

Repeal.
64 Stat. 1019.
80 Stat. 559.

SEC. 2. (a) Title II of the Internal Security Act of 1950 (50 U.S.C. 811-826) is hereby repealed.

(b) Section 8312(c)(1)(C) of title 5, United States Code, is amended by striking out “, 822 (conspiracy or evasion of apprehension during internal security emergency), or 823 (aiding evasion or apprehension during internal security emergency)”.

73 Stat. 453.

(c) Clause (4) of section 3505(b) of title 38, United States Code, is amended to read as follows: “(4) in section 4 of the Internal Security Act of 1950.”

Approved September 25, 1971.

Public Law 92-129

AN ACT

September 28, 1971
[H. R. 6531]

To amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Military Selective Service Act of 1967, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO THE MILITARY SELECTIVE SERVICE ACT OF 1967; RELATED PROVISIONS

SEC. 101. (a) The Military Selective Service Act of 1967, as amended, is amended as follows:

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

“(a) This Act may be cited as the ‘Military Selective Service Act.’”

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

“SEC. 3. Except as otherwise provided in this title, it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and twenty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed hereunder. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.”

(3) The first two paragraphs of section 4(a) are amended to read as follows:

“Except as otherwise provided in this title, every person required to register pursuant to section 3 of this title who is between the ages of eighteen years and six months and twenty-six years, at the time fixed for his registration, or who attains the age of eighteen years and six months after having been required to register pursuant to section 3 of this title, or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training and service in the Armed Forces of the United States: *Provided*, That each registrant shall be immediately liable for classification and examination, and shall, as soon as practicable following his registration, be so classified and examined, both physically and mentally, in order to determine his availability for induction for training and service in the Armed Forces: *Provided further*, That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted. The President is authorized, from time to time, whether or

Short title redesignation.
81 Stat. 100.
50 USC app. 451.
Registration.
65 Stat. 76.
50 USC app. 454.

Induction.
50 USC app. 454.

Post, p. 350.

not a state of war exists, to select and induct into the Armed Forces of the United States for training and service in the manner provided in this title (including but not limited to selection and induction by age group or age groups) such number of persons as may be required to provide and maintain the strength of the Armed Forces.

"At such time as the period of active service in the Armed Forces required under this title of persons who have not attained the nineteenth anniversary of the day of their birth has been reduced or eliminated pursuant to the provisions of section 4(k) of this title, and except as otherwise provided in this title, every person who is required to register under this title and who has not attained the nineteenth anniversary of the day of his birth on the date such period of active service is reduced or eliminated or who is otherwise liable as provided in section 6(h) of this title, shall be liable for training in the National Security Training Corps: *Provided*, That persons deferred under the provisions of section 6 of this title shall not be relieved from liability for induction into the National Security Training Corps solely by reason of having exceeded the age of nineteen years during the period of such deferment. The President is authorized, from time to time, whether or not a state of war exists, to select and induct for training in the National Security Training Corps as hereinafter provided such number of persons as may be required to further the purposes of this title."

65 Stat. 80;
80 Stat. 656.
50 USC app.
454.

Post, p. 350.

81 Stat. 100.
50 USC app.
456.

(4) The fourth paragraph of section 4(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

65 Stat. 77.
50 USC app.
454.

(5) Section 4(b) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

70A Stat. 630.

(6) Section 4(d)(1) is amended by striking out "(except a person enlisted under subsection (g) of this section)".

62 Stat. 607.

(7) Section 4(d)(3) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation".

76 Stat. 524.

(8) The last proviso of section 5(a) is amended by striking out "and" at the end of paragraph (1); by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and"; and by adding a new paragraph as follows:

Aliens, resi-
dency require-
ment.
65 Stat. 83;
83 Stat. 220.
50 USC app.
455.

"(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year."

(9) Section 5 is further amended by adding at the end thereof the following new subsections:

Induction limita-
tion.

