

Public Law 737

CHAPTER 646

July 20, 1956
[H. R. 11683]

AN ACT

To authorize permanent appointments in the Armed Forces of the United States, and for other purposes.

Armed Forces
Regular Officer
Augmentation Act
of 1956.

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 "Armed Forces Regular Officer Augmentation Act of 1956".

TITLE I

ARMY

Appointment
authority.

SEC. 101. (a) The President, by and with the advice and consent of the Senate, may appoint commissioned officers in the Regular Army under this title.

Eligibility.

(b) To be eligible for appointment under this title, a person must—
(1) be a citizen of the United States;
(2) be at least twenty-one years of age;
(3) be of good moral character;
(4) be physically qualified for active service; and
(5) have such other qualifications as the Secretary of the Army may prescribe.

Maximum ages.

SEC. 102. (a) No person may be appointed in a commissioned grade in the Regular Army under this title if on the date of his appointment he has already passed his—

- (1) thirty-fourth birthday, for a person appointed as a chaplain;
- (2) thirty-second birthday, for a person appointed in the Veterinary Corps or Judge Advocate General's Corps;
- (3) thirtieth birthday, for a person appointed in the Medical Service Corps; or
- (4) twenty-seventh birthday, for all other persons.

The maximum ages prescribed in this subsection may be increased by a period equal to the years, months, and days credited under section 103 (a) other than clause (1) or (2).

Restriction.

(b) No person may be appointed a Regular officer under this title if his age is above that which would permit him to complete twenty years of active commissioned service before he attains his fifty-fifth birthday.

Promotion list.
Service credit-
able.

SEC. 103. (a) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Army, and eligibility for promotion, a person appointed in a commissioned grade in the Regular Army may, in the discretion of the Secretary of the Army, be credited at the time of his appointment with the active commissioned service in the Army after December 6, 1941, that he performed after becoming twenty-one years of age and before his appointment, and, in addition, if applicable, not more than one of the following periods:

- (1) Three years, if appointed in the Veterinary Corps, a Chaplain, or the Judge Advocate General's Corps.
- (2) Three years, if appointed in the Medical Service Corps (for a person who holds a degree of doctor of philosophy or comparable degree recognized by the Surgeon General in a science allied to medicine).
- (3) A period (not to exceed eight years), for a person who is a commissioned officer on active duty on the effective date of this Act, which is equal to the number of days, months and years of his commissioned service creditable in the computation of his

basic pay which is in excess of his years of active commissioned service and which when added to his years of active commissioned service, equals the number of days, months and years by which his age at time of appointment exceeds age 27.

(4) A period (not to exceed eight years) equal to the days, months and years by which his age exceeds twenty-seven, for not more than two hundred appointees who—

(A) are outstanding specialists in a critical field in accordance with criteria prescribed by the Secretary of the Army and approved by the President; and

(B) are appointed within two years after the effective date of this Act.

(5) A period (not to exceed two years) equal to the days, months and years by which his age exceeds twenty-seven.

(b) Notwithstanding any other provision of law, no person who was a cadet at the United States Military Academy, the United States Naval Academy or the United States Air Force Academy may be originally appointed in a commissioned grade in the Regular Army before the date on which his classmates at that Academy are graduated and appointed as officers. No person who was a cadet at, but did not graduate from, an Academy may be credited, upon appointment as a commissioned officer of the Regular Army, with longer service than that credited to any member of his class at that Academy whose service in the Army has been continuous since graduation.

Academy non-graduates.

(c) Notwithstanding any other provision of law, a cadet at the United States Military Academy who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Army. Whenever such an appointment or the appointment in the Regular Army, upon graduation, of a graduate of the United States Naval Academy or the United States Air Force Academy, results in there being a number of active-list commissioned officers in the Regular Army in excess of the authorized strength in those officers, that strength is temporarily increased as necessary for that appointment. Rank among the graduates of each class at such an Academy who, upon graduation, are appointed in the Regular Army shall be fixed under regulations prescribed by the Secretary of the Army. A graduate of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy who is appointed as a second lieutenant in the Regular Army is not entitled to any service credit under this title.

Academy graduates.

SEC. 104. Based on the service credited under this title, the commissioned grade in which a person is appointed under this title is that which is held by the junior officer on the applicable promotion list who is not a deferred officer or an officer considered but not recommended for promotion under section 518, Officer Personnel Act of 1947 (10 U. S. C. 559i), having the same or next longer service, and the name of an officer so appointed shall be placed on that list immediately below such officer.

Placement on list.

61 Stat. 910.

SEC. 105. The years of service for promotion credited to an officer under this title, or under other provisions of law, except service credited under section 103 (A) (1) and (2) of this title plus his subsequent active commissioned service in the Regular Army, shall be considered "years' service" within the meaning of section 514 of the Officer Personnel Act of 1947, as amended (10 U. S. C. 559c, 941a), if greater than that with which he would be credited under those provisions.

