

Public Law 305

CHAPTER 665

AN ACT

August 9, 1955
[H. R. 7000]

To provide for strengthening of the Reserve Forces, and for other purposes.

Reserve Forces
Act of 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reserve Forces Act of 1955".

AMENDMENTS TO THE ARMED FORCES RESERVE ACT OF 1952

66 Stat. 483.

SEC. 2. (a) Section 205 (b) of the Armed Forces Reserve Act of 1952 (50 U. S. C. 925 (b)) is amended by striking out the words "one million five hundred thousand" and inserting in lieu thereof the words "two million nine hundred thousand. Until July 1, 1957, this total shall not include any person who has a reserve obligation on the date of enactment of the Reserve Forces Act of 1955 whenever such person is not participating satisfactorily in an accredited training program in the Ready Reserve, as prescribed by the appropriate Secretary".

50 USC 928.

(b) Section 208 of such Act is amended by (1) redesignating subsections (f), (g), (h), and (i) thereof as subsections (g), (h), (i), and (j), respectively, and (2) inserting, immediately after subsection (e) thereof, the following new subsection:

Ready Reserve
members.
Training duty.

"(f) Except as specifically provided by regulations prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard), (1) each person inducted, enlisted, or appointed in any armed force of the United States or any component thereof under any provision of law after the date of enactment of the Reserve Forces Act of 1955 who becomes a member of the Ready Reserve by reason of any provision of law other than section 208 (c) of this Act, and (2) each person who after the date of enactment of the Reserve Forces Act of 1955 becomes a member of the Ready Reserve under section 263 of this Act, shall be required, while a member of the Ready Reserve, to (A) participate in not less than forty-eight scheduled drills or training periods, and to perform not more than seventeen days of active duty for training, during each year, or (B) perform annually not more than thirty days of active duty for training. Any such member of the Ready Reserve (except any member enlisted therein under section 6 (c) (2) (C) of the Universal Military Training and Service Act) who in any year fails to perform such training duty satisfactorily, as determined by the appropriate Secretary pursuant to regulations prescribed by the Secretary of Defense, may be ordered, without his consent, to perform additional active duty for training for not more than forty-five days. If such failure occurs during the final year of any period of obligatory membership in the Ready Reserve, such membership shall be extended for such time, not exceeding six months, as may be required for the performance by such member of such additional active duty for training."

Post, p. 603.

(c) Section 208 (g) of such Act, as amended by the preceding subsection of this Act, is amended by—

(1) redesignating paragraphs (2), (3), and (4) thereof as paragraphs (3), (4), and (5), respectively; and

(2) inserting, immediately after paragraph (1) thereof, the following new paragraph:

"(2) if he (A) has served on active duty in the Armed Forces of the United States for not less than twelve months, and has served satisfactorily as a member of a unit of the Ready Reserve pursuant to a transfer made under section 263 (a) of this Act for

Post, p. 602.

a period which, when added to the period of his active duty, totals four years, or (B) has satisfactorily completed an enlistment under section 263 (b) of this Act;”.

(d) Section 208 of such Act (50 U. S. C. 928) is further amended by adding at the end thereof the following new subsections:

“(k) Under regulations prescribed by the President, each Armed Force of the United States shall provide a system of continuous screening of units and members of the Ready Reserve to insure that—

Screening of
units and members.

“(1) no significant attrition will occur to those members or units during a mobilization;

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

“(3) members of the Reserve Forces possessing critical civilian skills will not be retained in numbers beyond the requirements for those skills except for persons who have military skills for which there is an overriding requirement;

“(4) with due respect to national security and military requirements, recognition is given to participation in combat; and

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

“(l) Under regulations prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard), any member of the Standby Reserve who has not completed his obligated period of military service in the Ready Reserve may be transferred to the Ready Reserve whenever the reason for his transfer to the Standby Reserve no longer exists.”

Transfer from
Standby Reserve to
Ready Reserve.

(e) Section 233 (a) of such Act (50 U. S. C. 961 (a)) is amended by adding at the end thereof the following new sentence: “No member of the Standby Reserve may be ordered to active duty under this subsection until the Director of Selective Service has determined that such member is available for active duty.”

Selective recall.

