (b) and under—

“(1) section 6327 of this title; or

“(2) the Act of June 23, 1937, ch. 376 (50 Stat. 305);

10 USC 6327.  
38 USC ch. 12A.

he must elect the provision that is to be applied to him.”

(138) Section 6151 (a) is amended to read as follows:

10 USC 6151.

“(a) Unless otherwise entitled to a higher retired grade, each member, other than a retired member, of the Navy or the Marine Corps shall, when retired, be advanced on the retired list to the highest officer

grade in which he served satisfactorily under a temporary appointment as determined by the Secretary of the Navy.”

10 USC 6141-6158.

(139) Chapter 561 is amended—

(A) by amending the catchline of section 6151 to read as follows:

**“§ 6151. Higher retired grade and pay for members who serve satisfactorily under temporary appointments”;** and

(B) by striking out the following item in the analysis thereof:

“6151. Higher retired grade and pay for members temporarily appointed or promoted during World War II.”

and inserting the following item in place thereof:

“6151. Higher retired grade and pay for members who serve satisfactorily under temporary appointments.”

10 USC 6222.

(140) Section 6222 is amended to read as follows:

**“§ 6222. United States Marine Band: composition; director; assistant director**

“(a) The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

“(b) The Secretary shall designate the director and assistant directors of the Marine Band from among qualified members of the Marine Corps. Upon the recommendation of the Secretary, a member so designated may be appointed by the President, by and with the advice and consent of the Senate, to a commissioned grade in the Regular Marine Corps.

“(c) The initial appointment to a commissioned grade of a member designated as director of the Marine Band shall be in the grade of captain, except that a member who, at the time of his designation, holds an appointment in a higher grade may be appointed in that higher grade, but not above lieutenant colonel. The initial appointment of a member designated as assistant director shall be in a grade below captain.

“(d) The Secretary shall prescribe regulations for the promotion of members designated as director or assistant director of the Marine Band, and the President, by and with the advice and consent of the Senate, may from time to time appoint them to higher grades. However, the grade of the director may not be higher than lieutenant colonel and the grades of the assistant directors may not be higher than captain.

“(e) A member who accepts a commission under this section is entitled, while serving thereunder, only to the pay and allowances of an officer in the grade in which he is serving. However, his pay and allowances may not be less than those to which he was entitled at the time of his appointment under this section.

“(f) Unless otherwise entitled to higher retired grade and retired pay, a member who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary determines that he served satisfactorily.

“(g) The Secretary may revoke any designation as director or assistant director of the Marine Band. When a member's designation is revoked, his appointment to commissioned grade under this section terminates and he is entitled, at his option—

“(1) to be discharged from the Marine Corps; or

“(2) to revert to the grade and status he held at the time of his designation as director or assistant director.”



(141) The analysis of chapter 565 is amended by striking out the following item: 10 U S C 6221-6224.

"6222. United States Marine Corps Band: composition; pay and allowances of leader and second leader."

and inserting the following item in place thereof:

"6222. United States Marine Band: composition; director; assistant director."

(142) Section 6323 is amended to read as follows: 10 USC 6323.

**"§ 6323. Officers: 20 years**

"(a) An officer of the Navy or the Marine Corps who applies for retirement after completing more than 20 years of active service, of which at least 10 years was service as a commissioned officer, may, in the discretion of the President, be retired on the first day of any month designated by the President.

"(b) For the purposes of this section—

"(1) an officer's years of active service are computed by adding all his active service in the armed forces; and

"(2) his years of service as a commissioned officer are computed by adding all his active service in the armed forces under permanent or temporary appointments in grades above warrant officer, W-1.

"(c) Unless otherwise entitled to a higher grade, each officer retired under this section shall be retired—

"(1) in the highest grade, permanent or temporary, in which he served satisfactorily on active duty as determined by the Secretary of the Navy; or

"(2) if the Secretary determines that he did not serve satisfactorily in his highest temporary grade, in the next lower grade in which he has served, but not lower than his permanent grade.

"(d) A warrant officer who retires under this section may elect to be placed on the retired list in the highest grade and with the highest retired pay to which he is entitled under any provision of this title. If the pay of that highest grade is less than the pay of any warrant grade satisfactorily held by him on active duty, his retired pay shall be based on the higher pay.

"(e) Unless otherwise entitled to higher pay, an officer retired under this section is entitled to retired pay at the rate of 2½ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

"(f) Officers of the Naval Reserve and the Marine Corps Reserve who were transferred to the Retired Reserve from an honorary retired list under section 213 (b) of the Armed Forces Reserve Act of 1952 (66 Stat. 485), or are transferred to the Retired Reserve under section 6327 of this title, may be retired under this section, notwithstanding their retired status, if they are otherwise eligible." 50 USC 933.  
10 USC 6327.

(143) Sections 6325 (a) is amended by striking out the words "6322, or 6323" and inserting in place thereof the words "or 6322". 10 USC 6325.

(144) Chapter 573 is amended—

(A) by inserting the following new section after section 6388:

**"§ 6389. Naval Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service**

"(a) Subject to section 1005 of this title, an officer in an active status in the Naval Reserve in the permanent grade of lieutenant or lieutenant (junior grade), and an officer in an active status in the Marine Corps Reserve in the permanent grade of captain or first lieu-

tenant, who is considered as having twice failed of selection for promotion to the next higher grade may, in the discretion of the Secretary of the Navy, be eliminated from an active status.

“(b) An officer who is to be eliminated from an active status under subsection (a) shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if he requests it, shall be so transferred. If he is not so transferred, he shall, in the discretion of the Secretary, be transferred to the appropriate inactive status list or be discharged from the Naval Reserve or the Marine Corps Reserve.

“(c) An officer in an active status in the Naval Reserve in the permanent grade of lieutenant commander or above, and an officer in an active status in the Marine Corps Reserve in the permanent grade of major or above, who is considered as having twice failed of selection for promotion to the next higher grade shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve. If he is not so transferred, he shall be discharged from the Naval Reserve or the Marine Corps Reserve if he has completed a period of total commissioned service equal to that specified below for the permanent grade in which he is serving:

Navy	“Grade Marine Corps	Total commissioned service
Captain.....	Colonel.....	30 years.....
Commander.....	Lieutenant colonel.....	26 years.....
Lieutenant commander..	Major.....	20 years.....

“(d) For the purposes of subsection (c), the total commissioned service of an officer who has served continuously in the Naval Reserve or the Marine Corps Reserve following appointment therein in the permanent grade of ensign or second lieutenant, as the case may be, shall be computed from June 30 of the fiscal year in which he accepted the appointment. Each other officer is considered to have for this purpose as much total commissioned service as any officer in the line on the active list of the Navy, not restricted in the performance of duty, or any officer on the active list of the Marine Corps, not restricted in the performance of duty, as appropriate, who has served continuously since original appointment as ensign on the active list of the Navy or as second lieutenant on the active list of the Marine Corps, has not lost numbers or precedence, and is, or has been after September 6, 1947, junior to that other officer. However, the total commissioned service that the other officer is considered to have may not be less than the actual number of years he has served as a commissioned officer in a grade above chief warrant officer, W-4.

“(e) This section applies to women officers appointed under section 5581 of this title, but not to other women reserve officers or to reserve officers in the Nurse Corps.”;

(B) by inserting the following new section after section 6390:

**“§ 6391. Naval Reserve and Marine Corps Reserve; officers: retirement at age 62**

“(a) An officer in an active status in the Naval Reserve or the Marine Corps Reserve in a grade above chief warrant officer, W-4, shall, except as provided in subsections (b) and (c), be transferred to the Retired Reserve when he becomes 62 years of age.

“(b) The Secretary of the Navy may defer the retirement under this section of any officer of the Naval Reserve in a grade above captain or any officer of the Marine Corps Reserve in a grade above colonel and retain him in an active status until he becomes 64 years of age. However, not more than ten officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

“(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 1332 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.”;

(C) by striking out section 6394 (g) and inserting the following new subsections in place thereof:

10 USC 6394.

“(g) Unless otherwise entitled to a higher grade, each officer retired under this section shall be retired in—

“(1) the highest grade, permanent or temporary, in which he served satisfactorily on active duty as determined by the Secretary; or

“(2) if the Secretary determines that he did not serve satisfactorily in his highest grade, the next lower grade in which he has served, but not lower than his permanent grade.

“(h) Unless otherwise entitled to higher pay, an officer retired under this section is entitled to retired pay at the rate of 2½ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired multiplied by the number of years of service that may be credited to him under section 1405 of this title, but the retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.”;

(D) by inserting the following new section after section 6396:

**“§ 6397. Naval Reserve; officers in the Nurse Corps; elimination from active status**

“(a) An officer of the Naval Reserve in any grade in the Nurse Corps may be eliminated from an active status under the conditions prescribed by this chapter for the separation from the active list of an officer on the active list of the Navy in the same grade in the Nurse Corps.

“(b) An officer who is to be eliminated from an active status under this section shall, if qualified, be given an opportunity to request transfer to the Retired Reserve and, if he requests it, shall be so transferred. If he is not transferred to the Retired Reserve, he shall, in the discretion of the Secretary of the Navy, be transferred to the inactive status list or be discharged from the Naval Reserve.

“(c) An officer may be eliminated from an active status under this section, only upon the recommendation of a board appointed by the Secretary and convened at such times as he directs.”;

(E) by inserting the following new section after section 6402:

10 USC 6402.

**“§ 6403. Naval Reserve and Marine Corps Reserve; women officers: elimination from active status**

“(a) A woman officer in any grade in the Naval Reserve, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, may, in the discretion of the Secretary of the Navy, be eliminated from an active status under the conditions prescribed by this chapter for the retirement or discharge of a woman line officer in the same grade on the active list of the Navy, or at any time after those conditions are met.

“(b) A woman officer in any grade in the Marine Corps Reserve may, in the discretion of the Secretary, be eliminated from an active status under the conditions prescribed by this chapter for the retirement or discharge of a woman officer in the same grade on the active list of the Marine Corps, or at any time after those conditions are met.

“(c) For the purposes of subsections (a) and (b) all commissioned service is considered active commissioned service.

“(d) An officer who is to be eliminated from an active status under this section shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if she requests it, shall be so transferred. If she is not transferred to the Retired Reserve, she shall, in the discretion of the Secretary, be transferred to the appropriate inactive status list or be discharged from the Naval Reserve or the Marine Corps Reserve.

“(e) An officer may be eliminated from an active status under this section, only upon the recommendation of a board appointed by the Secretary and convened at such times as he directs.”;

10 USC 6409.

(F) by inserting the following new section after section 6409:

“§ 6410. Naval Reserve and Marine Corps Reserve; officers: elimination from active status to provide a flow of promotion

“(a) Whenever he determines that such action is necessary to provide a steady flow of promotion for officers in an active status in the Naval Reserve or the Marine Corps Reserve, the Secretary of the Navy may convene a board to recommend an appropriate number of these officers for elimination from an active status. Subject to section 1005 of this title, officers so recommended may be eliminated from an active status as provided in subsection (b).

“(b) An officer who is to be eliminated from an active status under this section shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if he requests it, shall be so transferred. If he is not transferred to the Retired Reserve, he shall, in the discretion of the Secretary, be transferred to the appropriate inactive status list or be discharged from the Naval Reserve or the Marine Corps Reserve.”

(G) by inserting the following new items in the analysis:

“6389. Naval Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.

\* \* \* \* \*

“6391. Naval Reserve and Marine Corps Reserve; officers: retirement at age 62.

\* \* \* \* \*

“6397. Naval Reserves; officers in the Nurse Corps: elimination from active status.

\* \* \* \* \*

“6403. Naval Reserve and Marine Corps Reserve; women officers: elimination from active status.

\* \* \* \* \*

“6410. Naval Reserve and Marine Corps Reserve; officers: elimination from active status to provide a flow of promotion.”

10 USC 6521, 6522.

(145) The analysis of chapter 577 is amended by striking out the following item:

“6521. Allowance to dependents: designation of beneficiary.”

10 USC 6901.

(146) Section 6901 is amended—

(A) by striking out subsection (d) and the second sentence of subsection (f);

(B) by redesignating subsections (e) and (f) as “(d)” and “(e)”, respectively; and

(C) by adding the following new subsection at the end thereof:

“(f) The Secretary shall report to Congress in January of each year on the progress of the flight instruction program of the Naval Reserve Officers’ Training Corps.”

(147) Chapter 601 is amended—

(A) by amending section 6912 to read as follows:

10 USC 6901-6915.

**“§ 6912. Aviation cadets: benefits**

“Except as provided in section 251 (a) of title 37, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits as are provided for enlisted members in pay grade E-4. While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.”; and

37 USC 251.

(B) by striking out the following item in the analysis:

“6912. Aviation cadets: pay and allowances.”

and inserting the following item in place thereof:

“6912. Aviation cadets: benefits.”

(148) Section 7043 is amended to read as follows:

10 USC 7043.

**“§ 7043. Academic Dean**

“(a) There is at the Naval Postgraduate School the civilian position of Academic Dean. The Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy upon the recommendation of the Postgraduate School Council consisting of the Superintendent, the Deputy Superintendent, and the directors of the Technical, Administrative, and Professional Divisions of the school.

“(b) The Academic Dean is entitled to such compensation for his services as the Secretary prescribes, but not more than \$13,500 a year.”

(149) Section 7081 is amended by adding the following new subsection at the end thereof:

10 USC 7081.

“(c) This chapter does not apply to any person who was a civilian member after September 30, 1956.”

(150) The analysis of chapter 631 is amended by striking out the following item:

10 USC 7201-7229.

“7206. Minor construction and extension of structures.”

(151) The analysis of chapter 643 is amended by striking out the following item:

10 USC 7471-7478.

“7471. Appointments: professional and scientific services.”

(152) Section 8012 (g) is amended by striking out the figure “\$18,000” and inserting the figure “\$22,000” in place thereof.

10 USC 8012.

(153) Section 8013 (b) is amended to read as follows:

10 USC 8013.

“(b) The compensation of the Under Secretary and of each of the four Assistant Secretaries is \$20,000 a year.”

(154) Chapter 803 is amended—

10 USC 8011-8017.

(A) by adding the following new section at the end thereof:

**“§ 8018. Compensation of General Counsel**

“The compensation of the General Counsel of the Department of the Air Force is \$19,000 a year.”; and

(B) by adding the following new item at the end of the analysis:

“8018. Compensation of General Counsel.”

(155) Chapter 649 is amended by striking out the following item in the analysis:

10 USC 7571-7581.

“7578. Tableware and kitchen utensils: limitations on furnishing.”

(156) The following sections are amended by striking out the words “female” and “women” wherever they appear therein: 8067 (e) and (f), 8209, 8296 (a) and (c), 8579 (b), 8683 (4) (B), and 8963 (b).

10 USC 8067, 8209, 8296, 8579, 8683, 8963.

(157) Section 8201 is amended—

10 USC 8201.

(A) by striking out the word “and” at the end of subsection (a) (4);

(B) by adding the word “and” at the end of subsection (a) (5);

(C) by adding the following new clause after subsection (a) (5):

“(6) enlisted members serving as cadets at the United States Air Force Academy, the United States Military Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;”;

(D) by striking out the word “and” at the end of subsection (b) (2);

(E) by adding the word “and” at the end of subsection (b) (3); and

(F) by adding the following new clause after subsection (b) (3):

(4) enlisted members serving as cadets at the United States Air Force Academy, the United States Military Academy, or the United States Coast Guard Academy, or as midshipmen at the United States Naval Academy or in the Naval Reserve;”.

10 USC 8202.

(158) Section 8202 (c) is amended by inserting the word “authorized” before the word “appointment”.

10 USC 8203,  
8214.

(159) Sections 8203 and 8214 are amended by striking out the figures “8201 (a) (1)–(5)” and inserting the figures “8201 (a) (1)–(6)” in place thereof.

10 USC 8205.

(160) Section 8205 is amended—

(A) by inserting the designation “(a)” before the words “The authorized strength” at the beginning thereof;

(B) by striking out the figure “27,500” and inserting the figure “69,425” in place thereof; and

(C) by adding the following new subsection at the end thereof:

“(b) Subject to subsection (a), the Secretary of Defense, with the approval of the President, shall estimate each year, for each of the five years following that year, the strength of the Regular Air Force in commissioned officers on the active list exclusive of officers specifically authorized by law as additional numbers.”

10 USC 8210.

(161) Section 8210 is amended to read as follows:

**“§ 8210. Regular Air Force: strength in grade; general officers**

“(a) Subject to section 8202 (a) of this title, the authorized strength of the Regular Air Force in general officers on the active list is 75/10,000 of the authorized strength of the Regular Air Force in commissioned officers on the active list. Of this authorized strength, not more than one-half may be in a regular grade above brigadier general.

“(b) When the application of subsection (a) results in a fraction, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

“(c) General officers on the active list of the Regular Air Force who are specifically authorized by law to hold a civil office under the United States, or an instrumentality thereof, are not counted in determining authorized strength under this section.”

10 USC 8211.

(162) The last sentence of section 8211 (a) is amended by inserting the word “authorized” before the word “appointment”.

(163) Section 8212 is amended to read as follows:

10 USC 8212.

**“§ 8212. Regular Air Force; Air Force Reserve; Air National Guard of United States: strength in grade; temporary increases**

“The authorized strength in any regular or reserve grade, as prescribed by or under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 541, 1211 (a), 8298, 8299, 8365 (a) and (c), 8366 (a) and (d), 8375, 8376, 8380, 8381, or 9353, of this title. An authorized strength so increased is increased for no other purpose, and while he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.”

10 USC 541-8381  
*passim.*

(164) Chapter 831 is amended—

10 USC 8201-8225.

(A) by inserting the following new sections after section 8215:

**“§ 8217. Reserves: commissioned officers in an active status**

“The authorized strength of the Air Force in reserve commissioned officers in an active status is 200,000. However, a higher authorized strength may be prescribed to meet mobilization requirements or to permit increases otherwise required by or resulting from the operation of any law.

**“§ 8218. Reserves: strength in grade; general officers in an active status**

“The authorized strength of the Air Force in reserve general officers in an active status, exclusive of those serving as adjutants general or assistant adjutants general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia, and those serving in the National Guard Bureau, is 157.

**“§ 8219. Reserves: strength in grade; commissioned officers in grades below brigadier general in an active status**

“(a) Subject to subsection (b), the authorized strength of the Air Force in reserve commissioned officers in an active status in each grade below brigadier general is as prescribed by the Secretary of the Air Force. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

“(b) A strength prescribed by the Secretary under subsection (a) may not be higher than the percentage of the authorized strength fixed for the grade by the following table:

“Grade	Percentage of authorized strength under sec. 8217 of this title
Colonel.....	1. 8
Lieutenant colonel.....	4. 6
Major.....	14. 0
Captain.....	32. 0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 8218 of this title).....	47. 6”

(B) by adding the following new section after section 8225:

**“§ 8230. Personnel detailed outside Department of Defense**

“Members of the Air Force who are detailed for duty with agencies of the United States outside the Department of Defense on a reimbursable basis are not counted in computing strengths under any law.”

(165) The analysis of chapter 831 is amended—

(A) by striking out the following item:

“8212. Regular Air Force: strength in grade; temporary increases.”

and inserting the following item in place thereof:

“8212. Regular Air Force; Air Force Reserve; Air National Guard of United States: strength in grade; temporary increases.”;

(B) by inserting the following new items:

“8217. Reserves: commissioned officers in an active status.

“8218. Reserves: strength in grade; general officers in an active status.

“8219. Reserves: strength in grade; commissioned officers in grades below brigadier general in an active status.