"Years' Service."

61 Stat. 902.

SEC. 106. This title does not apply to the appointment of officers of the Army Nurse Corps or the Army Medical Specialist Corps.

Nonapplicability.

This title, other than section 109, does not apply to the appointment of officers of the Medical Corps and Dental Corps.

Saving provision.

SEC. 107. This title does not terminate the appointment of any officer of the Regular Army.

Normal promotion.

SEC. 108. The promotion to a higher Regular grade of an officer of the Regular Army, otherwise eligible for promotion, may not be withheld because of an appointment under this title.

Active list, increase.
64 Stat. 322.

SEC. 109. Subsection 102 (b), Army and Air Force Authorization Act of 1949 (10 U. S. C. 20j (b)), is amended by striking out the words "thirty thousand six hundred" wherever they appear therein and inserting the figure "49,500".

TITLE II

AIR FORCE

Appointment authority.

SEC. 201. (a) The President, by and with the advice and consent of the Senate, may appoint commissioned officers in the Regular Air Force under this title.

Eligibility.

(b) To be eligible for appointment under this title, a person must—

- (1) be a citizen of the United States;
- (2) be at least twenty-one years of age;
- (3) be of good moral character;
- (4) be physically qualified for active service; and
- (5) have such other qualifications as the Secretary of the Air Force may prescribe.

Boards.

(c) The Secretary of the Air Force shall convene selection boards, to meet at times prescribed by him, to consider persons who are eligible for appointment in the Regular Air Force under this title. Each board shall be composed of at least five officers of the Regular Air Force. A recommendation for appointment must be made by the majority of the total membership of the board. The President may remove from the list of persons recommended by the board the name of any person who, in his opinion, is not qualified for appointment.

Limitation.

(d) Not more than a total of one hundred persons in any calendar year may be appointed and credited with years of service under section 203 (a) (2) of this title from civilians, and Reserves of the Air Force who are not on active duty and who have qualifications not otherwise available from members of the Air Force on active duty.

Maximum age.

SEC. 202. No person may be appointed in a commissioned grade in the Regular Air Force under this title if on the date of appointment he has already passed his thirtieth birthday. However, the maximum age limitation is increased by the period of active commissioned service in the Armed Forces performed after the appointee became twenty-one years of age and before his appointment. In addition, the Secretary of the Air Force may waive the maximum age limitation for any category in which, in his opinion, there is an inadequate number of officers with the required qualifications, but no person may be appointed under this Act if he is above the age which would permit him to complete twenty years of active commissioned service before he attains his fifty-fifth birthday.

Promotion list.
Service credit-
able.
61 Stat. 883.

SEC. 203. (a) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, eligibility for promotion, and mandatory retirement or elimination under the Officer Personnel Act of 1947 (10 U. S. C. 506 and the following), a person appointed in a commissioned grade in the Regular Air Force under this title shall be credited at the time of his appointment with the active commissioned service in the Armed Forces that he performed after becoming twenty-one years of age and before his

appointment. In addition and for the same purposes, under regulations to be prescribed by the Secretary of the Air Force—

(1) a person appointed under this title while on active duty in the Air Force may be credited with not more than two years of service; and

(2) a person appointed under section 201 (d) of this title may be credited with not more than eight years of service.

(b) A person appointed in the Regular Air Force under this title with a view to designation in one of the following categories shall be credited at the time of his appointment, in addition to the service with which he is credited under subsection (a), and for the purposes of determining grade, position on a promotion list, seniority in regular grade, and eligibility for promotion, with the following service:

(1) Veterinarian: Three years.

(2) Chaplain: Three years.

(3) Judge advocate: Three years.

(c) Under such regulations as the Secretary of the Air Force may prescribe, a person who is originally appointed in a commissioned grade in the Regular Air Force with a view to designation as a medical service officer, and who, at the time of appointment, holds a degree of doctor of philosophy or a comparable degree in a science allied to medicine, so recognized by the Secretary, may be credited at the time of his appointment, in addition to the service with which he is credited under subsection (a), and for the same purposes, with three years of service.

(d) Notwithstanding any other provision of law, no person who was a cadet at the United States Air Force Academy, the United States Military Academy, or the United States Naval Academy may be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at that Academy are graduated and appointed as officers. No person who was a cadet at, but did not graduate from, an Academy may be credited, upon appointment as a commissioned officer of the Regular Air Force, with longer service than that credited to any member of his class at that Academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

(e) Notwithstanding any other provision of law, a cadet at the United States Air Force Academy who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Air Force. Whenever such an appointment or the appointment in the Regular Air Force, upon graduation, of a graduate of the United States Naval Academy or the United States Military Academy, results in there being a number of active list commissioned officers in the Regular Air Force in excess of the authorized strength in those officers, that strength is temporarily increased as necessary for that appointment. Rank among the graduates of each class at such an Academy who, upon graduation, are appointed in the Regular Air Force, shall be fixed under regulations prescribed by the Secretary of the Air Force. A graduate of the United States Air Force Academy, United States Military Academy or United States Naval Academy who is appointed as a second lieutenant in the Regular Air Force is not entitled to any service credit under this title.

