

Public Law 90-168

AN ACT

To amend titles 10, 32, and 37, United States Code, to strengthen the reserve components of the armed forces, and for other purposes.

December 1, 1967
[H. R. 2]

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 Bill of Rights and Vitalization Act".

Reserve Forces
Bill of Rights and
Vitalization Act.

SEC. 2. Title 10, United States Code, is amended as follows:

(1) Section 136(b) is amended by inserting below the first sentence the following: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of Defense."

Assistant Secre-
tary of Defense
for Manpower and
Reserve Affairs,
76 Stat. 518.

(2) Section 136 is amended by adding at the end thereof a new subsection as follows:

"(f) Within the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs there shall be a Deputy Assistant Secretary of Defense for Reserve Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Manpower and Reserve Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to reserve affairs within the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs."

(3) Section 175(a)(2) is amended to read as follows:

Reserve Forces
Policy Board.
70A Stat. 9.

"(2) the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs;"

(4) Section 175 is amended by striking out subsections (b), (c), (d), and (e), and inserting in lieu thereof the following:

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate an officer of the Regular Coast Guard or the Coast Guard Reserve to serve as a voting member of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Manpower and Reserve Affairs is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed by section 3033, 5251, 5252, or 8033 of this title.

Post, p. 524;
70A Stat. 295;
Post, p. 525.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board."

(5) Section 262 is amended by striking out "the reserve components" and inserting "each reserve component" in place thereof.

70A Stat. 10.

(6) Section 264 is amended to read as follows:

70A Stat. 11.

"§ 264. Reserve affairs: designation of general or flag officer of each military department; personnel and logistic support for reserves; reports to Congress

"(a) The Secretary concerned may designate a general or flag officer of the armed force under his jurisdiction to be directly responsible for reserve affairs to the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of

the Marine Corps, or the Commandant of the Coast Guard, as the case may be. This subsection does not affect the functions of the Chief of the National Guard Bureau, the Chief, Office of Army Reserve, or the Chief, Office of Air Force Reserve.

"(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the Reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"(c) The Secretary concerned shall submit a written report to the Committees on Armed Services of the Senate and the House of Representatives each year regarding the extent to which units and Reserves in the Ready Reserve of the Reserve components under his jurisdiction have satisfied the training and mobilization readiness requirements pursuant to subsection (b) of this section for the year with respect to which such report was submitted. Reports under this subsection shall be made on a fiscal year basis and the report for any fiscal year shall be submitted within 60 days after the end of the fiscal year for which it is submitted."

(7) The section analysis at the beginning of chapter 11 is amended by striking out

"264. Reserve affairs: responsibility for."

and inserting in lieu thereof

"264. Reserve affairs: designation of general or flag officers of each military department; personnel and logistic support for reserves; reports to Congress."

(8) Section 268 is amended by inserting the designation "(a)" at the beginning thereof and by adding the following new subsections:

"(b) Within the Ready Reserve of each of the Reserve components defined in section 261 of this title, there is a Selected Reserve, consisting of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 270(a)(1) of this title or section 502(a) of title 32, United States Code, as appropriate.

"(c) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard, and

"(2) in the case of all other Reserve components, by the Secretary of Defense based upon recommendations from the military departments as approved by the Joint Chiefs of Staff in accordance with contingency and war plans."

(9) Section 269(e)(1)–(6) is amended to read as follows:

"(1) he served on active duty (other than for training) in the armed forces for an aggregate of at least five years; or

"(2) he served on active duty (other than for training) in the armed forces for an aggregate of less than five years, but satisfactorily participated, as determined by the Secretary concerned, in an accredited training program in the Ready Reserve for a period which, when added to his period of active duty (other than for training), totals at least five years, or such shorter period as the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, may

Report to congressional committees.

70A Stat. 10.

Selected Reserve.

70A Stat. 12;
72 Stat. 1437.

70A Stat. 10.

Post, p. 523.

70A Stat. 610.

70A Stat. 12;
72 Stat. 1437.

prescribe for satisfactory participation in an accredited training program designated by the Secretary concerned."

