Public Law 773 CHAPTER 1257

September 3, 1954
[H. R. 6573]

AN ACT

To provide for the promotion, precedence, constructive credit, distribution, retention, and elimination of officers of the reserve components of the Armed Forces of the United States, and for other purposes.

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

Reserve Officer Personnel Act of 1954.

SHORT TITLE

That this Act may be cited as the "Reserve Officer Personnel Act of 1954".

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Sec. 102. When used in this Act—

(1) "Reserve officer" means a commissioned officer of one of the reserve components of the Armed Forces of the United States specified in section 202 of the Armed Forces Reserve Act of 1952, but does not include commissioned warrant officers.

66 Stat. 483.
50 USC 922.

(2) Unless otherwise specified or required by the context "promotion" and "promoted" refer to appointment of a Reserve officer in the next higher grade as a Reserve officer of his Armed Force.

(3) "Grade" means, unless otherwise specified, the permanent grade of a Reserve officer.

(4) "Points" mean points credited under section 302 of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended.

62 Stat. 1087.
10 USC 1036a.

(5) Unless otherwise specifically provided, terms used in this Act have the same meaning as in the Armed Forces Reserve Act of 1952.

50 USC 901 note.

(6) "Active status" means the status of a Reserve officer who is not in the inactive National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

(7) "Discharged" means discharged from an appointment as a Reserve officer.

(8) "Federal recognition" and "federally recognized" refer to Federal recognition of officers of the National Guard and the Air National Guard of a State, Territory, or the District of Columbia, under the provisions of Section 75 of the National Defense Act, as amended.

48 Stat. 158.
32 USC 113.

TITLE II—THE RESERVE COMPONENTS GENERALLY

Credit upon appointment.

SEC. 201. Upon appointment as a Reserve officer, a person who holds no appointment as a commissioned officer of the Armed Forces may for the purposes of this Act only be credited with an amount of service in an active status (or, if appointed an officer of the Naval Reserve, Marine Corps Reserve, or the Coast Guard Reserve, be placed in a commensurate position on the appropriate lineal list), to reflect his combined years of experience, education, and such other qualifications as may be prescribed by regulations promulgated by the appropriate Secretary. Any such person who is appointed for the purpose of or with a view to assignment or designation as a medical officer, a dental officer, a veterinary officer, a judge advocate (law specialist of the Naval Reserve or Coast Guard Reserve), or a chaplain, shall, for the purpose of this Act only, be credited with a minimum amount of service in an active status of four years, three years, two years, three years, or three years, respectively, 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 appropriate Secretary, may be credited with a minimum amount of service in an active status of three years if appointed for assignment as an officer in the Medical Service Corps of the Army or in a comparable assignment in another Armed Force.

Eligibility for promotion.

SEC. 202. (a) To be eligible for consideration for promotion or for examination for Federal recognition and to be eligible for promotion under this Act, a Reserve officer must be in an active status.

Retention in active status.

(b) To be retained in an active status, a Reserve officer (other than an adjutant general or assistant adjutant general of a State or Territory, or the District of Columbia) shall, in any applicable yearly period, attain the minimum number of points (not to exceed fifty) prescribed by the appropriate Secretary with the approval of the Secretary of Defense (or by the Secretary of the Treasury with respect to the Coast Guard, when the Coast Guard is operating as a service in the Treasury Department) and shall conform to such other standards and qualifications as the appropriate Secretary may prescribe. Subject to section 204 of this Act, a Reserve officer who fails to attain the prescribed number of points or to conform to the prescribed standards and qualifications, shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, shall be transferred to the inactive status list if qualified, or if not transferred to the Retired Reserve or the inactive status list, shall be discharged.

Boards.

SEC. 203. (a) Selection boards and other boards of officers appointed under this Act shall be appointed and convened by the appropriate Secretary or by such competent authority as the appropriate Secretary may direct.

(b) At least 50 per centum of the members of any selection board appointed under the provisions of this Act 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 appropriate 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 his Armed Force, 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.

Incomplete service.

SEC. 204. Any Reserve officer who has not completed his period of required service as a member of a reserve component under section 4 (d) or other provision of the Universal Military Training and Service Act, as amended, or under any other provision of law, shall not be discharged or transferred from an active status under this Act. Unless under regulations prescribed by the appropriate Secretary, he is subsequently promoted under the provisions of this Act, he shall be retained in grade for the remainder of his required period of service and shall be an additional number to the authorized numbers in that grade.

62 Stat. 607.
50 USC app. 454 (d).

18 years or more of service.

SEC. 205. (a) Notwithstanding any other provision of this Act, except as provided in sections 328 and 339, if on any date prescribed for the transfer from an active status or discharge of any Reserve officer, he has been credited with, or is entitled to be credited with eighteen or more, but less than nineteen, years of satisfactory Federal service for retired pay purposes under the provisions of title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, such officer shall not, without his consent, be transferred from an active status or discharged pursuant to this Act prior to the date on which he is credited with twenty years of such satisfactory Federal service, or prior to the third anniversary of the date on which he would otherwise be transferred from an active status or discharged, whichever is earlier, unless transferred or discharged for physical disability, cause, or by reason of attaining the maximum age at which transfer from an active status or discharge is required by this Act.

62 Stat. 1087.
10 USC 1036 *et seq.*

(b) Notwithstanding any other provisions of this Act, except as provided in sections 328 and 339, if on any date prescribed for the transfer from an active status or discharge of any Reserve officer, he has been credited with, or is entitled to be credited with nineteen or more, but less than twenty years of satisfactory Federal service for retired pay purposes under the provisions of title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, such officer shall not, without his consent, be transferred from an active status or discharged pursuant to this Act prior to the

date on which he is credited with twenty years of such satisfactory Federal service, or prior to the second anniversary of the date on which he would otherwise be transferred from an active status or discharged, whichever is earlier, unless transferred or discharged for physical disability, cause, or by reason of attaining the maximum age at which transfer from an active status or discharge is required by this Act.

Grade in Retired Reserve.

SEC. 206. (a) A Reserve officer recommended for promotion to any grade under this Act or found qualified for Federal recognition in a higher grade, who, at any time prior to promotion, is found incapacitated for service by reason of physical disability shall, if transferred to the Retired Reserve, be transferred in the grade for which recommended or found qualified for Federal recognition, unless holding appointment in or entitled to higher grade under other provisions of law. No increase in pay or benefits shall accrue by reason of such promotion unless otherwise provided by law.

(b) A Reserve officer shall, upon transfer to the Retired Reserve, be advanced on the reserve retired list established by section 207 of the Armed Forces Reserve Act of 1952 to the highest grade, permanent or temporary, satisfactorily held by him in the Armed Force of the United States in which holding appointment upon the date of his transfer to the Retired Reserve, as determined by the appropriate Secretary unless entitled to a higher grade under other provision of law. No increase in pay or benefits shall accrue by reason of such advancement unless otherwise provided by law.

66 Stat. 483. 50 USC 927.

(c) An officer of the Retired Reserve who is ordered to active duty and who is promoted to a higher temporary grade while so serving, shall upon relief from active duty be advanced upon the reserve retired list to that grade. No increase in pay or benefits shall accrue by reason of such advancement unless otherwise provided by law.

Active duty.

SEC. 207. 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 appropriate Secretary may, in his discretion, order such officers to active duty in any higher temporary grade.

Return to active status.

SEC. 208. Any Reserve officer recommended for promotion by a selection board or found qualified for Federal recognition in the next higher grade 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 or found qualified for Federal recognition in the next higher grade and shall not be deemed to have been considered for promotion by the selection board or examined by the Federal recognition board which last considered or examined him prior to the time he is returned to an active status.

Emergency suspension of provisions.

SEC. 209. 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 part or parts of this Act with respect to any or all of the Armed Forces. If any or all of the provisions of this Act are suspended by the President under this section, the Secretary of Defense, prior to the provisions of this Act 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 component of the appropriate Armed Force.

Sea or foreign service.

SEC. 210. There shall be no requirement for sea or foreign service for the promotion of Reserve officers under this Act.

Grades of Reserve officers.

SEC. 211. Except for the Coast Guard Reserve, the grades authorized for Reserve officers of an Armed Force, including those heretofore or hereafter transferred to the Retired Reserve, shall be the permanent grades authorized for officers of the Regular component of that Armed Force pursuant to the Officer Personnel Act of 1947, as amended. The grades authorized for Reserve officers of the Coast Guard shall be as provided in title 14, United States Code, section 754.

61 Stat. 795.
34 USC 3a note.

63 Stat. 551.

Selective Service System.

SEC. 212. Notwithstanding any other provision of this Act, a Reserve officer while he is assigned to the Selective Service System may be retained in an active status in such assignment until he becomes sixty years of age.

TITLE III—THE RESERVE COMPONENTS OF THE ARMY

SUBTITLE A—GENERAL

APPLICABILITY

SEC. 301. This title applies only to Reserve officers of the Army.

DEFINITIONS

SEC. 302. As used in this title—

(a) "Secretary" means the Secretary of the Army.

(b) "Convening officer" means the person authorized to convene a selection board.

(c) "Unit" means a unit of a reserve component of the Army organized for the purpose of serving as such.

(d) "Unit officer" means an officer in an active status assigned to a unit.

(e) "Nonunit officer" means an officer in an active status not assigned to a unit.

(f) "Promotion service" means the aggregate of the following:

(1) any period an officer has held a permanent appointment in his current grade in the Army while in an active status or on the active list of the Regular Army;

(2) for the first promotion under this title of an officer in an active status on January 1, 1953, who has not been promoted in grade since September 2, 1945, any period served on active duty in the Army in a temporary grade equal to or higher than his current grade; and

(3) any period credited under section 305 (b).

No period may be counted twice as promotion service. For a person credited with service for initial appointment under sections 201 or 305 (c), no period prior to appointment may be counted under (1) or (2) as promotion service.

(g) "Total years of service" means the greater of either—

(1) the total periods for which the officer; (a) has held an appointment as a commissioned officer in any component of the Armed Forces of the United States or held a temporary appointment in the Army of the United States without component; (b) prior to June 15, 1933, has held an appointment as a commissioned officer in the federally recognized National Guard or a federally recognized commissioned status in the National Guard; (c) has been credited under sections 201 or 305 (c); or

(2) the period of time by which the age of the officer exceeds twenty-five years.

No period may be counted twice in computing total years of service. For a person credited with service for initial appointment under

sections 201 or 305 (c), no period of service prior to appointment may be counted as total years of service.

(h) "Special branch" means the Women's Army Corps and each special branch of the Army enumerated in the Army Organization Act of 1950 (64 Stat. 263) and any other special branch of the Army hereafter established pursuant to law.

10 USC 1b note.

(i) "Temporary appointment" means a temporary appointment in the Army of the United States without specification of component.

(j) "Temporary grade" means the grade in which an officer holds a temporary appointment.

PROMOTION PROCEDURES GENERALLY

SEC. 303. (a) A Reserve officer may not be promoted unless authorized by this title. However, this shall not be deemed to be a limitation on the authority of the Secretary of the Army under section 207, Legislative Reorganization Act of 1946 (60 Stat. 837) as amended (5 U. S. C. 191a).

65 Stat. 655.

(b) To carry out the provisions of this title a promotion may be made effective before, on or after the date accomplished, and the officer shall be entitled to pay, allowances, and benefits authorized by law for the higher grade from such effective date.

(c) Promotions in a special branch will be made from among officers assigned to that branch. Promotions in any other branch will be made from officers not assigned to a special branch.

(d) A Reserve officer shall not be considered by a selection board more than two years prior to the anticipated date of his promotion.

(e) The Secretary shall prescribe regulations for the administration of this title, not inconsistent with the provisions hereof.