"(d) Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

"(e) Notwithstanding any other provision of this Act, not more than 130,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, and not more than 140,000 in the fiscal year ending June 30, 1973, unless a number greater than that authorized in this subsection for such fiscal year or years is authorized by a law enacted after the date of enactment of this subsection."

(10) The first sentence of section 6(a)(1) is amended by striking out the period and inserting in lieu thereof a colon and the following: "*Provided*, That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to non-

Aliens, occupa-
tional deferment.
81 Stat. 101.
50 USC app.
456.

immigrant status under paragraph (15) (A), (15) (E), or (15) (G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3 of this Act, but shall be deferred from induction for training and service for so long as such occupational status continues."

(11) The second sentence of section 6(a) (1) is amended by striking out "eighteen" each time it appears and inserting in lieu thereof "twelve".

(12) Section 6(b) (3) is amended by striking out "section 4(i)" and inserting in lieu thereof "section 5(a)".

(13) Section 6(b) (4) is amended by striking out "or section 4(g)".

(14) Section 6(d) (1) is amended by striking out "Secretary of the Treasury" each time it appears and inserting in lieu thereof "Secretary of Transportation"; and by striking out "section 4(d) (3) of this Act" each time it appears and inserting in lieu thereof "section 651 of title 10, United States Code".

(15) Section 6(d) (5) is amended by striking out "Environmental Science Services Administration" each time it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(16) Section 6(g) is amended to read as follows:

"(g) (1) Regular or duly ordained ministers of religion, as defined in this title, shall be exempt from training and service, but not from registration, under this title.

"(2) Students preparing for the ministry under the direction of recognized churches or religious organizations, who are satisfactorily pursuing full-time courses of instruction in recognized theological or divinity schools, or who are satisfactorily pursuing full-time courses of instruction leading to their entrance into recognized theological or divinity schools in which they have been preenrolled, shall be deferred from training and service, but not from registration, under this title. Persons who are or may be deferred under the provisions of this subsection shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. The foregoing sentence shall not be construed to prevent the exemption or continued deferment of such persons if otherwise exempted or deferrable under any other provision of this Act."

(17) Section 6(h) (1) is repealed.

(18) Section 6(h) (2) is amended by striking out the designation "(2)" and the word "graduate" from the first sentence.

(19) Section 6(i) (1) is amended to read as follows:

"(1) Any person who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order for induction shall, upon the facts being presented to the local board, have his induction postponed (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversary of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Notwithstanding the preceding sentence, any person who attains the twentieth anniversary of his birth after beginning his last academic year of high school shall have his induction postponed until the end of that academic year if and so long as he continues to pursue satisfactorily a full-time course of instruction."

(20) Section 6(i) (2) is amended to read as follows:

"(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution is ordered to report for induction under this title, shall, upon the appropriate facts being presented to the local board, have his induction postponed (A) until the end of the semester or term, or academic

66 Stat. 218.
8 USC 1257.

Ante, p. 348.

Active duty
requirement.
81 Stat. 101.
50 USC app.
456.

69 Stat. 224.

62 Stat. 609.

65 Stat. 83;
69 Stat. 604.

76 Stat. 167;
79 Stat. 1318.

Divinity stu-
dents, deferment.

Ante, p. 348.

Repeal.
81 Stat. 102.

High school
students, defer-
ment.
65 Stat. 85.

College stu-
dents, deferment.

year in the case of his last academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier."

(21) Section 6 (j) is amended by (A) striking out in the third sentence "local board pursuant to Presidential regulations" and inserting in lieu thereof "Director"; and (B) adding at the end of such section the following "The Director shall be responsible for finding civilian work for persons exempted from training and service under this subsection and for the placement of such persons in appropriate civilian work contributing to the maintenance of the national health, safety, or interest."

Conscientious
objectors.
81 Stat. 104.
50 USC app.
456.

