

been settled by the Secretary of the Navy, the Secretary of the Treasury, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, in full settlement of all such claims, the respective sums found to be due in the reports of the Secretary of the Navy to Congress dated November 26, 1951, and November 12, 1952, submitted pursuant to Public Law 637, Eightieth Congress (62 Stat. 389): *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved May 28, 1954.

Public Law 379

CHAPTER 249

AN ACT

To revise certain laws relating to warrant officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and for other purposes.

May 29, 1954
[H. R. 6374]

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 "Warrant Officer Act of 1954".

Warrant Officer
Act of 1954.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "Secretary", unless otherwise qualified, means the Secretary of the Army, with respect to the Army; the Secretary of the Navy, with respect to the Navy and Marine Corps, and the Coast Guard when it is operating as a service in the Navy; the Secretary of the Air Force, with respect to the Air Force; and the Secretary of the Treasury, with respect to the Coast Guard when it is operating as a service in the Treasury Department.

(b) The term "warrant officer", unless otherwise qualified, means an officer who holds a warrant or a commission in a permanent or temporary warrant officer grade in the Army, Navy, Air Force, Marine Corps, or Coast Guard, including any component thereof.

(c) The term "date of a failure of selection for promotion" unless otherwise qualified, is that date on which the Secretary approves the report of the board under section 10 (b) of this Act, or the date upon which the name of the officer concerned is removed from a recommended list under section 10 (c) of this Act, or the date prescribed by the Secretary under section 12 of this Act, as appropriate.

(d) The term "active service" means active service as defined in section 511 of the Career Compensation Act of 1949.

63 Stat. 829-
37 USC 311.

ESTABLISHMENT OF GRADES OF WARRANT OFFICERS

SEC. 3. (a) Warrant officer grades, as prescribed in the following table, are hereby established in the Army, Navy, Air Force, Marine Corps, and Coast Guard. These warrant officer grades shall correspond to the various pay grades prescribed for warrant officers by section 201 (a) of the Career Compensation Act of 1949 (63 Stat. 802, 806), as amended, in accordance with the following table:

37 USC 232.

Warrant officer grades	Pay grades
Chief warrant officer, W-4	W-4
Chief warrant officer, W-3	W-3
Chief warrant officer, W-2	W-2
Warrant officer, W-1	W-1

Chief warrant officers, W-4, W-3, and W-2, shall be persons warranted in those grades in the Army or Air Force, and persons commissioned in those grades in the Navy, Marine Corps, or Coast Guard; warrant officers, W-1, shall be persons warranted in that grade. A warrant officer of any one warrant officer grade shall have precedence over all warrant officers of warrant officer grades of lower numerical designation.

(b) The appointment of a permanent warrant officer to higher temporary warrant or any commissioned officer grade shall not operate to vacate his permanent warrant officer grade, nor shall it in any way prejudice any right, privilege, benefit, or promotion status to which he may be entitled by virtue of his permanent warrant officer grade.

DISTRIBUTION AND REDISTRIBUTION OF WARRANT OFFICERS

SEC. 4. (a) Warrant officers (including warrant officers who, on the effective date of this Act are in receipt of or entitled to retired pay or retirement pay or are on the temporary disability retired list) shall, effective upon the effective date of this Act, be distributed among the grades established by section 3 of this Act as the Secretary may prescribe, and at any time prior to the first day of the second month after the effective date of this Act, the Secretary is authorized to redistribute these warrant officers. Upon such distribution or redistribution, each such warrant officer shall, without further action, hold the grade in which distributed or redistributed. In this distribution and redistribution—

(1) no such warrant officer shall receive a lower permanent warrant officer grade than the one which corresponds to the warrant officer pay grade to which his status as a permanent warrant officer entitled him on the day before the effective date of this Act;

(2) no such warrant officer shall receive a lower temporary warrant officer grade than the one which corresponds to the highest warrant officer pay grade to which his status entitled him on the day before the effective date of this Act;

(3) a warrant officer who is entitled to retired pay or retirement pay or who is on a temporary disability retirement list shall receive the warrant officer grade which corresponds to the warrant officer pay grade in which he is receiving retired pay, retirement pay, or physical disability retirement pay, and such distribution and redistribution shall not serve to increase or decrease the amount of such pay or any higher commissioned officer rank or grade to which he is entitled on the day before the effective date of this Act; and

(4) enlisted personnel heretofore or hereafter assigned to the Fleet Reserve and Fleet Marine Corps Reserve who have, or are entitled to have warrant grade pursuant to section 10 (a) of the Act of July 24, 1941, as amended, will be distributed among the grades established by section (3) of this Act as the Secretary may prescribe. Distribution effected in accordance with this paragraph will not serve to decrease the retainer pay or retired pay to which these persons are entitled under section 511 of the Act of October 12, 1949, as amended.