SEC. 204. Based on the service credited under this title, the commissioned grade in which a person is appointed under this title is:

(1) For persons with less than three years of service: Second lieutenant.

(2) For persons with at least three, but less than seven, years of service: First lieutenant.

(3) For persons with at least seven, but less than fourteen, years of service: Captain.

Specialists.

Academy non-graduates.

Academy graduates.

Rank.

(4) For persons with at least fourteen, but less than twenty-one, years of service: Major.

(5) For persons with at least twenty-one years of service: Lieutenant colonel.

Placement on list.

The name of each person appointed under this title shall be placed on the applicable promotion list immediately below the junior officer of the same grade having the same or next longer service for promotion purposes.

Savings provision.

SEC. 205. This title does not terminate the appointment of any officer of the Regular Air Force.

Normal promotion.

SEC. 206. The promotion to a higher regular grade of any officer of the Regular Air Force, otherwise eligible for promotion, may not be withheld because of an appointment under this title.

Additional promotion-list service.

SEC. 207. (a) Notwithstanding any other provision of law each officer of the Regular Air Force on the date of enactment of this title who was appointed therein under the provisions of section 506 (c) of the Officer Personnel Act of 1947 and whose active commissioned service in the Armed Forces is greater than that credited to him under that section (10 U. S. C. 506c (c)) at the time of his appointment, plus his active commissioned service after that appointment, shall be credited, for the purposes set forth in section 203 (a) of this title, with the total amount of his active commissioned service in the Armed Forces performed after December 6, 1941, and after becoming twenty-one years of age, and which has not been previously credited to him.

61 Stat. 890.

Specialists.

(b) The years service credited, for the purpose of determining grade, position on a promotion list, seniority in regular grade, and eligibility for promotion, to each officer of the Regular Air Force, who is designated as a judge advocate, veterinary officer, or chaplain, and who was appointed under the Act of December 28, 1945 (59 Stat. 663), may be increased, but not by more than three years, under regulations to be prescribed by the Secretary of the Air Force.

10 USC 501-506e note.

Mandatory consideration.

(c) Each officer who, as a result of being credited with service under this section, becomes eligible for mandatory consideration for promotion under section 509 of the Officer Personnel Act of 1947 (10 U. S. C. 559c) shall be considered by a selection board convened for that purpose in the manner provided in section 507 of the Officer Personnel Act of 1947 (10 U. S. C. 559a). If he is recommended for promotion by that board, he shall be placed on the applicable promotion list immediately below the junior officer on that list having the same or next longer service for promotion purposes and shall be given a date of rank accordingly. If he is not recommended for promotion by that board, he is a deferred officer. However, such an officer may not, because of this failure of recommendation, have his years of service reduced under section 509 (g) of the Officer Personnel Act of 1947 (10 U. S. C. 559c), and he shall be considered by the next regularly convened selection board considering officers of his grade and category. If he is recommended for promotion by that board, his years of service for promotion purposes shall be reduced so that he will be junior by at least one day to the junior officer who was considered and recommended for promotion by the selection board which failed to recommend him for promotion, and who has the same or next longer period of service. If he is not recommended by that selection board, he shall be treated as provided in the last sentence of section 509 (h) of the Officer Personnel Act of 1947 (10 U. S. C. 559c (h)).

61 Stat. 894.

61 Stat. 892.

61 Stat. 896.

61 Stat. 896.

Regular list. Additional service.

SEC. 208. (a) Notwithstanding any other provision of law, the years' service credited to an officer of the Regular Air Force on the date of enactment of this title for the purposes set forth in section 203 (a) of this title, may be increased, but not by more than two years,

under regulations to be prescribed by the Secretary of the Air Force.

(b) Each officer who, as a result of being credited with service under this section, becomes eligible for mandatory consideration for promotion under section 509 of the Officer Personnel Act of 1947 (10 U. S. C. 559c) shall be considered by the next regularly convened selection board considering officers of his grade and category.

SEC. 209. An officer whose years' service is readjusted under section 207 or 208 of this title may have his date of rank in permanent grade and his position on the applicable promotion list adjusted to reflect his increased years' service.

SEC. 210. Section 202 (b) of the Army and Air Force Authorization Act of 1949 (10 U. S. C. 20s (b)) is amended by striking out the words "twenty-seven thousand five hundred" and inserting the figure "69,425" in lieu thereof.