(22) Section 6(o) is amended to read as follows:

"(o) Except during the period of a war or a national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—

Induction ex-
emption.
78 Stat. 296.

"(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in line of duty during such service, or

"(2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service.

As used in this subsection, the term 'brother' or 'sister' means a brother of the whole blood or a sister of the whole blood, as the case may be."

"Brother,"
"sister,"

(23) Section 9(j) is amended by striking out "or Treasury" and inserting in lieu thereof "or Transportation".

62 Stat. 618;
64 Stat. 1074.
50 USC app.

(24) Section 10(a) (3) is amended to read as follows:

"(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate."

459.
50 USC app.
460.

(25) Section 10(b) (2) is amended by changing the first semicolon to a colon and inserting immediately thereafter the following: "Provided, That no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director;"

(26) Section 10(b) (3) is amended by striking out all down through the first period and the succeeding seven sentences, and inserting in lieu thereof the following:

Civilian local
boards.
81 Stat. 104.

"(3) to create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this title, together with such other duties as may be assigned under this title: *Provided*, That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction when such action is approved by the Governor or comparable executive official or officials. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. In making such appointments

Membership.

after the date of the enactment of the Act enacting this sentence, the President is requested to appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin. No citizen shall be denied membership on any local board or appeal board on account of sex. After December 31, 1971, no person shall serve on any local board or appeal board who has attained the age of 65 or who has served on any local board or appeal board for a period of more than 20 years. Notwithstanding any other provision of this paragraph, an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Governor or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area."

Repeal.
62 Stat. 618.
50 USC app.
460.

Selective Service System, maintenance.
65 Stat. 87.

(27) Section 10(e) is repealed.

(28) Section 10(f) is amended by striking out "\$50" and inserting in lieu thereof "\$500".

(29) Section 10 is further amended by adding at the end thereof a new subsection as follows:

"(h) If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is constituted on the date of the enactment of this subsection, shall, nevertheless, be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency."

Burial expenses.
62 Stat. 621.
50 USC app.
461.

(30) Section 11 is amended to read as follows:

"SEC. 11. Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this title shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation and burial of the remains of registrants who suffer death, while acting under orders issued under the provisions of this title, but such burial expenses shall not exceed the maximum that the Administrator of Veterans' Affairs may pay under the provisions of section 902(a) of title 38, United States Code, in any one case."

(31) Section 12 is amended by adding at the end thereof a new subsection (d) as follows:

80 Stat. 29.
81 Stat. 105.
50 USC app.
462.

"(d) No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur."

Ante, p. 348.

(32) Section 13(b) is amended by adding at the end thereof the following: "Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued."

Effective date,
62 Stat. 623.
50 USC app.

463.

(33) Section 15(d) is amended to read as follows:

"(d) Except as provided in section 4(c), nothing contained in this title shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense."

50 USC app.

465.

65 Stat. 78.

50 USC app.

454.

(34) Section 16(g)(3) is amended by inserting "bona fide" immediately before "vocation".

50 USC app.

466.

(35) Section 17(c) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973". The amendment made by the preceding sentence shall take effect July 2, 1971.

Induction au-
thority, time ex-
tension.

81 Stat. 105.

50 USC app.

467.

64 Stat. 318.

50 USC app.

471.

(36) At the end of the Act add a new section as follows:

"PROCEDURAL RIGHTS

"SEC. 22. (a) It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a local or appeal board, a fair hearing consistent with the informal and expeditious processing which is required by selective service cases.

"(b) Pursuant to such rules and regulations as the President may prescribe—

"(1) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to testify and present evidence regarding his status.

"(2) Subject to reasonable limitations on the number of witnesses and the total time allotted to each registrant, each registrant shall have the right to present witnesses on his behalf before the local board.

"(3) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

"(4) In the event of a decision adverse to the claim of a registrant, the local or appeal board making such decision shall, upon request, furnish to such registrant a brief written statement of the reasons for its decision."