MAXIMUM GRADES FOR FEMALE OFFICERS

SEC. 304. A Women's Medical Specialist Corps Reserve officer may not be promoted to a grade above major. A Women's Army Corps or Army Nurse Corps Reserve officer may not be promoted to a grade above lieutenant colonel.

CONSTRUCTIVE CREDIT—APPOINTMENTS

SEC. 305. (a) Upon initial appointment as a Reserve officer, the grade of a person credited with service under section 201 shall be as follows:

Years of service credited	Grade
Less than three	Second lieutenant.
At least three, but less than seven	First lieutenant.
At least seven, but less than fourteen	Captain.
At least fourteen, but less than twenty-one	Major.
At least twenty-one	Lieutenant colonel.
At least twenty-three	Colonel or lieutenant colonel, as the Secretary determines.

(b) For a person appointed in a grade below colonel, any period of service credited under section 201 or under (c) which is in excess of the minimum years of service required under (a) for the grade in which appointed shall be credited as promotion service.

(c) A person heretofore initially appointed as a Reserve officer in the lowest grade of a special branch, having held no prior appointment as a commissioned officer of the Armed Forces, may for the purposes of this title be credited with the amount of service in an active status prescribed in section 201 as a minimum amount of service for the appropriate branch.

MINIMUM SERVICE IN GRADE

SEC. 306. (a) Except as provided in sections 317 (b) and 319, a Reserve officer in the grade of second lieutenant may not be promoted, or federally recognized, in the next higher grade, until he has three years of promotion service.

(b) A Reserve officer, other than an adjutant general or assistant adjutant general of a State, Territory, or the District of Columbia, in a grade above second lieutenant, may not be considered for promotion by a selection board or examined for Federal recognition in the next higher grade until he has the following minimum years of promotion service:

Grade	Minimum years of promotion service
First lieutenant	2
Captain	4
Major	4
Lieutenant colonel	3
Colonel	2
Brigadier general	2

AUTHORIZED NUMBER AND DISTRIBUTION IN GRADE

SEC. 307. (a) The authorized number of Reserve officers of the Army in an active status is two hundred and seventy-five thousand. The Secretary of the Army may authorize a larger number to meet mobilization requirements or to permit increases required by or resulting from the operation of other laws or the provisions of this Act. The authorized number of Reserve officers of the Army in an active status in each of the several grades, as prescribed by the Secretary of the Army, shall not exceed the following percentages of the total authorized number: 2 per centum in the grade of colonel; 6 per centum in the grade of lieutenant colonel; 13 per centum in the grade of major; 35 per centum in the grade of captain, and the remainder in the grade of first lieutenant and second lieutenant, except for the number authorized in general officer grades. The authorized number of reserve officers of the Army in general officer grades in an active status in the Army Reserve and the National Guard of the United States, exclusive of Reserve officers serving in general officer grades as adjutants general or assistant adjutants general of a State, Territory, or the District of Columbia, or in the National Guard Bureau, shall be 207. The numbers authorized for any grade may be exceeded by the number of vacancies existing in any higher grade.

(b) The Secretary shall distribute the total numbers of Reserve officers for each grade authorized pursuant to section 201 between—

(1) officers in units of each reserve component, by prescribing appropriate Tables of Organization and Tables of Distribution; and

(2) officers not assigned to units, further distributed among—

(i) each special branch; and

(ii) all other branches grouped together.

(c) An officer retained in an active status under section 205 of this Act is an additional number to the number of officers otherwise authorized by law.

SUBTITLE B—NONUNIT OFFICERS

PROMOTION TO FIRST LIEUTENANT

SEC. 308. Each nonunit officer of the Army Reserve in the grade of second lieutenant who is found by the Secretary or any officer he

designates to be qualified for promotion shall be promoted, effective on the date he has three years of promotion service, regardless of a vacancy in the grade of first lieutenant.

GRADE STRUCTURE VACANCIES—PROMOTION TO CAPTAIN, MAJOR, AND LIEUTENANT COLONEL

SEC. 309. (a) When the Secretary determines that there are existing or anticipated vacancies within the numbers authorized pursuant to section 307 (b) (2) (i) or (ii) for the grades of captain, major, or lieutenant colonel, he may appoint and convene one or more selection boards to consider and recommend nonunit officers of the Army Reserve for promotion to fill the vacancies. The Secretary shall prescribe for each zone of consideration list established under section 314 (a) the minimum promotion service an officer of the appropriate branch must have to be placed thereon, and shall require that the nonunit officers with the prescribed promotion service and the total years of service required by section 315 (b) be placed thereon. He shall also prescribe the number of officers to be recommended for promotion from each list.

(b) Upon attaining the total years of service required by section 315 (a), an officer recommended for promotion under this section may be promoted at any time to fill a vacancy, but it is not mandatory that the authorized number in these grades be maintained.

(c) Women's Medical Specialist Corps or Army Nurse Corps Reserve officers in the grade of captain or higher and Women's Army Corps Reserve officers in the grade of major may not be considered for promotion under this section.

MANDATORY CONSIDERATION—MAXIMUM SERVICE IN GRADE—PROMOTION TO CAPTAIN, MAJOR, AND LIEUTENANT COLONEL

SEC. 310. (a) Regardless of a vacancy in the next higher grade, each nonunit officer of the Army Reserve in the grade of first lieutenant, captain, or major who has not previously been considered by a selection board under this section or section 309 shall be considered by a selection board sufficiently in advance of the date he will have, respectively, four, seven, or seven years of promotion service and the total years of service required by section 315 (a) so that, if recommended by the board, he may be promoted, effective on the date he has that service.

(b) Women's Medical Specialist Corps or Army Nurse Corps Reserve officers in the grade of captain or higher and Women's Army Corps Reserve officers in the grade of major may not be considered for promotion under this section.

(c) When he has the total years of service required by section 315 (a), an officer recommended for promotion under this section may be promoted at any time to fill a vacancy. If not sooner promoted, he shall be promoted, effective on the date he has four, seven or seven years of promotion service, respectively, and the total years of service required by section 315 (a), regardless of a vacancy in the grade for which recommended.

(d) An officer in the grade of first lieutenant, captain, or major who becomes a nonunit officer upon transfer from an inactive status or from the National Guard of the United States or upon release from a unit in the Army Reserve, after he has promotion service equal to or greater than that required for consideration under subsection (a) and the total years of service required by section 315 (b), shall be considered by the next appropriate selection board, and, if recommended for promotion, shall be promoted on the date the board reports its recom-

mendations, or the date he has the years of promotion service prescribed in subsection (a), or the date he attains the total years of service required under section 315 (a), whichever is later.

(e) The authorized numbers of Reserve officers in each grade shall be temporarily increased, if necessary, to permit promotion under this section.

SECOND CONSIDERATION

SEC. 311. A nonunit officer in the grade of first lieutenant, captain, or major who is considered by a selection board under section 309 or 310 and not recommended for promotion shall, if he remains in an active status, be placed on the next zone of consideration list established for consideration of officers of his branch and grade under section 309 or 310. If he is considered for promotion a second time and not recommended, he may not thereafter be considered for promotion or examined for Federal recognition. If the second consideration is under section 310, and he is recommended for promotion, he will be promoted one year after the date he would have been promoted had he been recommended by the board which first considered him.

GRADE STRUCTURE VACANCY—PROMOTION TO COLONEL AND FEMALE FIELD GRADES

SEC. 312. When the Secretary determines that there are existing or anticipated vacancies within the numbers authorized pursuant to section 307 (b) (2) (i) or (ii) for the grades of major in the Army Nurse Corps or Women's Medical Specialist Corps, lieutenant colonel in the Army Nurse Corps or Women's Army Corps, or colonel in any other branch, he may appoint and convene one or more selection boards to consider and recommend nonunit officers to fill the vacancies. The Secretary shall prescribe for each zone of consideration list established pursuant to section 314 (a) the minimum promotion service an officer of the appropriate branch shall have to be placed thereon, and shall require that each nonunit officer with the prescribed promotion service and the total years of service required by section 315 (b) be placed thereon. The Secretary shall also prescribe the number of officers to be recommended for promotion from each list. The selection board shall recommend the prescribed number of officers deemed best qualified among those on the zone of consideration list. Upon attaining the total years of service required by section 315 (a), an officer recommended for promotion under this section may be promoted at any time to fill a vacancy, but it is not mandatory that the authorized number in these grades be maintained.

GRADE STRUCTURE VACANCY—PROMOTION TO BRIGADIER GENERAL AND MAJOR GENERAL

SEC. 313. When vacancies are authorized or are anticipated among nonunit officers of the Army Reserve in the grades of major general or brigadier general, the Secretary may appoint and convene a selection board to consider for promotion officers of the Army Reserve in the grade of brigadier general and colonel, respectively, who fulfill the requirements of section 306 and who meet minimum standards to be prescribed by the Secretary, and prescribe the number of officers to be recommended for promotion. The selection board shall recommend the prescribed number of officers deemed best qualified of those considered. Upon attaining the total years of service required by section 315 (a), an officer recommended for promotion under this sec-

tion may be promoted at any time to fill a vacancy, but it is not mandatory that the authorized number in these grades be maintained.

METHOD OF SELECTION AND ORDER OF PROMOTION

SEC. 314. (a) When nonunit officers are considered for promotion under sections 309, 310, 312, or 313, the names of officers assigned to each special branch will be placed on a separate zone of consideration list for, or considered for promotion for service in, that branch, and the names of all other officers will 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 will refer each zone of consideration list to a selection board for consideration.

(b) A selection board will employ one of the following means of selection, as directed by the Secretary—

(1) When officers are being considered under section 310, he may require the board to recommend those referred to it whom it considers fully qualified for promotion, and to report those whom it considers not fully qualified for promotion;

(2) When officers are being considered under section 309, he may require the board to consider the officers referred to it in the order of length of promotion service, to recommend those considered fully qualified for promotion, and to pass over and report those whom it considers not fully qualified for promotion, and to continue such procedure until the number of officers specified by him is recommended; and

(3) In lieu of the means prescribed in (1) or (2), he may require the board to recommend a specified number of officers whom the board considers the best qualified of those referred to it for consideration.

When officers are considered for promotion to the grade of captain, major, or lieutenant colonel under the means prescribed in subsection (b) (3) the selection board shall recommend for promotion a minimum of 80 per centum of those officers referred to it for consideration.

(c) Except as provided in subsection (d), when a nonunit officer is recommended for promotion under sections 309, 310, or 312—

(1) if assigned to a special branch, he may not be promoted before a nonunit officer of the same grade and branch who has more promotion service and has been recommended for promotion; or

(2) if not assigned to a special branch, he may not be promoted before a nonunit officer of the same grade not assigned to a special branch who has more promotion service and has been recommended for promotion.

(d) For the purpose of administering subsection (c)—

(1) the Secretary shall prescribe by regulations the order in which officers having the same promotion service shall be promoted;

(2) the promotion of an officer, otherwise eligible for promotion, will not be withheld because of the delay under section 311 of the promotion of an officer with more promotion service; and

(3) an officer who has completed the total years of service required for his grade by section 315 (a) may be promoted before an officer who has not completed the required total years of service.

TOTAL YEARS OF SERVICE REQUIRED FOR FIRST NONUNIT PROMOTION

SEC. 315. (a) A Reserve officer in a grade indicated below on the effective date of this Act may not be promoted for the first time under

sections 309, 310, 312, or 313 until he has completed the following total years of service:

Grade	Total years of service
First lieutenant	6
Captain	12
Major	17
Lieutenant colonel or higher	19

(b) Such officer may not be considered by a selection board for such promotion until he is within one year of completing the foregoing total years of service.

(c) A Reserve officer who becomes a nonunit officer upon transfer from the National Guard of the United States or upon release from a unit in the Army Reserve may not be promoted thereafter for the first time until he has completed the total years of service prescribed in subsection (a).