\* \* \* \* \*

“8230. Personnel detailed outside Department of Defense.”; and

(C) by striking out the word “women” wherever it appears therein and inserting the words “Air Force” in place thereof.

(166) Chapter 833 is amended—

(A) by amending section 8262(b) by striking out the figure “8638” and inserting the figure “972” in place thereof;

(B) by adding the following new section after section 8262:

**“§ 8263. Voluntary extension of enlistment**

“(a) Under such regulations as the Secretary of the Air Force may prescribe, the term of enlistment of a member of the Air Force may be extended, with his written consent, for a period of less than one year from the date of the expiration of his existing enlistment.

“(b) While serving under an enlistment extended under this section, a member is entitled to the pay and allowances to which he would have been entitled if he had been discharged and reenlisted immediately after the expiration of his enlistment if it had not been so extended.

“(c) The extension of a term of enlistment under this section does not deprive the member, upon discharge from that enlistment, of any right, privilege, or benefit to which he would have been entitled, at the expiration of the term, if it had not been so extended.”;

(C) by striking out the following item in the analysis:

“8261. Air National Guard of United States: enlistment.”

and inserting the following item in place thereof:

“8261. Air National Guard of United States.”; and

(D) by adding the following new item at the end of chapter analysis:

“8263. Voluntary extension of enlistment.”

(167) Section 8285 is amended to read as follows:

**“§ 8285. Commissioned officers: original appointment; qualifications**

“(a) To be eligible for original appointment in a commissioned grade in the Regular Air Force, except with a view to designation as a medical or dental officer, and except as provided in section 9353 (b) of this title, a person must—

“(1) be a citizen of the United States;

“(2) be at least 21 years of age;

“(3) be of good moral character;

“(4) be physically qualified for active service; and

“(5) have such other qualifications as the Secretary of the Air Force may prescribe.

In addition, to be eligible for original appointment with a view to designation as an Air Force nurse, a person must be a graduate of a hospital or university school of nursing and a registered nurse.

10 USC 8251-8262.

10 USC 8285.



“(b) The Secretary of the Air Force shall convene selection boards, to meet at times prescribed by him, to consider persons who are eligible for original appointment in the Regular Air Force other than with a view to designation as medical or dental officers, or as Air Force nurses or medical specialists. Each board shall be composed of at least five commissioned officers of the Regular Air Force. A recommendation for appointment may be made only by a majority of the total membership of the board.

“(c) The President may remove from the list of persons recommended by the board the name of any person who in his opinion is not qualified for appointment.

“(d) The name of each person credited with service under section 8287 (a) (4) of this title who was appointed during the preceding calendar year, the grade in which appointed, and the justification therefor shall be reported before July 16 of each year, beginning in 1958, to the Committees on Armed Services of the Senate and House of Representatives.”

(168) Section 8286 is amended to read as follows:

10 USC 8286.

**“§ 8286. Commissioned officers: original appointment; age limitations**

“(a) A person may not be originally appointed in a commissioned grade in the Regular Air Force, except with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, if on the date of his appointment he has already passed his thirtieth birthday. However, the maximum age—

“(1) is increased by the period of active commissioned service in the armed forces performed after the appointee became 21 years of age and before his appointment; and

“(2) may be waived by the Secretary of the Air Force for any category in which, in his opinion, there are not enough officers with the required qualifications.

“(b) Notwithstanding subsection (a), a person may not be originally appointed in a commissioned grade in the Regular Air Force, except with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, if he is above the age that would permit him to complete 20 years of active commissioned service in the armed forces before his fifty-fifth birthday.”

(169) Section 8287 is amended to read as follows:

10 USC 8287.

**“§ 8287. Commissioned officers: original appointment; service credit**

“(a) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, and eligibility for promotion, a person originally appointed in a commissioned grade in the Regular Air Force, other than a person appointed with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, shall be credited, at the time of his appointment—

“(1) with the active commissioned service in the armed forces that he performed after becoming 21 years of age and before his appointment;

“(2) three years, if he is appointed in the Regular Air Force with a view to designation as a chaplain, judge advocate, or veterinary officer;

“(3) under such regulations as the Secretary may prescribe, three years, if he is appointed in the Regular Air Force with a view to designation as a medical service officer and if he holds a degree of doctor of philosophy or a comparable degree in a science allied to medicine, so recognized by the Secretary;

"(4) under regulations to be prescribed by the Secretary, not more than eight years, if he is one of not more than 100 persons in any calendar year who are appointed from civil life or from Reserves of the Air Force who have qualifications not otherwise available from members of the Air Force on active duty; and

"(5) under regulations to be prescribed by the Secretary, not more than two years, if he is appointed while on active duty in the Air Force.

"(b) For the purposes set forth in subsection (a), a person originally appointed in a commissioned grade in the Regular Air Force with a view to designation as an Air Force nurse or medical specialist shall be credited, at the time of her appointment, with all active commissioned service in the armed forces after December 6, 1941, that she performed after becoming 21 years of age and before her appointment. However, not more than 14 years of service may be so credited. For the same purposes, a person who is originally appointed in the grade of first lieutenant under section 8288 (b) of this title and who has not performed at least three years of active commissioned service in the armed forces after December 6, 1941, shall be credited with that amount of service.

10 USC 8288.

"(c) Notwithstanding any other provision of law, a person who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may not be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at that academy are graduated and appointed as officers. A person who was a cadet or midshipman at, but was not graduated from, one of those academies may not be credited, upon original appointment as a commissioned officer of the Regular Air Force, with longer service than that credited to any member of his class at that academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

(d) A graduate of the United States Air Force Academy, the United States Military Academy, or the United States Naval Academy who is originally appointed as a second lieutenant in the Regular Air Force is not entitled to any service credit under this section."

10 USC 8288.

(170) Section 8288 (a) is amended to read as follows:

"(a) Except for a person appointed with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, the commissioned grade in which a person is originally appointed in the Regular Air Force, based on the service credited under section 8287 (a) of this title, is:

"(1) For persons with less than three years of service—second lieutenant.

"(2) For persons with at least three, but less than seven, years of service—first lieutenant.

"(3) For persons with at least seven, but less than 14, years of service—captain.

"(4) For persons with at least 14, but less than 21, years of service—major.

"(5) For persons with at least 21 years of service—lieutenant colonel."

10 USC 8294.

(173) Section 8294 is amended to read as follows:

**§ 8294. Commissioned officers; medical and dental officers: original appointment**

"(a) Original appointments in the Regular Air Force may be made in the grades of first lieutenant through colonel with a view to designation as medical or dental officers, as the needs of the Air Force require. These appointments may be made only from qualified doc-

tors of medicine, osteopathy, or dentistry, as the case may be, who are citizens of the United States and who have such other qualifications as the Secretary of the Air Force may prescribe. In addition, to be eligible for appointment under this section with a view to designation as a medical officer, a doctor of osteopathy must—

“(1) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

“(2) be licensed to practice medicine, surgery, or osteopathy in a State or Territory or in the District of Columbia;

“(3) under regulations to be prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for appointment under this section in the grade for which that person is applying; and

“(4) have such other qualifications as the Secretary of the Air Force prescribes after considering the recommendation, if any, of the Surgeon General.

“(b) For the purposes of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, and eligibility for promotion, an officer appointed under subsection (a) shall be credited with the amount of service prescribed by the Secretary, but not less than four years. However, a doctor of medicine or osteopathy who has completed an internship of one year, or the equivalent, may not be credited with less than five years.”

(174) Section 8295 is amended to read as follows:

10 USC 8295.

**“§ 8295. Commissioned officers: original appointment; determination of place on promotion list**

“The name of each person who is originally appointed in a commissioned grade in the Regular Air Force and whose name is to be carried on a promotion list, other than a person appointed with a view to designation as a medical or dental officer or as an Air Force nurse or medical specialist, shall be placed on the applicable promotion list immediately below the junior officer of the same grade on that list who has the same or the next longer service credited to him under section 8287 of this title.”

(175) Section 8296 (b) is amended by striking out clause (8) and inserting the following new clause in place thereof:

10 USC 8296.

“(8) Air Force medical specialists.”

(177) Chapter 835 is amended—

(A) by adding the following new section at the end thereof:

10 USC 8281-8313.

**“§ 8314. Commissioned officers: promotion not to be delayed by another appointment**

“The promotion to a higher regular grade of a commissioned officer of the Air Force who is on a recommended list awaiting promotion may not be withheld or delayed because of the original appointment of any other person to a commissioned grade in the Regular Air Force. This section does not apply to appointments of persons with a view to designation as medical or dental officers or Air Force nurses or medical specialists.”; and

(B) by adding the following new item at the end of the analysis:

"8314. Commissioned officers: promotion not to be delayed by another appointment."

10 U S C 8351-8395.

(178) Chapter 837 is amended—

(A) by inserting the following new section after section 8352:

**"§ 8353. Commissioned officers: appointment; service credit**

"(a) For the purposes of chapters 837 and 863 of this title, a person who is appointed as a reserve commissioned officer of the Air Force, and is not already a commissioned officer of an armed force may be credited, upon his appointment, with service in an active status that reflects his combined years of experience and education and such other qualifications as the Secretary of the Air Force may by regulation prescribe.

"(b) A person covered by subsection (a) who is appointed with a view to assignment or designation in one of the following categories shall be credited, upon his appointment, and for the purposes of subsection (a), with at least the following service in an active status:

"(1) Medical officer—four years.

"(2) Dental officer—three years.

"(3) Veterinary officer—three years.

"(4) Chaplain—three years.

"(5) Judge Advocate—three years.

"(c) A person covered by subsection (a) who is appointed with a view to assignment or designation as a medical service officer, and who holds a degree of doctor of philosophy, or a comparable degree, in a science that the Secretary determines is allied to medicine may be credited upon his appointment, and for the purposes of subsection (a), with at least three years of service in an active status.";

(B) by amending section 8354—

(i) by amending the catchline to read as follows:

**"§ 8354. Commissioned officers: appointment of warrant officers and enlisted members of Air National Guard of United States; status";**

(ii) by inserting the designation "(a)" before the word "Notwithstanding" at the beginning thereof; and

(iii) by inserting the following new subsection at the end thereof:

"(b) A member of the Air National Guard of the United States who is appointed in a commissioned grade under this section is not in an active status as a commissioned officer unless he is on active duty as a commissioned officer."; and

(C) by inserting the following new sections after section 8356:

**"§ 8358. Commissioned officers: original appointment; service credit**

"For the purpose of determining seniority in his reserve grade and eligibility for promotion, a person appointed in a grade below colonel under section 8359 of this title shall be credited with the number of years of service, computed under section 8360 (e) of this title, in that grade that is equal to the difference between the number of years of service credited to him under section 8353 of this title and the minimum number of years of service prescribed by section 8359 of this title for the grade in which he is appointed.

**“§ 8359. Commissioned officers: original appointment; determination of grade**

“Based on the service credited under section 8353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer of the Air Force is:

“(1) For persons with less than three years of service—second lieutenant.

“(2) For persons with at least three, but less than seven, years of service—first lieutenant.

“(3) For persons with at least seven, but less than 14, years of service—captain.

“(4) For persons with at least 14, but less than 21, years of service—major.

“(5) For persons with at least 21 years of service—lieutenant colonel.

“(6) For persons with at least 23 years of service—lieutenant colonel or under regulations prescribed by the Secretary of the Air Force—colonel.

**“§ 8360. Commissioned officers: promotion service**

“(a) To be eligible under this chapter for (1) consideration for promotion, (2) examination for Federal recognition, or (3) promotion, a reserve commissioned officer must be in an active status.

“(b) To be in an active status, a reserve commissioned officer must have credited to him, during each applicable period prescribed in subsection (c) or (d), the number of points that the Secretary of the Air Force prescribed for that period under section 1002 of this title before that period began. This does not apply to an adjutant general or assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

“(c) For a reserve commissioned officer who was a Reserve in an active status in the Air Force on July 1, 1949, and who has continued in an active status since that date, points shall be computed for a period of 12 consecutive months beginning on July 1 of each year.

“(d) For a reserve commissioned officer who was originally appointed as a reserve officer of the Air Force after July 1, 1949, or who returned to an active status after that date, points shall be computed for periods of 12 consecutive months beginning on the date of that appointment or of his most recent return to an active status, and on each successive anniversary of that date.

“(e) For the purposes of sections 8358, 8361, 8363 (a), 8365, 8366 (a), 8368 (b), 8375 (b), 8377 (a), 8380 (c), 8381 (b), and 8819 of this title, an officer's years of service are computed by adding—

“(1) all service while in an active status in his current reserve grade; and

“(2) all service in an active status after June 25, 1950, and before July 1, 1955—

“(A) while eligible for promotion in reserve grade on the basis of service in a higher temporary grade; or

“(B) in regular or reserve grade, in any armed force, that was equal to or higher than his current reserve grade, including service in a federally recognized commissioned status in the Army National Guard or the Air National Guard.

No service may be counted more than once.

**“§ 8361. Commissioned officers: seniority for promotion purposes**

“(a) For promotion purposes, reserve commissioned officers in any grade are senior to those in any lower grade.

“(b) Among reserve commissioned officers in the same reserve grade, seniority for promotion purposes is based on length of service in that grade computed under section 8360 (e) of this title.

“(c) When seniority determined under subsection (b) is the same, seniority for promotion purposes is based on length of service computed under section 8366 (e) of this title.

“(d) When seniority determined under subsection (c) is the same, the Secretary of the Air Force shall fix the seniority.

“(e) For promotion purposes, the years of service computed under section 8360 (e) of this title of a reserve commissioned officer who is returned to an active status are reduced, so far as necessary, so that one year after the date on which he is returned to that status he will not have more than four years of that service if he is in the reserve grade of first lieutenant, or seven years of that service if he is in the reserve grade of captain or major.

**“§ 8362. Commissioned officers: selection boards**

“(a) Under such regulations and in such number as he may prescribe, the Secretary of the Air Force, or such authority as he directs, shall from time to time appoint and convene selection boards to consider reserve commissioned officers for promotion under this chapter.

“(b) Each board shall be composed of at least five members who are senior in regular or reserve grade to, and who outrank, any officer considered by that board. Five members of a board constitute a quorum. So far as practicable, at least one-half of the members of the board must be reserve officers.

“(c) A board serves for as long as the Secretary of the Air Force prescribes but not longer than one year. A member may not serve on two consecutive boards for promotions to the same grade, if the second board considers any officers considered but not recommended for promotion by the first.

“(d) Each member of a board must swear that he will perform his duties without prejudice or partiality, having in view the special fitness of officers and the efficiency of the Air Force.

“(e) A recommendation for promotion must be made by the majority of the total membership of the board.

“(f) An officer eligible for consideration for promotion by a board under this chapter is entitled to send a letter, through official channels, calling attention to any matter of record in the armed forces concerning himself that he considers important to his case. The letter may not criticize any officer or reflect on his character, conduct, or motives. A letter sent under this subsection may not be considered by a selection board unless it is received by the time the board convenes.

**“§ 8363. Commissioned officers: selection boards; general procedure**

“(a) An officer in a reserve grade above second lieutenant may not be considered for promotion, or examined for Federal recognition in the next higher grade, until he completes the following number of years of service, computed under section 8360 (e) of this title, in his current reserve grade:

“(1) First lieutenant—two years.

“(2) Captain—four years.

“(3) Major—four years.

“(4) Lieutenant colonel—three years.

“(5) Colonel—one year.

“(6) Brigadier general—one year.

This subsection does not apply to an adjutant general or assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia who holds his reserve grade solely because of his position as adjutant general or assistant adjutant general.

“(b) An officer may not be considered by a selection board for promotion under this chapter more than two years, if in a reserve grade below colonel, or more than one year, if in a reserve grade above lieutenant colonel, before the date on which it is anticipated that he will be promoted if recommended by the selection board.

“(c) Except for officers being considered under section 8372 of this title, and except for deferred officers who may not be considered at that time, an officer may not be considered by a selection board for promotion unless the board considers all officers who are senior to him in his reserve grade and who are not on a recommended list.

“(d) The names of officers recommended by a selection board for promotion shall be placed on a recommended list of their grade below the names of those recommended by earlier selection boards and in the same order among themselves as existed when they were considered by the selection board. A name so placed on a list shall be carried thereon until the officer is promoted to the grade for which he is recommended or until his name is removed under another provision of this chapter.

“(e) Except as provided in section 8366 (c), 8372, 8374, 8379, or 8380 of this title or subsection (f) of this section, a reserve officer whose name is on a recommended list may not be promoted ahead of any officer whose name precedes his on that recommended list.

“(f) A promotion under this chapter may be made effective before, on, or after the date on which it is made. Unless expressly provided otherwise in this chapter, the officer concerned is entitled to the pay, allowances, and any other benefits authorized by law for the grade to which he is promoted from the effective date of the promotion.

#### “§ 8365. Commissioned officers: promotion to first lieutenant

“(a) An officer of the Air Force Reserve in an active status in the reserve grade of second lieutenant shall, if he is found qualified for promotion, be promoted to the reserve grade of first lieutenant effective on the date on which he completes three years of service, computed under section 8360 (e) of this title, in the reserve grade of second lieutenant.

“(b) Whenever the Secretary of the Air Force determines that there are vacancies in the reserve grade of first lieutenant, officers in the reserve grade of second lieutenant who have not completed three years of service, computed under section 8360 (e) of this title, in that grade, may be promoted to the reserve grade of first lieutenant under regulations to be prescribed by the Secretary.

“(c) An officer of the Air National Guard of the United States in the reserve grade of second lieutenant who is appointed in the grade of first lieutenant by the governor or other appropriate authority of the jurisdiction concerned to fill a vacancy in the Air National Guard shall be extended Federal recognition in the grade of first lieutenant, without the examination prescribed in section 307 of title 32, and shall be promoted to that reserve grade, effective on the date on which he completes three years of service, computed under section 8360 (e) of this title, in the reserve grade of second lieutenant.

32 USC 307.

#### “§ 8366. Commissioned officers: promotion to captain, major, or lieutenant colonel

“(a) Without regard to vacancies, each officer whose reserve grade is first lieutenant, captain, or major shall be considered for promotion to the next higher reserve grade, far enough in advance of the date on which he will complete the years of service prescribed in columns

2 and 3 of the following table that, if recommended, he may be promoted effective on the date on which he will complete that service.

"Column 1	Column 2	Column 3
Current reserve grade	Service computed under sec. 8360 (e) of this title	Service computed under subsec. (e)
First lieutenant.....	4	7
Captain.....	7	14
Major.....	7	21

"(b) Having in view the number of actual and anticipated vacancies in the Air Force Reserve in the reserve grade of captain, major, or lieutenant colonel, the Secretary of the Air Force may direct a selection board to consider and recommend officers for promotion to those grades. The names of the officers to be considered shall include—

"(1) the name of the senior officer of the Air Force Reserve in the reserve grade of first lieutenant, captain, or major, as the case may be, whose name is not on a recommended list;

"(2) the names of such additional officers of the Air Force Reserve in those reserve grades, in order of seniority, as the Secretary may prescribe; and

"(3) the names of those officers of the Air National Guard of the United States who must be considered at that time under subsection (a).

"(c) Each officer of the Air National Guard of the United States who is recommended by a selection board for promotion to the reserve grade of captain, major, or lieutenant colonel, and who, before the date on which he would be promoted under subsection (d), is appointed in the next higher grade to fill a vacancy in the Air National Guard, shall be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32, and shall be promoted to that reserve grade effective on the date on which he is appointed in that grade in the Air National Guard. If he is not so appointed in the next higher grade in the Air National Guard, he shall, effective as of the date on which he must be promoted under subsection (d), have his Federal recognition terminated, be transferred to the Air Force Reserve, and be promoted.