Savings provision.

(b) Notwithstanding the repeal of section 6(h)(1) of the Military Selective Service Act of 1967 made by subsection (a)(17) of this section, any person (1) who is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of higher learning, (2) who met the academic requirements of a student deferment prescribed in such section 6(h)(1), and (3) who was satisfactorily pursuing such a full-time course prior to the date of enactment of this Act and during the 1970-1971 regular academic school year shall be deferred from induction for training and service in the Armed Forces under the same terms and conditions such person would have been deferred under the provisions of such section 6(h)(1) had such provision not been repealed.

Medical needs, study.

(c) The Secretary of Defense and the Secretary of Health, Education, and Welfare shall conduct a joint study of practicable means of meeting the medical needs of the Armed Forces through means which would require less dependence on medical personnel of the Armed Forces. In carrying out such study special consideration shall be given to the feasibility of providing medical care for military personnel and their dependents under contracts with clinics, hospitals, and individual members of the medical profession at or near United States military installations within and outside the United States. The results of such study, together with such recommendations as the Secretary of Defense and the Secretary of Health, Education, and Welfare deem appropriate, shall be submitted to the President and the Congress not later than six months after the date of enactment of this subsection.

Report to President and Congress.

Surviving son, discharge.

65 Stat. 75;
81 Stat. 100.
50 USC app.
451.

(d) (1) Subject to the provisions of paragraph (2) of this subsection any surviving son or sons of a family who (A) were inducted into the Armed Forces under the Military Selective Service Act of 1967, (B) have not reenlisted or otherwise voluntarily extended their period of active duty in the Armed Forces, and (C) are serving on active duty with the Armed Forces on or after the date of enactment of this subsection, and such son or sons could not, if they were not in the Armed Forces, be involuntarily inducted into military service under the Military Selective Service Act as a result of the amendment made by paragraph (22) of subsection (a) of this section, such surviving son or sons shall, upon application, be promptly discharged from the Armed Forces.

(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any member of the Armed Forces against whom court-martial charges are pending, or in the case of any member who has been tried and convicted by a court-martial for an offense and whose case is being reviewed or appealed, or in the case of any member who has been tried and convicted by a court-martial for an offense and who is serving a sentence (or otherwise satisfying punishment) imposed by such court-martial, until final action (including completion of any punishment imposed pursuant to such court-martial) has been completed with respect to such charges, review, or appeal, or until the sentence has been served (or until any other punishment imposed has been satisfied), as the case may be. The President shall have authority to implement the provisions of this subsection by regulations.

(3) Notwithstanding the amendment made by paragraph (22) of subsection (a) of this section, except during the period of a war or a national emergency declared by Congress, the sole surviving son of any family in which the father or one or more sons or daughters thereof were killed in action before January 1, 1960, or died in line of duty before January 1, 1960, while serving in the Armed Forces of the United States, or died subsequent to such date as a result of

injuries received or disease incurred before such date during such service shall not be inducted under the Military Selective Service Act unless he volunteers for induction.

SEC. 102. Section 1 of the Act of August 3, 1950, chapter 537, as amended (10 U.S.C. 3201 note), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 103. Section 9 of the Act of June 27, 1957, Public Law 85-62, as amended (81 Stat. 105), is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 104. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1971" whenever that date appears and inserting in place thereof "July 1, 1973".

SEC. 105. Section 16 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2216) is amended by striking out "July 1, 1971" and inserting in place thereof "July 1, 1973".

SEC. 106. Unless prohibited by treaty, no person shall be discriminated against by the Department of Defense or by any officer or employee thereof, in the employment of civilian personnel at any facility or installation operated by the Department of Defense in any foreign country because such person is a citizen of the United States or is a dependent of a member of the Armed Forces of the United States. As used in this section, the term "facility or installation operated by the Department of Defense" shall include, but shall not be limited to, any officer's club, non-commissioned officers' club, post exchange, or commissary store.