SUBTITLE C—UNIT OFFICERS, ARMY RESERVE

PROMOTION TO FIRST LIEUTENANT

SEC. 316. Each unit officer of the Army Reserve in the grade of second lieutenant found by the Secretary or any officer acting under his discretion to be qualified for promotion shall be promoted to the grade of first lieutenant effective on the date he has three years of promotion service, irrespective of the existence of a vacancy in such grade.

UNIT VACANCY—PROMOTION TO CAPTAIN, MAJOR, LIEUTENANT COLONEL, AND COLONEL—SPECIAL PROMOTION OF SECOND LIEUTENANTS AND FIRST LIEUTENANTS

SEC. 317. (a) The Secretary may appoint and convene a selection board to consider and recommend officers of a unit of the Army Reserve for promotion to fill a vacancy in that unit within the numbers authorized for that unit pursuant to section 307 (a) in the grade of captain, major, lieutenant colonel, or colonel.

(b) The convening officer under subsection (a) shall place the name of each officer assigned to the unit who is eligible under sections 303 (c) and 306 (b) and by reason of geographical availability for consideration for promotion to fill the vacancy, on a zone of consideration list and refer it to the selection board for consideration. The convening officer may also place on such list for consideration for promotion to the next higher grade the name of any officer in the grade of second lieutenant or first lieutenant who has served creditably in a unit vacancy prescribed for a captain for twelve months or more, without regard to the requirements of section 306, provided the officer has not previously been promoted under this provision. The selection board shall recommend the officer deemed best qualified to fill the vacancy. An officer recommended by the board may be immediately promoted to fill the unit vacancy for which considered.

UNIT VACANCY—PROMOTION TO BRIGADIER GENERAL AND MAJOR GENERAL

SEC. 318. (a) Officers in the Army Reserve may be promoted to general officer grades of brigadier general and major general to fill vacancies in these grades in Army Reserve units which have attained strengths prescribed by the Secretary.

(b) At any time within one year after an officer has been assigned the duties of a general officer of the next higher grade in an Army Reserve unit he shall be evaluated by his superior officer. If he determines that the officer has demonstrated his fitness for that position

he shall submit the officer's name to the Secretary of the Army for consideration by a selection board for promotion to the next higher grade.

(c) In order to be eligible for consideration by a selection board for promotion to general officer grade in the Army Reserve the officer, in addition to meeting the other requirements of this Act, shall have fulfilled such minimum standards as shall be prescribed by the Secretary.

(d) The names of the officers who fulfill the requirements of this section and section 306 shall be submitted for consideration for promotion to a selection board appointed and convened at least once annually by the Secretary. This selection board shall recommend the officer deemed best qualified to fill each vacancy. An officer recommended by the board may be immediately promoted to fill the unit vacancy for which considered.

SUBTITLE D—OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES

EXAMINATION FOR FEDERAL RECOGNITION UPON UNIT VACANCY PROMOTION

SEC. 319. Each officer of the National Guard of a State, Territory, or the District of Columbia who is promoted to fill a vacancy in a federally recognized unit thereof authorized under section 307 (a) and who is eligible under section 306 (b) shall be examined for Federal recognition in the higher grade. Any officer in the grade of second lieutenant or first lieutenant who has served creditably in a unit vacancy prescribed for a captain for twelve months or more may be examined for Federal recognition in the next higher grade without regard to the requirements of section 306, provided the officer has not previously been federally recognized under this provision.

AUTOMATIC FEDERAL RECOGNITION

48 Stat. 158.
32 USC 113.

SEC. 320. Notwithstanding section 319 of this Act and section 75 of the National Defense Act, as amended—

(1) an officer of the National Guard of a State, Territory, or the District of Columbia in the grade of second lieutenant who is promoted to first lieutenant to fill an authorized vacancy in a unit thereof shall be automatically extended Federal recognition in the higher grade effective on the date he completes three years of promotion service or the date of the promotion, whichever is later; and

(2) an officer of the Army Reserve in a grade above second lieutenant who is appointed in the next higher grade in the National Guard of a State, Territory, or the District of Columbia to fill an authorized unit vacancy shall be automatically extended Federal recognition in the higher grade effective on the date of appointment if he has been recommended for promotion to the higher grade under the provisions of sections 309, 310, 312, or 317, and has remained in an active status since being recommended.

PROMOTION TO HIGHER GRADE IN THE NATIONAL GUARD OF THE UNITED STATES

SEC. 321. An officer in the National Guard of the United States extended Federal recognition to a higher grade under sections 319 or 320 may be promoted to the higher grade effective on the date of extension of Federal recognition.

PROMOTION UPON TRANSFER TO ARMY RESERVE

SEC. 322. Except when the Secretary determines that it is not in the best interest of the service a Reserve officer transferred from the National Guard of the United States to the Army Reserve will be advanced as a Reserve officer to the highest permanent grade previously held in the Army, notwithstanding any other provision of this Act, without regard to the requirement of confirmation by the Senate under section 218, Armed Forces Reserve Act of 1952 (66 Stat. 487). 50 USC 942.

APPOINTMENT OF ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL AS RESERVE OFFICERS

SEC. 323. An adjutant general or assistant adjutant general of a State, Territory, or the District of Columbia, upon being extended Federal recognition in his grade, may be appointed as a Reserve officer of the Army effective upon the date of extension of Federal recognition, notwithstanding any other provisions of this Act.

SUBTITLE E—ELIMINATION

ELIMINATION OF SECOND LIEUTENANTS

SEC. 324. Except as provided by sections 204 and 205, a Reserve officer in the grade of second lieutenant whose promotion to the next higher grade is not accomplished by or on the date he completes three years of promotion service shall be discharged and, if an officer of the National Guard of the United States, his Federal recognition shall be concurrently withdrawn, notwithstanding section 76 of the National Defense Act, as amended. 48 Stat. 158. 32 USC 115.

ELIMINATION OF FIRST LIEUTENANTS, CAPTAINS, AND MAJORS

SEC. 325. Except as provided by sections 204 and 205, a Reserve officer in the grade of first lieutenant, captain, or major who is considered for promotion while serving in his grade by two selection boards convened under section 309 or 310 and not recommended for promotion by either board shall be discharged or, if he makes application therefor and is qualified, transferred to the Retired Reserve within ninety days after the second selection board submits its report to the convening authority.

MAXIMUM WAGES

SEC. 326. (a) Except as provided hereafter in this section, a Reserve officer in the grade or position indicated below who is not removed from an active status at an earlier date under other provisions of law, shall, on the last day of the month in which he attains the following age, be discharged or, if qualified and he makes application therefor, transferred to the Retired Reserve:

Grade or position	Age
Chief, National Guard Bureau; adjutant general or commanding general of troops of a State, Territory, or the District of Columbia	64
Major general, other than the above	62
Brigadier general and below	60

Effective only for five years following the effective date of this Act, the following ages shall apply instead:

Grade or position	Age
Chief, National Guard Bureau; adjutant general or commanding general of troops of a State, Territory, or the District of Columbia	64
Major general, other than the above	62
Brigadier general	60
Colonel	58
Lieutenant colonel and below	55

(b) A Reserve officer who has been recommended for promotion and has remained in an active status since the recommendation shall be governed by the maximum age prescribed in (a) for the grade to which recommended for promotion.

(c) A Reserve officer who, on the effective date of this Act, has attained an age in excess of the maximum prescribed for his grade under (a) shall, on the last day of the month in which this Act becomes effective, be discharged or, if qualified and he makes application therefor, be transferred to the Retired Reserve.

(d) The Secretary may authorize the retention in an active status of a Reserve officer in the National Guard of the United States in the grade of colonel or below who would otherwise be removed from an active status under this section or section 327, who is assigned to a headquarters or headquarters detachment of a State, Territory, or the District of Columbia, until he attains sixty years of age.

(e) For the purpose of section 206, the maximum age at which transfer from an active status or discharge is required shall be sixty-four in case of the Chief, National Guard Bureau, or an adjutant general or commanding general of troops of a State, Territory, or the District of Columbia, sixty-two in case of a major general other than the foregoing, and sixty in case of an officer below major general.

(f) Effective after that date which is five years after the effective date of this Act each Reserve officer assigned in the Army Nurse Corps or the Women's Specialist Corps shall be discharged or, if she makes application therefor and is qualified, be transferred to the Retired Reserve, on the last day of the month in which such an officer in a grade of major or higher attains the age of fifty-five or in which such an officer in a grade below major attains the age of fifty. Such an officer in the grade of captain who has been recommended for promotion and has remained in an active status since the recommendation shall be governed by the provision of this subsection applicable to major or above.

ELIMINATION OF OFFICERS FOR LENGTH OF SERVICE

SEC. 327. (a) Unless otherwise provided by law, each Reserve officer in the grade of major general, brigadier general, or colonel in an active status who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if he makes application therefor and is qualified, transferred to the Retired Reserve, on that date which is thirty days after the date upon which he completes thirty-five, thirty, or thirty total years of service, respectively, or on the fifth anniversary of the date of his appointment in that grade, whichever is later.

(b) Unless otherwise provided by law, each Reserve officer in the grade of first lieutenant, captain, major, or lieutenant colonel in an active status who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if he makes application therefor and is qualified, transferred to the Retired Reserve, on that date which is thirty days after the date upon which he completes twenty-eight total years of service.

(c) Each Reserve officer in the grade of brigadier general, colonel, or lieutenant colonel who has been recommended for promotion before the time he otherwise would be removed from an active status under (a) or (b) shall be retained in an active status until appointed or refused appointment in the next higher grade and if so appointed his removal from an active status shall be governed by the provisions of (a) for the grade of major general, brigadier general, or colonel, respectively.

(d) (1) Each Reserve officer in grade of lieutenant colonel assigned in the Women's Army Corps who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if she makes application therefor and is qualified, be transferred to the Retired Reserve, on that date which is thirty days after the date upon which she completes twenty-eight total years of service. However, any such officer may, in the discretion of the Secretary, be retained in an active status but not later than that date which is thirty days after the date upon which she completes thirty total years of service.

(2) Each Reserve officer in grade of major assigned in Women's Army Corps who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if she makes application therefor and is qualified, be transferred to the Retired Reserve, on that date which is thirty days after the date upon which she completes twenty-five total years of service. However, any such officer who at that time has been recommended for promotion to the next higher grade and has remained in an active status since the recommendation shall be governed by the provisions of paragraph (1) of this subsection.

(e) The foregoing subsections shall be effective after that date which is five years after the effective date of this Act.

RETENTION OF OFFICERS WITH CERTAIN SATISFACTORY FEDERAL SERVICE

SEC. 328. Any person who is a Reserve officer on the effective date of this Act who upon reaching the ages prescribed in section 326 for the five years following the effective date of this Act has not been earlier removed from an active status at an earlier date and has not completed twenty years of satisfactory Federal service under title III, Army and Air Force Vitalization and Equalization Act of 1948 (62 Stat. 1087), but who could complete twenty years of such satisfactory Federal service prior to reaching age sixty may be retained in an active status until he completes twenty years of satisfactory Federal service or fails to perform a year of satisfactory Federal service, whichever occurs earlier.

10 USC 1036 *et seq.*

DISPOSITION OF GENERAL OFFICERS UPON CEASING TO OCCUPY POSITION

SEC. 329. When a Reserve officer in a grade above colonel ceases to occupy a position commensurate with his grade or a higher grade, the Secretary shall require that one of the following actions, at the option of the officer, be taken within thirty days:

(1) transfer of the officer in grade to the inactive status list of the Standby Reserve, if qualified, or, if qualified and he makes application therefor, to the Retired Reserve; or

(2) discharge of the officer and, if qualified and he applies therefor, appointment of him as a Reserve officer in the grade held as a Reserve officer prior to appointment in a general officer grade; or

(3) discharge of the officer if not transferred under (1) or discharged and appointed under (2).