"(d) An officer whose reserve grade is first lieutenant, captain, or major and whose name is on a recommended list may be promoted at any time to fill a vacancy, and shall be promoted, without regard to the existence of a vacancy, on the date on which he completes the service prescribed in subsection (a).

"(e) For the purpose of column 3 of subsection (a), an officer's years of service are computed by adding—

"(1) all service as a commissioned officer of any armed force;

"(2) all service as a commissioned officer in the federally recognized National Guard before June 15, 1933, or in a federally recognized commissioned status therein; and

"(3) all service credited to him under section 8353 of this title.

No service may be counted more than once.

"(f) This section does not apply to the promotion to a grade above captain of female reserve officers who are designated as Air Force nurses or medical specialists, or to the promotion to a grade above major of any female reserve officer who is not designated under section 8067 of this title or appointed in the Air Force with a view to designation under that section.



**“§ 8367. Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure**

“(a) When officers in the reserve grade of first lieutenant, captain, or major are to be considered, under section 8366 of this title, by a selection board for promotion to the next higher grade to fill existing or anticipated vacancies, the Secretary of the Air Force may direct the board to—

“(1) consider officers whose names are referred to it in the order of their seniority;

“(2) recommend those who are fully qualified for promotion;

“(3) pass over those not so qualified; and

“(4) continue this procedure until the number of officers specified by him is recommended.

“(b) When an officer in the reserve grade of first lieutenant, captain, or major must be considered under section 8366 (a) of this title for promotion because of length of service, the Secretary may—

“(1) furnish to the board a list of officers to be considered for promotion to the grade concerned; and

“(2) direct the board to recommend the officers on that list whom it considers fully qualified for promotion.

“(c) In place of the procedure prescribed in subsection (a) or (b), the Secretary may furnish to the board a list of officers to be considered and may direct the board to recommend a number specified by him for promotion. The board shall recommend those officers whom it considers to be the best qualified. However, the number recommended by the selection board must be at least 80 percent of those listed for consideration.

**“§ 8368. Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel**

“(a) In this chapter, ‘deferred officer’ means any of the following officers who has been considered, for the first time under this chapter, by a selection board for promotion to the next grade higher than his current reserve grade but not recommended for that promotion, or who has been examined for the first time for Federal recognition in the next grade higher than his current reserve grade, but found not qualified for that recognition:

“(1) An officer in the reserve grade of first lieutenant.

“(2) An officer in the reserve grade of captain, other than a female Air Force nurse or medical specialist.

“(3) An officer in the reserve grade of major, other than a female Air Force nurse or medical specialist or a female officer who is not designated under section 8067 of this title or appointed in the Air Force with a view to designation under that section.

“(b) The years of service computed under sections 8360 (e) and 8366 (e) of this title, with which a deferred officer is credited shall be reduced, if necessary, so that one year after the date on which he would have been promoted if he had been recommended by a selection board he will not have more than four years of service computed under section 8360 (e) of this title if he is in the reserve grade of first lieutenant, or seven years of that service if he is in the reserve grade of captain or major. For the purpose of this subsection, the date on which a deferred officer would have been promoted had he been recommended is the earlier of the following dates—

“(1) the earliest date of appointment in the next higher reserve grade of any officer who, before the deferred officer’s loss of seniority, was junior to him; or

“(2) the date on which he would have completed the amount of service prescribed in columns 2 and 3 of section 8366 (a) of this

title, if his years of service had not been reduced under this section.

“(c) Unless he is sooner recommended for promotion under section 8372 of this title or examined for Federal recognition in the next higher grade—

“(1) an officer who is deferred because he was considered but not recommended by a selection board shall be considered for promotion by the next selection board considering officers of his grade and category under section 8366 of this title; and

“(2) an officer who is deferred because he was found not qualified for Federal recognition shall be considered for promotion by the next appropriate selection board convened under section 8366 of this title when the officer next junior to him is also considered, but not before one year after the date on which he was found not qualified for Federal recognition.

“(d) An officer who is deferred because he was considered but not recommended by a selection board may, if he is appointed to the next higher grade in the Air National Guard, be examined for Federal recognition in that grade at any time before the date on which he must be considered for promotion under subsection (c) (1).

“(e) An officer who is deferred because he was found not qualified for Federal recognition in the next higher grade may be again examined for Federal recognition in that grade at any time before the date on which he must be considered for promotion under subsection (c) (2), but not before one year after the date on which he was first found not qualified for Federal recognition in that grade.

“(f) A deferred officer who is again considered for promotion under subsection (c) (1) and is not recommended for promotion, may not thereafter be considered for promotion or examined for Federal recognition and shall be treated as provided in section 8846 (a) of this title and section 323 (e) of title 32.

“(g) A deferred officer who is again considered for promotion or examined for Federal recognition in the next higher grade under subsection (c) (2), (d), or (e), and is not recommended for promotion or found qualified for Federal recognition, may not thereafter be considered for promotion or examined for Federal recognition, and shall be treated as provided in section 8846 (b) of this title and section 323 (e) of title 32.

**“§ 8370. Commissioned officers: promotion of female officers, nurses, and medical specialists**

“(a) A female reserve officer, other than an officer designated under section 8067 of this title or appointed in the Air Force with a view to designation under that section, may not be promoted to a reserve grade above lieutenant colonel, and may be promoted to the reserve grade of lieutenant colonel only to fill a vacancy in the number authorized by the Secretary of the Air Force for that category.

“(b) The Secretary of the Air Force shall furnish to selection boards the names of female reserve officers to be considered for promotion to reserve grades above captain, and shall direct the board to recommend a number prescribed by him for promotion to those grades. The board shall recommend the prescribed number of those officers whom it considers to be the best qualified of those named for consideration.

“(c) A female reserve officer who is designated as an Air Force nurse or medical specialist may be promoted to a reserve grade above captain only to fill a vacancy in her category.

**“§ 8371. Commissioned officers: Air Force Reserve; promotion to colonel**

“(a) Having in view the number of actual and anticipated vacancies in the Air Force Reserve in the reserve grade of colonel, the Secretary of the Air Force shall furnish to selection boards lists of officers to be considered by those boards and shall direct the board to recommend a number prescribed by him for promotion to that grade.

“(b) The lists of officers to be considered under subsection (a) must include the name of the senior officer of the Air Force Reserve in the reserve grade of lieutenant colonel whose name is not on a recommended list, and the names of such additional officers of the Air Force Reserve in that reserve grade, in order of seniority, as the Secretary may prescribe.

“(c) The board shall recommend the prescribed number of those officers whom it considers to be the best qualified.

“(d) An officer recommended for promotion under this section may be promoted only to fill a vacancy.

**“§ 8372. Commissioned officers: Air Force Reserve; promotion; officers with special qualifications**

“(a) In addition to the method prescribed in sections 8367 and 8371 of this title, whenever there are vacancies in the Air Force Reserve in the reserve grade of captain, major, lieutenant colonel, or colonel, and the Secretary of the Air Force considers that there are or will be an inadequate number of officers in any one of those grades with special qualifications, he may direct a selection board to recommend a prescribed number of officers of the Air Force Reserve with those qualifications for promotion to that reserve grade. Selection for promotion to grades below colonel under this subsection shall be made under the procedures prescribed in section 8367 (a) or 8367 (c) of this title. Selection for promotion to the grade of colonel under this subsection shall be made under the procedures prescribed in the first two sentences of section 8367 (c) of this title.

“(b) Whenever the Secretary considers that the number of officers in the reserve grade of captain, major, lieutenant colonel, or colonel in—

“(1) any unit of the Air Force Reserve that is organized to serve as a unit and is not on active duty or is on active duty for training; or

“(2) the Air Force Reserve, in positions to be filled by officers with a mobilization assignment or designation; is or may become unbalanced, and that there are vacancies in that grade, he may direct that, of the officers to be selected for that grade, a number specified by him be selected from officers of the Air Force Reserve who are not on active duty or are on active duty for training but who are specially qualified for, and are geographically available to fill, those vacancies. Selection for promotion under this subsection shall be made under the procedures prescribed in the first two sentences of section 8367 (c) of this title.

“(c) An officer recommended for promotion under this section may be promoted only to fill a vacancy for which he was recommended.

“(d) Officers on a recommended list may be promoted under this section, in the order in which the officers' names appear on the recommended list, if they meet the requirements of subsection (b).

“(e) If an officer enters upon active duty before being promoted to fill a vacancy for which he was recommended under subsection (b), his name shall be removed from the recommended list.

“(f) If an officer is considered but not recommended for promotion under this section, or if his name is removed from a recommended list under subsection (e), he is not a deferred officer and he shall be treated as if he had not been considered for promotion under this section.

**“§ 8373. Commissioned officers: Air Force Reserve; promotion to brigadier general and major general**

“(a) Having in view the number of actual and anticipated vacancies in the Air Force Reserve in the reserve grade of brigadier general or major general, as the case may be, the Secretary of the Air Force shall furnish to selection boards lists of officers to be considered by those boards and shall direct the boards to recommend a number prescribed by him for promotion to the grade concerned.

“(b) The lists of officers to be considered under subsection (a) shall include the name of the senior officer of the Air Force Reserve in the reserve grade of colonel or brigadier general, as the case may be, whose name is not on a recommended list, and the names of such additional officers in the Air Force Reserve in that reserve grade, in order of seniority, as the Secretary may prescribe. To assure an adequate number of general officers of the Air Force Reserve with experience qualifying them for active service, the Secretary may further direct that of those recommended a specified number be officers with experience qualifying them for active service in a specific position, specialty, or category.

“(c) The board shall recommend the prescribed number of officers whom it considers to be the best qualified, including any prescribed number with special qualifying experience.

“(d) An officer recommended for promotion under this section may be promoted only to fill a vacancy.

**“§ 8374. Commissioned officers: promotion effective as of date of Federal recognition**

“A reserve commissioned officer shall be promoted effective as of the date on which he is extended Federal recognition in the next higher grade in the Air National Guard.

**“§ 8375. Commissioned officers: brigadier general or major general; procedure or reassignment**

“(a) Within 30 days after an officer who was promoted to the reserve grade of brigadier general or major general to fill a vacancy ceases to occupy the position he was promoted to fill, he shall, unless he is assigned to a comparable position of the same or a higher grade, be treated as prescribed in clause (1), (2), or (3), as determined by the Secretary of the Air Force:

“(1) Be transferred in grade to the inactive status list if he is qualified, or if he is qualified and applies therefor, be transferred to the Retired Reserve.

“(2) Be discharged from his reserve appointment and, if he is qualified and applies therefor, be appointed in the reserve grade held by him before his appointment in a reserve general officer grade.

“(3) If not transferred under clause (1) or appointed under clause (2), be discharged from his reserve appointment.

“(b) An officer who is appointed under subsection (a) (2) shall be credited with an amount of service, computed under section 8360 (e) of this title, in the grade in which appointed that is equal to the amount of service computed under that section with which he was credited in that grade and in any higher grade.

**“§ 8376. Commissioned officers: promotion when serving in temporary grade higher than reserve grade**

“(a) A reserve officer who is serving on active duty (other than for training) in a temporary grade which is higher than his reserve grade, and who was promoted to that temporary grade under a general selection board procedure, shall, upon his application, be promoted to the

next higher reserve grade when he completes the amount of service in his current reserve grade prescribed by section 8363 (a) of this title.

“(b) If an officer of the Air National Guard of the United States is eligible and applies for promotion under this section, the governor or other appropriate authority of the jurisdiction concerned may promote him to fill a vacancy specially created, if necessary, in the Air National Guard of the jurisdiction concerned. If he is so promoted, he shall, effective on the date of promotion, be extended Federal recognition in the grade to which promoted, without the examination prescribed in section 307 of title 32. If he is not so promoted in the Air National Guard within 90 days after he applies, his Federal recognition in his reserve grade shall be terminated and he shall be transferred to the Air Force Reserve and promoted therein.

32 USC 307.

“(c) A reserve officer who is serving on active duty (other than for training) in a temporary grade which is higher than his reserve grade retains that temporary grade if he is released from active duty before completing the amount of service prescribed in section 8363 (a) of this title. When he completes that amount of service, an officer of the Air Force Reserve covered by this subsection shall, upon his application, be promoted to the next higher reserve grade, without regard to vacancies. An officer of the Air National Guard covered by this subsection who is promoted to a grade in the Air National Guard which is equal to his temporary grade, shall be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32. If necessary, he shall be carried as an additional number therein until a vacancy occurs, but not for more than two years. If a vacancy does not occur within two years, his Federal recognition shall be terminated and he shall be transferred to the Air Force Reserve.

**“§ 8377. Commissioned officers: effect of removal from recommended list by President**

“(a) If a reserve commissioned officer who is recommended for promotion to a reserve grade is not promoted because the President declines to appoint him, or because the Senate does not consent to his appointment after he has been nominated for appointment in a reserve general officer grade, he continues to be eligible as if he had not been considered for promotion and shall be considered by the next appropriate selection board considering officers of his grade. If he is recommended by the next selection board, his name shall be placed on the recommended list. If he is promoted on the recommendation of that board, he shall be credited with the same amount of service, computed under section 8360 (e) of this title, in the grade to which promoted, that he would have had if he had been promoted as a result of his original selection.

“(b) An officer in the reserve grade of first lieutenant, captain, or major who is not promoted because the President declines to appoint him in the next higher grade, and who is not thereafter promoted because—

“(1) he is considered by a selection board but is not recommended for promotion; or

“(2) the President again declines to appoint him in the next higher grade;

shall, except as provided in sections 1005 and 1006 of this title, be transferred to the Retired Reserve, if he is qualified and applies therefor, or be discharged from his reserve appointment.

**“§ 8378. Commissioned officers: promotion of officers removed from active status**

“(a) A reserve commissioned officer who has been recommended by a selection board for promotion to, or found qualified for Federal recognition in, the next higher reserve grade, and who at the time he would otherwise be promoted is not eligible because he has been removed from an active status, may not, if returned to an active status, be placed on the recommended list unless he is again recommended by a selection board or is again found qualified for Federal recognition in the next higher reserve grade.

“(b) A reserve commissioned officer covered by subsection (a) shall, if returned to an active status, be treated as if he had not been considered by that selection board or examined by the Federal recognition board that found him qualified for that Federal recognition before his return to an active status.

**“§ 8379. Commissioned officers: appointment in Air National Guard; function of governor**

“Notwithstanding any other provision of this chapter, the appointment of commissioned officers of the Air National Guard is a function of the governor or other appropriate authority of the jurisdiction concerned.

**“§ 8380. Commissioned officers: status while serving on active duty after promotion**

“(a) A reserve commissioned officer on active duty (other than for training) who is promoted to a reserve grade that is higher than the grade in which he is serving may not serve on active duty in the reserve grade to which he is promoted and is not entitled to the rank, pay, or allowances of that higher grade unless he is ordered to serve on active duty in that higher grade or is temporarily promoted to that higher grade.

“(b) Except as provided in subsection (c), a reserve commissioned officer on active duty (other than for training) who is promoted to a reserve grade that is higher than the grade in which he is serving continues to serve on active duty in the grade in which he was serving immediately before that promotion, and he may be appointed in a temporary grade that is equal to the grade in which he was so serving before that promotion. Unless he expressly declines it, an officer who is appointed in a temporary grade under this subsection is considered to have accepted the appointment on the date of the orders announcing it, and he need not take a new oath of office upon being so appointed. However, he may decline the temporary appointment within six months after the date of the orders announcing it. If he so declines the appointment, he shall be released from active duty.

“(c) A reserve commissioned officer on active duty (other than for training) who has not completed the period of active duty that he is required by law or regulation to perform as a member of a reserve component, and who is recommended or found qualified for promotion to a higher reserve grade, may not be promoted until he completes that period of active duty or until he is temporarily promoted to a higher grade. Upon completing that period of active duty, or upon being temporarily promoted to that higher grade, he shall, upon his application, be promoted, he is subject to subsection (b), and he shall be credited with the service, computed under section 8360 (e) of this title, in the higher grade that he would have had but for this subsection.

**“§ 8331. Commissioned officers: adjutants general and assistant adjutants general**

“(a) Within 30 days after a reserve officer who is federally recognized in the Air National Guard solely because of his appointment as adjutant general or assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia ceases to occupy that position—

“(1) his Federal recognition shall be withdrawn; and

“(2) he shall—

“(A) be transferred in grade to the Retired Reserve, if he is qualified and applies therefor;

“(B) be discharged from his reserve appointment and appointed in the reserve grade held by him as a reserve officer of the Air Force immediately before his appointment as adjutant general or assistant adjutant general, if he is qualified and applies for that appointment; or

“(C) be discharged from his reserve appointment.

“(b) An officer who is appointed under subsection (a) (2) (B) shall be credited with an amount of service, computed under section 8360 (e) of this title, in the grade in which he is appointed that is equal to the amount of that service with which he was credited in that grade and in any higher grade.

10 USC 8360.

**“§ 8392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general**

“The adjutant general or an assistant adjutant general of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.

**“§ 8393. Commissioned officers: sea or foreign service not to be required for promotion**

“Sea or foreign service may not be made a condition to the promotion of reserve commissioned officers in reserve grades.

(179) The analysis of chapter 837 is amended—

(A) by inserting the following new item:

10 USC 8351-8395.

“8353. Commissioned officers: appointment; service credit.”;

(B) by striking out the following item:

“8354. Commissioned officers; Air Force Reserve: appointment of warrant officers and enlisted members of Air National Guard of United States.”

and inserting the following item in place thereof:

“8354. Commissioned officers: appointment of warrant officers and enlisted members of Air National Guard of United States; status.”; and

(C) by inserting the following new items:

“8358. Commissioned officers: original appointment; service credit.

“8359. Commissioned officers: original appointment; determination of grade.

“8360. Commissioned officers: promotion service.

“8361. Commissioned officers: seniority for promotion purposes.

“8362. Commissioned officers: selection boards.

“8363. Commissioned officers: selection boards, general procedure.

“8365. Commissioned officers: promotion to first lieutenant.

“8366. Commissioned officers: promotion to captain, major, or lieutenant colonel.

“8367. Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure.

“8368. Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel.

“8370. Commissioned officers: promotion of female officers, nurses, and medical specialists.

“8371. Commissioned officers: Air Force Reserve; promotion to colonel.

“8372. Commissioned officers: Air Force Reserve; promotion; officers with special qualifications.

- "8373. Commissioned officers: Air Force Reserve; promotion to brigadier general and major general.
- "8374. Commissioned officers: promotion effective as of date of Federal recognition.
- "8375. Commissioned officers: brigadier general or major general; procedure on reassignment.
- "8376. Commissioned officers: promotion when serving in temporary grade higher than reserve grade.
- "8377. Commissioned officers: effect of removal from recommended list by President.
- "8378. Commissioned officers: promotion of officers removed from active status.
- "8379. Commissioned officers: appointment in Air National Guard; function of governor.
- "8380. Commissioned officers: status while serving on active duty after promotion.
- "8381. Commissioned officers: adjutants general and assistant adjutants general.
- "8392. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.
- "8393. Commissioned officers: sea or foreign service not to be required for promotion."

10 U S C 8441-  
8451.

(180) Chapter 839 is amended—

(A) by adding the following new subsection at the end of section 8444:

"(d) For the purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, each medical or dental officer of the Air Force who is appointed in a temporary grade under subsection (a) with a view to designation as a medical or dental officer shall, when he enters on active duty, be credited with the constructive service authorized by section 8294 (b) of this title."