(b) Each permanent warrant officer of the regular service shall, for promotion purposes, be credited in the permanent warrant officer grade in which distributed or redistributed under this section with such

60 Stat. 28.
34 USC 350i.

63 Stat. 829.
37 USC 311.

service as the Secretary shall prescribe, but not less than the active service performed as a permanent warrant officer after September 30, 1949, in the pay grade corresponding to the permanent warrant officer grade in which distributed or redistributed, including active service in any higher pay grade as a warrant officer or in any permanent or temporary commissioned officer grade while his status as a permanent warrant officer entitled him to the pay grade corresponding to such permanent warrant officer grade.

APPOINTMENTS

SEC. 5. (a) Appointments to any permanent warrant officer grade in the regular service accomplished by a commission shall be made by the President, by and with the advice and consent of the Senate. Other appointments to warrant officer grades shall be made by the Secretary.

(b) Except as otherwise provided in this Act, warrant officers appointed in the regular service under this section shall be credited with such service for promotion purposes as the Secretary may prescribe, but not more than the period of active service actually performed in the grade, or the pay grade corresponding to the grade, in which appointed or in a higher warrant officer or commissioned grade or pay grade, while holding a temporary or permanent appointment or commission.

AUTHORITY FOR THE TERMINATION OF APPOINTMENTS

SEC. 6. The Secretary may, in his discretion, terminate the appointment of a permanent warrant officer in the regular service at any time within three years after the date of acceptance of his initial appointment as a permanent warrant officer of the regular service. A warrant officer whose appointment is terminated under this section shall not be entitled to severance pay, but, upon his application he may, in the discretion of the Secretary, be enlisted in such grade as the Secretary may direct but not lower than the grade held immediately prior to appointment as warrant officer.

PROMOTION OF WARRANT OFFICERS

SEC. 7. The promotion of permanent warrant officers of the regular service to a higher permanent warrant officer grade shall be governed by this Act and such regulations concerning physical, moral, and professional qualifications as the Secretary may prescribe. The physical standards for promotion shall be the same as those which may be prescribed for retention on active duty. The permanent promotion of warrant officers other than permanent warrant officers of the regular service and all temporary promotions to warrant officer grades shall be governed by such regulations as the Secretary may prescribe.

SELECTION BOARDS

SEC. 8. (a) Whenever the Secretary determines that the needs of the service require, but not less than once annually, he shall appoint one or more boards of not less than five regular officers of the service concerned for the selection of permanent warrant officers of the regular service for promotion. No officer shall be eligible for membership on these selection boards if he has a permanent grade below that of lieutenant colonel or commander. When the second of two consecutive selection boards is to consider any of the warrant officers who were considered by the first board, no officer who served on the first board shall be eligible for membership on the second board.

(b) All other matters relating to the functions and duties of the boards, including the number of members required to constitute a quorum, shall be prescribed by the Secretary.

ELIGIBILITY FOR PROMOTION

SEC. 9. (a) Each permanent warrant officer of the regular service shall be considered by a selection board as prescribed by the Secretary sufficiently in advance of the date on which he completes the service in permanent warrant officer grade in the regular service prescribed in this section (including service credited in that permanent warrant officer grade in the regular service under section 4 (b) or 5 (b) of this Act and service performed after the effective date of this Act while he holds that permanent warrant officer grade in the regular service) so that he may, subject to the provisions of this Act, be promoted to the next higher permanent warrant officer grade in the regular service as of the day after the date on which he completes the following service in grade—

- (1) warrant officer, W-1, three years;
- (2) chief warrant officer, W-2, six years; and
- (3) chief warrant officer, W-3, six years.

(b) A permanent warrant officer of the regular service who is considered by a selection board for promotion, but who fails to be selected for promotion to the next higher permanent grade in the regular service, shall be considered for promotion by each later selection board which considers permanent warrant officers in his grade until he is retired, separated, or selected for promotion to that grade.