(f) The proviso contained in section 233 (b) (1) of such Act (50 U. S. C. 961 (b) (1)) is amended to read as follows: “*Provided*, That not more than one million members of the Ready Reserve of all reserve components may be required to perform active duty involuntarily at any time unless the Congress shall have authorized the exercise of the authority contained in this subsection with respect to a larger number”.

(g) Section 233 of such Act (50 U. S. C. 961) is further amended by adding at the end thereof the following new subsection:

“(h) Under such regulations as the Secretary of Defense shall prescribe any person who, while a member of a reserve component, becomes a regular or duly ordained minister of religion shall be entitled upon his request to a discharge from the reserve component of which he is a member. No member of any reserve component shall be required to serve on active duty, or to participate in active training and service, active duty for training, or inactive duty training, while preparing for the ministry in a recognized theological or divinity school.”

Ministers of re-
ligion.

(h) Chapter 7 of part II of such Act is amended by inserting, immediately after section 259 thereof, the following new section:

“SEC. 260. (a) Under such regulations as the Secretary of Defense shall prescribe, each military department of the Department of Defense shall cause to be prepared and maintained an accurate record of the number of members of each class of each reserve component who during each fiscal year have satisfactorily participated in (1) active duty for training, and (2) inactive duty training with pay.

50 USC 1001-
1010.

Records.

“(b) In January of each year the Secretary of Defense shall transmit to the President and to the Congress a report which shall contain

Report of Secre-
tary of Defense.

an account of the status of training of each reserve component of the Armed Forces, and the progress made in the strengthening of the reserve components, during the preceding fiscal year."

(i) Part II of such Act, as amended by preceding subsections of this section, is amended by inserting at the end thereof the following new chapter:

"CHAPTER 8—SPECIAL ENLISTMENT PROGRAMS

"SEC. 261. (a) Under such regulations as the appropriate Secretary shall prescribe, any person who is qualified for enlistment for active duty in the Army, Navy, Marine Corps, Air Force, or Coast Guard, and who has not been ordered to report for induction into the Armed Forces under the Universal Military Training and Service Act, may be enlisted in the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve, respectively, pursuant to the provisions of this section.

62 Stat. 604; 65
Stat. 75.
50 U.S.C. app.
451.

Enlistment pe-
riod; service.

"(b) Each enlistment under this section shall be for a period of six years. Each person so enlisted shall be required during such enlistment to perform—

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

"(2) satisfactory service as a member of the Ready Reserve for a period which, when added to service rendered under paragraph (1) of this subsection, will total five years; and

"(3) the remainder of such period of enlistment as a member of the Standby Reserve.

Acceptance of
enlistments.

"SEC. 262. (a) Until August 1, 1959, whenever the President determines that the enlisted strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained at the level which he determines to be necessary in the interest of national defense, he may authorize the acceptance of enlistments in units of such Ready Reserve pursuant to the provisions of this section under regulations prescribed by the Secretary of Defense. Enlistments under this section may be accepted only within quotas (which quotas shall not exceed a total of 250,000 persons annually) prescribed by the appropriate Secretary with the approval of the Secretary of Defense. No enlistment shall be accepted under this section in the Ready Reserve of any reserve component if such enlistment would cause the strength of such Ready Reserve to exceed the authorized strength of such Ready Reserve.

"(b) Enlistments under this section may be accepted from persons who—

"(1) are physically and mentally qualified for service in the Armed Forces;

"(2) have not been ordered to report for induction into the Armed Forces under the Universal Military Training and Service Act; and

"(3) have not attained the age of eighteen years and six months.

In addition, the President, under such rules and regulations as he may prescribe, may authorize the enlistment under this section, without regard to the provisions of paragraphs (2) and (3), of persons who fulfill the requirements of paragraph (1) and who have critical skills and are engaged in civilian occupations in any critical defense-supporting industry or in any research activity affecting national defense.

Enlistment pe-
riod; service.