Ante, p. 348.

81 Stat. 105.

50 USC app.
454 note.

Nondiscrimination.

"Facility or installation operated by the Department of Defense."

TITLE II—PAY INCREASE FOR UNIFORMED SERVICES; SPECIAL PAY

SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"Commissioned Officers

Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ¹	\$2,111.40	\$2,185.80	\$2,185.80	\$2,185.80	\$2,185.80
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90
O-4	704.10	856.50	914.40	914.40	930.60
O-3 ¹	654.30	731.10	781.20	864.90	906.00
O-2 ¹	570.30	622.80	748.20	773.10	789.30
O-1 ²	495.00	515.40	622.80	622.80	622.80

81 Stat. 649.

Years of service computed under section 205

Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ¹	\$2,269.50	\$2,269.50	\$2,443.50	\$2,443.50	\$2,618.40
O-9	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50
O-8	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60
O-7	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60
O-6	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10
O-5	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70
O-4	972.30	1,038.30	1,097.10	1,147.20	1,197.00
O-3 ¹	938.70	989.10	1,038.30	1,063.80	1,063.80
O-2 ¹	789.30	789.30	789.30	789.30	789.30
O-1 ²	622.80	622.80	622.80	622.80	622.80

"COMMISSIONED OFFICERS—continued

"Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 ¹ -----	\$2,618.40	\$2,793.30	\$2,793.30	\$2,967.60	\$2,967.60
O-9-----	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40
O-8-----	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7-----	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6-----	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5-----	1,379.70	1,421.10	1,471.20	1,471.20	1,471.20
O-4-----	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3 ² -----	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2 ² -----	789.30	789.30	789.30	789.30	789.30
O-1 ² -----	622.80	622.80	622.80	622.80	622.80

¹ While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is \$3,000 regardless of cumulative years of service computed under section 205 of this title.

² Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

"COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205					
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3-----	\$864.90	\$906.00	\$938.70	\$989.10	\$1,038.30	\$1,080.30
O-2-----	773.10	789.30	814.20	856.50	889.80	914.40
O-1-----	622.80	665.10	690.00	714.60	739.80	773.10

"Pay grade	Years of service computed under section 205					
	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3-----	\$1,080.30	\$1,080.30	\$1,080.30	\$1,080.30	\$1,080.30	\$1,080.30
O-2-----	914.40	914.40	914.40	914.40	914.40	914.40
O-1-----	773.10	773.10	773.10	773.10	773.10	773.10

"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
W-4-----	\$666.30	\$714.60	\$714.60	\$731.10	\$764.40
W-3-----	605.70	657.00	657.00	665.10	673.20
W-2-----	530.40	573.60	573.60	590.40	622.80
W-1-----	441.90	507.00	507.00	549.00	573.60

"Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
W-4-----	\$798.00	\$831.00	\$889.80	\$930.60	\$963.90
W-3-----	722.40	764.40	789.30	814.20	838.80
W-2-----	657.00	681.90	706.50	731.10	756.60
W-1-----	598.50	622.80	648.30	673.20	698.10

"Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
W-4-----	\$989.10	\$1,022.10	\$1,056.00	\$1,137.90	\$1,137.90
W-3-----	864.90	897.90	930.60	963.90	963.90
W-2-----	781.20	806.10	838.80	838.80	838.80
W-1-----	722.40	748.20	748.20	748.20	748.20

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ¹					
E-8					
E-7	\$443.40	\$478.50	\$496.20	\$513.60	\$531.30
E-6	382.80	417.90	435.00	453.00	470.40
E-5	336.30	366.00	383.70	400.50	426.60
E-4	323.40	341.40	361.20	389.40	405.00
E-3	311.10	328.20	341.10	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50

