Public Law 86-153

AN ACT

August 11, 1959
[S. 1110]

To amend the Act of August 4, 1955 (Public Law 237, Eighty-fourth Congress), to provide for conveyance of certain interests in the lands covered by such Act.

Clemson Agricultural College, S. C.
Conveyance of land interests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to direct the Secretary of Agriculture to release on behalf of the United States conditions in two deeds conveying certain submarginal lands to Clemson Agricultural College of South Carolina so as to permit such college, subject to certain conditions, to sell, lease, or otherwise dispose of such lands", approved August 4, 1955 (Public Law 237, Eighty-fourth Congress; 69 Stat. 496), is amended by adding at the end thereof the following:

"SEC. 3. (a) Upon application and subject to subsection (b) of this section, all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the said conditions as to such lands may be conveyed to the Clemson Agricultural College of South Carolina by the Secretary of the Interior upon the payment of an amount equal to the fair market value of such interests, as determined by appraisal or otherwise.

Nonapplicability.

"(b) This section shall not apply to the mineral interests of the United States in the seven thousand three hundred eighty and one-half acres of land taken by eminent domain in Civil Action 2446 in the United States District Court for the Western District of South Carolina."

Approved August 11, 1959.

Public Law 86-154

AN ACT

August 11, 1959
[S. 2183]

Granting the consent of Congress to interstate compacts for the development or operation of airport facilities.

Compacts.
Airport facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to each of the several States to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of developing or operating airport facilities. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 11, 1959.

Public Law 86-155

AN ACT

August 11, 1959
[H. R. 4413]

To provide improved opportunity for promotion for certain officers in the naval service, and for other purposes.

Navy, officer promotions.
70A Stat. 336-345.
10 USC 5701-5711.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Navy may, whenever the needs of the service require, convene selection boards, or direct boards convened under chapter 543 of title 10, United States Code, to recommend for continuation on the active list officers of the Regular Navy and the Regular Marine

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Corps described in subsection (c) and shall convene or direct such boards to recommend for continuation on the active list officers of the Regular Navy and the Regular Marine Corps described in subsections (e)–(g). Except as otherwise provided in this section, the provisions of chapter 543 of title 10, United States Code (other than section 5701(e)), concerning boards to recommend captains, commanders, colonels, or lieutenant colonels for promotion, apply to each board convened under this subsection.

(b) Each board convened under subsection (a) to consider captains in the Medical Service Corps or the Nurse Corps shall consist of not less than three or more than nine officers on the active list or the retired list of the Regular Navy in the grade of captain or above, two-thirds of whom are officers in the Medical Corps and one-third of whom are officers in the corps concerned. To be eligible for membership on such a board, an officer on the active list in the Medical Service Corps or the Nurse Corps must have been recommended for continuation on the active list by an earlier board convened under this section. When there is an insufficient number of officers of the Medical Service Corps or the Nurse Corps available to serve, the Secretary shall complete the minimum required membership by appointing as members of the board officers of the Regular Navy in the Medical Corps.

(c) Each officer of the Regular Navy or the Regular Marine Corps who has served on active duty for more than five years, who is not on a promotion list, and who will complete at least five years of service in the grade of captain in the Navy or colonel in the Marine Corps by June 30 of the fiscal year in which a board is convened under this section is eligible for consideration for continuation on the active list by that board. An officer who has once been recommended for continuation while serving in the grade of captain or colonel by such a board may not be considered by a subsequent board convened under this section and is not subject to the provisions of subsection (e) or (f). For purposes of this subsection, an officer is considered as serving in the grade of captain in the Navy or colonel in the Marine Corps from the date of rank assigned him upon appointment to that grade under chapter 539 or 545 of title 10, United States Code, until the effective date of his appointment in the next higher grade under chapter 545 of title 10, United States Code.

70A Stat. 320-331; 72 Stat. 1493-1495.
10 USC 5571-5601.

(d) When the Secretary convenes a board under this section to consider any category of officers described in subsection (c) or (e), he shall establish a continuation zone for that category. The continuation zone for each category shall include such number of officers as the Secretary determines to be necessary to best meet the needs of the service. The senior officer in a continuation zone, for each category of officers, shall be designated by the Secretary. When the Secretary convenes a board to consider for continuation a category of officers for which a continuation board has been previously convened, the senior officer for that category shall be the officer next junior to the most junior officer of that category considered for continuation by the preceding board. The junior officer in each continuation zone shall be designated by the Secretary. In each category, all officers junior to the senior officer and senior to the junior officer in a continuation zone shall be in the continuation zone for that category. Only officers who are in a continuation zone may be considered for continuation by a selection board.

70A Stat. 345-368.
10 USC 5751-5792.

(e) Each officer not restricted in the performance of duty serving in the grade of captain on the active list in the line of the Regular Navy, each officer serving in the grade of captain on the active list of the Regular Navy in the Supply Corps, the Chaplain Corps, or the Civil Engineer Corps, and each officer not restricted in the per-

formance of duty serving in the grade of colonel on the active list of the Regular Marine Corps who is not on a promotion list, who has not been previously recommended for continuation in the approved report of a board, and who has at least twice failed of selection to the grade of rear admiral in the Navy or brigadier general in the Marine Corps is eligible for consideration for continuation on the active list by a board convened under this section.

