Public Law 95-377
95th Congress

An Act

To amend the Act of August 29, 1974 (88 Stat. 795; 10 U.S.C. 8202 note), relating to the authorized numbers for the grades of lieutenant colonel and colonel in the Air Force and to authorize the President to suspend certain provisions of law when he determines that the needs of the Armed Forces so require, and for other purposes.

Sept. 19, 1978
[S. 3454]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 29, 1974 (88 Stat. 795; 10 U.S.C. 8202 note), is amended by striking out "through September 30, 1978" and inserting in lieu thereof "through September 30, 1979".

Armed Forces.
Air Force grade extension; certain provisions of law, suspension.
10 USC 5707 note.

SEC. 2. (a) For the period beginning on September 15, 1978, and ending on September 30, 1979, the President is authorized to suspend application of the following provisions of title 10, United States Code:

(1) Section 5707(c).
(2) Section 5751 (a), (b), and (e).
(3) Section 5770.

(b) No suspension invoked by the President under authority of subsection (a) shall be effective after September 30, 1979.

SEC. 3. Effective only for the period beginning September 15, 1978, and ending September 30, 1979—

(1) Section 1201(3) of title 10, United States Code, is amended as follows:

(A) striking out the word "or" at the end of subclause (B)(ii);

(B) striking out the period at the end of subclause (B)(iii) and inserting in lieu thereof a semicolon and the word "or"; and

(C) adding at the end of subclause (B) a new item as follows:

"(iv) the disability was incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1979, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effect.".

(2) Section 1203(4)(A) of such title is amended by—

Separation.

(A) striking out the word "or" at the end of item (i);

(B) striking out the semicolon at the end of item (ii) and inserting in lieu thereof a comma and the following: "or (iii) incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1979, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effect;".

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(3) Section 1203(4)(C) of such title is amended by striking out "the proximate result of performing active duty nor incurred in line of duty in time of war or national emergency" and inserting in lieu thereof "(i) the proximate result of performing active duty, (ii) incurred in line of duty in time of war or national emergency, nor (iii) incurred in line of duty during the period beginning on September 15, 1978, and ending on September 30, 1979, except that the condition provided for in this item shall not be effective during such period unless the President determines that such condition should be effective during such period and issues an Executive order to that effective".

SEC. 4. (a) Chapter 545 of title 10, United States Code, is amended by inserting after section 5787c a new section as follows:

10 USC 5787d.

"§ 5787d. Navy lieutenants: temporary promotion

"(a) Line officers not restricted in the performance of duty in the grade of lieutenant, possessing skills in a critical shortage and serving in lieutenant commander billets requiring such skills, may be temporarily promoted to lieutenant commander under such regulations as the Secretary of the Navy may prescribe. Temporary appointment under this section shall be made by the President alone.

"(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of members so appointed, prejudice them in regard to other promotions or appointments, or abridge their rights or benefits.

"(c) Temporary promotions under this section may be made only upon the recommendation of a board of officers convened for that purpose. In addition to recommending officers for promotion, a board so convened shall make the report required by section 6384 of this title.

"(d) Each temporary appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date made, and the member so appointed is entitled to the pay and allowances of the grade to which promoted from that date.

"(e) Temporary appointments under this section will terminate upon an officer's detachment from a qualifying billet so designated by the Secretary of the Navy. When an officer, whose name is on a promotion list as a result of selection to lieutenant commander other than under this section, is detached, an appointment will be issued to include the interim period between the subject officer's detachment from the qualifying billet and the date of promotion as a result of selection board action.

"(f) When his temporary appointment under this section is terminated or expires, each member of the naval service on active duty shall have the grade he would hold if he had not received any such appointment.

"(g) No appointments may be made under this section after September 30, 1979.".

(b) The table of sections at the beginning of chapter 545 of such title is amended by inserting

"5787d. Navy lieutenants: temporary promotion."

below

"5787c. Navy and Marine Corps, warrant officers: temporary promotion.".

SEC. 5. Section 5504(d) of title 10, United States Code, is amended by inserting "or 5787d" after "5787".

SEC. 6. (a) Section 5786(c) of title 10, United States Code, is amended by inserting "or 5787d" after "5787".

(b) Section 5791(a) of such title is amended by inserting "and 5787d" after "5787".

SEC. 7. Section 6325(b) of title 10, United States Code, is amended by inserting "or 5787d" after "5787".

SEC. 8. (a) Section 6384(a) of title 10, United States Code, is amended by inserting "and each board of officers convened under section 5787d" after "under chapter 543".

(b) Section 6385 of such title is amended by striking out "or 5787" and inserting in lieu thereof "5787, or 5787d".

(c) The catchline of such section is amended by striking out **"and 5787"** and inserting in lieu thereof **"5787, or 5787d".**

(d) The table of sections at the beginning of chapter 573 of such title is amended by striking out "and 5787" in the item relating to section 6385 and inserting in lieu thereof "5787, or 5787d".

SEC. 9. Section 905(h) of title 37, United States Code, is amended by inserting "or 5787d" after "5787".

SEC. 10. (a) Section 5703(a)(1) of title 10, United States Code, is amended to read as follows:

"(1) A board to recommend brigadier generals for promotion to the grade of major general, consisting of nine officers serving in the grade of major general or above.".

(b) The amendment made by subsection (a) shall be effective only for the period beginning on September 15, 1978, and ending on September 30, 1979. 10 USC 5703 note.

SEC. 11. (a) Section 5787c of title 10, United States Code, is amended to read as follows:

"§ 5787c. Navy and Marine Corps; warrant officers and officers designated for limited duty: temporary promotion 10 USC 5787c.

"(a) Warrant officers may be temporarily promoted to higher warrant officer grades under such regulations as the Secretary of the Navy may prescribe.

"(b)(1) Officers designated for limited duty may be temporarily promoted to a higher grade under such regulations as the Secretary may prescribe.

"(2) No promotion may be made under this subsection after September 30, 1979.".

(b) The table of sections at the beginning of chapter 545 of such title is amended by striking out the item relating to section 5787c and inserting in lieu thereof

"5787c. Navy and Marine Corps; warrant officers and officers designated for limited duty: temporary promotion.".

Approved September 19, 1978.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-1144 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 124 (1978):
Sept. 7, considered and passed Senate.
Sept. 12, considered and passed House.