"(c) Each enlistment under this section shall be for a period of eight years. Each person so enlisted shall be required during such enlistment (1) to perform an initial period of active duty for training of not less than three months or more than six months, and (2) thereafter to perform satisfactorily all training duty prescribed by section

208 (f) of this Act, except that (A) performance of such initial period of active duty for training by any person enlisted under this section while satisfactorily pursuing a course of instruction in a high school shall be deferred until such person ceases to pursue such course satisfactorily, graduates from such course, or attains the age of twenty years, whichever first occurs, and (B) persons specially enlisted because of their possession of critical skills may be relieved of any obligation to perform the training duty prescribed by section 208 (f). Each such person shall be deferred from training and service under the Universal Military Training and Service Act, as amended, so long as he continues to serve satisfactorily, as determined under regulations prescribed by the appropriate Secretary, and upon the completion of eight years of such satisfactory service pursuant to such enlistment shall be exempt from further liability for induction for training and service under such Act, except after a declaration of war or national emergency made by the Congress after the date of enactment of this subsection.

“(d) Notwithstanding any other provision of law, any person performing the period of active duty for training required by clause (1) of subsection (c) of this section shall—

“(1) during such period, and during any period of hospitalization incident to the performance of such duty, receive pay at the rate of \$50 per month;

“(2) be deemed to be serving in pay grade E-1 (under four months) for the purpose of determining his eligibility to receive allowances for subsistence or for travel and transportation, or to receive any benefit under title IV of the Career Compensation Act of 1949, as amended; and

“(3) be deemed to be a member of a reserve component called or ordered into active service for extended service in excess of thirty days for the purpose of determining eligibility for any benefit made available to members of reserve components by the Act entitled ‘An Act to provide for members of the reserve components of the Armed Forces who suffer disability or death from injuries incurred while engaged in active duty training for periods of less than thirty days or while engaged in active duty training’, approved June 20, 1949 (63 Stat. 201), except that (A) no such person shall be entitled to any benefit under section 621 of the National Service Life Insurance Act of 1940, as amended, and (B) the indemnity accorded to such person under the Servicemen’s Indemnity Act of 1951, as amended, shall terminate thirty days after the release of such person from such period of active duty for training.

Except as specifically provided by this subsection, no person shall become entitled, by reason of his performance of a period of active duty for training required by clause (1) of subsection (c) of this section, to any right, benefit, or privilege provided by law for persons who have performed active duty in the Armed Forces.

“(e) The National Security Training Commission shall advise the President and the Secretary of Defense, and shall report annually to the Congress, with respect to the welfare of persons performing periods of active duty for training under clause (1) of subsection (c) of this section, but shall have no authority with respect to the military training of such persons during such periods. Within sixty days after the date of enactment of the Reserve Forces Act of 1955, the National Security Training Commission shall submit to the Secretary of Defense a program containing recommendations for the personal safety, health, welfare, and morals of the members of the Ready

62 Stat. 604; 65
Stat. 75.
50 USC app.
451.

Pay, allowances,
and benefits.

63 Stat. 816.
37 USC 271-285.

65 Stat. 36.
38 USC 822.

65 Stat. 33.
38 USC 851 note.

National Security
Training Commis-
sion.
Advice and re-
port.

Reserve while performing such active duty for training, including regulations concerning the dispensing of alcoholic beverages on training establishments, in conformity with the laws of the several States.

Reemployment
rights and bene-
fits.

“(f) Any person who completes satisfactorily the period of active duty for training required of him by clause (1) of subsection (c) of this section during any enlistment pursuant to this section shall be entitled, upon application for reemployment within sixty days after (A) his release from such required period of active duty for training after satisfactory completion thereof, or (B) his discharge from hospitalization incident to such duty continuing after such release for a period of not more than six months, to all reemployment rights and benefits provided by section 9 of the Universal Military Training and Service Act for individuals inducted under the provisions of such Act, except that (1) any person so restored to a position in accordance with the provisions of this section shall not be discharged from such position without cause within six months after such restoration, and (2) no reemployment rights granted by this subsection shall entitle any person to retention, preference, or displacement rights over a veteran with a superior claim under the Veterans Preference Act of 1944, as amended.

62 Stat. 614.
50 USC app.
459.

58 Stat. 387.
5 USC 851 note.

Release from ac-
tive duty.