(B) by amending section 8445 (b) by striking out the figure "8443";

(C) by amending section 8446 to read as follows:

**"§ 8446. Retention on active duty**

"Notwithstanding any other provision of law, the President may retain on active duty any disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans' Administration hospital or until he is processed for physical disability benefits provided by law."

(D) by amending section 8447 (a) by striking out the figure "8443";

(E) by adding the following new section at the end thereof:

**"§ 8452. Medical and dental officers: temporary promotion to captain**

"Notwithstanding any other provision of law, a medical or dental officer may be promoted to the temporary grade of captain at any time after the first anniversary of the date upon which he graduated from a medical, osteopathic, or dental school, as the case may be."

(F) by striking out the following item in the analysis thereof:

"8443. Commissioned officers; Reserves: appointment in higher or lower grade." and

(G) by adding the following new item at the end of the analysis thereof:

"8452. Medical and dental officers: temporary promotion to captain."

10 U S C 8491-  
8504.

(181) Chapter 841 is amended—

(A) by inserting the following new section after section 8492:

**"§ 8494. Commissioned officers: grade in which ordered to active duty**

"A reserve commissioned officer who is ordered to active duty shall be ordered to that duty in his reserve grade unless the Secretary of the



Air Force, in his discretion, orders him to active duty (other than for training) in a higher temporary grade.”; and

(B) by inserting the following new item in the analysis:

“8494. Commissioned officers: grade in which ordered to active duty.”

(182) The analysis of chapter 843 is amended by striking out the following item: 10 USC 8531-8549.

“8546. Duties: medical officers, contract surgeons; attendance on families of members.”

(183) Section 8571 is amended to read as follows: 10 USC 8571.

“§ 8571. Rank: commissioned officers on active duty

“(a) Commissioned officers of the Air Force on active duty in the same grade rank among themselves according to date of rank. The date of rank—

“(1) for an officer of the Regular Air Force serving in his regular grade, is that stated in his commission or letter of appointment:

“(2) for an officer of the Regular Air Force serving in a temporary grade, is his date of appointment in that grade, unless adjusted under section 8572 of this title; and 10 USC 8572.

“(3) for a reserve officer, precedes his date of entry on active duty by a period computed by adding—

“(A) the years of service after July 1, 1955, while in his current grade or in any higher grade, that are credited to him under section 1332 (a) (2) of this title; 10 USC 1332.

“(B) the periods of active service, while in his current grade or in any higher grade, that are not credited to him under clause (A);

“(C) the periods of service, while in the current grade or in any higher grade, that he has performed under section 502, 503, 504, or 505 of title 32, and that are not credited to him under clause (A); and 32 USC 502-505.

“(D) one day for each point for drill or equivalent instruction after July 1, 1955, while in his current grade or in any higher grade, that is credited to him under section 1332 (a) (2) (B) of this title and not credited to him under clause (A).

“(b) When the dates of rank prescribed by subsection (a) are the same, rank is determined by adding all active commissioned service in the Air Force and the Army, all commissioned service under section 502, 503, 504, or 505 of title 32, and all service credited for points under section 1332 (a) (2) (B) of this title.

“(c) When the dates of rank prescribed by subsection (a) and service computed under subsection (b) are the same:

“(1) Regular officers rank before reserve officers.

“(2) Regular officers rank among themselves according to sections 8573 and 8574 of this title. 10 USC 8573, 8574.

“(3) Reserve officers rank among themselves according to age.”

(184) Section 8574 (c) is amended to read as follows:

“(c) Rank among the graduates of each class at the United States Military Academy, United States Naval Academy, or United States Air Force Academy who, upon graduation, are appointed in the Regular Air Force shall be fixed under regulations prescribed by the Secretary.”

(185) Section 8579 (b) is amended by striking out the word “her” and inserting the word “his” in place thereof. 10 USC 8579.

(186) The analysis of chapter 849 is amended by striking out the following item: 10 USC 8631-8639.

“8638. Enlisted members: required to make up time lost.”

10 USC 8685.

(187) Section 8685 (b) is amended by inserting the words "the Air National Guard of the United States or" before the words "the Air Force Reserve".

10 USC 8687.

(188) Section 8687 (1) is amended by inserting the words "under section 270 (b) of this title" after the words "other than for training" in parentheses.

10 USC 8681-8693.

(189) The analysis of chapter 853 is amended by striking out the following items:

"8681. Air Force Register: Regular Air Force officers; service to be listed.

\* \* \* \* \*

"8688. Death gratuity."

10 USC 8721-8723.

(190) Chapter 855 is amended—

(A) by inserting the words "(other than for training under section 270 (b) of this title)" after the words "active duty" in section 8721 (1);

(B) by striking out the words "A. F. R. O. T. C. and" in the catchline of section 8722;

(C) by striking out in section 8722 (a) (3) the words "member of the Air Force Reserve Officers' Training Corps, or person attending a Citizens' Air Training Camp," and inserting the words "person attending a Citizens' Air Training Camp" in place thereof and by striking out the words "9385 or" in the same section; and

(D) by striking out the following item in the analysis thereof:

"8722. Members of A. F. R. O. T. C. and C. A. T. C.; members of Air Force not covered by section 8721 of this title."

and inserting the following item in place thereof:

"8722. Members of C. A. T. C.; members of Air Force not covered by section 8721 of this title."

10 USC 8811-8820.

(191) Chapter 861 is amended—

(A) by inserting the following new section after section 8818:

**"§ 8819. Reserve officers: discharge for failure of promotion to first lieutenant**

"(a) Except as provided by sections 1005 and 1006 of this title, each second lieutenant of the Air Force Reserve who completes three years of service, computed under section 8360 (e) of this title, in that grade shall be discharged from his reserve appointment if he is found to be not qualified for promotion.

"(b) Except as provided by section 1005 of this title, each second lieutenant of the Air National Guard of the United States who completes three years of service, computed under section 8360 (e) of this title, in that grade shall be discharged from his reserve appointment within 90 days after he completes that service, unless before he completes that service he is appointed in the grade of first lieutenant by the governor or other appropriate authority of the jurisdiction concerned."; and

(B) by inserting the following new item in the analysis:

"8819. Reserve officers: discharge for failure of promotion to first lieutenant."

(192) Chapter 863 is amended by striking out the words "[No present sections]" and inserting the following new items and sections after the chapter heading:

"Sec.

"8841. Age 50: female reserve nurses and medical specialists below major.

"8842. Age 55: female reserve nurses and medical specialists above captain.

"8843. Age 60: reserve officers below major general.

"8844. Age 62: reserve major generals, except Chief of National Guard Bureau.

"8845. Age 64: Chief of National Guard Bureau.

"8846. Deferred officers.

"8847. Twenty-five years: female reserve officers below lieutenant colonel, except those designated under section 8067 of this title.

"8848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels.

"8849. Twenty-eight years: female reserve lieutenant colonels, except those designated under section 8067 of this title.

"8850. Thirty years or more: reserve commissioned officers; excessive number.

"8851. Thirty years or five years in grade: reserve colonels and brigadier generals.

"8852. Thirty-five years or more in grade: reserve major generals.

"8853. Computation of years of service.

**"§ 8841. Age 50: female reserve nurses and medical specialists below major**

"After June 30, 1960, each female Air Force nurse or medical specialist whose reserve grade is below major, and whose name is not on a recommended list for promotion to the reserve grade of major, shall, 30 days after the date on which she becomes 50 years of age—

"(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

"(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

**"§ 8842. Age 55: female reserve nurses and medical specialists above captain**

"After June 30, 1960, each female Air Force nurse or medical specialist whose reserve grade is above captain, or whose name is on a recommended list for promotion to the reserve grade of major, shall, 30 days after the date on which she becomes 55 years of age—

"(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

"(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

**"§ 8843. Age 60: reserve officers below major general**

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each commissioned officer whose reserve grade is below major general shall, on the last day of the month in which he becomes 60 years of age—

"(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**"§ 8844. Age 62: reserve major generals, except Chief of National Guard Bureau**

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each commissioned officer whose reserve grade is major general, except the Chief of the National Guard Bureau, shall, on the last day of the month in which he becomes 62 years of age—

"(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**"§ 8845. Age 64: Chief of National Guard Bureau**

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Air Force who is Chief of the National Guard Bureau shall, on the last day of the month in which he becomes 64 years of age—

"(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 8846. Deferred officers**

“(a) Except as provided in sections 1005 and 1006 of this title, a deferred officer who is not recommended for promotion under section 8368 (c) (1) of this title shall, one year and 90 days after the date on which he would have been promoted if he had been recommended by the first selection board that considered him—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Except as provided in sections 1005 and 1006 of this title, a deferred officer who is not recommended for promotion or is found to be not qualified for Federal recognition under section 8368 (c) (2), (d), or (e) of this title, shall, within 90 days after the date on which the report of the selection board or Federal recognition board is approved by the Secretary of the Air Force—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 8847. Twenty-five years: female reserve officers below lieutenant colonel, except those designated under section 8067 of this title**

“After June 30, 1960, each female commissioned officer in an active status in a reserve grade below lieutenant colonel, except an officer whose name is on a recommended list for promotion to the reserve grade of lieutenant colonel, and except an officer designated under section 8067 of this title, shall, 30 days after she completes 25 years of service computed under section 8853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

**“§ 8848. Twenty-eight years: reserve first lieutenants, captains, majors, and lieutenant colonels**

“After June 30, 1960, each officer in an active status in the reserve grade of first lieutenant, captain, or major, and each officer in an active status in the reserve grade of lieutenant colonel who is not on a recommended list for promotion to the reserve grade of colonel, shall, 30 days after he completes 28 years of service computed under section 8853 of this title—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

**“§ 8849. Twenty-eight years: female reserve lieutenant colonels, except those designated under section 8067 of this title**

“(a) After June 30, 1960, each female officer in an active status in the reserve grade of lieutenant colonel, and each female officer whose name is on a recommended list for promotion to the reserve grade of lieutenant colonel, except an officer designated under section 8067 of this title, shall, 30 days after she completes 28 years of service computed under section 8853 of this title—

“(1) be transferred to the Retired Reserve, if she is qualified and applies therefor; or

“(2) if she is not qualified or does not apply therefor, be discharged from her reserve appointment.

“(b) Notwithstanding subsection (a), an officer who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the Air Force, be retained in an active status, but not later than 30 days after she completes 30 years of service computed under section 8853 of this title.

**“§ 8850. Thirty years or more: reserve commissioned officers; excessive number**

“Whenever the Secretary of the Air Force believes that there are too many commissioned officers in an active status, in any reserve grade, who have at least 30 years of service computed under section 8853 of this title or at least 20 years of service computed under section 1332 of this title, he may convene a board to consider all reserve officers in an active status in that grade who have that amount of service. The board shall recommend officers by name for removal from an active status, in the number specified by the Secretary. In the case of an officer so recommended, the Secretary may—

10 USC 1332.

“(1) transfer him to the Retired Reserve, if he is qualified and applies therefor;

“(2) transfer him to an inactive status, if he is qualified; or

“(3) discharge him from his reserve appointment.

**“§ 8851. Thirty years or five years in grade: reserve colonels and brigadier generals**

“(a) After June 30, 1960, each officer in an active status in the reserve grade of lieutenant colonel whose name is on a recommended list for promotion to the reserve grade of colonel, each officer in an active status in the reserve grade of colonel, and each officer in an active status in the reserve grade of brigadier general whose name is not on a recommended list for promotion to the reserve grade of major general, shall, 30 days after he completes 30 years of service computed under section 8853 of this title or on the fifth anniversary of the date of his appointment in the grade in which he is serving, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Notwithstanding subsection (a), an officer in the reserve grade of brigadier general who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the Air Force, be retained in an active status, but not later than the date on which he becomes 60 years of age. Not more than 10 officers may be retained under this subsection at any one time.

**“§ 8852. Thirty-five years or five years in grade: reserve major generals**

“(a) After June 30, 1960, each officer in an active status in the reserve grade of major general, and each officer in an active status in the reserve grade of brigadier general who is on a recommended list for promotion to the reserve grade of major general, shall, 30 days after he completes 35 years of service computed under section 8853 of this title or on the fifth anniversary of the date of his appointment in the grade in which he is serving, whichever is later—

“(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

“(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

“(b) Notwithstanding subsection (a), an officer in the reserve grade of major general who would otherwise be removed from an active status under this section may, in the discretion of the Secretary of the

Air Force, be retained in an active status, but not later than the date on which he becomes 62 years of age. Not more than 10 officers may be retained under this subsection at any one time.

**“§ 8853. Computation of years of service**

“For the purpose of determining whether a reserve commissioned officer may be transferred to the Retired Reserve, or discharged, under this chapter, his years of service are computed by adding—

- “(1) all service as a commissioned officer of any armed force;
  - “(2) all service as a commissioned officer in the federally recognized National Guard before June 15, 1933, or in a federally recognized commissioned status in the National Guard; and
  - “(3) all service credited to him under section 8353 of this title.
- No service may be counted more than once.”

(193) The chapter analysis of subtitle D and the chapter analysis of part II of subtitle D are amended by striking out the following item:

“863. Separation or transfer to Retired Reserve.”

and inserting the following item in place thereof:

“863. Separation or transfer to Retired Reserve..... 8841.”

10 USC 8888.

(194) Section 8888 is amended to read as follows:

**“§ 8888. Computation of years of service: mandatory retirement; regular commissioned officers**

“For the purpose of computing the retired pay of a commissioned officer of the Regular Air Force retired under section 8883, 8884, 8885, or 8886 of this title, his years of service are the greater of—

“(1) the years of service that may be credited to him under section 1405 of this title; or

“(2) his years of service computed under clause (A), (B), (C), (D), (E), (F), (G), or (H), whichever applies:

“(A) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before January 1, 1948, under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

“(i) the years of service credited to him under that Act at the time of his appointment;

“(ii) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(B) For an officer appointed in the Regular Air Force under section 308 of the Women’s Armed Services Integration Act of 1948 (62 Stat. 373), the sum of—

“(i) the years of service credited to her under that section at the time of her appointment;

“(ii) her years of active commissioned service in the Regular Air Force after that appointment;

“(iii) the years of service credited to her under section 27 of the Act enacting this amended section.

“(C) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General’s Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

“(i) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

10 USC 8883-8886.

10 USC 131, 142, 233, 291.

5 USC 627g.

“(ii) the number of days, months, and years by which his age at the time of that appointment exceeded 25 years;

whichever is greater, plus his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment, and the years of service credited to him under section 27 of the Act enacting this amended section.

“(D) For an Air Force nurse or medical specialist, the period of service credited to her under the Army-Navy Nurses Act of 1947, as amended, or credited to her under section 8287 (b) of this title at the time of her appointment, plus her years of active commissioned service in the Regular Air Force after her appointment in the Regular Air Force.

“(E) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before December 31, 1947, other than an officer covered by clause (A), (C), or (D), the sum of—

“(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the Army and the Air Force after becoming 21 years of age and after December 7, 1941, under any earlier appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(F) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force after December 31, 1947, under section 506 of the Officer Personnel Act of 1947 (61 Stat. 890), the sum of—

“(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the armed forces after becoming 21 years of age and after December 6, 1941, under any earlier appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(G) For an officer of the Regular Air Force who was appointed in the Regular Army or the Regular Air Force after December 31, 1947, other than an officer covered by clause (B), (D), (E), or (H), the sum of—

“(i) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the Army and the Air Force after December 31, 1947, under any earlier appointment; and

“(iii) the years of service credited to him under section 27 of the Act enacting this amended section.

“(H) For an officer of the Regular Air Force who was appointed in the Regular Air Force after July 19, 1956, other than an officer who is covered by clause (D) or (F) or who is designated as a medical or dental officer, the sum of—

“(i) his years of active commissioned service in the Regular Air Force after that appointment;

“(ii) his years of active commissioned service in the armed forces after becoming 21 years of age and before that appointment; and

61 Stat. 41.  
10 USC 156note.

10 USC 506c.

“(iii) the years of service credited to him under section 8287 (a) (3), (4), or (5) of this title.”

10 USC 8925.

(195) Section 8925 (b) is amended by striking out the figure “8638” and inserting the figure “972” in place thereof.

10 USC 8927.

(196) Section 8927 is amended—

(A) by amending subsection (a) to read as follows:

10 USC 8913-8923 *passim*.

(a) For the purpose of determining whether a regular commissioned officer may be retired under section 8913, 8915, 8916, 8919, 8921, 8922, or 8923 of this title, his years of service are as follows:

10 USC 131, 142, 233, 291.

“(1) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before January 1, 1948, under the Act of December 28, 1945, ch. 601 (59 Stat. 663), the sum of—

“(A) the years of service credited to him under that Act at the time of his appointment;

“(B) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment; and

“(C) the years of service credited to him under section 27 of the Act enacting this amended section.

“(2) For an officer appointed in the Regular Air Force under section 308 of the Women’s Armed Services Integration Act of 1948 (62 Stat. 373), the sum of—

5 USC 627g.

“(A) the years of service credited to her under that section at the time of her appointment;

“(B) her years of active commissioned service in the Regular Air Force after that appointment; and

“(C) the years of service credited to her under section 27 of the Act enacting this amended section.

“(3) For a reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General’s Department under section 24e of the National Defense Act, as amended (53 Stat. 558)—

“(A) his years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment; or

“(B) the number of days, months, and years by which his age at the time of that appointment exceeded 25 years;

whichever is greater, plus his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment, and the years of service credited to him under section 27 of the Act enacting this amended section.

10 USC 166 note.

“(4) For an Air Force nurse or medical specialist, the period of service credited to her under the Army-Navy Nurses Act of 1947, as amended, or credited to her under section 8287 (b) of this title at the time of her appointment, plus her years of active commissioned service in the Regular Air Force after her appointment in the Regular Air Force.

“(5) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force before December 31, 1947, other than an officer covered by clause (1), (3), or (4), the sum of—

“(A) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

“(B) his years of active commissioned service in the Army and the Air Force after becoming 21 years of age and after December 7, 1941, under any earlier appointment; and

“(C) the years of service credited to him under section 27 of the Act enacting this amended section.



"(6) For an officer of the Regular Air Force appointed in the Regular Army or the Regular Air Force after December 31, 1947, under section 506 of the Officer Personnel Act of 1947 (61 Stat. 890), the sum of—

10 USC 506c.

"(A) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

"(B) his years of active commissioned service in the armed forces after becoming 21 years of age and after December 6, 1941, under any earlier appointment; and

"(C) the years of service credited to him under section 27 of the Act enacting this amended section.

"(7) For an officer of the Regular Air Force who was appointed in the Regular Army or the Regular Air Force after December 31, 1947, other than an officer covered by clause (2), (4), (6), or (8), the sum of—

"(A) his years of active commissioned service in the Regular Army and the Regular Air Force after that appointment;

"(B) his years of active commissioned service in the Army and the Air Force after becoming 21 years of age and after December 31, 1947, under any earlier appointment; and

"(C) the years of service credited to him under section 27 of the Act enacting this amended section.

"(8) For an officer of the Regular Air Force who was appointed in the Regular Air Force after July 19, 1956, other than an officer who is covered by clause (4) or (6) or who is designated as a medical or dental officer, the sum of—

"(A) his years of active commissioned service in the Regular Air Force after that appointment;

"(B) his years of active commissioned service in the armed forces after becoming 21 years of age and before that appointment; and

"(C) the years of service credited to him under section 8287 (a) (3), (4), or (5) of this title."; and

(B) by amending subsection (b) (2) by striking out the words "or (5)" and inserting the words "(5), (6), (7), or (8)" in place thereof.