(10) Section 270(a) (1) is amended to read as follows:

72 Stat. 1438.

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year;"

(11) Section 511(d) is amended to read as follows:

77 Stat. 135.

"(d) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a non-prior-service person who is under 26 years of age, who is qualified for induction for active duty in an armed force, and who is not under orders to report for induction into an armed force under the Military Selective Service Act of 1967 (50 App. U.S.C. 451-473), except as provided in section 6(c) (2) (A) (ii) and (iii) of such Act, may be enlisted in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, for a term of six years. Each person enlisted under this subsection shall perform an initial period of active duty for training of not less than four months to commence insofar as practicable within 180 days after the date of that enlistment."

62 Stat. 604;
65 Stat. 75.
Ante, p. 100.

(12) The text of section 3013 is amended to read as follows:

72 Stat. 519.

"There are an Under Secretary of the Army and four Assistant Secretaries of the Army in the Department of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army."

(13) The first sentence of section 5034(a) is amended by striking out "three" and inserting in lieu thereof "four".

Assistant Secretary of the Navy for Manpower and Reserve Affairs.

(14) Section 5034(b) is amended by adding at the end thereof the following: "One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy."

(15) The text of section 8013 is amended to read as follows:

72 Stat. 520.

"There are an Under Secretary of the Air Force and four Assistant Secretaries of the Air Force in the Department of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force."

Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

(16) Chapter 303 is amended by adding at the end thereof a new section 3019 as follows:

70A Stat. 157.

"§ 3019. Office of Army Reserve: appointment of Chief

"(a) There is in the executive part of the Department of the Army an Office of the Army Reserve which is headed by a chief who is the adviser to the Chief of Staff on Army Reserve matters.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from officers of the Army Reserve not on active duty, or on active duty under section 265 of this title, who—

"(1) have had at least 10 years of commissioned service in the Army Reserve;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Army.

"(c) The Chief of Army Reserve holds office for four years but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Army Reserve."

(17) The following new item is added to the analysis of chapter 303:

"3019. Office of Army Reserve: appointment of Chief."

70A Stat. 161.

(18) The text of section 3033 is amended to read as follows:

"(a) There is in the office of the Secretary of the Army an Army Reserve Forces Policy Committee which shall review and comment upon major policy matters directly affecting the reserve components of the Army, and the Committee's comments on such policy matters shall accompany the final report regarding any such matters submitted to the Chief of Staff and the Assistant Secretary responsible for reserve affairs.

"(b) The Committee consists of officers in the grade of colonel or above, as follows:

"(1) five members of the Regular Army on duty with the Army General Staff;

"(2) five members of the Army National Guard of the United States not on active duty; and

"(3) five members of the Army Reserve not on active duty.

"(c) The members of the Committee shall select the Chairman from among the members on the Committee not on active duty.

"(d) A majority of the members of the Committee shall act whenever matters affecting both the Army National Guard of the United States and Army Reserve are being considered. However, when any matter solely affecting one of the reserve components of the Army is being considered, it shall be acted upon only by the Subcommittee on Army National Guard Policy or the Subcommittee on Army Reserve Policy, as appropriate.

"(e) The Subcommittee on Army National Guard Policy consists of the members of the Committee other than the Army Reserve members.

"(f) The Subcommittee on Army Reserve Policy consists of the members of the Committee other than the Army National Guard members.

"(g) Membership on the Committee is determined by the Secretary of the Army and is for a minimum period of three years. Except in the case of members of the Committee from the Regular Army, the Secretary of the Army, when appointing new members, shall insure that among the officers of each component on the Committee there will at all times be two or more members with more than one year of continuous service on the Committee.

"(h) There shall be not less than 10 officers of the Army National Guard of the United States and the Army Reserve on duty with the Army General Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Army General Staff while on that duty."

70A Stat. 488.

(19) Chapter 803 is amended by adding at the end thereof a new section 8019 as follows:

"§ 8019. Office of Air Force Reserve: appointment of Chief

"(a) There is in the executive part of the Department of the Air Force an Office of Air Force Reserve which is headed by a chief who is the adviser to the Chief of Staff, on Air Force Reserve matters.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from officers of the Air Force Reserve not on active duty, or on active duty under section 265 of this title, who—

70A Stat. 11.

"(1) have had at least 10 years of commissioned service in the Air Force;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Air Force.

"(c) The Chief of Air Force Reserve holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Air Force Reserve."

(20) The following new item is added to the analysis of chapter 803:

"8019. Office of Air Force Reserve: appointment of Chief."

(21) The text of section 8033 is amended to read as follows:

70A Stat. 491.