EXCESS NUMBERS IN GRADE

SEC. 330. Whenever the Secretary determines that there is an excessive number of Reserve officers in an active status in any grade who have completed thirty years of service or twenty or more years of satisfactory Federal service for retirement purposes under title III of the Army and Air Force Vitalization and Retirement Equaliza-

10 USC 1036 et seq.

tion Act of 1948 (62 Stat. 1087), he will convene a board to consider all nonunit officers of that grade who have completed such service and recommend for removal from an active status and transfer to the Retired Reserve or discharge a specified number thereof, and the Secretary, in his discretion, is authorized to transfer an officer so recommended to the Retired Reserve or, if the officer does not make application therefor or is not qualified, to discharge him.

SUBTITLE F—RESERVE OFFICERS ON ACTIVE DUTY

APPLICABILITY OF OTHER SUBTITLES

SEC. 331. The provisions of subtitles A, B, and E, including provisions by their terms applicable only to officers of the Army Reserve shall be applicable to all Reserve officers serving on active duty except as prescribed in this subtitle. Officers of the National Guard of the United States on active duty shall be considered by selection boards for promotion along with other Reserve officers on active duty in lieu of examination for Federal recognition, but promotion of officers of the National Guard of the United States on active duty shall be subject to the procedures of section 336.

PROCEDURE FOR OFFICERS ELIGIBLE FOR UNIT VACANCY PROMOTION ENTERING ON ACTIVE DUTY

SEC. 332. A Reserve officer who at the time he enters on active duty is on a zone of consideration list established for consideration of officers under subtitle C, has had his name submitted to a selection board for consideration under that subtitle, or has been recommended for promotion under that subtitle but not promoted, shall be removed from such list or withdrawn from those recommended for promotion, and he shall be deemed not to have been considered for promotion thereby.

PROMOTION TO HIGHER GRADE WHILE ON ACTIVE DUTY

SEC. 333. A Reserve officer serving on active duty who is recommended for promotion to a grade higher than that in which serving shall prior to promotion elect either to serve on active duty in the temporary grade which he holds or to which he may be appointed equal to or higher than the grade held at the time of such election, or to be relieved from active duty.

PROMOTION UNDER MANDATORY CONSIDERATION OF OFFICERS WITH HIGHER TEMPORARY GRADE

SEC. 334. Reserve officers on a zone of consideration list for consideration for promotion under section 310 who are serving in or have been recommended for promotion to a temporary grade equal to or higher than the grade for which they are to be considered for promotion shall not be considered by a selection board but shall be deemed to be recommended for promotion and shall be promoted upon completion of the required years of promotion service and the total years of service required by section 315 (a).

APPOINTMENT IN APPROPRIATE HIGHER GRADE AFTER TEMPORARY APPOINTMENT

SEC. 335. A Reserve officer on active duty who holds an appointment in a temporary grade higher than his current grade shall be appointed, or if he is an officer in the National Guard of the United States shall be eligible to be appointed, to an appropriate higher grade but not above colonel equal to or lower than his temporary grade when he has completed the years of service for the appropriate higher grade to be prescribed by the Secretary annually which shall conform as nearly as possible to the corresponding periods of total service upon which Regular officers are then being promoted.

PROCEDURE FOR OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES

SEC. 336. When an officer in the National Guard of the United States on active duty is recommended for promotion or becomes eligible for appointment under section 335 the appropriate State authority will be afforded the opportunity to promote him to fill a unit vacancy in the National Guard of the State, Territory, or the District of Columbia, specially created for that purpose, if necessary. If promoted in the National Guard of the State, Territory, or the District of Columbia, he will be automatically extended Federal recognition effective on the date he would have been promoted if he were an officer in the Army Reserve. He may be promoted as a Reserve officer effective on the date of extension of Federal recognition. If not promoted in the National Guard of the State, Territory, or the District of Columbia, Federal recognition in his current grade shall be withdrawn and he shall be transferred to the Army Reserve.

WITHHOLDING OF CERTAIN PROMOTIONS

SEC. 337. A Reserve officer on active duty recommended for promotion who prior to promotion is released from active duty as a result of action by a court-martial or a board of officers or request for release in lieu thereof shall not be promoted on the basis of that recommendation. The promotion of a Reserve officer under investigation or against whom proceedings of a court-martial or board of officers are pending may be delayed until such investigation or proceedings are completed.

PROMOTION UPON RELEASE FROM ACTIVE DUTY

SEC. 338. Upon release from active duty, a Reserve officer shall be appointed in a grade equal to the highest temporary grade in which he served satisfactorily as determined by the Secretary. An officer may not thereafter be promoted as a nonunit officer for the first time until he is qualified under section 315 (a).

RETENTION OF CERTAIN OFFICERS FOR ADDITIONAL SERVICE

SEC. 339. (a) A Reserve officer who otherwise would be removed from an active status under section 326 before the expiration of the period for which he has agreed to serve on active duty in which serving on the effective date of this Act, may, in the discretion of the Secretary, be retained on active duty until the expiration of such period and shall not be removed from an active status so long as he remains on active duty.

(b) A Reserve officer serving on active duty in the temporary grade of colonel or higher who otherwise would be removed from an active

status under section 326 may in the discretion of the Secretary be retained on active duty but not beyond the sixtieth anniversary of his birth and shall not be removed from an active status so long as he remains on active duty.

(c) A Reserve officer serving on active duty on the effective date of this Act who on the date he otherwise would be removed from an active status under section 325 has completed at least eighteen but less than twenty years of active Federal service under title II, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1084) may, in the discretion of the Secretary, be retained on active duty until he completes twenty years of active Federal service provided he will then be entitled for the benefits under that title and will not earlier attain age sixty. He shall not be removed from an active status so long as he remains on active duty.

10 USC 594, 943a, 971b, 1001 *et seq.*

(d) A Reserve officer serving on active duty on the effective date of this Act who on the date he otherwise would be removed from an active status under section 326—

(1) does not qualify for the benefits under title II, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1084),

(2) but could become entitled on or before attaining age sixty for the benefits under title II or title III of that Act,

10 USC 594, 943a, 971b, 1001 *et seq.*, 1036 *et seq.*

may, in the discretion of the Secretary, be retained on active duty until he becomes entitled to receive the benefits under title II or under title III of that Act, whichever occurs earlier. He shall not be removed from an active status so long as he remains on active duty.

SUBTITLE G—MISCELLANEOUS PROVISIONS

ASSIMILATION OF CORRESPONDING REGULATIONS

SEC. 340. Actions taken, selection boards convened, and promotions effected under appropriate Army Regulations promulgated pursuant to subsection 216 (a), Armed Forces Reserve Act of 1952 (66 Stat. 486), shall be considered as actions taken, selection boards convened, and promotions effected under the comparable provisions of this title.

50 USC 936.

TITLE IV—THE NAVAL RESERVE AND MARINE CORPS RESERVE

SEC. 401. (a) This title is applicable only to the Naval Reserve and the Marine Corps Reserve.

(b) When used in this title—

(1) "Corresponding Regular component" means the Regular component of the Navy with respect to officers of the Naval Reserve, or the Regular component of the Marine Corps with respect to officers of the Marine Corps Reserve.

(2) "Secretary" means Secretary of the Navy.

Authorized number of officers.

SEC. 402. (a) The authorized number of officers in the Naval Reserve in an active status shall be one hundred and fifty thousand and the authorized number of officers in an active status in the Marine Corps Reserve shall be twenty-nine thousand five hundred. The actual number of Reserve officers in an 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 line of the Naval 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 1.5 per centum in the grade of captain, 7 per centum in the grade of commander, 22 per centum in the grade of lieutenant commander, 37 per centum in the grade of lieutenant, and 32.5 per centum in the combined grades of lieutenant (junior grade) and ensign, except that when the actual number of Naval Reserve line 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 Naval Reserve officers in active status in the grade of rear admiral shall be forty-eight, distributed among the line and staff corps of the Naval Reserve in the following numbers: twenty-eight in the line, seven in the Medical Corps, eight in the Supply Corps, one in the Chaplain Corps, two in the Civil Engineer Corps, and two in the Dental Corps.

(c) The authorized number of officers of the Marine Corps Reserve in active status in each of the grades below the grade of brigadier general shall be a percentage of the total number of such officers in active status below the grade of brigadier general, and shall be 2 per centum in the grade of colonel, 6 per centum in the grade of lieutenant colonel, 12 per centum in the grade of major, 35 per centum in the grade of captain, and 45 per centum in the combined grades of first and second lieutenant, except that when the actual number of Marine Corps 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 total authorized number of Marine Corps Reserve officers in active status in general officer grades shall be five.

(d) The Secretary shall prescribe the number of Reserve officers in each grade who may be promoted annually under the provisions of this title. The number which shall be so prescribed for each grade shall be the number determined 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.

Promotion.

SEC. 403. The law now existing or hereafter enacted relating to the selection for promotion of an officer of the corresponding regular component shall apply to an officer of the reserve component, except as otherwise provided in this Act or except as may be necessary, in the discretion of the Secretary, to adapt such provisions to the reserve component. The relationship between officers of the line and staff corps of the Naval Reserve shall conform to that prescribed for line and staff officers of the Regular Navy in respect to a determination of the number of staff officers which may be recommended for promotion.

Running mates.

SEC. 404. (a) While in the grade of lieutenant (junior grade) or in a higher grade to which initially appointed, each Naval Reserve officer shall have a running mate of the same grade who shall be the line officer on active duty on the lineal list of the Navy next junior to him.

(b) While in the grade of first lieutenant, or a higher grade to which initially appointed, each Marine Corps Reserve officer shall have a running mate of the same grade who shall be the line officer of the regular Marine Corps next junior to him.

(c) A Reserve officer assigned a running mate at any time subsequent to the initial assignment provided in subsection (a), (b) or (f) of this section, shall be assigned such running mate in accordance with the principle prescribed by law for the assignment of running mates of the staff corps of the regular Navy, except that whenever possible such running mate shall be the line officer on active duty on the lineal list of the Navy next junior to him or the line officer of the regular Marine Corps next junior to him, in accordance with the principle expressed in subsections (a) or (b) of this section.

(d) In the application of subsections (a), (b), and (c) of this section, running mates shall be officers who by law are not restricted in the performance of duty.

(e) A woman Reserve officer shall have as her running mate a woman officer of the corresponding regular component.

(f) A Reserve officer who has been assigned a running mate under laws in effect on the effective date of this Act, shall continue to be considered for the purposes of this Act with that running mate, unless assigned a new running mate under the provision of subsection (c) of this section.

Eligibility for promotion.

SEC. 405. (a) A male Naval Reserve officer of any grade higher than ensign shall be in a promotion zone when his running mate is in or above a promotion zone and shall then become eligible for consideration by a selection board for promotion to the next higher grade. A woman Naval Reserve officer of any grade higher than ensign shall become eligible for consideration for promotion when her running mate becomes eligible for consideration for promotion, and shall remain eligible for consideration for promotion until transferred to the Retired Reserve or the inactive-status list or discharged under any law. An officer of the Nurse Corps Reserve of any grade higher than ensign shall be eligible for consideration for promotion when she is senior to the junior officer in the same grade on active duty on the lineal list who has been selected for promotion.

(b) A male Marine Corps Reserve officer of any grade higher than second lieutenant shall be in a promotion zone when his running mate or any male Reserve officer junior to that Reserve officer is in or above a promotion zone and shall then become eligible for consideration by a selection board for promotion to the next higher grade. A woman Marine Corps Reserve officer of any grade higher than second lieutenant shall be eligible for consideration for promotion when her running mate, or any woman Reserve officer junior to that woman Reserve officer, becomes ineligible for consideration by a selection board for promotion to the next higher grade.