(197) Section 8962 is amended by striking out subsection (b) and redesignating subsection (c) as subsection "(b)".

10 USC 8962.

(198) Section 8963 (a) is amended by striking out the words "in the Army" and "after September 8, 1940, and before July 1, 1946".

10 USC 8963.

(198A) Section 8964 is amended by striking out the words "after September 8, 1940, and before July 1, 1946".

10 USC 8964.

(199) Section 8966 is amended by striking out the words "to be published annually in the official Air Force Register," in subsections (a) and (b).

10 USC 8966.

(199A) The table in section 8991 is amended by striking out the figures "8962 (b), 8963 (a)," in footnote 2 and inserting the figure "8963 (a)" in place thereof.

10 USC 8991.

(200) The analysis of chapter 873 is amended by striking out the following item:

10 USC 9021-9025.

"9021. Appointment: professional and scientific services."

(201) Section 9353 (b) is amended to read as follows:

10 USC 9353.

"(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Air Force."

(202) Section 9384 is amended—

10 USC 9384.

(A) by inserting the words "including flight instruction," after the words "practical military training"; and

(B) by adding the following new sentence at the end thereof:  
 “The Secretary shall report to Congress in January of each year on the progress of the flight instruction program authorized by this section.”

10 USC 9771-  
9779.

(203) Chapter 949 is amended—

(A) by adding the following new section at the end thereof:

**“§ 9780. Acquisition of buildings in District of Columbia**

“(a) In time of war or when war is imminent, the Secretary of the Air Force may acquire by lease any building, or part of a building, in the District of Columbia that may be needed for military purposes.

“(b) At any time, the Secretary may, for the purposes of the Department of the Air Force, requisition the use and take possession of any building or space in any building, and its appurtenances, in the District of Columbia, other than—

“(1) a dwelling house occupied as such;

“(2) a building occupied by any other agency of the United States; or

“(3) space in such a dwelling house or building.

The Secretary shall determine, and pay out of funds appropriated for the payment of rent by the Department of the Air Force, just compensation for that use. If the amount of the compensation is not satisfactory to the person entitled to it, the Secretary shall pay 75 percent of it to that person, and the claimant is entitled to recover by action against the United States an additional amount that, when added to the amount paid by the Secretary, is determined by the court to be just compensation for that use.”; and

(B) by adding the following new item at the end of the analysis:

“9780. Acquisition of buildings in District of Columbia.”

**AMENDMENTS TO TITLE 32**

70A Stat. 596.  
32 USC 101.

**SEC. 2.** Title 32, United States Code, is amended as follows:

(1) Section 101 is amended—

(A) by redesignating clauses (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16) as clauses “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, and “(17)”, respectively;

(B) by inserting the following clause after clause (1):

“(2) ‘Armed forces’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard.”; and

(C) by adding the following clause at the end thereof:

“(18) ‘Spouse’ means husband or wife, as the case may be.”

(2) Section 109 is amended—

(A) by striking out the words “State defense forces” in subsections (a) and (b) and inserting the following in place thereof: “defense forces authorized by subsection (c)”;

(B) by adding the following new subsections:

“(c) In addition to its National Guard, if any, a State or Territory, Puerto Rico, the Virgin Islands, the Canal Zone, or the District of Columbia may, as provided by its laws, organize and maintain defense forces. A defense force established under this section may be used within the jurisdiction concerned, as its chief executive (or commanding general in the case of the District of Columbia) considers necessary, but it may not be called, ordered, or drafted into the armed forces.

“(d) A member of a defense force established under subsection (c) is not, because of that membership, exempt from service

32 USC 109.

in the armed forces, nor is he entitled to pay, allowances, subsistence, transportation, or medical care or treatment, from funds of the United States.

“(e) A person may not become a member of a defense force established under subsection (c) if he is a member of a reserve component of the armed forces.”

(3) Chapter 1 is amended by adding the following new section 32 USC 101-110.

**“§ 111. Suspension of certain provisions of this title**

“In time of war, or of emergency declared by Congress, the President may suspend the operation of any provision of sections 307 (e), 309, 310, and 323 (d) and (e) of this title with respect to the Army National Guard or the Air National Guard.” 32 USC 307, 309, 310, 323.

(4) The analysis of chapter 1 is amended by adding the following new item at the end thereof:

“111. Suspension of certain provisions of this title.”

(5) Section 305 is amended as follows: 32 USC 305.

(A) By striking out the word “Only” at the beginning and inserting the following in place thereof: “(a) Except as provided in subsection (b), only male”.

(B) By adding the following new subsection at the end thereof:

“(b) Women are eligible for Federal recognition as commissioned officers of the National Guard, with a view to serving as nurses or medical specialists. However, to be eligible for Federal recognition under this section with a view to serving as a nurse, a woman must be a graduate of a hospital or university training school and a registered nurse.”

(6) Section 307 is amended— 32 USC 307.

(A) by striking out the words “subsection (d)”, in subsection (a) (3), and inserting the words “subsections (d) and (e) of this section and sections 8365 and 8366 of title 10” in place thereof; and

(B) by adding the following new subsections at the end thereof:

“(e) Subject to subsection (a) (1) and (2), Federal recognition shall be extended to each officer of the Air Force Reserve who is appointed in a commissioned grade in the Air National Guard to fill a vacancy, if on the date on which he is appointed his reserve grade is the same as the grade in which he is appointed or his name is on a recommended list for promotion to that reserve grade.

“(f) Federal recognition extended under subsection (d) or (e) is effective from the date of appointment in the Army National Guard or the Air National Guard, as the case may be.”

(7) Chapter 3 is amended by inserting the following sections after section 308:

**“§ 309. Federal recognition of officers: Army National Guard; officers promoted to fill vacancies**

“Each officer of the Army National Guard who is promoted to fill a vacancy in a federally recognized unit thereof, and who is eligible for promotion under section 3363 (b) of title 10, shall be examined for Federal recognition in the grade to which he is promoted. However, a second lieutenant or first lieutenant of the Army National Guard who has served creditably for at least one year in a position prescribed to be filled by a captain, and who has not previously been federally recognized under this section, may be examined for Federal recognition in the next higher grade without regard to section 3363 (b) of title 10.

**“§ 310. Federal recognition of officers: Army National Guard; automatic recognition**

32 USC 307, 309.

“(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the Army National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade of first lieutenant, effective as of the date on which he completes three years of service computed under section 3360 (a) of title 10.

“(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the Army National Guard to fill a vacancy in a federally recognized unit thereof, Federal recognition is automatically extended to him in the grade in which he is so appointed in the Army National Guard, if he has been recommended for promotion to the grade concerned under section 3366, 3367, 3370, or 3383 of title 10 and has remained in an active status since he was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the Army National Guard.”

(8) The analysis of chapter 3 is amended by inserting the following new items:

“309. Federal recognition of officers: Army National Guard; officers promoted to fill vacancies.

“310. Federal recognition of officers: Army National Guard; automatic recognition.”

32 USC 313.

(9) Section 313 (b) is amended to read as follows:

“(b) To be eligible for appointment as an officer of the National Guard, a person must—

“(1) be a citizen of the United States;

“(2) be at least 18 years of age and under 64; and

“(3) in the case of a woman appointed with a view to serving as a nurse or medical specialist, be at least 21 years of age and under 64.”

32 USC 321.

(10) Section 321 is amended to read as follows:

**“§ 321. Death gratuity**

“(a) Except as provided in subsection (h), the Secretary of the Army or the Secretary of the Air Force, as the case may be, shall have a death gratuity paid to or for the survivor prescribed by subsection (e) immediately upon receiving official notification of the death of a member of the National Guard who—

“(1) dies while performing full-time training or duty under section 316, 502, 503, 504, or 505 of this title or while performing authorized travel to or from that training or duty;

“(2) dies while performing other training or duty under one of those sections or under section 301 of title 37; or

“(3) when authorized or required by an authority designated by the Secretary concerned, assumed an obligation to perform training or duty under one of those sections or under section 301 of title 37 (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service), and who dies from an injury incurred by him after December 31, 1956, while traveling directly to or from that training or duty.

“(b) Except as provided in subsection (h), the Secretary of the Army or the Secretary of the Air Force, as the case may be, shall have a death gratuity paid to or for the survivor prescribed by subsection (e) of each member of the National Guard who dies within 120 days after his discharge or release from—

32 USC 316, 502-505.

37 USC 301.

“(1) full-time training or duty under section 316, 502, 503, 504, or 505 of this title; or

“(2) other training or duty performed under one of those sections or under section 301 of title 37 (other than work or study in connection with a correspondence course of an armed force or attendance, in an inactive status, at an educational institution under the sponsorship of an armed force or the Public Health Service);

32 USC 316, 502-505.

37 USC 301.

if the Administrator of Veterans' Affairs determines that the death resulted from (A) disease or injury incurred or aggravated while performing training or duty under clause (1) or the travel described in subsection (c), or (B) injury incurred or aggravated while performing training or duty under clause (2) or the travel described in subsection (c) (2).

“(c) The travel covered by subsection (b) is—

“(1) authorized travel to or from the training or duty described in subsection (b) (1); or

“(2) travel directly to or from the training or duty described in subsection (b) (1) or (2) that is performed by a member of the National Guard who, when authorized or required by an authority designated by the Secretary concerned, assumed an obligation to perform that training or duty, and whose injury was incurred or aggravated after December 31, 1956.

“(d) For the purposes of subsections (b) and (c), the standards and procedures for determining the incurrence or aggravation of a disease or injury are those applicable under the laws relating to disability compensation administered by the Veterans' Administration, except that there is no requirement under this section that any incurrence or aggravation have been in line of duty.

“(e) A death gratuity payable upon the death of a person covered by subsections (a)–(d) shall be paid to or for the living survivor named in section 1477 of title 10, except that references in that section to section 1475 or 1476 shall be treated as references to subsection (a) or subsections (b)–(d) of this section, as the case may be.

“(f) The death gratuity payable under this section shall be equal to 6 months' pay at the rate to which the decedent was entitled on the date of his death, except that the gratuity may not be less than \$800 or more than \$3,000. For this purpose:

“(1) A person covered by subsection (a), (b), or (c) is considered to have been entitled, on the date of his death, to pay at the rate to which he was entitled on the last day on which he performed training or duty.

“(2) A person covered by subsection (a), (b), or (c) who performed training or duty without pay is considered to have been performing that training or duty with pay.

“(3) A person covered by subsection (a), (b), or (c) who incurred a disability while performing training or duty under section 316, 502, 503, 504, or 505 of this title or under section 301 of title 37 and who became entitled to basic pay while receiving hospital or medical care, including out-patient care, for that disability, is considered to have been on that training or duty for as long as he is entitled to that pay.

32 USC 316, 502-505.

37 USC 301.

“(g) The Secretary of the Army, the Secretary of the Air Force, and the Administrator of Veterans' Affairs have the same obligations with respect to payments under subsections (a), (b), and (c) as they have under sections 1479 and 1480 (c) of title 10.

“(h) Payments under this section are subject to the restrictions that section 1480 (a), (b), and (d) of title 10 imposes on payments under sections 1475–1477 of that title.”

32 USC 323.

(11) Section 323 is amended by adding the following new subsections at the end thereof:

10 USC 3820.

“(d) Except as provided in sections 1005 and 1006 of title 10, the Federal recognition of a second lieutenant of the Army National Guard who is discharged under section 3820 (c) of title 10 for failure of promotion shall be withdrawn on the date of that discharge.

“(e) Except as provided in sections 1005 and 1006 of title 10, the Federal recognition of a reserve officer of the Air Force who is not recommended for promotion under section 8368 (c) (1) or (2) of title 10, or who is found to be not qualified for Federal recognition under section 8368 (d) or (e) of title 10, shall be withdrawn.”

32 USC 701-713.

(12) Chapter 7 is amended by adding the following new section at the end thereof:

**“§ 714. Final settlement of accounts: deceased members**

“(a) In the settlement of the accounts of a member of the National Guard who dies after December 31, 1955, an amount due from the armed force of which he was a member shall be paid to the person highest on the following list living on the date of death:

“(1) Beneficiary designated by him in writing to receive such an amount, if the designation is received, before the deceased member's death, at the place named in regulations to be prescribed by the Secretary concerned.

“(2) Surviving spouse.

“(3) Children and their descendants, by representation.

“(4) Father and mother in equal parts or, if either is dead, the survivor.

“(5) Legal representative.

“(6) Person entitled under the law of the domicile of the deceased member.

“(b) Designations and changes of designation of beneficiaries under subsection (a) (1) are subject to regulations to be prescribed by the Secretary concerned. So far as practicable, these regulations shall be uniform with those prescribed for the armed forces under section 2771 (b) of title 10.

“(c) Under such regulations as the Comptroller General may prescribe, payments under subsection (a) shall be made by the Department of the Army or the Department of the Air Force, as the case may be. Payments under clauses (2)–(6) of subsection (a) may be paid only after settlement by the General Accounting Office.

“(d) A payment under this section bars recovery by any other person of the amount paid.”

(13) The analysis of chapter 7 is amended by adding the following new item at the end thereof:

“714. Final settlement of accounts: deceased members.”

**PARTS OF TITLE 10 ADOPTED FOR COAST AND  
GEODETIC SURVEY**

33 USC 857a.

**SEC. 3. Section 3 (a) of the Act of August 10, 1956, ch. 1041 (70A Stat. 619), is amended—**

(1) by amending clause (2) to read as follows:

“(2) Chapter 69, Retired Grade, except sections 1374, 1375, and 1376 (a).”;

(2) by amending clause (5) to read as follows:

“(5) Chapter 75, Death Benefits.”;

(3) by redesignating clause (6) as clause “(7)”;

(4) by inserting the following new clause after clause (5):

“(6) Section 2771, Final settlement of accounts: deceased members.”

## PARTS OF TITLE 10 ADOPTED FOR PUBLIC HEALTH SERVICE

**SEC. 4.** Section 221 of the Public Health Service Act is amended—

70A Stat. 619.  
42 USC 213a.

(1) by striking out the word “chapters” and inserting the word “provisions” in place thereof;

(2) by striking out clause (1);

(3) by renumbering clauses (2), (3), (4), (5), and (6) as clauses “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively;

(4) by amending clause (1), as so renumbered, to read as follows:

“(1) Chapter 61, Retirement or Separation for Physical Disability, except that sections 1201, 1202, and 1203 do not apply to commissioned officers of the Public Health Service who have been ordered to active duty for training for a period of more than 30 days.”;

10 USC 1201-1203.

(5) by amending clause (2), as so renumbered, to read as follows:

“(2) Chapter 69, Retired Grade, except sections 1374, 1375, and 1376 (a).”;

(6) by amending clause (5), as so renumbered, to read as follows:

“(5) Chapter 75, Death Benefits.”; and (7) by inserting the following new clause before clause (7):

“(6) Section 2771, Final settlement of accounts: deceased members.”

### AMENDMENTS TO TITLE 14, COAST GUARD

**SEC. 5.** Title 14, United States Code, is amended as follows:

14 USC 531-653.

(1) Chapter 17 is amended by striking out the following item in the analysis thereof:

“640. Interchange of supplies between Army, Navy, and Coast Guard.”

(2) Chapter 21 is amended by adding the following new subchapter at the end thereof:

14 USC 751-762.

### “COMMISSIONED OFFICERS

#### “§ 770. Definitions

“As used in sections 770 to 795, inclusive, of this title—

“(1) ‘Secretary’ means the Secretary of the respective department in which the Coast Guard is operating;

“(2) ‘Reserve’ means the Coast Guard Reserve;

“(3) ‘Reserve officer’ means a commissioned officer in the Coast Guard Reserve, except those officers specifically excluded by section 771 of this title, and except commissioned warrant officers;

“(4) ‘promotion’ and ‘promoted’, unless otherwise specified or required by the context, refer to the appointment of a Reserve officer in the next higher grade as a Reserve officer of the Coast Guard;

“(5) ‘grade’ means, unless otherwise specified, the permanent grade of a Reserve officer;

“(6) ‘points’ means points credited under section 1332 (a) (2) of title 10, United States Code;

10 USC 1332.

“(7) ‘active status’ means the status of a Reserve officer who is not on the Inactive Status List, or in the Retired Reserve;

“(8) ‘discharged’ means discharged from an appointment as a Reserve officer;

“(9) ‘this subchapter’ means sections 770 to 795, inclusive, of this title.

**“§ 771. Applicability of this subchapter**

“(a) This subchapter applies:

“(1) only to the Coast Guard Reserve;

“(2) equally to women members of the Reserve except where the context indicates otherwise.

“(b) This subchapter does not apply to:

“(1) officers of the Reserve whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the United States Coast Guard;

“(2) temporary members of the Coast Guard Reserve.

“(c) Officers excluded under subsection (b) (1) of this section shall be considered for promotion under the regulations governing promotions of officers of the Regular Coast Guard as though such officers were officers of the Regular Coast Guard.

**“§ 772. Authorized number of officers**

“(a) The authorized number of officers in the Coast Guard Reserve in active status is six thousand. The actual number of Reserve officers in active status at any time shall not exceed these authorized numbers unless the Secretary shall determine that a greater number is necessary for planned mobilization requirements, or unless such excess shall result directly from the operation of mandatory provisions of this or other laws.

“(b) The authorized number of officers of the Coast Guard Reserve in active status in each of the grades below the grade of rear admiral shall be a percentage of the total number of such officers in active status below the grade of rear admiral, and shall be 0.6 percent in the grade of captain, 3.5 percent in the grade of commander, 25 percent in the grade of lieutenant commander, 37 percent in the grade of lieutenant, and 33.9 percent in the combined grades of lieutenant (junior grade) and ensign, except that when the actual number of Coast Guard Reserve officers in active status in any grade is less than the number which is so authorized, the difference may be applied to increase the authorized number in any lower grade or grades. No Reserve officer shall be reduced in rank or grade solely because of a reduction in an authorized number provided in this subsection. The authorized number of Coast Guard Reserve officers in active status in the grade of rear admiral shall be two.

“(c) The Secretary may determine the number of Reserve officers in each grade who may be promoted annually under the provisions of this subchapter. The number which shall be so determined for each grade shall be the number deemed to be necessary to provide equitable opportunity for promotion among succeeding groups of Reserve officers and an adequate continuing strength of Reserve officers in an active status, and shall not cause the number of Reserve officers in active status in any grade to exceed the number authorized in this section for that grade.

**“§ 773. Constructive credit upon initial appointment**

“Upon appointment as a Coast Guard Reserve officer, a person who holds no appointment as a commissioned officer of the Armed Forces may be placed in a commensurate position on the Reserve lineal list to reflect his combined years of experience, education, and such other qualifications as may be prescribed by regulations promulgated by the Secretary. Any such person who is appointed for the purpose of or with a view to assignment or designation as a Law Specialist of the Coast Guard Reserve shall, for purposes of this subchapter only, be credited with a minimum amount of service in an active status of three years, and a person holding a degree of Doctor of Philosophy, or comparable degree, in a science allied to



medicine as may be determined by the Secretary, may be credited with a minimum amount of service in an active status of three years if appointed for an assignment comparable to that of an officer in the Medical Service Corps of the Army.

**“§ 774. Eligibility for promotion; retention in active status**

“To be eligible for consideration for promotion and to be eligible for promotion under this subchapter, a Reserve officer must be in an active status.

**“§ 775. Selection boards; appointment**

“(a) Selection boards and other boards of officers appointed under this subchapter shall be appointed and convened by the Secretary or by such competent authority as the Secretary may direct.