"(a) There is in the Office of the Secretary of the Air Force an Air Reserve Forces Policy Committee on Air National Guard and Air Force Reserve Policy which shall review and comment upon major policy matters directly affecting the reserve components of the Air Force and the Committee's comments on such policy matters shall accompany the final report regarding any such matters submitted to the Chief of Staff, and the Assistant Secretary responsible for reserve affairs.

"(b) The Committee consists of officers in the grade of colonel or above, as follows:

"(1) five members of the Regular Air Force on duty with the Air Staff;

"(2) five members of the Air National Guard of the United States not on active duty;

"(3) five members of the Air Force Reserve not on active duty.

"(c) The members of the Committee shall select the Chairman from among the members on the Committee not on active duty.

"(d) A majority of the members of the Committee shall act whenever matters affecting both the Air National Guard of the United States and Air Force Reserve are being considered. However, when any matter solely affecting one of the Air Force Reserve components is being considered, it shall be acted upon only by the Subcommittee on Air National Guard Policy or the Subcommittee on Air Force Reserve Policy, as appropriate.

"(e) The Subcommittee on Air National Guard Policy consists of the members of the Committee other than the Air Force Reserve members.

"(f) The Subcommittee on Air Force Reserve Policy consists of the members of the Committee other than the Air National Guard members.

"(g) Membership on the Air Staff Committee is determined by the Secretary of the Air Force and is for a minimum period of three years. Except in the case of members of the Committee from the Regular Air Force, the Secretary of the Air Force, when appointing new members, shall insure that among the officers of each component on the Committee there will at all times be two or more members with more than one year of continuous service on the Committee.

"(h) There shall be not less than 10 officers of the Air National Guard of the United States and the Air Force Reserve on duty with the Air Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Air Staff while on that duty."

(22) Section 8850 is amended by inserting before the period at the end of the first sentence "and who are not assigned to a unit organized to serve as a unit."

72 Stat. 1537.

SEC. 3. Section 404(a) of title 37, United States Code, is amended by striking out "and" at the end of clause (2), striking out the period

Travel allowance.
76 Stat. 472.

at the end of clause (3) and inserting in place thereof “; and”, and adding the following new clause:

“(4) when away from home to perform duty, including duty by a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, in his status as a member of the National Guard, for which he is entitled to, or has waived, pay under this title.”

70A Stat. 610.

SEC. 4. The last sentence of section 502(b) of title 32, United States Code, is amended to read as follows: “However, to have a series of formations credited as an assembly for drill and instruction, all parts of the unit must be included in the series within 30 consecutive days.”

70A Stat. 497.
10 USC 8201-
8230.

SEC. 5. From December 1, 1967, through June 30, 1969, appointments and promotions may be made without regard to the authorized strength in grade prescribed by or under chapter 831 of title 10, United States Code, to fill vacancies in units of the Air National Guard, and in units organized to serve as units in the Air Force Reserve, as follows:

(1) Before July 1, 1968, in the Air National Guard, 250 in the grade of lieutenant colonel and 340 in the grade of major, and in the Air Force Reserve, 270 in the grade of lieutenant colonel and 240 in the grade of major, and

(2) After June 30, 1968, in the Air National Guard, 220 in the grade of lieutenant colonel and 300 in the grade of major, and in the Air Force Reserve, 125 in the grade of lieutenant colonel and 175 in the grade of major.

Selected Re-
serve.
Personnel
strength, author-
ization by Con-
gress.
73 Stat. 322;
79 Stat. 128.

SEC. 6. Section 412 of Public Law 86-149, as amended, is amended by adding at the end thereof a new subsection as follows:

“(c) Beginning with the fiscal year which begins July 1, 1968, and for each fiscal year thereafter, the Congress shall authorize the personnel strength of the Selected Reserve of each Reserve component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date for the pay and allowances of members of any Reserve component of the Armed Forces unless the personnel strength of the Selected Reserve of such Reserve component for such fiscal year has been authorized by law.”

Effective date.

SEC. 7. The provisions of this Act shall become effective on the first day of the first calendar month following the date of enactment.

Approved December 1, 1967.

Public Law 90-169

December 1, 1967
[H. J. Res. 859]

JOINT RESOLUTION

Extending for one year the emergency provisions of the urban mass transportation program.

Ante, p. 81.
49 USC 1604.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Urban Mass Transportation Act of 1964 is amended by striking out “November 1, 1967” and inserting in lieu thereof “November 1, 1968”.

Approved December 1, 1967.