Public Law 774 CHAPTER 686

July 24, 1956
[H. R. 8290]

AN ACT

To provide for the appointment and promotion of the director and assistant directors of the band of the United States Marine Corps, and for other purposes.

U. S. Marine Band.
34 USC 701.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 517 (a) of the Act of October 12, 1949 (63 Stat. 833) is amended to read as follows:

Director and assistant directors.

"(a) The band of the United States Marine Corps shall consist of one director, two assistant directors, and such other personnel in such numbers and distributed in such grades and ranks as the Secretary of the Navy may determine necessary and appropriate. Hereafter during concert tours approved by the President, personnel of the Marine Band shall suffer no loss of allowances."

Grade.

SEC. 2. (a) The Secretary of the Navy shall designate the director and assistant directors of the Marine Band from among qualified personnel of the United States Marine Corps or the United States Marine Corps Reserve. Persons so designated may, upon the recommendation of the Secretary of the Navy, be appointed by the President, by and with the advice and consent of the Senate, to commissioned grades in the Regular Marine Corps as authorized by this Act.

(b) The initial appointment to a commissioned grade of any person designated as director shall be in the grade of captain except that any such person who, at the time of such designation, holds an appointment in a higher grade may be appointed in such higher grade, but not in a higher grade than that of lieutenant colonel. The initial appointment to a commissioned grade of any person designated as an assistant director shall be in a grade below that of captain.

Promotion.

SEC. 3. The Secretary of the Navy shall prescribe regulations for the promotion of persons designated as director or assistant director of the Marine Band and the President, by and with the advice and consent of the Senate, may from time to time appoint them to higher grades, but the grade of the director shall not be higher than lieutenant colonel, and the grades of assistant directors shall not be higher than captain.

Restriction.

SEC. 4. No person who accepts a commission under this Act shall, while serving thereunder, be entitled to any pay and allowances from the United States except as provided by law for the grade in which serving, but no such person shall suffer any reduction in pay and allowances to which he was entitled at the time of such appointment.

Retirement.

SEC. 5. Directors and assistant directors of the Marine Band and former directors and assistant directors who have held appointments under this Act, when retired shall be retired in and with retired pay based upon the highest grade held pursuant to this Act in which the Secretary of the Navy determines that they have served satisfactorily, unless entitled to higher grade or retired pay under other provisions of law.

Revocation of designation.

SEC. 6. The Secretary of the Navy, in his discretion, may revoke a designation as director or assistant director made pursuant to this Act. Upon such revocation, appointment to commissioned grade under the provisions of this Act shall terminate, and the individual concerned shall be discharged from the service or shall have the option of reversion to the grade and status held at the time of his designation as director or assistant director.

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SEC. 7. Section 11 of the Act of March 4, 1925 (43 Stat. 1274), as amended by section 1 (c) of the Act of June 29, 1946 (60 Stat. 343), is hereby repealed, and all other laws and parts of laws are hereby repealed insofar as they may be inconsistent with the provisions of this Act.

Repeals.
34 USC 701.

Approved July 24, 1956.

Public Law 775 CHAPTER 687

AN ACT

July 24, 1956
[H. R. 7611]

To establish a date of rank for pay purposes for certain Naval Reserve officers promoted to the grades of lieutenant and lieutenant commander.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Act of July 24, 1941 (55 Stat. 603), those officers of the Naval Reserve—

Naval Reserve officers.
Date of rank.
14 USC 240, 310; 34 USC 350 *et seq.*

(a) who were selected for promotion to lieutenant or lieutenant commander by selection boards of officers whose reports were approved by the Secretary of the Navy on April 11, 1952, April 14, 1952, April 22, 1952, April 25, 1952, May 20, 1952, or May 29, 1952; and

(b) who were promoted to the grade for which selected while on active duty,

shall be considered to have been promoted on the date which is stipulated in the appointing orders to be the date of rank in the grade to which promoted, and shall be entitled to pay, allowances, and precedence from this date of rank.

Approved July 24, 1956.

Public Law 776 CHAPTER 688

AN ACT

July 24, 1956
[H. R. 9892]

To amend the provisions of the Revised Statutes, relating to physical examinations preliminary to promotion of officers of the naval service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1493 of the Revised Statutes is amended to read as follows:

Navy officers.
Physical examination for promotion.
34 USC 271.

"SEC. 1493. No officer of the Regular Navy or Regular Marine Corps may be promoted to a grade above that of ensign in the Navy or second lieutenant in the Marine Corps until he has qualified therefor by such physical examination as the Secretary of the Navy may prescribe. No officer shall be excluded from a promotion to which he would otherwise be regularly entitled if in his case the Secretary of the Navy or the Chief of the Bureau of Medicine and Surgery when authorized by the Secretary of the Navy determines that his physical disqualification was by reason of wounds received in the line of duty and that such wounds do not incapacitate him for the performance of useful service in the higher grade."

SEC. 2. The following laws and parts of laws are repealed:

(1) Section 1494 of the Revised Statutes (34 U. S. C. 272);

(2) The last sentence of the tenth paragraph under the heading "Marine Corps" of the Act of August 29, 1916 (ch. 417, 39 Stat. 611; 34 U. S. C. 666); and

(3) Section 9 of the Act of May 29, 1934 (ch. 367, 48 Stat. 812; 34 U. S. C. 665).

Approved July 24, 1956.