“(b) At least 50 percent of the members of any selection board appointed under the provisions of this subchapter shall, to the extent practicable, be Reserve officers. All members of any selection board shall be senior in permanent grade and temporary rank to any officer being considered by that board.

“(c) Selection boards shall serve for such length of time as the Secretary may prescribe, but no board shall serve longer than one year. No officer shall serve on two consecutive selection boards when the second of such boards considers any of the officers who were considered but not recommended for promotion to the same grade by the first selection board upon which he served.

“(d) Each selection board shall be composed of not less than five members which number shall constitute a quorum. Every officer who is appointed a member of a selection board will swear or affirm that he will without prejudice or partiality and, having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed on him as a member of such board. Not less than a majority of the total membership of any selection board must concur in each recommendation made by the board.

“(e) Any officer eligible for consideration for promotion by any selection board shall have the right to forward through official channels a written communication inviting attention to any matter of record in the Armed Forces concerning himself which he deems important to his consideration which must arrive at a time not later than the convening of the selection board. The communication may not criticize or reflect upon the character, conduct, or motive of any officer.

**“§ 776. Grade on entry upon active duty**

“Reserve officers who are hereafter ordered to active duty or active duty for training shall be so ordered in the grades held by them as Reserve officers except that the Secretary may, in his discretion, order such officers to active duty in any higher temporary grade.

**“§ 777. Recommendation for promotion of officers previously removed from active status**

“Any Reserve officer recommended for promotion by a selection board who, at the time he otherwise would be promoted, is not eligible therefor because he has been removed from an active status, shall not, if returned to an active status, be placed on a recommended list for promotion until subsequently recommended for promotion by a selection board and shall not be deemed to have been considered for promotion by the selection board which last considered him prior to the time he is returned to an active status.

**“§ 778. Suspension of this subchapter in war or national emergency**

“In time of war or national emergency declared by the Congress, the President is authorized, in his discretion, to suspend the operation of all or any of the sections of this subchapter. If any or all of such sections are suspended by the President under this section, the Secretary of Defense, prior to the sections suspended being again placed in operation, shall recommend to Congress necessary legislation designed to adjust the grades of Reserve officers and such legislation shall be, insofar as practicable, comparable to any similar legislation recommended for adjustment of the grades of officers of the Regular Coast Guard.

**“§ 779. Sea or foreign service requirements**

“There shall be no requirement for sea or foreign service for the promotion of Reserve officers under this subchapter.

**“§ 780. Promotion; recommendations of selection boards**

“(a) Except as otherwise provided by law, all promotions of Reserve officers shall be effected pursuant only to the recommendation of a selection board.

“(b) Selection boards shall be convened from time to time so that Reserve officers in the promotion zone for a particular grade will receive consideration for promotion concurrently with, or as soon as practicable after, their running mates. Separate boards may be convened to consider officers in one or more grades; or one board may be convened to consider officers in all grades, whichever is most practicable, provided that all members of such boards shall be senior to all officers to be considered by the board.

“(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, and without regard to existing precedence or seniority, shall recommend for promotion those officers whom it considers to be qualified to assume the duties of the next higher grade. Such officers shall receive consideration in the order of their relative seniority and when the number of officers found to be qualified equals the number of vacancies to be filled, the board need not consider any officers junior to the last officer found to be qualified and recommended for promotion.

“(d) Any such junior officers not considered pursuant to subsection (c) of this section shall not be considered to have failed of selection, and the names of such officers shall be again submitted to the next ensuing selection board.

“(e) The law and regulations now or hereafter existing relating to the selection for promotion of commissioned officers of the Coast Guard to the grade of rear admiral shall apply to officers of the Reserve except that no officer in the grade of captain shall be eligible for consideration who has not completed a minimum of twenty years of total commissioned Coast Guard or Coast Guard Reserve service. Until January 1, 1963, for purposes of this subsection, in addition to actual commissioned service, a Reserve officer initially appointed in a grade above that of ensign shall be allowed a period of constructive service equal to that of the regular officer next senior to him in precedence who has served continuously on active duty and who has not lost numbers or precedence, computed from the date of such regular officer's first appointment as ensign up to the date of original appointment of such Reserve officer.

“(f) The report of each promotion board shall be submitted to the Commandant for review and transmission to the President for approval. In case any officer or officers recommended by a board for promotion are not acceptable to the President, the final action by the President will disapprove their selection for promotion.

“(g) The recommendations of promotion boards, as approved by the President, will constitute promotion lists from which promotion of officers of the Reserve will be made, subject to establishment of physical qualification and verification that service subsequent to the convening of the promotion board has remained of satisfactory character. Officers on a promotion list will remain thereon until promoted unless removed by the President for due cause. If an existing promotion list has not been exhausted by the time a later list has been approved, all remaining officers on the older list shall be tendered appointments before use of the later list is commenced.

“(h) The procedure of selection boards and the procedures for effecting the promotion of those officers selected shall be as determined by the Secretary.

#### “§ 781. Precedence

“Officers of the Reserve shall have rank and take precedence in their respective grades among themselves and with officers of the same grades of the Regular Coast Guard respectively in accordance with the dates of rank as stated in their commissions. When Reserve and Regular officers have the same date of rank in a grade, such officers shall take precedence as determined by the Secretary.

#### “§ 782. Running mates

“(a) Each officer of the Reserve in an active status shall have a running mate who shall be the officer of the Regular Coast Guard of the same grade, exclusive of extra numbers, who is next senior to him in precedence as determined in the manner prescribed in section 781 of this title.

“(b) When necessary, new running mates shall be determined at the times and in the manner set forth below:

“(1) If a running mate is retired, dies, or otherwise is separated from the service, suffers loss of numbers, or fails to qualify for promotion, the new running mate shall be the officer of the Regular Coast Guard of the same grade who was next senior to the old running mate, exclusive of extra numbers, or if there be no such Regular officer then the most senior Regular officer in the grade.

“(2) If an officer of the Reserve suffers loss of numbers, the new running mate shall be the officer of the Regular Coast Guard, exclusive of extra numbers, who is the running mate of the Reserve officer next senior to the officer concerned after the loss of numbers has been effected.

“(3) If an officer of the Reserve fails of selection or fails to qualify for promotion and his running mate is promoted, the new running mate shall be the senior officer of the Regular Coast Guard remaining in that grade, exclusive of extra numbers, whose name is not on a promotion list.

“(4) If a running mate is retarded in rate of promotion or has attained the highest rank to which he may be promoted, the new running mate shall be the officer of the Regular Coast Guard who is next senior to the old running mate, exclusive of extra numbers, or if there be no such Regular officer then the Regular officer of the same grade who is next eligible for promotion. An officer shall be considered to have been retarded when another officer in his grade junior to him is eligible for promotion ahead of him. If subsequently the old running mate is promoted and is restored to the precedence he would have held but for the retardation, he shall be reassigned as the running mate of the Reserve officer concerned.

**“§ 783. Promotion zone**

“Subject to the provisions of section 774 of this title—

“(a) an officer of the Reserve shall be deemed to be in the promotion zone when his running mate is in the promotion zone and shall then become eligible for consideration by a selection board for promotion to the next higher grade at approximately the same time as his running mate is considered for promotion; and

“(b) an officer whose name is on a promotion list, shall, unless his promotion is withheld pursuant to applicable laws or regulations, be tendered an appointment in the next higher grade at the same time, or as soon thereafter as practicable, as a similar appointment is tendered to his running mate.

**“§ 784. Date of rank upon promotion; entitlement to pay**

“When an officer of the Reserve is promoted to the next higher grade under the provisions of this subchapter either for temporary service or for service in permanent grade, he shall be assigned the same date of rank as that assigned to his running mate for either and/or both types of service and a Reserve officer so promoted shall be allowed pay and allowances of the higher grade for duty performed from the date of his appointment thereto.

**“§ 785. Limitation on consideration for promotion**

“No officer of the Reserve shall receive consideration for promotion or be promoted under any provision of law unless he has attained the minimum number of points prescribed by the Secretary. Such number of points shall not exceed fifty points per anniversary year.

**“§ 786. Qualifications for promotion**

“(a) No officer of the Coast Guard Reserve shall be promoted to a higher grade until he has been found to be mentally, morally, professionally, and physically qualified therefor.

“(b) Subsection (a) of this section shall not exclude from the promotion to which he would otherwise be regularly entitled any Reserve officer in whose case a medical board may report that his physical disqualification for duty at sea or in the field was occasioned by wounds received in the line of duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

**“§ 787. Failure of selection and elimination**

“(a) A Reserve officer not above the grade of lieutenant after failing of selection for promotion to the next higher grade for a second time may be retained in or eliminated from an active status in the discretion of the Secretary. Other Reserve officers whose names are not on a promotion list after failing of selection for promotion to the next higher grade a second time shall be given an opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged on June 30 of the fiscal year in which they have completed the following periods of total commissioned service for the grades specified:

Grade	Total commissioned service
Captain.....	30 years
Commander.....	26 years
Lieutenant Commander.....	20 years

For the purposes of this subsection, the total commissioned service of an officer who shall have served continuously in the Coast Guard Reserve following appointment therein in the grade or rank of ensign shall be computed from June 30 of the fiscal year in which he accepted

appointment. Each Reserve officer initially appointed in a grade above that of ensign shall be deemed to have for these purposes, as much total commissioned service as any officer of the Regular Coast Guard who has served continuously since original appointment as ensign, has not lost numbers or precedence and who is, or shall have been, junior to such Reserve officer, except that the total commissioned service that such Reserve officer shall be deemed to have shall not be less than the actual number of years he has served in commissioned officer status above the grade of commissioned warrant officer.

“(b) A Reserve officer who is eliminated from an active status under this section—

“(1) shall be afforded an opportunity to request transfer to the Retired Reserve, if qualified; and

“(2) if qualified, and he elects transfer to the Retired Reserve, shall be so transferred; or

“(3) if not transferred to the Retired Reserve under (1) and (2) above, he shall be transferred to the Inactive Status List or discharged in the discretion of the Secretary.

“(c) Notwithstanding subsection (a), a reserve commissioned officer, other than a commissioned warrant officer, who is assigned to the Selective Service System may be retained in an active status in that assignment until he becomes 60 years of age.

#### “§ 788. Effect of removal by the President or failure of consent of Senate

“The President may remove the name of any officer from the promotion list. An officer whose name is so removed from the promotion list, or one whose appointment to flag rank is rejected by the Senate, shall continue to be eligible for consideration for recommendation for promotion. The next ensuing selection board may recommend the officer concerned for promotion, and thereupon, with the approval of the President, the name of such officer shall be replaced on the promotion list, without prejudice by reason of its having been temporarily removed therefrom, and when promoted such officer shall take the same rank and date of rank that he would have had had his name not been so removed. If such officer is not so recommended by such next ensuing selection board or if the President shall again remove his name from the promotion list or if the Senate shall again reject his appointment, he shall be held for all purposes to have twice failed of selection for promotion.

#### “§ 789. Maximum ages for retention in active status

“(a) A Reserve officer, if otherwise qualified, shall be transferred to the Retired Reserve on the date upon which he becomes sixty-two years of age, except that a Reserve officer initially appointed prior to January 1, 1953, at such age that completion of twenty years of satisfactory Federal service for retirement purposes cannot be accomplished by age sixty-two may be retained in an active status not later than the date upon which he becomes sixty-four years of age.

“(b) Notwithstanding subsection (a) of this section, the Secretary may authorize such classes or categories of Reserve flag officers as he may designate to be retained in an active status not later than the date on which the officer concerned becomes sixty-four years of age.

“(c) Except as provided in subsections (a) and (b) of this section, a Reserve officer shall, unless transferred to the Retired Reserve, be discharged effective upon the date he reaches sixty-two years of age.

**“§ 790. Type of promotion; temporary; permanent**

“(a) Notwithstanding any other law, if a Reserve officer is promoted when his or her running mate in the Regular Coast Guard is promoted and such promotion of the Regular running mate is on a temporary basis, the promotion of the Reserve officer concerned shall be on a temporary basis, and if subsequently the Regular running mate is reverted to a lower grade (for reasons other than disciplinary or for incompetence or at his own request), the Reserve officer shall likewise revert to the same lower grade in the same manner as his running mate in the Regular service and take corresponding precedence.

“(b) An officer of the Reserve shall be promoted for temporary service or promoted permanently dependent upon the character of the promotion extended to his running mate. Subject to satisfactory service, under such appointment for temporary service, the appointment of the officer of the Reserve will be made permanent when that of his running mate is made permanent or would have been made permanent if his temporary service in the higher grade was found to have been satisfactory.

**“§ 791. Promotion of officers on active duty**

“While serving on extended active duty, an officer of the Reserve may be promoted for temporary service in the same manner as an officer of the Regular Coast Guard. If so promoted by reason of being on active duty, the officer concerned will be considered an extra number in the higher grade of the Reserve and when released from such active duty, unless permanently promoted while on extended active duty, shall resume his permanent rank and status in the Reserve. Such officers shall also be considered by promotion boards for officers of the Reserve if they otherwise meet the requirements of this subchapter and the regulations of the Secretary and may be promoted in the normal manner for Reserve officers if qualified under the provisions of this subchapter.

**“§ 792. Appointment of former Navy and Coast Guard officers**

“Former officers of the Navy or Coast Guard who are appointed in the Reserve in the same grades or ranks held in the Regular Navy or Coast Guard as a result of application therefor, made within one year from date of resignation from the Navy or Coast Guard, shall be given the same date of rank as that held by them in the Navy or Coast Guard.

**“§ 793. Grades upon relief of retired officers**

“(a) Reserve officers of the Retired Reserve or officers on a Reserve retired list, when recalled to active duty, shall be recalled in the grades authorized or which may hereafter be authorized for the recall of Regular retired officers.

“(b) Notwithstanding any other provisions of this subchapter, any officer recalled to active duty pursuant to subsection (a) of this section and who is advanced to a higher grade under a temporary appointment shall, upon relief from active duty, if his performance of duty under such temporary appointment was satisfactory, be advanced on the retired list to the highest grade held while on active duty.

**“§ 794. Regulations**

“The Secretary may prescribe such regulations, not inconsistent with this subchapter, as he may deem necessary and appropriate in the premises.

**“§ 795. Effect of this subchapter on retirements and retired pay**

“Except as provided in subsection 793 (b), nothing in this subchapter authorizes the retirement of Reserve officers or the payment of retired, retirement, or severance pay to such officers, or to affect in any manner provisions of law relating to the retirement of, or the granting of retired or retirement pay or other benefits to, Reserve officers.”

(3) The analysis of chapter 21 is amended by adding the following new heading and items at the end thereof:

**“COMMISSIONED OFFICERS**

- “770. Definitions.
- “771. Applicability of this subchapter.
- “772. Authorized number of officers.
- “773. Constructive credit upon initial appointment.
- “774. Eligibility for promotion; retention in active status.
- “775. Selection boards; appointment.
- “776. Grade on entry upon active duty.
- “777. Recommendation for promotion of officers previously removed from active status.
- “778. Suspension of this subchapter in war or national emergency.
- “779. Sea or foreign service requirements.
- “780. Promotion; recommendations of selection boards.
- “781. Precedence.
- “782. Running mates.
- “783. Promotion zone.
- “784. Date of rank upon promotion; entitlement to pay.
- “785. Limitation on consideration for promotion.
- “786. Qualifications for promotion.
- “787. Failure of selection and elimination.
- “788. Effect of removal by the President or failure of consent of Senate.
- “789. Maximum ages for retention in active status.
- “790. Type of promotion; temporary; permanent.
- “791. Promotion of officers on active duty.
- “792. Appointment of former Navy and Coast Guard officers.
- “793. Grades upon relief of retired officers.
- “794. Regulations.
- “795. Effect of this subchapter on retirements and retired pay.”

**AMENDMENT TO ACT OF JULY 23, 1947, CHAPTER 301**

SEC. 6. Section 16 of the Act of July 23, 1947, chapter 301 (61 Stat. 413), as amended, is amended to read as follows:

“SEC. 16. Notwithstanding the limitations contained in subsection (a) of section 435, and subsection (a) of section 436, of title 14, United States Code, the authority granted by those sections may be exercised until—

“(1) such time as the Secretary of the Treasury determines that the number of officers holding permanent appointments on the active list of the Coast Guard is equal to 95 percent of the number of such officers authorized by law, exclusive of extra numbers; or

“(2) January 1, 1962; whichever occurs earlier.”

**AMENDMENTS TO REVISED STATUTES**

SEC. 7. (a) Section 189 of the Revised Statutes (5 U. S. C. 49) is amended by adding the following new sentence at the end thereof: “This section does not apply to the employment of counsel under section 1037 of title 10, United States Code.”

(b) Section 365 of the Revised Statutes (5 U. S. C. 314) is amended by adding the following new sentence at the end thereof: “This section does not apply to the compensation of counsel under section 1037 of title 10, United States Code.”

## AMENDMENT TO OFFICER PERSONNEL ACT OF 1947

34 USC 3a.

34 USC 305g.

SEC. 8. The Officer Personnel Act of 1947 (61 Stat. 795), as amended, is amended by inserting the words "other than the Medical and Dental Corps" in the first sentence of section 211 (e) (1) after the words "a staff corps" and striking out from that sentence the words "if of other than the Medical Corps, and in the preceding calendar year if of the Medical Corps".

## AMENDMENT TO UNIVERSAL MILITARY TRAINING AND SERVICE ACT

SEC. 9. Section 4 (d) (3) of the Universal Military Training and Service Act, as amended (50 App. U. S. C. 454 (d) (3)), is amended by adding the following at the end thereof:

"Each such person, on release from active training and service in the Armed Forces or from training in the National Security Training Corps, shall, if physically and mentally qualified, be transferred to a reserve component of the Armed Forces, and shall serve therein for the remainder of the period which he is required to serve under this paragraph and shall be deemed to be a member of the reserve component during that period. If the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or the Secretary of the Treasury with respect to the United States Coast Guard, determines that enlistment, enrollment, or appointment in, or assignment to, an organized unit of a reserve component or an officers' training program of the armed force in which he served is available to, and can, without undue personal hardship, be filled by such a person, that person shall enlist, enroll, or accept appointment in, or accept assignment to, the organized unit or officers' training program, and serve satisfactorily therein."

## AMENDMENTS TO CAREER COMPENSATION ACT OF 1949

SEC. 10. The fourth sentence of section 301 (a) of the Career Compensation Act of 1949 (37 U. S. C. 251 (a)) is amended to read as follows: "Aviation cadets of the Navy, Air Force, and Marine Corps are entitled to the same allowances for subsistence as are now or hereafter authorized for officers of the Navy, Air Force, and Marine Corps, respectively."

SEC. 11. Title III of the Career Compensation Act of 1949 (37 U. S. C. 251 et seq.) is amended by adding the following new section at the end thereof:

## "ALLOWANCES WHILE PARTICIPATING IN INTERNATIONAL SPORTS

"SEC. 307. (a) Section 716 of title 10, United States Code, does not authorize the payment of allowances at higher rates than those provided for participation in military activities not covered by that section.

"(b) Notwithstanding any other provision of law, a member of the uniformed services is not entitled to travel or transportation allowances under section 303 of this Act for any period during which his expenses for travel or transportation are being paid by the agency sponsoring his participation in a competition covered by section 716 of title 10, United States Code.

"(c) Notwithstanding any other provision of law, a member of the uniformed services who has no dependents is not entitled to the basic allowances for subsistence and quarters authorized by sections



301 and 302 of this Act for any period during which he is subsisted and quartered by the agency sponsoring his participation in a competition covered by section 716 of title 10, United States Code."