(c) A Reserve officer in the grade of ensign or second lieutenant shall be eligible for promotion to the grade of lieutenant (junior grade) or first lieutenant, respectively, upon the completion of three years' service in grade in an active status computed from date of rank of ensign or second lieutenant.

(d) The name of any officer who is otherwise eligible for consideration for selection for promotion under subsections (a) or (b) of this section, or for promotion under subsection (c) of this section, but who has failed to meet requirements for eligibility prescribed by the Secretary of the Navy, may be withheld from consideration.

Date of rank upon promotion.

SEC. 406. Except as otherwise provided in this Act, the laws relating to the eligibility for promotion and the promotion of an officer of the regular component on a promotion list shall apply to an officer of the reserve component on a promotion list, except that—

(1) a line officer of the Naval Reserve shall have, on promotion, the same date of rank which has been, or in due course will be, given the officer who is to be his running mate in the grade

to which promoted and shall be allowed the pay and allowances of the higher grade for duty performed from the date of the vacancy that such running mate was promoted to fill; and

(2) an officer of the Marine Corps Reserve shall have, on promotion, the same date of rank which has been, or in due course will be, given the officer who is to be his running mate in the grade to which promoted, or, if considered for promotion by reason of being senior to a Reserve officer on active duty in the promotion zone, the same date of rank as that Reserve officer; and shall be allowed the pay and allowances of the higher grade for duty performed from the date he became eligible for promotion.

Applicability of title.

SEC. 407. (a) This title shall apply only to a Reserve officer in an active status. However, the provisions of this title relating to eligibility for consideration by a selection board for promotion shall not apply to any such officer whose name was furnished by the Secretary of the Navy to the immediately preceding selection board appointed to recommend officers on active duty in the Navy or Marine Corps for promotion to the grade next higher than that of the officer concerned.

(b) Notwithstanding subsection (a), any Reserve officer who has been selected for promotion under any law, and whose status with respect to active duty has been changed prior to his promotion, shall be eligible for promotion under the provisions of this Act.

Qualifications for promotion.

SEC. 408. (a) No Reserve officer shall be promoted to a higher grade until he has qualified therefor by such moral, professional, and physical examinations as the Secretary may prescribe, and until he has attained the minimum number of points prescribed by the Secretary with the approval of the Secretary of Defense. The physical standards for promotion shall be the same as those which may be prescribed for retention in the Naval Reserve or Marine Corps Reserve.

(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.

Removal by President or rejection by Senate.

SEC. 409. The President may remove the name of any Reserve officer from the promotion list. An officer whose name is so removed from the promotion list, or one whose appointment 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 lineal 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.

Precedence.

SEC. 410. Reserve officers in each grade shall take precedence among themselves and with officers of the same grades of the corresponding regular component in accordance with the dates of rank stated in their commissions. When Reserve and Regular officers of the same grade have the same date of rank they shall take precedence among themselves as determined by the Secretary.

Attrition.

SEC. 411. (a) A Reserve officer who is eliminated from an active status under this section—

(1) shall be afforded 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, shall be transferred to the inactive status list or discharged in the discretion of the Secretary.

(b) Notwithstanding any other provision of this title, whenever the Secretary shall determine it to be necessary to provide a steady flow of promotion, an appropriate number of Reserve officers may be eliminated from an active status.

(c) A Reserve officer not above the grade of lieutenant in the Naval Reserve or captain in the Marine Corps Reserve after failing of selection for promotion to the next higher grade a second time may be retained in or eliminated from an active status in the discretion of the Secretary. Other Reserve officers who are not on a promotion list after failing of selection for promotion to the next higher grade a second time shall be given opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged if they have completed the following periods of total commissioned service for the grades specified:

Grade	Total commissioned service
Captain–colonel	30 years
Commander–lieutenant colonel	26 years
Lieutenant commander–major	20 years

For the purposes of this subsection, the total commissioned service of an officer who shall have served continuously in the Naval Reserve or Marine Corps Reserve following appointment therein in the grade or rank of ensign or second lieutenant shall be computed from June 30 of the fiscal year in which he accepted appointment. Each other officer shall be deemed to have for these purposes as much total commissioned service as any officer of the line of the Regular Navy not restricted in performance of duty, or officer of the Regular Marine Corps, as appropriate, who has served continuously since original appointment as ensign in the Regular Navy or as second lieutenant in the Regular Marine Corps and has not lost numbers or precedence and who is or subsequent to September 6, 1947, shall have been junior to such other officer, except that the total commissioned service such other 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.

(d) Except as otherwise provided in this Act, a woman Reserve officer may be retained in or eliminated from an active status in the discretion of the Secretary at the times prescribed by law for the retirement or separation from the active list of the woman line officer of the Regular Navy or the Regular Marine Corps next junior to her or at any time thereafter. For the purposes of this subsection only, all commissioned service shall be considered as active commissioned service.

(e) An officer of any grade of the Nurse Corps of the Naval Reserve may be eliminated from an active status under the conditions prescribed by law for the separation from the active list of an officer of the same grade in the Nurse Corps of the Regular Navy by reason of age or failure of selection for promotion.

(f) No Reserve officer shall be involuntarily eliminated from an active status pursuant to subsections (b), (d), and (e) of this section except upon the recommendation of a Board which shall be appointed by the Secretary and convened at such times as he may direct.

Retirement for age.

SEC. 412. (a) A Reserve officer not previously transferred to the Retired Reserve shall be so transferred on the date on which he becomes sixty-two years of age. However, a Reserve officer initially appointed prior to January 1, 1953, who cannot complete twenty years of satisfactory Federal service for retirement purposes by age sixty-two, but can complete such service by age sixty-four, may be retained in an active status not later than the date on which he becomes sixty-four years of age.

(b) Notwithstanding the provisions of subsection (a), the Secretary may authorize and designate a flag or general officer to be retained in an active status until he becomes sixty-four years of age. However, not more than such ten officers of the Naval Reserve and Marine Corps Reserve may be so retained in an active status at any one time, distributed between the Naval Reserve and Marine Corps Reserve as the Secretary may determine.

Suspension of other laws.

SEC. 413. (a) Notwithstanding any other provision of this Act, a Reserve officer above the grade of ensign or second lieutenant to whom this title applies may be promoted under regulations prescribed by the Secretary whenever any part or parts of the law governing the promotion of his running mate are suspended by the President. A Reserve officer of the grade of ensign or second lieutenant may be promoted under regulations prescribed by the Secretary whenever officers of the corresponding Regular component of the same grade are being promoted with less than three years' service. Such regulations shall provide for equality of opportunity for consideration for promotion among the officers of the Naval Reserve and among the officers of the Marine Corps Reserve, respectively.

(b) Reserve officers may be promoted under this section in such numbers as the Secretary may prescribe.

Temporary promotions.

(c) Notwithstanding any other provision of law, if the promotion of the running mate of a Reserve officer is on a temporary basis, the promotion of the Reserve officer shall be on a temporary basis. If subsequently the running mate is reverted to a lower grade (for reasons other than disciplinary), the Reserve officer shall likewise revert to the same lower grade in the same manner as his running mate and take corresponding precedence. If the running mate is permanently appointed in the grade in which he is serving on a temporary basis, the Reserve officer likewise may be permanently appointed to the grade in which he is serving on a temporary basis.

TITLE V—THE RESERVE COMPONENTS OF THE AIR FORCE

SEC. 501. (a) This title applies only to the Air Force.

(b) As used in this title—

(1) "Promotion service" means service in an active status in current grade.

(2) "Federal recognition board" means a board of officers appointed under section 75 of the National Defense Act, as amended.

48 Stat. 158. 32 USC 113.

(3) "Deferred officer" means—

(A) any Reserve officer in the grade of first lieutenant;

(B) any Reserve officer in the grade of captain, except those designated as nurses or women medical specialists; and

(C) any Reserve officer in the grade of major, except those designated as nurses or women medical specialists and female Reserve officers appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i);

62 Stat. 374; 66 Stat. 506.

who is considered for promotion by a selection board under this title for the first time and is not recommended for promotion, or who for

the first time is examined and found not qualified for Federal recognition in the next higher grade.

(4) "Secretary" means the Secretary of the Air Force.

(5) "Total years of service" means all periods of time that a Reserve officer—

(A) has held an appointment as a commissioned officer in any of the Armed Forces of the United States, without component or in any component thereof;

(B) has held an appointment as a commissioned officer in the federally recognized National Guard before June 15, 1933, or held a federally recognized commissioned status therein; and

(C) has been credited with under section 201 of this Act.

No period of time may be credited more than once in the computation of total years of service.

Promotion and promotion service.

SEC. 502. (a) A Reserve officer may be promoted only as provided in this title.

(b) To be in an active status, a Reserve officer, other than an adjutant general or an assistant adjutant general of a State, a Territory, or the District of Columbia, must attain, in the course of any period of twelve consecutive months applicable to him, the minimum number of points prescribed by the Secretary pursuant to section 202 of this Act. However, the minimum number of points shall be prescribed before the beginning of the period for which applicable.

(c) (1) For a Reserve officer who, on July 1, 1949, was a member of a reserve component of the Air Force and has not been removed from an active status since that date, computation of points shall be made for periods of twelve consecutive months beginning on July 1 of each year and ending on June 30 of the next year until he is removed from an active status.

(2) For a Reserve officer who is initially appointed as a Reserve officer of the Air Force, or who is returned to an active status, after July 1, 1949, computation of points shall be made for periods of twelve consecutive months beginning on the date of his appointment or his most recent return to an active status and on each anniversary of such appointment or most recent return to an active status thereafter.

Authorized number of officers.

SEC. 503. (a) The authorized number of Reserve officers of the Air Force in active status is two hundred thousand. This authorized strength may be exceeded to meet mobilization requirements, or to permit increases required by or resulting from the operation of any other law or this Act. The authorized number of Reserve officers of the Air Force in an active status in each of the several grades, as prescribed by the Secretary, may not be more than the following percentages of the total authorized commissioned officer strength: 1.8 per centum in the grade of colonel; 4.6 per centum in the grade of lieutenant colonel; 14 per centum in the grade of major; 32 per centum in the grade of captain, and the remainder in the grades of first lieutenant and second lieutenant, except for the number authorized in general officer grades. The authorized number of Reserve officers of the Air Force in an active status in general officer grades, exclusive of Reserve officers serving in general officer grades (1) as adjutants general or assistant adjutants general of a State, a Territory, or the District of Columbia, or (2) in the National Guard Bureau, is one hundred and fifty-seven. The numbers authorized for any grade may be exceeded by the number of vacancies existing in any higher grade. It is not mandatory that the numbers authorized for the several grades be maintained.

(b) The authorized number of Reserve officers in any grade below colonel may be temporarily increased to give effect to the promotion system prescribed in this title.

(c) An officer retained in an active status under section 205 of this Act is an additional number to officers otherwise authorized by law.

Seniority for promotion purposes.

SEC. 504. (a) For promotion purposes, seniority among Reserve officers is determined as follows:

(1) Officers in any grade shall be senior to all officers in any lower grade;

(2) Among officers of the same grade—

(A) the officer with the longest period of promotion service in grade is the senior;

(B) when seniority determined under clause (2) (A) is the same, the officer with the longest service as a commissioned officer (including service in the federally recognized National Guard or in a federally recognized status therein prior to 1933) is the senior; and

(C) in all other cases the Secretary shall establish seniority.