"Pay grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ¹		\$756.90	\$774.30	\$792.00	\$809.70
E-8	\$635.10	652.80	670.20	687.90	705.30
E-7	548.10	565.50	583.50	609.60	626.70
E-6	487.50	505.20	531.30	548.10	565.50
E-5	444.00	461.70	478.50	487.50	487.50
E-4	405.00	405.00	405.00	405.00	405.00
E-3	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50

"Pay grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 ¹	\$827.70	\$843.90	\$888.60	\$975.00	\$975.00
E-8	722.10	740.10	783.60	870.90	870.90
E-7	644.10	652.80	696.60	783.60	783.60
E-6	574.50	574.50	574.50	574.50	574.50
E-5	487.50	487.50	487.50	487.50	487.50
E-4	405.00	405.00	405.00	405.00	405.00
E-3	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50

¹ While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$1,185 regardless of cumulative years of service computed under section 205 of this title.

SEC. 202. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 302 a new section as follows:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of \$100 a month for each month of active duty:

"(1) a commissioned officer—

"(A) of the Regular Army or the Regular Navy who is designated as an optometry officer;

"(B) of the Regular Air Force who is designated as an optometry officer; or

"(C) who is an optometry officer of the Regular Corps of the Public Health Service;

who was on active duty on the effective date of this section; who retired before that date and was ordered to active duty after that date and before July 1, 1973; or who was designated as such an officer after the effective date of this section and before July 1, 1973;

"(2) a commissioned officer—

"(A) of a reserve component of the Army or Navy who is designated as an optometry officer;

76 Stat. 461,
37 USC 301.

“(B) of a reserve component of the Air Force who is designated as an optometry officer; or

“(C) who is an optometry officer of the Reserve Corps of the Public Health Service;

who was on active duty on the effective date of this section as a result of a call or order to active duty for a period of at least one year; or who, after that date and before July 1, 1973, is called or ordered to active duty for such a period; and

“(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, the Air Force, or the National Guard, as the case may be, who was on active duty on the effective date of this section; who was retired before that date and was ordered to active duty after that date and before July 1, 1973; or who, after the effective date of this section, was appointed from any of those categories.

“(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.”

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

“302a. Special pay: optometrists.”

immediately below

“302. Special pay: physicians and dentists.”

76 Stat. 461.
37 USC 301.

SEC. 203. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 308 a new section as follows:

“§ 308a. Special pay: enlistment bonus

70A Stat. 19.

“(a) Notwithstanding section 514(a) of title 10 or any other provision of law, a person who enlists in any combat element of an armed force for a period of at least three years, or who extends his initial period of active duty in a combat element of an armed force to a total of at least three years, may, under regulations to be prescribed by the Secretary of Defense, be paid a bonus in an amount prescribed by the Secretary, but not more than \$3,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary.

“(b) Under regulations approved by the Secretary of Defense, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

“(c) No bonus shall be paid under this section with respect to any enlistment or extension of an initial period of active duty in the armed forces made after June 30, 1973.”

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting

“308a. Special pay: enlistment bonus.”

immediately below

“308. Special pay: reenlistment bonus.”

Quarters allowance.
80 Stat. 1122.

SEC. 204. Section 403(a) of title 37, United States Code, is amended to read as follows:

“(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following monthly rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
O-10.....	\$230.40	\$288.00
O-9.....	230.40	288.00
O-8.....	230.40	288.00
O-7.....	230.40	288.00
O-6.....	211.80	258.30
O-5.....	198.30	238.80
O-4.....	178.80	215.40
O-3.....	158.40	195.60
O-2.....	138.60	175.80
O-1.....	108.90	141.60
W-4.....	172.50	207.90
W-3.....	155.40	191.70
W-2.....	137.10	173.70
W-1.....	123.90	160.80
E-9.....	130.80	184.20
E-8.....	122.10	172.20
E-7.....	104.70	161.40
E-6.....	95.70	150.03
E-5.....	92.70	138.60
E-4 (over 4 years' service).....	81.60	121.50
E-4 (4 years' or less service).....	45.00	45.00
E-3.....	45.00	45.00
E-2.....	45.00	45.00
E-1.....	45.00	45.00

A member in pay grade E-4 (less than four years' service), E-3, E-2, or E-1 is considered at all times to be without dependents."