SEC. 211. This title does not apply to the appointment of persons appointed with a view to designation as medical officers, dental officers, Air Force nurses, or Air Force medical specialists.

61 Stat. 894.

Adjustment of
date or rank.

Active list, in-
crease.
64 Stat. 323.

Nonapplicabil-
ity.

TITLE III

MISCELLANEOUS PROVISIONS

SEC. 301. The Secretary of Defense, with the approval of the President, shall project annually for the ensuing five years the active duty Regular commissioned list strength in each of the armed services (exclusive of any additional extra numbers authorized by special provision of law).

Regular officer
strength.
Projection.

SEC. 302. Section 503 (a) of the Officer Personnel Act of 1947 (61 Stat. 885; 10 U. S. C. 506a (a)) is amended to read as follows:

Authorized
strength.
Army.

"(a) (1) The authorized strength of the Regular Army in general officers on the active list, exclusive of the number authorized for the Army Medical Service and the chaplains, is seventy-five ten-thousandths of the authorized strength of the Regular Army in commissioned officers on the active list, exclusive of the number of commissioned officers on the active list authorized for the Army Medical Service and the chaplains. Of this authorized strength, not more than one-half may be in a regular grade above brigadier general. The authorized strength of each of the following branches—

- (A) the Medical Corps;
- (B) the Dental Corps;
- (C) the Veterinary Corps; and
- (D) the Chaplains;

in general officers on the active list of the Regular Army is five one-thousandths of the authorized strength of the branch concerned in commissioned officers on the active list of the Regular Army. Not more than one-half of the authorized strength in general officers in such a branch may be in a regular grade above brigadier general. When the application of the percentages and ratios specified in this subsection results in a fraction, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded. General officers on the active list of the Regular Army who are specifically authorized by law to hold any civil office under the United States, or any instrumentality thereof, are not counted in determining authorized strength under this Act.

"(2) The authorized strength of the Regular Air Force in general officers on the active list is seventy-five ten-thousandths of the authorized strength of the Regular Air Force in commissioned officers on the active list. Of this authorized strength, not more than one-half may be in a regular grade above brigadier general. However, the number of officers on the active list of the Regular Air Force in any regular

Air Force.

grade above colonel on the last day of each fiscal year may not be more than the number of general officers authorized in title III of the Officer Grade Limitation Act of 1954 (68 Stat. 69; 10 U. S. C. 1843 et seq.) for the total number of commissioned officers of the Air Force on active duty as of that date, as determined by the Secretary of the Air Force. When the application of the percentage above specified results in a fraction, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded. General officers on the active list of the Regular Air Force who are specially authorized by law to hold any civil office under the United States, or any instrumentality thereof, are not counted in determining authorized strength under this Act."

Report to con-
gressional com-
mittees.

SEC. 303. The names of officers appointed under the provisions of section 103 (a) (4) and section 201 (d), together with the grades to which appointed and the justification therefor, shall be submitted to the Committees on Armed Services of the House and Senate not later than July 15, 1958, and each year thereafter.

Repeals.

34 USC 17c.

61 Stat. 890.

SEC. 304. The following are repealed:

(1) Section 5 of the Act of August 9, 1955 (69 Stat. 607).

(2) Section 506 of the Officer Personnel Act of 1947 (10 U. S. C. 506c).

Approved July 20, 1956.

Public Law 738

CHAPTER 647

July 20, 1956
[H. R. 11402]

AN ACT

To extend the existing application of the Temporary Promotion Act of 1941, as amended, to the Coast Guard, and for other purposes.

Coast Guard.
Temporary pro-
motions.
62 Stat. 302.

63 Stat. 497.
Commissioned
officers.
Number, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Act of July 23, 1947 (ch. 301, 61 Stat. 413), as amended, is amended by deleting the words "January 1, 1957" and inserting in lieu thereof the words "January 1, 1962".

SEC. 2. Section 42 of title 14, United States Code, is amended by striking the words "two thousand two hundred and fifty" in the first sentence of the section and inserting in lieu thereof the words "three thousand", and by amending the fifth sentence of the section to read as follows: "The Secretary shall, at least once each year, make such a computation, and the resulting numbers in the various grades as so computed shall be held and considered for all purposes as the authorized number in such various grades, except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason."

SEC. 3. (a) Title 14, United States Code, is amended by inserting the following new section:

"§ 439. Oath of Office.

"A commissioned or warrant officer of the Coast Guard or Coast Guard Reserve who has served continuously since he subscribed to the oath of office prescribed in section 16 of title 5, is not required to take a new oath upon his promotion to a higher grade."

(b) The analysis of chapter 11, title 14, United States Code, is amended by inserting the following item:

"439. Oath of Office".

Approved July 20, 1956.

23 Stat. 22.