(b) A Reserve officer who is returned to an active status shall, for the purpose of promotion, if necessary, suffer loss of precedence, and a reduction in his years of promotion service in grade, so that one year after the date on which he is returned to an active status, the years of promotion service with which he is entitled to be credited for promotion purposes shall not be more than four, seven, or seven years of promotion service in grade if he is in the grade of first lieutenant, captain, or major, respectively.

Constructive credit. Appointments.

SEC. 505. (a) A person credited with service under section 201 of this Act shall be appointed as a Reserve officer in the grade indicated as follows:

(1) A person with less than three years—second lieutenant.

(2) A person with at least three, but less than seven years—first lieutenant.

(3) A person with at least seven, but less than fourteen years—captain.

(4) A person with at least fourteen, but less than twenty-one years—major.

(5) A person with at least twenty-one years—lieutenant colonel, except that a person with at least twenty-three years may, under regulations prescribed by the Secretary, be appointed in the grade of colonel.

(b) In determining seniority in grade and eligibility for promotion, a person appointed as a Reserve officer in a grade below colonel under this section shall be credited with the number of years of promotion service in the grade in which appointed equal to the difference between the number of years of service credited under section 201 of this Act and the minimum number of years of service required under subsection (a) of this section for the grade in which he was appointed.

Minimum service in grade.

SEC. 506. (a) A Reserve officer in the grade of second lieutenant may not be promoted to, or federally recognized in, the next higher grade until he has completed three years of promotion service in the grade of second lieutenant.

(b) A Reserve officer in a grade above second lieutenant, other than an adjutant general or assistant adjutant general of a State, a Territory, or the District of Columbia who holds his grade as a Reserve officer solely because of his position as an adjutant general or an assistant adjutant general, may not be considered by a selection board for promotion, or examined by a Federal recognition board for Federal

recognition in the next higher grade, until he has completed the following minimum number of years of promotion service in grade:

Grade	Minimum number of years of promotion service in that grade
First lieutenant	2
Captain	4
Major	4
Lieutenant colonel	3
Colonel	1
Brigadier general	1

Time limit for consideration.

SEC. 507. A Reserve officer may not be considered by a selection board for promotion under this title more than two years, if in a grade below colonel, or more than one year, if in a grade above lieutenant colonel, before the date on which it is contemplated that he will be promoted if recommended by the selection board.

Selection.

SEC. 508. (a) Selection boards to consider officers for promotion shall be convened from time to time in such number, and under such regulations, as the Secretary may prescribe,

(b) Except when it is considering officers under section 513 of this title and except for officers covered by section 522 of this title who may not be considered at that time, whenever a Reserve officer is being considered by a selection board for promotion, the board shall consider all Reserve officers in that officer's grade who are senior to him and whose names are not carried on a recommended list.

(c) The name of each Reserve officer who is recommended for promotion by a selection board shall be placed on a recommended list for promotion, and carried thereon until the officer is promoted to the grade for which recommended or until his name is removed therefrom under another provision of this Act. The names of Reserve officers recommended by such a selection board shall be placed on the appropriate recommended list below the names of Reserve officers recommended by any prior selection board but in the same order as existed among themselves at the time of their consideration by the selection board. Except as provided in sections 513, 519, and 521 (1) of this title, no Reserve officer whose name is on a recommended list may be promoted ahead of any other officer whose name precedes his on the same recommended list.

Promotion to first lieutenant.

SEC. 509. (a) Except as provided in subsection (b) of this section, each officer of the Air Force Reserve in an active status in the grade of second lieutenant who is found to be qualified for promotion shall be promoted to the grade of first lieutenant effective on that date upon which he completes three years of promotion service in grade.

(b) A Reserve officer in the grade of second lieutenant who completes three years of promotion service in grade and who is found not qualified for promotion, shall, notwithstanding any other provision of law except section 204 or 205 of this Act, be discharged.

Captain, major, and lieutenant colonel. Consideration.

SEC. 510. (a) Irrespective of the existence of a vacancy in the next higher grade, each Reserve officer in the grade of first lieutenant, captain, or major shall be considered for promotion sufficiently in advance of the date on which he completes four, seven, or seven years of promotion service in grade, respectively, and seven, fourteen, or twenty-one total years of service, respectively, so that, if recommended for promotion by the selection board, he may be promoted effective on the date upon which he completes that service.

(b) Based upon the number of existing and anticipated vacancies in the Air Force Reserve in the grade of captain, major, or lieutenant colonel, the Secretary may direct a selection board to consider and

recommend Reserve officers for promotion to those grades. The names of the officers to be considered shall include—

(1) the name of the senior officer in the grade of first lieutenant, captain, or major, as the case may be, and whose name is not on a recommended list; and

(2) the name of such additional officers in those grades, in order of seniority, as the Secretary may prescribe.

(c) This section does not apply to the promotion of female Reserve officers designated as nurses or women medical specialists to a grade above captain, or to the promotion of any female Reserve officer appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), to a grade above major.

62 Stat. 374; 66 Stat. 506.

Promotion.

SEC. 511. (a) A Reserve officer whose name is on a recommended list may be promoted to fill a vacancy at any time, but shall be promoted, irrespective of the existence of a vacancy, on the date upon which he completes four years of promotion service in grade and seven total years of service, if he is in the grade of first lieutenant; seven years of promotion service in grade and fourteen total years of service, if he is in the grade of captain; or seven years of promotion service in grade and twenty-one total years of service, if he is in the grade of major.

(b) A Reserve officer on active duty who is recommended for promotion to a grade higher than that in which he is serving, shall, before being promoted, elect to serve on active duty in the grade in which he is then serving or be released.

Method of selection.

SEC. 512. (a) When a Reserve officer in the grade of first lieutenant, captain, or major must be considered by a selection board for promotion because he will complete the prescribed number of years of promotion service in grade and total years of service, the Secretary may furnish to the selection board the names of such officers to be considered for promotion to the grade concerned and direct the board to recommend those whom it considers fully qualified for promotion.

(b) Whenever Reserve officers are to be considered by a selection board for promotion to fill existing or anticipated vacancies, the Secretary may direct the board to—

(1) consider the officers whose names are referred to it in the order of their seniority;

(2) recommend those considered who are fully qualified for promotion;

(3) pass over those who are not fully qualified for promotion; and

(4) continue such procedure until the number of officers specified by him to be recommended is obtained.

(c) In lieu of the procedure prescribed in subsection (a) or (b), the Secretary may furnish to a selection board the names of Reserve officers to be considered by it and direct the board to recommend for promotion a specific number of officers whom the board considers to be the best qualified of those named for consideration. When officers are considered for promotion to the grade of captain, major, or lieutenant colonel, under this subsection, the selection board shall recommend for promotion at least 80 percent of the officers named for consideration.

(d) This section does not apply to the promotion of female Reserve officers designated as nurses or women medical specialists to a grade above captain, or to the promotion of any female Reserve officer appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), to a grade above major.

Vacancies. Special qualifications.

SEC. 513. (a) Whenever there are vacancies in the Air Force Reserve in grade of captain, major, lieutenant colonel, or colonel, and the Secretary considers that there are or will be an inadequate number of officers in any of those grades with special qualifications, he may direct a selection board to recommend for promotion to that grade a prescribed number of officers of the Air Force Reserve with those qualifications. In selecting officers for promotion under this subsection to a grade below colonel, the procedures prescribed in subsection 512 (b), or in the first sentence of subsection 512 (c), of this title shall be followed. In selecting officers for promotion under this subsection to the grade of colonel, the procedures prescribed in the first sentence of subsection 512 (c) of this title shall be followed.

(b) Whenever in the opinion of the Secretary the number of officers in the grade of captain, major, lieutenant colonel, or colonel in—

(1) any unit of the Air Force Reserve organized to serve as a unit and which is not on active duty; or

(2) the Air Force Reserve in positions which are to be filled by officers with mobilization assignments or designations;

is, or may become, unbalanced and vacancies exist in any of those grades, he may direct that, of the officers to be considered and selected for those grades by a selection board, specified numbers be selected from among officers of the Air Force Reserve who are not on active duty and who are specially qualified for, and geographically available to fill, such vacancies. In selecting officers for promotion under this subsection, the procedure prescribed in the first sentence of subsection 512 (c) of this title shall be followed.

(c) An officer recommended for promotion under this section may be promoted only to fill a vacancy for which recommended.

(d) Officers whose names are on a recommended list and who meet the requirements of subsection (b) of this section may be promoted as prescribed in this section, in the order in which their names appear on that recommended list.

(e) If an officer enters upon active duty before being promoted to fill a vacancy for which he was recommended under subsection (b) of this section, his name shall be removed from the recommended list and he shall be treated as if he had not been considered for promotion under this section.

(f) An officer considered for promotion under this section, but not recommended by a selection board, is not a deferred officer.

Temporary grade higher than permanent.

SEC. 514. (a) A Reserve officer serving on active duty in a temporary grade higher than his permanent grade and who was promoted to that temporary grade under a general selection board procedure shall, upon application, be promoted to the next higher permanent grade upon completing the promotion service prescribed by section 506 (b) of this title without further selection board action. If he is an officer of the Air National Guard of the United States and applies for permanent promotion under this section, the Governor or other appropriate authority of the State, Territory, or the District of Columbia, whichever is concerned, may promote the officer to fill a vacancy specially created, if necessary, in the State or Territory, or in the District of Columbia, whichever is concerned. If the officer is promoted he shall be extended Federal recognition in the higher grade, without the examination prescribed in section 75 of the National Defense Act, as amended, effective on the date of that promotion. If he is not promoted in the Air National Guard of the State, Territory, or the District of Columbia, whichever is concerned, within ninety days after his application therefor, Federal recognition in his permanent grade shall be terminated and he shall be transferred to the Air Force Reserve and promoted.

48 Stat. 158. 32 USC 113.

(b) A Reserve officer serving on active duty in a temporary grade higher than his permanent grade, who was promoted to that temporary grade under any procedure, and who is released from active duty before completing the promotion service in grade prescribed in section 506 (b) of this title, shall retain that temporary grade. After completing that prescribed promotion service in grade, an officer of the Air Force Reserve shall, upon application, be promoted to the next higher permanent grade without regard to vacancies in that grade.

(c) An officer of the Air National Guard of the United States who is appointed to a temporary grade under subsection (b) shall, if promoted to the same grade in the Air National Guard of the State, Territory, or the District of Columbia, whichever is concerned, be extended Federal recognition in that grade, without the examination prescribed by section 75 of the National Defense Act, as amended, and if necessary be carried as an additional number therein until a vacancy occurs, but not to exceed two years. If such a vacancy does not occur within two years, his Federal recognition shall be terminated, and he shall be transferred to the Air Force Reserve.

48 Stat. 158. 32 USC 113.

(d) This section applies only to officers who have performed active duty in a higher temporary grade since June 26, 1950.

Female officers.

SEC. 515. (a) A female Reserve officer appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i) may not be promoted to a grade above lieutenant colonel.

62 Stat. 374; 66 Stat. 506.

(b) A female Reserve officer designated as a nurse or woman medical specialist in the grade of captain or higher may be promoted only to fill an authorized vacancy in her category.

(c) A female Reserve officer who is in the grade of major, and who was appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), may be promoted only to fill an authorized vacancy in her category.

(d) The Secretary shall furnish to selection boards the names of female Reserve officers to be considered under this section for promotion to grades above captain, and shall direct the board to recommend a number prescribed by him for promotion to the appropriate grade. The board shall recommend the prescribed number of those officers whom it considers to be the best qualified of those named for consideration.

Colonel.

SEC. 516. Based upon the number of actual and anticipated vacancies in the Air Force Reserve in the grade of colonel, the Secretary shall furnish to a selection board the names of officers of the Air Force Reserve to be considered for promotion and shall direct the board to recommend a number prescribed by him for promotion to that grade. Each list furnished shall include—

(1) the name of the senior officer in the grade of lieutenant colonel whose name is not on a recommended list for promotion; and

(2) the names of such additional officers as the Secretary may prescribe, in order of their seniority.