SELECTION FOR PROMOTION

SEC. 10. (a) The Secretary shall furnish each selection board with the names of all permanent warrant officers of the regular service, in order of seniority in their permanent warrant officer grade, who are eligible under subsections (a) and (b) of section 9 of this Act, for consideration by that selection board for promotion to the next higher permanent warrant officer grade in the regular service—

(1) from the list of warrant officers, W-1, which the Secretary has submitted to it, each selection board shall select those warrant officers, W-1, whom the selection board considers fully qualified for promotion to the grade of chief warrant officer, W-2, and shall also report the names of those warrant officers, W-1, whom it recommends for termination of their appointment under section 6 of this Act; and

(2) from the list of chief warrant officers, W-2, and chief warrant officers, W-3, which the Secretary has submitted to it, each selection board shall select for promotion to chief warrant officer, W-3, and chief warrant officer, W-4, respectively, those officers whom it considers best qualified for promotion, in numbers not exceeding the number prescribed by the Secretary. The number prescribed by the Secretary for each of these chief warrant officer grades shall be equal to not less than eighty per centum of the number of warrant officers who for the first time are being considered for promotion to each of those chief warrant officer grades under paragraphs (2) and (3) of section 9 (a) of this Act. Under such regulations as the Secretary may prescribe, the selection board shall also report the names of those chief warrant officers among those eligible for consideration whose reports and records in its opinion establish their unfitness or unsatisfactory

performance of duty in their present grades. The case of a warrant officer so reported shall be governed by section 15 of this Act.

(b) The names of warrant officers who are selected for promotion shall be arranged in the report of the board in the order of their seniority in permanent warrant officer grade. The report of the selection board shall be submitted to the Secretary for his approval or disapproval in whole or in part.

(c) If prior to his appointment to the next higher grade the promotion of a warrant officer be disapproved by the Secretary, the President, or the Senate his name shall be removed from the list of officers who were selected for promotion by that board and his case shall be governed by section 11 (c) of this Act.

EFFECTIVE DATE OF APPOINTMENT ON PROMOTION

SEC. 11. (a) A permanent warrant officer of the regular service who has been selected for promotion to the next higher permanent warrant officer grade by the first selection board which considered him for promotion to that grade, and who has met such qualifications as the Secretary may have prescribed under section 7 of this Act, shall be appointed to that higher permanent warrant officer grade. The date of his appointment thereto shall be the day after the date he completes the service prescribed in section 9 (a) of this Act.

(b) A permanent warrant officer of the regular service who has previously failed of selection for promotion to the next higher permanent warrant officer grade, but who has been selected for promotion to that grade by a later selection board and has met such qualifications as the Secretary may have prescribed under section 7 of this Act, shall be appointed to that higher permanent warrant officer grade. The date of his appointment thereto shall be one of the following dates, whichever is the earlier—

(1) that date which is one year after the date upon which such appointment would have been effective had he been selected for promotion by the last selection board which failed to select him; or

(2) the earliest date on which any warrant officer who has not so failed of selection and whose name follows his on the list submitted to the Secretary under section 10 (b) of this Act, is promoted to such higher grade.

(c) A permanent warrant officer of the regular service whose name, in accordance with section 10 (c) of this Act, has been removed from the list of officers who are selected for promotion shall continue to be eligible for consideration for promotion and—

(1) if the next ensuing selection board recommends such a warrant officer for promotion, his name, without prejudice by reason of its having been removed therefrom, shall be replaced on the list from which it was removed. When he is promoted, the date of his appointment shall be the same as if his name had not been so removed; but

(2) if such warrant officer is not selected for promotion by the next ensuing selection board, or if his name, in accordance, with section 10 (c) of this Act, is again removed from the list of officers who are selected for promotion by the next ensuing selection board, his case shall be governed by section 13 of this Act as if he had twice failed of selection for promotion.

FAILURE TO MEET MORAL AND PROFESSIONAL QUALIFICATIONS

SEC. 12. A permanent warrant officer of the regular service who has been selected for promotion to the next higher grade, but who, within

such time as may be prescribed by the Secretary, fails to meet such moral and professional qualifications as the Secretary may have prescribed under section 7 of this Act, shall not be appointed to that higher grade and his case shall be governed by section 13 of this Act as if he had twice failed of selection for promotion.

FAILURE OF SELECTION FOR PROMOTION

SEC. 13. (a) Unless otherwise retired or separated under any law, each permanent warrant officer of the regular service who has twice failed of selection for promotion to the next higher permanent warrant officer grade under this Act, shall—

(1) if on the date of his second failure of selection for promotion he has completed less than eighteen years of active service, have his appointment as a permanent warrant officer in the regular service terminated and be separated on that date which is sixty days after the date of his second failure of selection for promotion, and unless—

(A) upon his application and in the discretion of the Secretary, he is enlisted in such grade as the Secretary may direct, or

(B) if serving on active duty as a commissioned officer, he elects, with the consent of the Secretary, to remain on active duty in his officer status;

be entitled to severance pay under section 16 of this Act;

(2) if on the date of his second failure of selection for promotion he has completed not less than eighteen nor more than twenty years' active service, be retired on that date which is sixty days after the date on which he completes twenty years' active service, if he has not by that time been selected for promotion to the next higher grade, and be entitled to retired pay under section 14 (d) of this Act; or

(3) if on the date of his second failure of selection for promotion he has completed more than twenty years' active service, be retired on that date which is sixty days after the date of his second failure of selection and be entitled to retired pay under section 14 (d) of this Act.