“SEC. 263. (a) Until July 1, 1957, the Secretaries of the Army, Navy, and Air Force with the approval of the Secretary of Defense (and the Secretary of the Treasury with respect to the United States Coast Guard) may provide by regulations, which shall be as nearly uniform as practicable, for the release from active duty in the Armed Forces prior to serving the periods for which inducted or enlisted, but in no case before serving a minimum of twelve months, of individuals who were on active duty in the Armed Forces on the date of enactment of the Reserve Forces Act of 1955 and who volunteer for transfer to units of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve. Each such individual shall be required to participate in the Ready Reserve under the provisions of section 208 (f) of this Act for a period which, when added to the period of his active duty, totals four years. The total number of individuals released from active duty under this subsection shall not exceed one hundred and fifty thousand annually.

Annual total.

Enlistments.

“(b) Until July 1, 1957, the Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense (and the Secretary of the Treasury with respect to the United States Coast Guard) may accept enlistments in units of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve for a period of one year from individuals released from active duty after the date of enactment of the Reserve Forces Act of 1955. Persons so enlisting shall be required during such enlistments to participate in the Ready Reserve under the provisions of section 208 (f) of this Act.”

UNIVERSAL MILITARY TRAINING AND SERVICE ACT AMENDMENTS

Eight-year obli-
gation.
50 USC app. 454.

SEC. 3. (a) Section 4 (d) (3) of the Universal Military Training and Service Act, as amended, is amended by striking out the first sentence thereof and inserting in lieu thereof the following: “Each person who, subsequent to the date of enactment of this paragraph and on or before the date of enactment of the Reserve Forces Act of 1955, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, or in the National Security Training Corps prior to attaining the twenty-sixth anniversary of his birth, shall be required to serve on active training and service in the Armed Forces or in training in the National Security

Training Corps, and in a reserve component, for a total period of eight years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard). Each person who, subsequent to the date of enactment of the Reserve Forces Act of 1955, is inducted, enlisted, or appointed, under any provision of law, in the Armed Forces, including the reserve components thereof, except a person enlisting pursuant to the provisions of section 262 of the Armed Forces Reserve Act of 1952, or a person deferred under the next to the last sentence of section 6 (d) (1) of this Act, as amended, prior to attaining the twenty-sixth anniversary of his birth, shall be required to serve on active training and service in the Armed Forces and in a reserve component, for a total period of six years, unless sooner discharged on the grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense (or the Secretary of the Treasury with respect to the United States Coast Guard)."

(b) Section 6 (c) (2) of such Act, as amended (50 U. S. C. App. 456 (c) (2)), is amended by—

(1) adding at the end of clause (A) thereof the following new sentence: "No such person who has completed eight years of satisfactory service as a member of an organized unit of the National Guard, and who during such service has performed active duty for training with an armed force for not less than three consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after the date of enactment of the Reserve Forces Act of 1955.";

(2) striking out in clause (B) thereof the words "or clause (A)" and inserting in lieu thereof a comma and the words "or clause (A), clause (C), or clause (D)"; and

(3) adding at the end thereof the following new clauses:

"(C) Whenever the President determines that the enlisted strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained at the level which he determines to be necessary in the interest of national defense, he may authorize the acceptance of enlistments in organized units of such Ready Reserve under regulations prescribed by the Secretary of Defense. Enlistments authorized by this clause may be accepted only (i) within quotas prescribed by the Secretary of Defense, and (ii) from persons who have not been ordered to report for induction under this Act and who have not attained the age of eighteen years and six months. Any person so enlisted shall be deferred from training and service under this Act so long as he continues to serve satisfactorily as a member of an organized unit of such Ready Reserve. No person deferred under the provisions of this clause shall by reason of such deferment be liable for training and service in the Armed Forces by reason of subsection (h) of this section after he has attained the twenty-eighth anniversary of the date of his birth.

"(D) Within the quotas prescribed pursuant to section 262 of the Armed Forces Reserve Act of 1952, as amended, each person deferred pursuant to the provisions of clause (C) hereof may volunteer to perform a period of active duty for training pursuant to clause (1) of subsection (c) thereof subject to the provisions of subsection (d) of such section. No such person who has completed eight years of satisfactory service as a member of an organized unit of the Ready Reserve, and who during such service

Six-year obligation.

Ante, p. 600.
Post, p. 604.

National Guard service.

Acceptance of enlistments.

Ante, p. 600.

has performed such period of active duty for training, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after the date of enactment of this clause.