The board shall recommend the prescribed number of those officers which it considers to be the best qualified of those named for consideration. A Reserve officer recommended for promotion under this section may be promoted only to fill a vacancy.

Brigadier general and major general.

SEC. 517. (a) Based upon the number of actual and anticipated vacancies in the grades of major general or brigadier general, as the case may be, in the Air Force Reserve the Secretary shall furnish to a selection board names of officers of the Air Force Reserve in the grade of brigadier general or colonel, respectively, to be considered for promotion under this title and shall direct the board to recom-

mend a number prescribed by him for promotion to the grade concerned. Each list furnished shall include—

(1) the name of the senior officer in the grade of brigadier general or colonel whose name is not on a recommended list for promotion; and

(2) the names of such additional officers as the Secretary may prescribe, in the order of their seniority.

To insure that the Air Force Reserve will have an adequate number of general officers with experience qualifying them for active service, the Secretary may direct that a specified number of the officers to be recommended for promotion to that grade have experience qualifying them for active service in specified positions, specialties or categories. The selection board shall recommend for promotion to the grade concerned the prescribed number, including any prescribed number with special qualifying experience. The officers recommended shall be those who in the opinion of the board are the best qualified of the officers named for consideration.

(b) An officer recommended for promotion under this section may be promoted only to fill a vacancy in the next higher grade.

(c) When a Reserve officer who is appointed to the grade of major general or brigadier general to fill a vacancy under this section, or any other provision of law, ceases to occupy that position, he shall, within thirty days thereafter, unless assigned to fill a comparable position of the same or higher grade, as may be determined by the Secretary—

(1) be transferred in grade to the inactive status list if qualified, or if qualified and if he applies therefor, to the Retired Reserve;

(2) be discharged and, if qualified and upon his application, be appointed a Reserve officer in the grade held by him as a Reserve officer before his appointment in a general officer grade, and be credited with the amount of promotion service in the grade in which appointed equal to the amount of promotion service with which he has been credited in that grade and in any higher grade; or

(3) be discharged, if not transferred under clause (1) of this subsection, or appointed under clause (2) of this subsection.

Removal by President or rejection by Senate.

SEC. 518. (a) A Reserve officer who is recommended for promotion under this title and is not promoted because the President declines to appoint him in the next higher grade, or because the Senate refuses to consent to his appointment after he has been nominated by the President for appointment in a general officer grade—

(1) shall continue to be eligible for consideration for promotion as if he had not been considered for that grade by the selection board which recommended him;

(2) shall be again considered for promotion by the next appropriate selection board;

(3) shall, if recommended for promotion by such selection board, have his name placed on the appropriate recommended list; and

(4) shall, if promoted, be credited with the same amount of promotion service in the higher grade as he would have had if promoted as the result of the earlier selection.

(b) A Reserve officer in the 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 promoted thereafter 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, subject to sections 204 and 205 of this Act, if qualified and he applies therefor, be transferred to the Retired Reserve or discharged.

Air National Guard.

SEC. 519. (a) Notwithstanding any other provision of this Act, the appointment and promotion of officers in the Air National Guard of a State, a Territory, or the District of Columbia is a function of the Governor or other appropriate authority thereof.

(b) Except as provided by this section and sections 520 and 521 of this title, each person appointed in or promoted to a commissioned grade in the Air National Guard of a State, a Territory, or the District of Columbia to fill an authorized vacancy shall be examined for Federal recognition in that grade by a Federal recognition board. An officer of the Air Force Reserve who is appointed in the Air National Guard of a State, a Territory, or the District of Columbia in a commissioned grade to fill an authorized vacancy shall, effective on the date of his appointment in the Air National Guard of that State or Territory, or of the District of Columbia, be extended Federal recognition, without the examination prescribed in section 75 of the National Defense Act, as amended, if at the time of his appointment he holds the same grade as a Reserve officer or his name is on a recommended list for promotion to that grade. No member of the Air Force Reserve may be federally recognized in the Air National Guard in a grade which is higher or lower than his permanent grade or grade for which he has been recommended for promotion by a selection board under this title.

48 Stat. 158.
32 USC 113.

(c) A Reserve officer shall be promoted effective on the date upon which he is extended Federal recognition in the next higher grade in the Air National Guard of a State, a Territory, or the District of Columbia.

(d) An adjutant general or assistant adjutant general of a State, a Territory, or the District of Columbia, may be appointed a Reserve officer in any grade if he is extended Federal recognition in that grade in the Air National Guard of a State, a Territory, or the District of Columbia.

First lieutenant.

SEC. 520. (a) An officer of the Air National Guard of the United States in the grade of second lieutenant who is appointed in or promoted to the grade of first lieutenant by the Governor or other appropriate authority to fill an authorized vacancy in the Air National Guard of a State, a Territory, or the District of Columbia, shall be extended Federal recognition, without the examination prescribed in section 75 of the National Defense Act, as amended, in the grade of first lieutenant and promoted effective on the date upon which he completes three years of promotion service in grade.

(b) Subject to section 204 of this Act, and notwithstanding any other law, an officer of the Air National Guard of the United States in the grade of second lieutenant who is not appointed in or promoted to the grade of first lieutenant by the Governor or other appropriate authority of a State, a Territory, or the District of Columbia, shall, within ninety days after he completes three years of promotion service in the grade of second lieutenant, be discharged.

Captain, major, and lieutenant colonel.

SEC. 521. Each officer of the Air National Guard of the United States recommended for promotion to the grade of captain, major, or lieutenant colonel, by a selection board under this title, who—

(1) is, before the date on which he would be promoted under section 511 of this title, appointed in, or promoted to, the next higher grade to fill an authorized vacancy in the Air National Guard of a State, a Territory or the District of Columbia, shall be extended Federal recognition, without the examination pre-

48 Stat. 158.
32 USC 113.

scribed in section 75 of the National Defense Act, as amended, in the higher grade and promoted effective on the date upon which he is appointed in or promoted to the higher grade in the Air National Guard of the State, the Territory, or the District of Columbia; or

(2) is not sooner appointed in or promoted to the next higher grade in the Air National Guard of a State, a Territory, or the District of Columbia, shall, effective on the date he must be promoted under section 511 of this title, have his Federal recognition terminated, be transferred to the Air Force Reserve, and be promoted.

Failure of selection.

SEC. 522. (a) (1) A deferred officer—

(A) shall lose precedence for promotion purposes to officers who were recommended by the selection board that considered but failed to recommend him; and

(B) shall, if necessary, have his years or promotion service in grade and his total years of service reduced so that one year after the date on which he would have been appointed in the next higher grade as a Reserve officer, had he been recommended by or considered and recommended by the selection board, he will not be credited with more than four, seven, or seven years of promotion service in grade if he is in the grade of first lieutenant, captain, or major, respectively.

(2) For the purpose of clause (1) (B) of this subsection, the date on which a deferred officer would have been appointed in the next higher grade is the earlier of the following dates:

(A) The earliest date of appointment in the next higher grade of any officer who, before the loss of seniority by the deferred officer, was junior to him.

(B) The date on which the deferred officer, had he not suffered a reduction in years of promotion service in grade would have completed four, seven, or seven years of promotion list service and seven, fourteen, or twenty-one total years of service, if in the grade of first lieutenant, captain, or major, respectively.

(b) An officer who is deferred because he was not recommended for promotion by a selection board shall, unless sooner recommended for promotion under section 513 of this title or examined for Federal recognition in the next higher grade, again be considered for promotion by the next appropriate selection board convened to consider Reserve officers of his grade and category under section 510 of this title.

(c) An officer who is deferred because he was found not qualified for Federal recognition shall, unless sooner recommended for promotion under section 513 of this title, or again examined for Federal recognition in the next higher grade, be considered for promotion by the next appropriate selection board convened under section 510 of this title, when the officer next junior to him is also considered, but not earlier than one year after the date on which he was found not qualified for Federal recognition.

(d) (1) An officer who is deferred because he was not recommended for promotion by a selection board may, if appointed in, or promoted to, the next higher grade in the Air National Guard of a State, a Territory, or the District of Columbia, whichever is concerned, be examined for Federal recognition in the higher grade at any time before the date on which he must be considered for promotion by a selection board under subsection (b) of this section.

(2) 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 the higher grade at any time before the date on which he must be considered for promotion under

subsection (c) of this section, but not earlier than one year after the date on which he was previously found not qualified for Federal recognition in the higher grade.

(e) (1) A deferred officer who is considered for promotion by a selection board as provided by subsection (b) of this section, and who is not recommended for promotion by that selection board, may not thereafter be considered for promotion or examined for Federal recognition, and, except as prescribed by sections 204 and 205 of this Act, shall have his Federal recognition terminated if appropriate, and shall, if qualified and if he makes application therefor, be transferred to the Retired Reserve, or if not qualified or if he does not apply, be discharged, one year and ninety days after the date on which he would have been promoted if he had been recommended for promotion by the first selection board which considered him.

(2) A deferred officer who is considered for promotion by a selection board or examined for Federal recognition in the next higher grade, as provided by subsection (c) or (d) of this section and who is not recommended for promotion by the selection board or who is found not qualified for Federal recognition, may not thereafter be considered for promotion or examined for Federal recognition, and, except as prescribed by sections 204 and 205 of this Act, shall—

(A) have his Federal recognition terminated, if appropriate; and

(B) if qualified, be transferred upon his application to the Retired Reserve, or if not so qualified or he does not apply, be discharged, within ninety days after the date upon which the report of the selection board or Federal recognition board is approved by the Secretary.

Maximum ages.

SEC. 523. (a) Each Reserve officer in a grade below major general who is not retired, transferred to the Retired Reserve, or discharged at an earlier date shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, on the date upon which he becomes sixty years of age.

(b) A Reserve officer in the grade of major general who is not retired, transferred to the Retired Reserve, or discharged at an earlier date shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged on the date upon which he becomes sixty-two years of age.

(c) Notwithstanding subsections (a) and (b) of this section, an officer while holding an appointment as Chief of the National Guard Bureau may not, without his consent, be transferred to the Retired Reserve or be discharged under this section before the date upon which be becomes sixty-four years of age. Such an officer shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, on the date upon which he becomes sixty-four years of age, unless he is retired, transferred to the Retired Reserve, or discharged, at an earlier date under another provision of law.

(d) Each female Reserve officer designated as a nurse or woman medical specialist shall, upon her application, be transferred to the Retired Reserve if qualified, or if she is not qualified or does not apply for transfer to the Retired Reserve, be discharged, if in a grade above captain, thirty days after the date upon which she becomes fifty-five years of age, and, if in a grade below major, thirty days after the date upon which she becomes fifty years of age. For the purpose of this subsection, such an officer in the grade of captain

whose name is on a recommended list shall be treated as if she were in a grade above captain.

Elimination for length of service.

SEC. 524. (a) Effective two years after the effective date of this Act, each Reserve officer in an active status in the grade of major general, brigadier general, or colonel, who is not removed from an active status at an earlier date and whose name is not on a recommended list for promotion shall, upon his application, be transferred to the Retired Reserve, if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, thirty days after the date upon which he completes thirty-five, thirty, or thirty total years of service, respectively, or on the fifth anniversary of the date of his appointment in the grade in which serving, whichever is later. However, a Reserve officer in the grade of major general or brigadier general who would otherwise be removed from an active status under this subsection, may, in the discretion of the Secretary, be retained in an active status but not later than the date upon which he becomes sixty-two years of age if in the grade of major general, or sixty years of age if in the grade of brigadier general. Not more than ten officers in each such grade may be retained under this subsection at any one time.