SEC. 205. (a) Chapter 7 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

76 Stat. 469.
37 USC 401.

§ 428. Allowance for recruiting expenses

"In addition to other pay or allowances authorized by law, and under uniform regulations prescribed by the Secretaries concerned, a member who is assigned to recruiting duties for his armed force may be reimbursed for actual and necessary expenses incurred in connection with those duties."

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following new item:

"428. Allowance for recruiting expenses."

SEC. 206. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2203) is amended to read as follows:

"SEC. 3. For the duration of this Act, section 403(a) of title 37, United States Code, is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and inserting in lieu thereof the following:

"E-4 (four years' or less service).....	\$81.60	\$121.50
E-3.....	72.30	105.00
E-2.....	63.90	105.00
E-1.....	60.00	105.00"

SEC. 207. Section 4 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2204) is amended by inserting immediately before "Provided further" the following: "; or (7) for the calendar months in which such member serves on active duty for training (including full-time duty performed by members of the Army or Air National Guard for which they receive pay from the United States in accordance with section 204 of title 37, United States Code) if that training is for a period of 30 days or more".

SEC. 208. Section 7 of the Dependents Assistance Act of 1950 (50 App. U.S.C. 2207) is amended by striking out "to enlisted members on active duty for training under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), or any other enlistment program that requires an initial period of active duty for training".

SEC. 209. The foregoing provisions of this title shall become effective

Quarters allowance.

81 Stat. 654.

Ante, p. 358.

76 Stat. 496.

76 Stat. 457.

76 Stat. 153.

Effective dates.

on October 1, 1971, except that section 203 shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971, and section 206 shall become effective July 1, 1971.

SEC. 210. The enactment of this title shall not reduce the pay to which any member of the uniformed services was entitled on June 30, 1971.

SEC. 211. Not later than June 30, 1972, the Secretary of Defense shall report to the Chairmen of the Armed Services Committees of the Senate and of the House of Representatives on the effectiveness of the provisions of this title in increasing the number of volunteers enlisting for active duty in the Armed Forces of the United States.

TITLE III—ACTIVE DUTY STRENGTH LEVELS FOR FISCAL YEAR 1972

SEC. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, each of the following armed forces is authorized an average active duty personnel strength as follows:

- (1) the Army, 974,309;
- (2) the Navy, 613,619;
- (3) the Marine Corps, 209,846; and
- (4) the Air Force, 755,635;

except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard, or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, beginning with the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

TITLE IV—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 401. It is hereby declared to be the sense of Congress that the United States terminate at the earliest practicable date all military operations of the United States in Indochina, and provide for the prompt and orderly withdrawal of all United States military forces at a date certain subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

Report to congressional committees.

70A Stat. 28;
72 Stat. 1441.

70A Stat. 199,
525.

10 USC 331.
Report to Congress.

(1) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(2) Negotiate with the Government of North Vietnam for the establishing of a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release at a date certain of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina subject to a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established pursuant to paragraph (2) hereof.

TITLE V—IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENT PERSONS IN THE ARMED FORCES

SEC. 501. (a) The Secretary of Defense shall prescribe and implement procedures, utilizing all practical available methods, and provide necessary facilities to (1) identify, treat, and rehabilitate members of the Armed Forces who are drug or alcohol dependent persons, and (2) identify those individuals examined at Armed Forces examining and entrance stations who are drug or alcohol dependent persons. Those individuals found to be drug or alcohol dependent persons under clause (2) of the preceding sentence shall be refused entrance into the Armed Forces and referred to civilian treatment facilities.