(f) Each officer designated for supply duty serving in the grade of colonel on the active list of the Regular Marine Corps who is not on a promotion list, who has not been previously recommended for continuation in the approved report of a board, and who will complete at least twenty-seven years of total commissioned service, as computed under section 6387 of title 10, United States Code, by June 30 of the fiscal year in which a board is convened under this section is eligible for consideration for continuation on the active list by that board. 70A Stat. 408.

(g) Each officer on the active list of the Regular Navy or the Regular Marine Corps serving in the grade of commander or lieutenant colonel (except an officer designated for limited duty, an officer in the Nurse Corps, or a woman officer appointed under section 5590 of title 10, United States Code) who is not on a promotion list, who has not been previously recommended for continuation in the approved report of a board, and who has at least twice failed of selection for promotion to the grade of captain in the Navy or colonel in the Marine Corps is eligible for consideration for continuation on the active list by a board convened under this section. 70A Stat. 327.

(h) The Secretary shall furnish the appropriate selection board convened under this section with the names of the officers who shall be considered by the board and, based on the needs of the service, the number of these officers by categories that may be recommended for continuation on the active list. Of the officers considered for continuation by each selection board, the board shall recommend those officers whom the board considers best qualified for continuation on the active list. Each board shall certify in its written report that in the opinion of at least two-thirds of the acting members of the board the officers recommended are selected as best qualified for continued service on the active list. Of the officers considered but not recommended for continuation on the active list the board shall further report the names of any officers whose performance of duty would not warrant retention on the active list under any circumstances. Each board shall certify in its written report that in the opinion of two-thirds of the acting members of the board, based on the information available to the board, the performance of duty of each such officer whose name is so reported would not warrant retention on the active list under any circumstances. The report of each board shall be submitted to the President and shall become final upon his approval.

(i) Unless sooner selected for promotion to the next higher grade, each officer who is considered for continuation on the active list by a board convened under this section and who is not recommended for continuation in the approved report of the board, shall, notwithstanding any other provision of law except subsection (j) or (k), be retired on June 30 of the fiscal year in which the report of the board is approved or in which he completes 20 years of total commissioned service, as computed under section 6387 or 6388 of title 10, United States Code, whichever is later. 70A Stat. 408, 409.

(j) An officer in a grade below rear admiral on the active list of the Regular Navy who has the rank of rear admiral while serving in a statutory office and who would be retired under this Act may have

his date of retirement deferred by the Secretary during the period the officer has the rank of rear admiral and has not attained the age of sixty-two years.

(k) If the report of a board that considers officers for continuation on the active list under this section is approved less than six months before the end of the fiscal year, the retirement of officers who were considered but not recommended for continuation by that board shall be deferred until the first day of the seventh month following the month in which the report of the board is approved.

SEC. 2. (a) An officer who is retired under this Act, unless otherwise entitled to a higher retired grade or higher retired pay, shall be retired in the grade in which he was serving at the time of retirement and is entitled to retired pay at the rate of 2½ percent of the basic pay to which he would be entitled if serving on active duty in the grade in which retired multiplied by the number of years of service that may be credited to him under section 1405 of title 10, United States Code.

72 Stat. 130, 1451.

(b) The retired pay of any officer retired under this Act may not be less than 50 percent or more than 75 percent of the basic pay upon which the computation of retired pay is based.

(c) In determining the total number of years of service to be used as a multiplier in computing retired pay under subsection (b), and in determining the resultant number of years of early retirement under subsection (d), a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded.

(d) An officer who on the date of enactment of this Act is serving in the grade of captain or commander in the Regular Navy or colonel or lieutenant colonel in the Regular Marine Corps or is on a promotion list for promotion to one of those grades, who is not thereafter recommended for promotion to a higher grade, and whose name has not been reported in the approved report of a board in compliance with subsection 1(h) of this Act, and who is retired under this Act shall be paid, in addition to his retired pay, a lump-sum payment of $2,000, effective on the date of his retirement.

(e) An officer who has the qualifications specified in subsection (d) and who has been considered but not recommended for continuation on the active list pursuant to section 1 of this Act shall be considered for the purpose of subsection (d) as being retired under this Act if the officer retires voluntarily prior to the date specified for his retirement under this Act.

(f) An officer who is retired under this Act shall thereafter be considered as having retired voluntarily pursuant to section 6323 of title 10, United States Code.

72 Stat. 1509.

SEC. 3. Notwithstanding section 1431 of title 10, United States Code, a change of an election made under that section by an officer who is retired under this Act is effective if made at such a time that it would have been effective had he been retired on the date prescribed by section 6376, 6377, or 6379 of title 10, United States Code, as appropriate, and a revocation of an election made under that section by an officer retired under this Act is effective if made before his retirement.

70A Stat. 108.

70A Stat. 402; 71 Stat. 384; 70A Stat. 404.