### AMENDMENT TO SERVICEMEN'S AND VETERANS' SURVIVOR BENEFITS ACT

SEC. 12. Title II of the Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 862) is amended by adding the following new section at the end thereof:

38 USC 1111.

#### "CERTIFICATION BY ADMINISTRATOR

"SEC. 211. Whenever the Administrator determines, on the basis of a claim for benefits filed with him under this title, that a death occurred under the circumstances referred to in section 1476 (a) of title 10, United States Code, or 321 (b) of title 32, United States Code, he shall certify that fact to the Secretary concerned. In all other cases, he shall make the determination referred to in that section at the request of the Secretary concerned."

### MILITARY LEAVE FOR SUBSTITUTES IN THE POSTAL FIELD SERVICE

SEC. 13. Section 29 (a) of the Act of August 10, 1956, ch. 1041 (70A Stat. 632), is amended—

5 USC 30r.

(1) by inserting after the words "Civil Service system" the following: "(except a substitute employee in the postal field service)"; and

(2) by adding the following new sentences at the end thereof: "A substitute employee in the postal field service is entitled to leave of absence from his duties, without loss of pay, time, or efficiency rating, for the same purpose, on the basis of one hour of leave for each period aggregating 26 hours of work performed in the calendar year next before the calendar year in which he is ordered to that duty or training. However, he is not entitled to any leave under this section unless he has worked at least 1,040 hours during the calendar year next before that year in which he is ordered to that duty or training, and he may not be paid for more than 80 hours of leave under this section in any calendar year."

### TEMPORARY INCREASES IN AUTHORIZED STRENGTH OF REGULAR AIR FORCE FOR ACADEMY GRADUATES

SEC. 14. The authorized strength in any grade in the Regular Air Force is automatically increased to the minimum extent necessary to give effect to each appointment as a second lieutenant in the Regular Air Force, before the effective date of section 541 of title 10, United States Code, of any graduate of the United States Military Academy or the United States Naval Academy. An authorized strength so increased is increased for no other purpose, and while he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under this section or under section 8212 of that title, may be made in that grade.

10 USC 8212.

### ADDITIONAL SERVICE CREDITABLE UNDER CHAPTER 67 OF TITLE 10

10 U.S.C. 1331-  
1337.

SEC. 15. (a) Notwithstanding section 1332 (b) (6) of title 10, United States Code, a person is entitled to count his service as an Army field clerk or as a field clerk, Quartermaster Corps, as active service in determining his entitlement to retired pay under chapter 67 of title 10, United States Code, and in computing his retired pay under that chapter.

(b) Notwithstanding section 1332 (b) (6) of title 10, United States Code, a warrant officer is entitled to count classified service as an Army headquarters clerk or as a clerk of the Army Quartermaster Corps that he performed under any law in effect before August 29, 1916, as active service in determining his entitlement to retired pay under chapter 67 of title 10, United States Code, and in computing his retired pay under that chapter.

### OBLIGATION OF FUNDS UNDER SECTION 2233 OF TITLE 10

SEC. 16. Not more than \$580,000,000 may be obligated for the purposes of section 2233 of title 10, United States Code, before July 1, 1958. This limitation does not apply to the expenses for the leasing of property under section 2233 (a) (1) of that title.

### CLAIMS FOR PERSONAL INJURY OR DEATH UNDER SEC- TION 2733 OF TITLE 10, UNITED STATES CODE: LIM- ITATION

SEC. 17. A claim for personal injury or death under section 2733 of title 10, United States Code, may not be allowed for more than the cost of reasonable medical, hospital, and burial expenses actually incurred, if the claim accrued before March 30, 1956.

### SERVICE CREDIT FOR SPECIALISTS

SEC. 18. In place of any applicable period of service under section 3287 (a) (2) of title 10, United States Code, each of not more than 200 persons who are originally appointed before July 20, 1958, in commissioned grades in the Regular Army, except in the Medical Corps, Dental Corps, Army Nurse Corps, or Army Medical Specialist Corps, and who are outstanding specialists in a critical field according to criteria prescribed by the Secretary of the Army and approved by the President, may, in the discretion of the Secretary, be credited at the time of his appointment with a period of service, not to exceed eight years, equal to the number of days, months, and years by which his age exceeds 27 years. The name of each such person who was appointed during the period covered by the report, the grade to which appointed, and the justification therefor shall be reported to the Committees on Armed Services of the Senate and the House of Representatives before July 16, 1958, and the names and grades of the remainder, and the justification for their appointment, shall be so reported before July 16, 1959.

## ADJUSTMENT OF SERVICE CREDIT FOR MEDICAL AND DENTAL OFFICERS

SEC. 19. The Secretary concerned may convene boards of officers to review the records and compute the service of each officer of the Medical Corps or the Dental Corps of the Army or the Navy, and each medical or dental officer of the Air Force, appointed before May 1, 1956, including those reserve or temporary officers who were on active duty on that date, or who entered on active duty after that date, in order to adjust the service credited to each such officer to reflect the service authorized to be credited to officers appointed under the Act of April 30, 1956, chapter 223 (70 Stat. 119), or under section 3294, 3444, 5574, 5578, or 8294 of title 10, United States Code. When that adjustment is made, such officers shall be given precedence for promotion purposes or advanced to a lineal position in accordance with their adjusted dates of rank, except that no officer of the Navy may be given an adjusted date of rank in the grade of captain which is earlier than July 1, 1955. All officers of the Navy with the adjusted date of rank of July 1, 1955, in the grade of captain shall retain the precedence among themselves that they held on May 1, 1956, and shall be junior to all other officers assigned that date of rank. If, as a result of readjustment of service credit under this section—

10 USC 8294.

(1) an officer of the Army or the Air Force is made eligible for promotion, he shall be considered for promotion by the next selection board considering officers of his grade and category; and

(2) an officer of the Navy attains lineal position equivalent to an officer who is serving in the next higher grade, or who is on a promotion list to that grade, he may be promoted thereto on the recommendation of a board of officers convened under this subsection, and, except as otherwise provided in this section, may be assigned a lineal position in the higher grade appropriate to his adjusted service credit.

### PROMOTION OF RESERVE COMMISSIONED OFFICERS OF THE ARMY HOLDING GRADES ON JULY 1, 1955

SEC. 20. A reserve commissioned officer of the Army who, on July 1, 1955, was in a reserve grade listed in the following table may not be considered for promotion for the first time under any one of sections 3366, 3367, 3370, and 3371 of title 10, United States Code, until he is within one year of completing the service prescribed for that grade by the following table, and may not be promoted under any of those sections until he completes that service.

Grade	Years of service computed under sec. 3366 (c) of title 10, United States Code
First lieutenant.....	6
Captain.....	12
Major.....	17
Lieutenant colonel and above.....	19

**RESERVE COMMISSIONED OFFICERS OF THE ARMY:  
TRANSFER TO RETIRED RESERVE OR DISCHARGE  
BEFORE JULY 2, 1960**

**SEC. 21.** (a) Before July 2, 1960, each officer of the Army in the reserve grade of colonel who has not been recommended for promotion to the reserve grade of brigadier general or has not remained in an active status since such a recommendation, and each officer of the Army in the reserve grade of lieutenant colonel who has been recommended for promotion to the reserve grade of colonel and has remained in an active status since that recommendation, shall, on the last day of the month in which he becomes 58 years of age—

(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

(2) if he is not qualified or does not apply therefor, be discharged.

(b) Before July 2, 1960, each officer of the Army in the reserve grade of lieutenant colonel who has not been recommended for promotion to the reserve grade of colonel or has not remained in an active status since such a recommendation, and each officer of the Army in a reserve grade below lieutenant colonel, shall, on the last day of the month in which he becomes 55 years of age—

(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

(2) if he is not qualified or does not apply therefor, be discharged.

(c) Notwithstanding subsections (a) and (b), the Secretary of the Army may authorize the retention in an active status until age 60 of any officer of the Army National Guard of the United States who would otherwise be removed from an active status under this section and who is assigned to a headquarters or headquarters detachment of a State or Territory, Puerto Rico, the Canal Zone, or the District of Columbia.

(d) Notwithstanding subsections (a) and (b), a reserve officer who is on active duty (other than for training) in a temporary grade above lieutenant colonel and who would otherwise be removed from an active status under this section may, in the discretion of the Secretary, be retained on active duty, but not past his sixtieth birthday, and may not be removed from an active status while he is on that duty.

(e) Notwithstanding subsections (a) and (b), the age prescribed for the discharge or transfer from an active status before July 2, 1960, of a reserve officer covered by this section is 60 for the purposes of section 1006 of title 10, United States Code.

(f) Notwithstanding subsections (a) and (b), a reserve officer of the Army who is assigned to the Selective Service System may be retained in an active status in that assignment until he becomes 60 years of age.

**SERVICE CREDIT FOR RESERVE OFFICERS APPOINTED  
IN A SPECIAL BRANCH OF THE ARMY OR IN THE  
WOMEN'S ARMY CORPS**

**SEC. 22.** A person who was appointed before July 1, 1955, as a reserve officer of the Army in the lowest grade of a special branch or the Women's Army Corps and who was not a commissioned officer of an armed force before that date, may, for the purposes of chapter 337 of title 10, United States Code, be credited with the amount of service

in an active status prescribed in section 3353 of title 10, United States Code, as a minimum amount of service for that branch or the Women's Army Corps, as the case may be.

#### RETENTION OF WOMEN LIEUTENANTS ON THE ACTIVE LIST OF THE NAVY AFTER 13 YEARS OF ACTIVE COMMISSIONED SERVICE

SEC. 23. (a) Until June 15, 1960, the Secretary of the Navy, when he determines that the needs of the service so require, shall furnish to each selection board convened under section 5704 (a) or (b) of title 10, United States Code, the number of women officers in the grade of lieutenant who will complete 13 years of active commissioned service in the Navy in the current fiscal year and who, if not selected for promotion to the next higher grade, may be recommended to be retained on the active list until June 30 of the fiscal year in which they complete 15 years of active commissioned service in the Navy.

(b) A woman officer who is recommended by a selection board for retention on the active list under subsection (a) may not be discharged under section 6401 of title 10, United States Code.

(c) Each woman officer on the active list of the Navy in the grade of lieutenant who is recommended by a selection board for retention on the active list under subsection (a) shall, if not sooner selected for promotion to the next higher grade, be honorably discharged on June 30 of the fiscal year in which she completes 15 years of active commissioned service in the Navy. Each officer discharged under this section is entitled to a lump-sum payment equal to 24 times the monthly basic pay to which she was entitled at the time of discharge.

#### TEMPORARY INCREASE IN AUTHORIZED STRENGTH OF MARINE CORPS RESERVE IN MAJORS AND CAPTAINS

SEC. 24. If the Secretary of the Navy believes that, in order to permit promotions under chapter 549 of title 10, United States Code, it is necessary to increase the strengths of the Marine Corps Reserve in officers in an active status in the permanent grades of major and captain authorized by section 5458 of title 10, he may, until July 1, 1960, increase these strengths to the following percentages of the number of officers in an active status in the Marine Corps Reserve holding permanent appointments in the grades of second lieutenant through colonel:

- (1) Major—22 percent.
- (2) Captain—45 percent.

To permit these increases the Secretary may reduce to 25 percent the percentage of reserve officers in an active status in the permanent grades of first and second lieutenant combined.

#### PROMOTION OF OFFICERS OF THE NAVAL RESERVE AND MARINE CORPS RESERVE SELECTED FOR PROMOTION BEFORE JULY 1, 1955

SEC. 25. Officers of the Naval Reserve and the Marine Corps Reserve who were selected for promotion before July 1, 1955, under regulations promulgated under section 216 (a) of the Armed Forces Reserve Act of 1952 may be promoted under chapter 549 of title 10, United States Code, with the date of rank and entitlement to pay and allowances prescribed by that chapter.

### SERVICE CREDIT FOR CERTAIN OFFICERS ON ACTIVE LIST OF REGULAR AIR FORCE ON JULY 20, 1956

10 USC 1850g.

SEC. 26. (a) Each officer who, as a result of being credited with service under section 207 (a) or (b) of the Armed Forces Regular Officer Augmentation Act of 1956 (70 Stat. 586), becomes eligible for mandatory consideration for promotion under section 8299 or 8300 of title 10, United States Code, shall be considered by a selection board convened for that purpose in the manner prescribed in section 8297 of that title. If he is recommended for promotion by that board, his name shall be placed on the applicable promotion list immediately below that of the junior officer on that list having the same or next longer service for promotion purposes, and a date of rank shall be given him accordingly. If he is not recommended for promotion by that board, he is a deferred officer. However, such an officer may not, because of this failure of recommendation, have his years of service reduced under section 8303 of title 10, United States Code, and he shall be considered by the next regularly convened selection board considering officers of his grade and category. If he is recommended for promotion by that board, his years of service for promotion purposes shall be reduced so that he will be junior by at least one day to the junior officer who was considered and recommended for promotion by the selection board that failed to recommend him for promotion, and who has the same or next longer period of service. If he is not recommended by that selection board, he shall be treated as provided in section 8303 (d) of title 10, United States Code.

(b) An officer whose service is adjusted under this section may have his date of rank in regular grade and his position on the applicable promotion list adjusted to reflect his increased service.

### INCREASE OF SERVICE CREDIT FOR CERTAIN OFFICERS OF REGULAR AIR FORCE

SEC. 27. (a) Notwithstanding any other provision of law, the years of service credited to an officer of the Regular Air Force on July 20, 1956, for the purposes of sections 8287, 8888 (2) (A)-(C) and (E)-(G), and 8927 (a) (1)-(3) and (5)-(7) and (b) (2) of title 10, United States Code, may be increased, but not by more than two years, under regulations to be prescribed by the Secretary of the Air Force.

(b) Each officer who, as a result of being credited with service under this section, becomes eligible for mandatory consideration for promotion under section 8299 or 8300 of title 10, United States Code, shall be considered by the next regularly convened selection board considering officers of his grade and category.

(c) An officer whose service is increased under this section may have his date of rank in regular grade and his position on the applicable promotion list adjusted to reflect his increased service.

### TRANSFER FROM ACTIVE STATUS OF CERTAIN MEMBERS OF AIR NATIONAL GUARD

SEC. 28. Notwithstanding chapter 863 of title 10, United States Code, a reserve officer who became a civilian employee of the Air National Guard before July 1, 1955, may not, before becoming 60 years of age and while so employed and without his consent, be removed from an active status by reason of any provision for manda-

tory promotion in chapter 837 of title 10, United States Code, except for cause or physical disability, or by reason of being twice passed over for promotion to the grade of captain, major, or lieutenant colonel. <sup>10</sup> USC 8351-8395.

#### FINAL SETTLEMENT OF ACCOUNTS: DECEASED MEMBERS

SEC. 29. (a) In the settlement of the accounts of a member of the Army, Navy, Air Force, or Marine Corps who died before January 1, 1956, if a demand is not made by his legal representative, the General Accounting Office may allow any amount due, to the person highest on the following list living on the date of settlement:

- (1) Surviving spouse.
- (2) Children and their issue, per stirpes.
- (3) Father and mother in equal parts or, if either is dead, the survivor.
- (4) Brothers and sisters, and their children, per stirpes.

(b) Reimbursement for funeral expenses may be made from the amount due the decedent's estate, if the person who paid the expenses presents a claim for them before settlement by the General Accounting Office.

#### INCREASE IN ANNUITIES OF RETIRED CIVILIAN MEMBERS OF THE TEACHING STAFFS OF THE UNITED STATES NAVAL ACADEMY AND UNITED STATES NAVAL POST-GRADUATE SCHOOL

SEC. 30. (a) A retired civilian member of the teaching staff of the United States Naval Academy or the United States Naval Post-graduate School who retired before April 1, 1948, is entitled to be paid, out of applicable current appropriations, \$300 a year in addition to the annuity to which he is entitled under section 7085 of title 10.

(b) A retired civilian member whose annuity, when increased by \$300 under subsection (a), is less than \$1860 is entitled to be paid an additional \$300 a year out of applicable current appropriations.

(c) Additions to the annuities of retired civilian members under subsection (b) do not increase the annuities payable to the survivors of those members.

#### ACCOUNTS OF DECEASED MEMBERS

SEC. 31. The designation of a beneficiary made for the purposes of any six months' death gratuity, including the designation of a person whose right to the gratuity does not depend upon that designation, and received in the military department concerned, the Department of the Treasury, the Department of Commerce, or the Department of Health, Education, and Welfare, as the case may be, before January 1, 1956, is considered as the designation of a beneficiary for the purposes of section 2771 of title 10, United States Code, section 714 of title 32, United States Code, and sections 3 and 4 of this Act, in the absence of a designation under one of those sections, unless the member making the designation was missing, missing in action, in the hands of a hostile force, or interned in a foreign country any time after July 11, 1955, and before January 1, 1956.

## CONTRACTS FOR FLIGHT INSTRUCTION OF MEMBERS OF ROTC

SEC. 32. The Secretary of any military department may, for a period of four years after August 1, 1956, provide, or contract with civilian flying or aviation schools or educational institutions to provide, such personnel, aircraft, supplies, facilities, and instruction as are necessary for flight instruction of members of the reserve officers' training corps under his jurisdiction.

### AMENDMENTS TO CLARIFY, OR CORRECT ERRORS IN ACT OF AUGUST 10, 1956, CH. 1041

SEC. 33. (a) Title 10, United States Code, is amended as follows:

(1) Section 101 is amended by inserting the following new clause at the end thereof:

“(35) ‘Original’, with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to his most recent appointment in that component that is neither a promotion nor a demotion.”

10 USC 280.

(2) Section 280 is amended by striking out the figures “3353” and “8353” and inserting the figures “3354” and “8354”, respectively, in place thereof.

10 USC 560(b).

(3) Section 560 (b) is amended by striking out the figure “1164” and inserting the figure “1165” in place thereof.

10 USC 651.

(4) (A) The title of chapter 37 is amended to read as follows:

#### “CHAPTER 37.—GENERAL SERVICE REQUIREMENTS”

(B) The analysis of subtitle A and the analysis of part II of subtitle A are amended by striking out the following item:

“37. Service Requirements for Reserves..... 651”

and inserting the following item in place thereof:

“37. General Service Requirements..... 651”.

(5) The first sentence of section 672 (a), section 672 (c), and the first sentence of section 673 (a) are amended by inserting the words “(other than for training)”, after the words “active duty”.

(6) The subchapter analysis of chapter 47 is amended to read as follows:

“SUBCHAPTER	Sec.	Art.
I. General Provisions.....	801	1
II. Apprehension and Restraint.....	807	7
III. Non-Judicial Punishment.....	815	15
IV. Court-Martial Jurisdiction.....	816	16
V. Composition of Courts-Martial.....	822	22
VI. Pre-Trial Procedure.....	830	30
VII. Trial Procedure.....	836	36
VIII. Sentences.....	855	55
IX. Review of Courts-Martial.....	859	59
X. Punitive Articles.....	877	77
XI. Miscellaneous Provisions.....	935	135”.

10 USC 1217.

(7) Section 1217 is amended by inserting the word “or” before the words “to midshipmen” and by striking out the words “, or to aviation cadets”.

10 USC 1331.

(8) Section 1331 (a) (3) is amended to read as follows:

“(3) he performed the last eight years of qualifying service while a member of any category named in section 1332 (a) (1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and”.