(b) The Secretary of Defense shall report to Congress within 60 days after the date of the enactment of this Act with respect to (1) the plans and programs which have been initiated to carry out the purposes of subsection (a) of this section, and (2) such recommendations for additional legislative action as he deems necessary to combat effectively drug and alcohol dependence in the Armed Forces and to treat and rehabilitate effectively any member found to be a drug or alcohol dependent person.

Report to Congress.

TITLE VI—APPOINTMENT OF CERTAIN REGULAR, TEMPORARY, AND RESERVE OFFICERS TO BE MADE SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE

SEC. 601. Section 593(a) of title 10, United States Code, is amended to read as follows:

Reserve officers.
70A Stat. 25.

“(a) Appointments of Reserves in commissioned grades below lieutenant colonel and commander, except commissioned warrant officer, shall be made by the President alone. Appointments of Reserves in commissioned grades above major and lieutenant commander shall be made by the President, by and with the advice and consent of the Senate, except as provided in section 3352 or 8352 of this title.”

SEC. 602. Section 3447(b) of title 10, United States Code, is amended to read as follows:

Army.
70A Stat. 196.

“(b) Temporary appointments of commissioned officers in the Regular Army shall be made by the President alone in grades below lieutenant colonel and by the President, by and with the advice and

consent of the Senate, in grades of lieutenant colonel and above. Temporary appointments of commissioned officers in the reserve components of the Army shall be made by the President alone in grades below lieutenant colonel and by the President, by and with the advice and consent of the Senate, in grades above major."

Navy; Marine
Corps.
70A Stat. 330.

SEC. 603. (a) The second sentence of section 5597(e) of title 10, United States Code, is amended to read as follows: "Such appointments shall be made by the President alone, except that appointments under subsections (f) and (g) in grades above lieutenant commander in the Navy shall be made by the President, by and with the advice and consent of the Senate."

(b) The second sentence of section 5787(e) of such title is amended to read as follows: "Each such appointment to a grade above lieutenant commander in the Navy or to a grade above major in the Marine Corps shall be made by the President, by and with the advice and consent of the Senate."

(c) The first sentence of section 5791(b) of such title is amended to read as follows: "Permanent and temporary appointments under this chapter in a grade above lieutenant commander in the Naval Reserve and in a grade above major in the Marine Corps Reserve shall be made by the President, by and with the advice and consent of the Senate."

72 Stat. 1507.

(d) The first sentence of section 5912 of such title is amended to read as follows: "Permanent and temporary appointments under this chapter in grades above lieutenant commander in the Naval Reserve and in grades above major in the Marine Corps Reserve shall be made by the President, by and with the advice and consent of the Senate."

Air Force.
70A Stat. 523.

SEC. 604. Section 8447(b) of title 10, United States Code, is amended to read as follows:

"(b) Temporary appointments of commissioned officers in the Regular Air Force shall be made by the President alone in grades below lieutenant colonel and by the President, by and with the advice and consent of the Senate, in grades of lieutenant colonel and above. Temporary appointments of commissioned officers in the reserve components of the Air Force shall be made by the President alone in grades below lieutenant colonel and by the President, by and with the advice and consent of the Senate, in grades above major."

Coast Guard.
77 Stat. 182.

SEC. 605. Section 275(f) of title 14, United States Code, is amended by inserting the following sentence after the second sentence: "An appointment under this section to a grade above lieutenant commander of an officer in the Coast Guard Reserve shall be made by the President, by and with the advice and consent of the Senate."

TITLE VII—MISCELLANEOUS PROVISIONS

Report to Con-
gress, extension.
84 Stat. 913.
10 USC 133
note.

SEC. 701. Section 412(d)(2) of Public Law 86-149, as amended, is amended by (1) striking out "the President" and substituting in lieu thereof "the Secretary of Defense", (2) striking out "January 31" and substituting in lieu thereof "March 1", and (3) adding at the end thereof the following: "Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead functions within the Armed Services."

Approved September 28, 1971.