(b) Each Reserve officer in an active status in the grade of first lieutenant, captain, major, and each lieutenant colonel whose name is not on a recommended list for promotion to the grade of colonel, and who is not removed from an active status at an earlier date shall, upon his application, be transferred to the Retired Reserve if qualified, or, if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, thirty days after the date upon which he completes twenty-eight total years of service. A Reserve officer in grade of lieutenant colonel whose name is on a recommended list for promotion to the grade of colonel may not be transferred to the Retired Reserve or discharged under this subsection.

(c) Each Reserve officer whose name is on a recommended list for promotion to grade of major general, brigadier general, or colonel, shall, unless removed from an active status at an earlier date, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, shall be discharged, under the procedure prescribed in subsection (a) of this section.

(d) (1) Each female Reserve officer who is in the grade of lieutenant colonel, who was appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), and who is not removed from an active status at an earlier date shall, upon her application, be transferred to the Retired Reserve if qualified, or if she is not qualified or does not apply for transfer to the Retired Reserve, shall be discharged, thirty days after the date upon which she completes twenty-eight total years of service. However, such an officer may, in the discretion of the Secretary, be retained in an active status but not later than thirty days after the date upon which she completes thirty total years of service.

62 Stat. 374; 66 Stat. 506.

(2) Each female Reserve officer who is in a grade below lieutenant colonel, who was appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), and who is not removed from an active status at an earlier date shall, upon her application, be transferred to the Retired Reserve if qualified, or if she is not qualified or does not apply for transfer to the Retired Reserve, shall be discharged, thirty days after the date upon which she completes twenty-five total years of service. However, such an officer in the grade of major whose name is on a recommended list for promotion may not be transferred to the Retired Reserve or discharged

under this clause but shall be transferred to the Retired Reserve or discharged under the procedure prescribed in clause (1) of this subsection.

Elimination of excess officers.

SEC. 525. (a) Whenever the Secretary considers that there is an excessive number of Reserve officers in an active status, in any grade, who have at least thirty total years of service or at least twenty years of satisfactory Federal service under title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, he may convene a board which shall consider all Reserve officers of that grade in an active status who have that service. The Secretary shall direct the board to select and recommend by name a specified number of such officers for removal from an active status.

62 Stat. 1087. 10 USC 1036 et seq.

(b) The Secretary may, in the case of an officer recommended for removal from an active status under subsection (a) of this section—

(1) transfer the officer to the Retired Reserve, if he is qualified and applies for transfer;

(2) transfer the officer to the inactive status list, if qualified; or

(3) discharge the officer.

Adjutants general or assistant adjutants general. Elimination or transfer.

SEC. 526. Within thirty days after a Reserve officer who is federally recognized in the Air National Guard of a State or Territory or the District of Columbia solely by reason of his appointment as adjutant general or assistant adjutant general, ceases to occupy that position—

(1) his Federal recognition shall be terminated; and

(2) he shall—

(A) be transferred in grade to the Retired Reserve, if he is qualified and applies therefor;

(B) be discharged, and if qualified and he applies, appointed a Reserve officer in the grade held by him as a Reserve officer in the Air Force immediately before his appointment as adjutant general or assistant adjutant general, and be credited with the amount of promotion service in the grade in which appointed equal to the amount of promotion service with which he has been credited in that grade and in any higher grade; or

(C) be discharged, if not transferred under clause (2) (A) of this section, or appointed under clause (2) (B) of this subsection.

TITLE VI—THE COAST GUARD RESERVE

SEC. 601. As used in this title—

(a) "Secretary" means the Secretary of the respective department in which the Coast Guard is operating.

(b) "Reserve" means the Coast Guard Reserve.

(c) "Reserve officer" means an officer in the Coast Guard Reserve except those officers specifically excluded by subsection 602 (b) of this title.

Applicability of title.

SEC. 602. (a) This title is applicable only to the Coast Guard Reserve.

(b) This Act is not applicable to those officers of the Reserve whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the United States Coast Guard. Such officers shall be considered for promotion under the regulations governing promotion of officers of the Regular Coast Guard as though such officers were officers of the Regular Coast Guard.

(c) This title shall apply equally to women members of the Reserve except where the context indicates otherwise.

(d) Temporary members of the Coast Guard Reserve are excluded from the provisions of this Act.

Authorized number of officers.

SEC. 603. (a) The authorized number of officers in the Coast Guard Reserve in active status shall be 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 per centum in the grade of captain, 3.5 per centum in the grade of commander, 25 per centum in the grade of lieutenant commander, 37 per centum in the grade of lieutenant, and 33.9 per centum 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 title. 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.

Promotion.

SEC. 604. (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 607 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.

Precedence.

SEC. 605. 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.

Running mates.

SEC. 606. (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 605 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.

Promotion zone.

SEC. 607. Subject to the provisions of section 202 of title II of this Act—

(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.

Date of rank upon promotion.

SEC. 608. When an officer of the Reserve is promoted to the next higher grade under the provisions of this Act 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 shall be allowed the pay and allowances of the higher grade for duty performed from the date his running mate became entitled to such pay and allowances.

Minimum points.

SEC. 609. 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.

Qualifications.

SEC. 610. (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.

Failure of selection and elimination.

SEC. 611. (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.

Removal by President or rejection by Senate.

SEC. 612. 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.

Maximum ages for active status.

SEC. 613. (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), 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.

Type of promotion.

SEC. 614. (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.

Officers on active duty.

SEC. 615. 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 Act and the regulations of the Secretary and may be promoted in the normal manner for Reserve officers if qualified under the provisions of this Act.

Former Navy and Coast Guard officers.

SEC. 616. 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.

Recall of retired officers.

SEC. 617. (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.

Grade upon relief.

(b) Notwithstanding any other provisions of this Act, 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.

Regulations.

SEC. 618. The Secretary may prescribe such regulations, not inconsistent with this Act, as he may deem necessary and appropriate in the premises.

TITLE VII—MISCELLANEOUS PROVISIONS

Effective date.

SEC. 701. Except as otherwise provided, this Act shall become effective July 1, 1955.

Repeals and amendments.

SEC. 702. (a) Effective on the date of enactment of this Act, all laws limiting the number of officers in flag or general officer grades in the Naval Reserve and Marine Corps Reserve, who may serve on active duty, are repealed.

41 Stat. 785.
10 USC 511.

(b) The eighth paragraph of section 127a of the National Defense Act, as amended, is further amended to read as follows:

"Unless special assignment is made by the President under the provisions of the Act of June 4, 1920 (41 Stat. 811), as amended by the Act of August 7, 1947 (61 Stat. 913), and by the Act of May 5, 1950 (10 U. S. C. 1591), all officers of the Army and Air Force serving in the active military service of the United States in any grade shall take rank according to the date which, in the case of an officer of the Regular Army or the Regular Air Force is that stated in his commission or letter of appointment, and, in the case of a Reserve officer, shall precede that on which he enters the active military service of the United States by a period equal to the total of—

64 Stat. 145.
10 USC 507.

(1) one year for each year of satisfactory Federal service as defined in section 302 (b) of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1087) which

10 USC 1036a.

is earned by the officer concerned while holding that grade or any higher grade subsequent to the effective date of the Reserve Officer Personnel Act of 1954;

(2) the total length of active Federal service, or active duty or active duty for training as defined by section 101 of the Armed Forces Reserve Act of 1952 (66 Stat. 481), which he may have performed in that grade or any higher grade, including the total length of duty performed by him in that grade or any higher grade under the provisions of sections 92, 94, 97, and 99 of this Act, at any time except during a year of satisfactory Federal service counted under clause (1) of this paragraph; and 50 USC 901.

(3) one day for each point credited under section 302 (b) (2) of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1087) while holding that grade or any higher grade at any time subsequent to the effective date of the Reserve Officer Personnel Act of 1954 except during a year of satisfactory Federal service counted under clause (1) of this paragraph. When dates of rank as established herein are the same, precedence shall be determined by length of active Federal commissioned service in the Army or in the Air Force, as appropriate, which shall include all time served on active duty or active duty for training as defined by Section 101 of the Armed Forces Reserve Act of 1952 as a commissioned officer in the Federal service, service performed under the provisions of Sections 92, 94, 97, and 99 of this Act together with the total number of days credited such officer in any commissioned grade for points earned in the manner prescribed above. When length of such service is the same, officers of the Regular Army or Regular Air Force, as appropriate, shall take rank among themselves according to their places on the promotion list, preceding Reserve officers of the same date of rank and length of service who shall rank among themselves according to age." 10 USC 1036a.

(c) Subsection 257 (e) of the Armed Forces Reserve Act of 1952 (66 Stat. 497–8) is amended by inserting before the period at the end thereof the words "including a review of the effectiveness of the Reserve Officer Personnel Act of 1954." 50 USC 1008(e).

(d) Section 216 of the Armed Forces Reserve Act of 1952 (66 Stat. 486), is hereby repealed. 50 USC 936.

(e) Section 708 of the Armed Forces Reserve Act of 1952 is amended by adding at the end thereof the following: "Warrant officers and enlisted members of the National Guard of the United States and the Air National Guard of the United States holding appointments as Reserve commissioned officers pursuant to this section shall not be deemed to be in an active status as commissioned officers unless ordered to active duty or active duty for training by competent authority in their commissioned officer status and until so ordered by competent authority, unless discharged from their enlisted or warrant officer status, shall be deemed for all purposes to be serving in such warrant officer or enlisted status." 66 Stat. 503. 50 USC 1118.

(f) The President is authorized to appoint to the grade of Rear Admiral in the Retired Reserve any Reserve officer holding an appointment in the Retired Reserve in the grade of Commodore.

SEC. 703. (a) Except as provided in subsection 617 (b), nothing in this Act 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. Savings provisions.

48 Stat. 159. 32 USC 66, 171-176.

(b) This Act does not modify in any manner any provision of section 81 of the National Defense Act, as amended.

61 Stat. 840. 34 USC 211a(o).

(c) This Act does not modify in any manner any provision of subsection 304 (o) of the Officer Personnel Act of 1947, as amended.

Approved September 3, 1954.

Public Law 774 CHAPTER 1258

September 3, 1954 [H. R. 2235]

AN ACT

To authorize the Secretary of the Interior to construct the Santa Maria project, Southern Pacific Basin, California.

Santa Maria project, Calif.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to construct the project for irrigation and the conservation of water, flood control, and for other purposes, on Santa Maria River, California, pursuant to the laws of California relating to water and water rights, and, otherwise substantially in accordance with the recommendations of the Secretary of the Interior dated January 16, 1953, entitled "Santa Maria project, Southern Pacific Basin, California", in relation to the Vaquero Dam and Reservoir and any other conservation feature of the project: *Provided*, That in view of the special circumstances of the Santa Maria project, neither the provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 636, 649) nor any other similar provision of the Federal reclamation laws shall be applicable thereto so long as the water utilized on project lands is acquired by pumping from the underground reservoir: *Provided further*, That a repayment contract not exceeding a period of fifty years be executed prior to commencement of construction of the works herein authorized.

43 USC 423e.

Repayment contract.

Appropriation.

SEC. 2. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required for the purposes of this Act not to exceed $16,982,000.

Approved September 3, 1954.

Public Law 775 CHAPTER 1259

September 3, 1954 [H. R. 5420]

AN ACT

To amend section 161, title 35, United States Code, relating to the patenting of plants.

Patents for plants. 66 Stat. 804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 161, title 35, United States Code, is hereby amended to read as follows:

"SEC. 161. PATENTS FOR PLANTS.—Whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or a plant found in an uncultivated state, may obtain a patent therefor, subject to the conditions and requirements of this title.

"The provisions of this title relating to patents for inventions shall apply to patents for plants, except as otherwise provided."

Approved September 3, 1954.