- (9) Section 1332 (a) (2) (A) (ii) is amended by inserting the word "full-time" before the word "service" and inserting the figure "502," after the figure "316," 10 USC 1332.
- (10) Section 1333 is amended— 10 USC 1333.
- (A) by redesignating clauses (2) and (3) as clauses "(3)" and "(4)", respectively; and
- (B) by striking out clause (1) and inserting the following clauses in place thereof:
- "(1) his days of active service;
- "(2) his days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;". 32 USC 316, 502-505.
- (11) Section 1431 (b) is amended by striking out the words "in action". 10 USC 1431.
- (12) Section 2304 (a) (6) is amended by striking out the words ", its Territories, and its" and inserting the words "and the Territories, Commonwealths, and" in place thereof. 10 USC 2304.
- (13) Section 2451 (c) is amended— 10 USC 2451.
- (A) by striking out the word "standardized" in clause (2) and inserting the word "such" in place thereof; and
- (B) by striking out the word "those" in clause (3) and inserting the word "such" in place thereof.
- (14) Section 2663 (a) is amended by striking out the last sentence. 10 USC 2663.
- (15) Section 2664 is amended— 10 USC 2664.
- (A) by striking out the last sentence of subsection (a);
- (B) by inserting the words ", including temporary use," after the words "subsection (b)" in subsections (a) and (f); and
- (C) by inserting the words "named in subsection (b), including temporary use," after the word "property".
- (16) Section 2732 (d) (2) is amended by striking out the word "or" after the semicolon and inserting the word "and" in place thereof. 10 USC 2732.
- (17) Sections 3033 (d) and 8033 (d) are amended by inserting the words "the organization, distribution, training, appointment, assignment, promotion, or discharge of members of" after the word "affecting" and by inserting the words "those of" before the word "either". 10 USC 3033, 8033.
- (18) The last sentence of section 3037 (a) is amended to read as follows: "An officer appointed as the Judge Advocate General or Assistant Judge Advocate General normally holds office for four years. However, the President may terminate or extend the appointment at any time. If an officer who is so appointed holds a lower regular grade, he shall be appointed in the regular grade of major general." 10 USC 3037.
- (19) Section 3066 (a) is amended by striking out the words "in the Army". 10 USC 3066.
- (20) Section 3261 (b) is amended by striking out the word "member" and inserting the word "member" in place thereof. 10 USC 3261.
- (21) Sections 3299 (h) and 8299 (h) are amended by adding the following new sentence at the end thereof: "This does not apply to officers covered by subsection (f)." 10 USC 3299, 8299.
- (22) Sections 3355 (4) and 8355 (4) are amended by striking out the figure "21" and inserting the figure "18" in place thereof. 10 USC 3355, 8355.
- (23) Sections 3752 (b) and 8752 (b) are amended by striking out the word "may" and inserting the word "shall" in place thereof. 10 USC 3752, 8752.
- (24) Sections 3574 (c) and 8574 (c) are amended by inserting the words "to be" after the word "regulations".
- (25) Section 3914 is amended by inserting the words "to be" after the word "regulations". 10 USC 3914.
- (26) Section 4342 (c) is amended by inserting a comma after the word "district". 10 USC 4342.

- 10 USC 4837. (27) Section 4837 is amended—  
 (A) by striking out the word “basic” in subsection (b); and  
 (B) by striking out the words “a commissioned” wherever they appear in subsection (f) and by inserting the word “an” in place thereof.
- 10 USC 5149. (28) Section 5149 (b) is amended by striking out the word “Office” and inserting the word “office” in place thereof.
- 10 USC 5785. (29) The catchline of section 5785 is amended to read as follows:  
**“§ 5785. Suspension: preceding sections”**  
 (30) Chapter 545 is amended—  
 (A) by inserting the following new section after section 5787b:  
**“§ 5787c. Navy and Marine Corps, warrant officers: temporary promotion**  
**“Warrant officers may be temporarily promoted to higher warrant officer grades under such regulations as the Secretary of the Navy may prescribe.”; and**  
 (B) by inserting the following new item in the analysis thereof:  
**“5787c. Navy and Marine Corps; warrant officers: temporary promotion.”**
- 10 USC 6115. (31) The catchline of section 6115 is amended by striking out the word “uniform” and inserting the word “uniform” in place thereof.
- 10 USC 6150. (32) Section 6150 (a) is amended by striking out the words “to the Retired Reserve, be advanced to the” the second time they appear and inserting a period followed by the words “However, this section does not apply to an” in place thereof.
- 10 USC 6332. (33) Section 6332 is amended by striking out the word “retain” and inserting the word “retainer” in place thereof.
- 10 USC 7203. (34) Section 7203 (b) is amended by striking out the word “authroity” and inserting the word “authority” in place thereof.
- 10 USC 7434. (35) Section 7434 is amended by striking out the word “Committee” and inserting the word “Committees” in place thereof.
- 10 USC 8066. (36) Section 8066 (a) is amended by striking out the words “in the Air Force”.
- 10 USC 8257. (37) Section 8257 is amended by adding the following new subsection at the end thereof:  
**“(e) While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.”**
- 10 USC 8281-8313. (38) The analysis of chapter 835 is amended by striking out the following item:  
**8309. Commissioned Officers: physical examination for promotion.”**  
 and inserting the following item in place thereof:  
**“8309. Commissioned officers: physical examination for promotion.”**
- 10 USC 8448. (39) Section 8448 (a) is amended by striking out the figure “8310 (a)” and inserting the figure “555 (a)” in place thereof.
- 10 USC 8631-8639. (40) The analysis of chapter 849 is amended by striking out the following item:  
**“8362. Members of Air Force: forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs.”**  
 and inserting the following item in place thereof:  
**“8632. Members of Air Force: forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs.”**
- (41) Section 8571 (c) (2) is amended by striking out the figures “8273” and “8274” and inserting the figures “8573” and “8574”, respectively, in place thereof.

(42) Section 8885 is amended by striking out the figure "8923 (a)" and inserting the figure "8923 (2)" in place thereof. 10 USC 8885.

(43) Section 9353 (a) is amended to read as follows: 10 USC 9353.

"(a) After the date of the accrediting of the Academy, the Superintendent of the Academy may, under such conditions as the Secretary of the Air Force may prescribe, confer the degree of bachelor of science upon graduates of the Academy."

(44) Section 9382 (c) (3) is amended by striking out the figure "37" and inserting the figure "7" in place thereof. 10 USC 9382.

(45) Section 9837 is amended— 10 USC 9837.

(A) by striking out the word "basic" in subsection (b); and

(B) by striking out the words "a commissioned" wherever they appear in subsection (f) and by inserting the word "an" in place thereof.

(46) (A) Sections 4335 (b) and 9335 (b) are amended by striking out the word "regular" where it first appears in each of those sections. 10 USC 4335, 9335.

(B) Sections 4336 and 9336 are amended by striking out the word "regular" the first, second, and fourth times it appears in each of those sections. 10 USC 4336, 9336.

(b) Chapter 11 of title 14, United States Code, is amended— 14 USC 221-439.

(1) by adding the following new section at the end thereof:

**§ 440. Temporary promotions of warrant officers**

"Warrant officers may be temporarily promoted to higher warrant officer grades under such regulations as the Secretary may prescribe."; and

(2) by adding the following new item at the end of the analysis:

"440. Temporary promotions of warrant officers."

(c) Title 32, United States Code, is amended as follows:

(1) Section 318 is amended by striking out the words "in training" and inserting the words "called or ordered to perform training" in place thereof. 32 USC 318.

(2) Clauses (1) and (2) of section 323 (b) are amended to read as follows: 32 USC 323.

"(1) the Regular Army or the Army National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Army, if he is a member of the Army National Guard; or

"(2) the Regular Air Force or the Air National Guard of the United States, or both, who outrank him and who are detailed by the Secretary of the Air Force, if he is a member of the Air National Guard."

(3) Section 710 (c) is amended by striking out the words "or further" in the first sentence and inserting the words "of further" in place thereof. 32 USC 710.

(d) The Armed Forces Leave Act of 1946 is amended—

(1) by inserting the words "the United States Air Force Academy," after the words "Naval Academy," in section 3 (c) (37 U. S. C. 31a (c)); and 60 Stat. 963, 37 USC 32 note.

(2) by inserting the words "the United States Air Force Academy," after the words "Military Academy" in section 10 (37 U. S. C. 38)."

(e) The Act of August 10, 1956, chapter 1041 (70A Stat.) is amended by inserting the following new section after section 33:

## "WEARING OF CERTAIN DECORATIONS

"Sec. 33 A. A member or former member of an armed force of the United States holding any office of profit or trust under the United States may wear any decoration, order, medal, or emblem accepted (1) under the Act of July 20, 1942, chapter 508 (56 Stat. 662), or (2) before August 1, 1947, from the government of a cobelligerent or neutral nation or an American Republic."

10 USC 1408b.

70A Stat. 628.

Effective date of section.

(f) Section 305 (b) of the Career Compensation Act of 1949 (37 U. S. C. 255 (b)) is amended by striking out the figure "1332 (a) (2)" and inserting the figure "1332" in place thereof.

(g) This section is effective as of August 10, 1956, for all purposes.

## SAVING AND SEVERABILITY CLAUSES

SEC. 34. (a) In sections 1-32 of this Act, it is the legislative purpose to restate, without substantive change, the law replaced by those sections on the effective date of this Act. However, laws effective after December 31, 1957, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

(b) References that other laws, regulations, and orders make to the replaced law shall be considered to be made to the corresponding provisions of sections 1-32.

(c) Actions taken under the replaced law shall be considered to have been taken under the corresponding provisions of sections 1-32.

(d) If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

(e) The enactment of this Act does not increase or decrease the pay or allowances, including retired and retainer pay, of any person.

## RESTATEMENT OF SUSPENDED OR TEMPORARILY SUPERSEDED PROVISIONS

SEC. 35. If on the effective date of this Act a provision of law that is restated in this Act and repealed by section 36 would have been in a suspended or temporarily superseded status but for its repeal, the provisions of this Act that restate that provision have the same suspended or temporarily superseded status.

## REPEAL PROVISIONS

SEC. 36. The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this Act:

## SCHEDULE OF LAWS REPEALED

## A. STATUTES AT LARGE

Statutes at Large					U. S. Code	
Date	Chapter	Section	Volume	Page	Title	Section
1918						
July 8	139	(2d par. under "War Department.")	40	826	40.....	41.
July 9	143	(3d proviso under "Barracks and Quarters.")	40	861	40.....	37.
1946						
Apr. 18	141	5.....	60	92	34 App.....	15.
Aug. 2	756	10.....	60	854	34 App.....	853e-1.
1947						
Aug. 7	512	316 (b).....	61	867	34 App.....	15.
1948						
June 29	718	.....	62	1098	5.....	234-234f.
1950						
Sept. 27	1053	.....	64	1067	10 App..... 34 App.....	369b. 853e-1.
1954						
July 27	579	501 (b).....	68	560	Uncodified.	
July 29	614	.....	68	579	Uncodified.	
Sept. 3	1257	(Less §§ 328, 339 (a), (d), 619, 702 (c), (f)).	68	1147-1190	10 App..... 34 App..... 50.....	511. 211e. 1008 (less (e)), 1118, 1181-1264, 1266-1278, 1279 (less (a) and (d)), 1281-1399.
1955						
Mar. 14	11	.....	69	11	22.....	1981-1985.
Mar. 31	20	3, 4.....	69	22	10 App..... 34 App.....	303, 304, 304b. 850c.
June 15	142	.....	69	134	14.....	640.
June 30	247	(Less § 5 (c)).....	69	218-222	50.....	1191, 1195, 1273, 1279, 1302, 1303, 1305, 1314, 1331, 1332, 1334, 1336, 1338-1341, 1353, 1354, 1357, 1386, 1388.
July 12	328	(Less clauses (3) and (4) of 2d sentence of § 5.)	69	295-296	Uncodified. 37.....	361-365.
Do...	334	.....	69	299	10 App..... 34 App.....	628b. 184.
Do...	337	.....	69	300	10 App..... 34 App.....	369b. 853e-1.
July 13	358	604, 614.....	69	314, 317	5.....	171s, 174e.
July 15	368	509.....	69	351	42.....	1502a.
Aug. 4	551	.....	69	492	10 App.....	166e.
Do...	553	1.....	69	493	34 App.....	410b.
Do...	555	.....	69	494	10 App.....	166, 166a.
Aug. 9	628	15.....	69	551	41.....	152 (c).
Do...	654	.....	69	579	10 App.....	81-1, 166a, 166b, 166b-3, 166e-166g, 374-376, 1003, 1837.
Do...	662	.....	69	593	34 App.....	43c-1.
Do...	665	2 (a)-(h), (l) (1st 2 pars.), 3 (a) (last sentence).	69	598-600, 603	Uncodified. 50.....	882, 883, 885, 886. 925, 928, 961, 1011-1014.
Do...	668	.....	69	606	50 App.....	454.
Do...	669	.....	69	607	34 App.....	17, 17a, 17b, 17c.
Do...	678	.....	69	614	34 App.....	1076c. 410b, 410c.
Aug. 11	802	.....	69	686	Uncodified. 32 App.....	194.
Do...	809	.....	69	693	34 App.....	1073f.
1956						
Mar. 29	103	.....	70	60	31.....	223b.
Apr. 23	209	.....	70	115	Uncodified. 50.....	1015.
Apr. 30	223	(less §§ 2, 3, and 5).....	70	119, 121, 122	Uncodified. 10 App..... 34 App.....	91a, 91b, 121a, 121b. 21c, 21d, 51b, 51c, 305g, 306f.
May 31	348	.....	70	222	Uncodified. 10 App..... 34 App.....	1002, 1004. 3501 (b) (2).
June 7	374	.....	70	250	Uncodified. 37.....	401-405, 411-414, 421- 423.
Do...	376	1.....	70	255	Uncodified. 31.....	222c (a).
June 15	388	.....	70	282	10 App.....	499.
Do...	389	.....	70	283	34 App.....	306f (d) (3).
Do...	392	.....	70	284	Uncodified. 34 App.....	274.
Do...	393	.....	70	285	Uncodified. 34 App.....	105b, 307, 410r, 625h.
June 20	412	.....	70	297	10 App.....	1036 a (a).

## SCHEDULE OF LAWS REPEALED—Continued

## A. STATUTES AT LARGE—Continued

Statutes at Large					U. S. Code	
Date	Chapter	Section	Volume	Page	Title	Section
1956						
June 22	428	-----	70	330	10 App.....	371a.
					32 App.....	76.
June 25	439	-----	70	333	50.....	1411-1414.
July 20	646	-----	70	582	5.....	171y-1.
					10 App.....	20j, 20s, 506a, 506c-2- 506c-10, 1850a-k.
Do....	647	1.....	70	588	Uncodified.	
July 24	675	-----	70	608	10 App.....	91a.
					34 App.....	21c.
Do....	677	(less § 2 (d) and (e)).....	70	623	10 App.....	20b, 20c, 1001, 1036.
					34 App.....	609, 610.
					Uncodified.	
Do....	686	-----	70	628	34 App.....	701, 701-1-701-5.
					Uncodified.	
Do....	688	-----	70	629	34 App.....	271, 665.
					Uncodified.	
Do....	689	-----	70	630	50.....	751-755.
Do....	692	(less §§ 2 (4) and 3).....	70	631	10 App.....	629a.
					34 App.....	183b.
					Uncodified.	
July 28	769	1.....	70	703	31.....	224d, 224i, 224i-1.
July 30	789	-----	70	729	32 App.....	1, 4.
					50.....	941, 1125.
					Uncodified.	
July 31	804	103 (b), 106 (a) ((19)-(21), (42)-(44), 106 (b) (9) (as applicable to military de- partments), 117 (a) (as applicable to Department of Defense), 501 (a) (1st par.). (less §§ 4 and 5).....	70	736, 738, 739, 741, 761	5.....	171p, 2202 (b), 2205 (a) ((19)-(21), (42-44)), 2205 (b) (9) (as applicable to mili- tary departments).
Aug. 1	830	-----	70	804-806	10 App.....	385, 389, 455c.
					34 App.....	821.
					Uncodified.	
Do....	837	102 (2) (as applicable to death gratuity), 102 (4)-(7) (as applicable to death gratuity), 102 (10) (B) (as applicable to death gratuity), 102 (11) (E) (as ap- plicable to death gratuity), 102 (12) (as applicable to death gratuity), 301-304. 501 (f) (1st par.), 501 (l), 502 (1)-(4). -----	70	858-861, 868, 869, 883, 886.	34 App.....	855c (a).
					38.....	1101 (2), 1101 (4)-(7), 1101 (10) (B), 1101 (11) (E), 1101 (12), 1115, 1131-1134.
					Uncodified.	
Aug. 2	876	-----	70	933	5.....	47a.
Aug. 3	930	406-408, 414, 416, 417.....	70	1015, 1116, 1118.	5.....	171z-3, 171z-4, 171z-5.
					50.....	961, 171b, 882.
Aug. 6	974	1 (b) (1) (as applicable to § 6), 6.-----	70	1049, 1050.	36.....	721 (b) (1), 726.

  

Date	Public law	Section	Volume	Page	Title	Section
1957						
Aug. 29	85-215	2.....	71	490	50.....	882.

## B. SECTIONS OF TITLE 10, UNITED STATES CODE

- (1) Section 513.
- (2) Section 596.
- (3) Section 651 (c).
- (4) Section 742.
- (5) Sections 1071-1086, as enacted by the Act of August 10, 1956, ch. 1041 (70A Stat. 81-88).
- (6) Section 3443.
- (7) Section 3546.
- (8) Section 3638.
- (9) Section 3681.
- (10) Section 3688.
- (11) Section 4021.

- (12) Section 5035 (c).
- (13) Section 5536.
- (14) Section 5863.
- (15) Section 5866.
- (16) Section 6016.
- (17) Section 6115.
- (18) Section 6148 (f).
- (19) Section 6201 (c).
- (20) Section 6326 (d).
- (21) Section 6521.
- (22) Section 7206.
- (23) Section 7471.
- (24) Section 7578.
- (25) Section 8443.
- (26) Section 8546.
- (27) Section 8638.
- (28) Section 8681.
- (29) Section 8688.
- (30) Section 9021.

## C. SECTIONS OF TITLE 14, UNITED STATES CODE

- (1) Section 640.

Approved September 2, 1958.

## Public Law 85-862

## AN ACT

To facilitate administration and management by the Secretary of Agriculture of certain lands of the United States within national forests.

September 2, 1958  
[S. 3741]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to facilitate the administration, management, and consolidation of the national forests, all lands of the United States within the exterior boundaries of national forests which were or hereafter are acquired for or in connection with the national forests or transferred to the Forest Service, Department of Agriculture, for administration and protection substantially in accordance with national forest regulations, policies, and procedures, excepting (a) lands reserved from the public domain or acquired pursuant to laws authorizing the exchange of land or timber reserved from or part of the public domain, and (b) lands within the official limits of towns or cities, notwithstanding the provisions of any other Act, are hereby made subject to the Weeks Act of March 1, 1911 (36 Stat. 961), as amended, and to all laws, rules, and regulations applicable to national forest lands acquired thereunder: *Provided,* That nothing in this Act shall be construed as (1) affecting the status of lands administered by the Secretary of Agriculture under the Act of June 24, 1954 (68 Stat. 270), and which are revested Oregon and California Railroad grant lands, administered as national forest lands, or (2) changing the disposition of revenues from or authorizing the exchange of the lands, or the timber thereon, described in the Act of February 11, 1920 (ch. 69, 41 Stat. 405), the Act of September 22, 1922 (ch. 407, 42 Stat. 1019), and the Act of June 4, 1936 (ch. 494, 49 Stat. 1460).

National forests  
lands.  
Administration  
and management.

16 USC 552.

43 USC 1181g.

16 USC 487,  
487a.

Approved September 2, 1958.