Unsatisfactory
service in Ready
Reserve.

“(E) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed in the Ready Reserve of any reserve component of the Armed Forces pursuant to authority conferred by this subsection or under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily as a member of such Ready Reserve may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor.”

Ante, p. 600.

(c) Section 6 (d) (1) of such Act (50 U. S. C., App. 456 (d) (1)) is amended by—

(1) striking out in clause (C) of the first sentence thereof the words “subsection (d) of section 4 of this title”, and inserting in lieu thereof the words “the first sentence of section 4 (d) (3) of this Act, or until the sixth anniversary of the receipt of a commission in accordance with his obligation under the second sentence of section 4 (d) (3) of this Act”; and

Commissions.

(2) inserting at the end thereof the following: “Upon the successful completion by any person of the required course of instruction under any program listed in clause (A) of the first sentence of this paragraph, such person shall be tendered a commission in the appropriate reserve component of the Armed Forces if he is otherwise qualified for such appointment. If, at the time of such appointment, the armed force in which such person is commissioned does not require his service on active duty in fulfillment of the obligation undertaken by him in compliance with clause (B) of the first sentence of this paragraph, such person shall be ordered to active duty for training with such armed force in the grade in which he was commissioned for a period of six months. Upon completion of such period of active duty for training, such person shall be returned to inactive duty and shall be assigned to an appropriate reserve unit until the eighth anniversary of the receipt of a commission pursuant to the provisions of this section. So long as such person performs satisfactory service in such unit, as determined under regulations prescribed by the Secretary of Defense, he shall be deferred from training and service under the provisions of this Act. If such person fails to perform satisfactory service in such unit, and such failure is not excused under regulations prescribed by the Secretary of Defense, his commission may be revoked by the Secretary of the military department concerned.”

Revocation.

Deferment.

(d) Section 6 (d) (2) of such Act is amended by adding at the end thereof the following: “Any person heretofore or hereafter enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve who thereafter has been or may be commissioned therein upon graduation from an Officers’ Candidate School of such Armed Force shall, if not ordered to active duty as a commissioned officer, be deferred from training and service under the provisions of this Act so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned. If such person fails

to perform satisfactory service in such unit, and such failure is not excused under such regulations, his commission may be revoked by such Secretary.”

Approved August 9, 1955.

Public Law 306

CHAPTER 666

AN ACT

To amend the Internal Revenue Code.

August 9, 1955
[H. R. 542]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the terms used in this Act shall have the same meaning as when used in the Internal Revenue Code.

SEC. 2. COLLECTION OF INCOME TAX AT SOURCE ON WAGES.

Section 3402 of the Internal Revenue Code is hereby amended as follows:

68A Stat. 457.
26 USC 3402.

(a) By inserting “(except as provided in subsection (j))” immediately after the words “shall deduct and withhold upon such wages” in subsection (a) thereof; and

(b) By adding at the end thereof the following new subsection:

“(j) **NONCASH REMUNERATION TO RETAIL COMMISSION SALESMAN.**— In the case of remuneration paid in any medium other than cash for services performed by an individual as a retail salesman for a person, where the service performed by such individual for such person is ordinarily performed for remuneration solely by way of cash commission an employer shall not be required to deduct or withhold any tax under this subchapter with respect to such remuneration, provided that such employer files with the Secretary or his delegate such information with respect to such remuneration as the Secretary or his delegate may by regulation prescribe.”

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall be applicable only with respect to remuneration paid after the date of enactment of this Act.

Approved August 9, 1955.

Public Law 307

CHAPTER 667

AN ACT

To convey by quitclaim deed certain land to the State of Texas.

August 9, 1955
[H. R. 593]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to convey by quitclaim deed to the State of Texas, for public park and recreational purposes only, such areas within the portion of Whitney Dam and Reservoir project, Texas, designated by the Corps of Engineers as Towash Park and designated by the State of Texas Parks Board as Lake Whitney State Park, as he shall deem essential to provide building sites for permanent buildings and other improvements for public park and recreational purposes, but not to exceed one hundred acres, at fair market value as determined by him, which in no event shall be less than the cost to the Government of acquiring such areas, and under such terms and conditions as he shall deem advisable to assure that the use of

Lake Whitney
State Park, Tex.
Conveyance.