SEC. 4. (a) Until December 31, 1964, the Secretary of the Navy may establish zones of consideration for male officers of the Marine Corps serving in the grade of major, in addition to or instead of the promotion zones authorized by sections 5765 (b) and (c) of title 10, United States Code. The zone of consideration for that grade shall include such number of officers who are eligible for consideration for promotion as the Secretary determines to best meet the needs of the Marine

70A Stat. 354.

Corps. The senior officer and the junior officer in a zone of consideration shall be designated by the Secretary. All officers junior to the senior officer and senior to the junior officer in a zone of consideration shall be in the zone of consideration. The zone of consideration for officers designated for supply duty shall consist of those officers who are junior to the senior officer and senior to the junior officer in the corresponding zone of consideration for officers not restricted in the performance of duty. Only officers who are in a zone of consideration or who are senior thereto may be considered by the selection board. Notwithstanding any other provision of law except the second sentence of subsection (c) of this section, the selection board may recommend as best fitted for promotion, from among the officers who are in or senior to a zone of consideration, the number of officers serving in the grade of major that the board is authorized to recommend for promotion to the grade of lieutenant colonel. An officer who is included within a zone of consideration but is not within or senior to a promotion zone and who is not selected for promotion is not considered as having failed of selection for any purpose.

(b) Whenever a zone of consideration is established for the grade of major pursuant to this section the term "promotion zone" as used in section 5759(b) of title 10, United States Code, is synonymous with the term "zone of consideration". 70A Stat. 349.

(c) Notwithstanding the last sentence of section 5765(b) of title 10, United States Code, the Secretary shall, until December 31, 1964, determine the number of officers of the Marine Corps in a promotion zone for promotion to lieutenant colonel on the basis of a consideration of the number of vacancies estimated for the grade of lieutenant colonel in the next five years, the required number of vacancies in the grade of major, and the age and service characteristics of the officers in the grade of major. The Secretary may, until December 31, 1964, specify the maximum number of officers who may be recommended for promotion to the grade of lieutenant colonel from within and above a promotion zone established under section 5765 of title 10, United States Code. That portion of section 5765(b) of title 10, United States Code, which reads "in order to maintain a flow of promotion consistent with the terms of service set out in section 5768 of this title and" is suspended until December 31, 1964, for the grade of major. 70A Stat. 354. 70A Stat. 354. 70A Stat. 356.

SEC. 5. The President may suspend any provision of section 1 or 4 of this Act during a war or national emergency hereafter declared. Such a suspension may not continue beyond June 30 of the fiscal year following that in which the war or national emergency ends.

SEC. 6. Section 6387(b)(2) of title 10, United States Code, is amended by striking out the words "is, or at any time has been," and inserting the words "has been continuously" in place thereof. 70A Stat. 408.

SEC. 7. No officer of the Navy in the Medical Corps, the Dental Corps, the Medical Service Corps, or the Nurse Corps is subject to the provisions of this Act during the effective period of the Act of June 27, 1957, Public Law 85-62 (71 Stat. 208), as now or hereafter amended. 50 USC app. 454 note.

SEC. 8. Section 1 of this Act shall have no further force or effect after June 30, 1965.

SEC. 9. (a) Chapter 561 of title 10, United States Code, is amended— 10 USC 6141-6160.

(1) by repealing section 6150; and

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

"6150. Higher retired grade for retired officers specially commended."

(b) This section becomes effective on November 1, 1959.

14 USC 221 *et seq.*

SEC. 10. (a) Chapter 11 of title 14, United States Code, is amended—

(1) by repealing sections 239 and 309, and

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

"239. Retirement in case of special commendation.
"309. Retirement in case of special commendation."

(b) This section becomes effective on November 1, 1959.

Approved August 11, 1959.

Public Law 86-156

August 14, 1959
[S. 577]

AN ACT

To amend title 10, United States Code, section 2481, to authorize the United States Coast Guard to sell certain utilities in the immediate vicinity of a Coast Guard activity not available from local sources.

Coast Guard.
Disposal of utilities.
70A Stat. 141.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2481 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended as follows:

(A) By striking out the words "of a military department" and inserting in place thereof the word "concerned".

(B) By striking out the word "or" immediately following the words "Air Force," and inserting the words "or Coast Guard," immediately following the words "Marine Corps,".

(2) Subsection (c) is amended by striking out the words "of the military department".

Approved August 14, 1959.

Public Law 86-157

August 14, 1959
[S. 2471]

AN ACT

To amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes.

TVA.
Ante, p. 282.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15d(a) of the Act to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes, approved on August 6, 1959, is hereby amended by deleting therefrom the following:

"*Provided*, That, with the budget estimates transmitted by the President to the Congress, the President shall transmit the power construction program of the Corporation as presented to him and recommended by the Corporation, together with any recommendation he may deem appropriate.

"Neither bond proceeds nor power revenues received by the Corporation shall be used to initiate the construction of new power producing projects (except for replacement purposes and except the first such project begun after the effective date of this section) until the construction program of the Corporation shall have been before Congress in session for ninety calendar days. In the absence of any modifying action by a concurrent resolution of the Congress within the ninety days, such projects will be deemed to have congressional approval."

Approved August 14, 1959.