(b) Retirement under clause (2) or (3) of subsection (a) of this section, may, in the discretion of the Secretary in the case of a permanent warrant officer who is serving on active duty as a commissioned officer and elects to remain on active duty as a commissioned officer, be deferred until such date as the Secretary may prescribe.

(c) Upon retirement or separation under subsection (a) of this section, any permanent warrant officer who holds a commission as an officer shall have that commission terminated on the date of such retirement or separation.

RETIREMENT OF WARRANT OFFICERS

SEC. 14. (a) Any warrant officer who has completed not less than twenty years' active service may, upon application and in the discretion of the Secretary, be retired and shall be entitled to receive retired pay computed under subsection (d) of this section.

(b) Except as otherwise provided in paragraphs (1), (2), and (3) of this subsection, any permanent warrant officer of the regular service who, having completed not less than twenty years of active service, has attained the age of sixty-two, shall be retired on that date which is sixty days after the date on which he attains that age and shall be entitled to receive retired pay computed under subsection (d) of this section—

(1) any woman permanent warrant officer of the regular service who, having completed not less than 20 years of active service, attains the age of fifty-five shall be retired on that date which is sixty days after the date on which she attains that age and shall be entitled to receive retired pay computed under subsection (d) of this section;

(2) upon the recommendation of a board of officers and in the discretion of the Secretary, under such regulations as he may prescribe, any permanent warrant officer of the regular service who has completed thirty years of active service may, with his consent, be continued on active service, but not beyond that date which is sixty days after the date on which he attains the age of sixty-two. Any such warrant officer who has completed thirty years of active service and is not so continued on active service shall be retired on that date which is sixty days after the date on which he completes thirty years of active service and shall be entitled to receive retired pay computed under subsection (d) of this section; and

(3) the separation of any person who, on the effective date of this Act, is a male permanent warrant officer of the regular service and who upon attaining the age of sixty-two has completed less than twenty years of active service may be deferred by the Secretary until he completes twenty years of active service, but not later than that date which is sixty days after the date on which he attains the age of sixty-four, and the separation of any person, who, on the effective date of this Act, is a woman permanent warrant officer of the regular service and who upon attaining the age of fifty-five has completed less than twenty years of active service may be deferred until she completes twenty years of active service, but not later than that date which is sixty days after the date on which she attains the age of sixty.

(c) Except as provided in clause (3) of subsection (b) and in subsection (g) of this section, each warrant officer shall be retired or separated not later than sixty days after the date on which he attains the age of sixty-two if a male warrant officer, or the age of fifty-five if a woman warrant officer.

(d) A warrant officer who is retired under this section shall, as determined by the Secretary, be retired in the permanent warrant officer grade held on the day before the date of his retirement, or in any higher warrant officer grade in which he has satisfactorily served, as determined by the Secretary, on any full time duty under competent orders specifying that the period of such duty shall be for a period in excess of thirty days or for an indefinite period. Retired pay under this section shall be $2\frac{1}{2}$ per centum of the active duty basic pay he would have been entitled to receive if he had been serving on active duty in the warrant officer grade in which retired on the day before the date of his retirement under this section, multiplied by the number of years of service creditable in the computation of such basic pay, but not to exceed 75 per centum of that basic pay. A fractional part of a year that is six months or more shall be considered a full year in computing the number of years of active service by which the $2\frac{1}{2}$ per centum is multiplied.

(e) The retirement or separation of any warrant officer which is required under this Act may, in the discretion of the Secretary, be deferred for a period of not to exceed four months when, because of unavoidable circumstances, proper evaluation of the warrant officer's physical condition and possible entitlement to disability retirement or disability separation benefits necessitate a period of hospitalization or medical observation which cannot be completed prior to the date retirement or separation would otherwise be required.

(f) The provisions of this section or section 13 shall not prevent any warrant officer from electing to be placed on the retired list in the highest grade and with the highest retired pay to which he may be entitled under any other law. However, when the rate of pay of such highest grade is under any other law less than the pay of any warrant grade satisfactorily held on active duty, the retired pay shall be based on the higher rate of pay.

62 Stat. 1087.
10 USC 1036a.

10 USC 1036a.

(g) The separation of any person who, on the effective date of this Act, is a male warrant officer of a reserve component of the Armed Forces and who upon attaining the age of sixty-two has completed less than twenty years of satisfactory Federal service, as defined by section 302, Public Law 810, Eightieth Congress, may be deferred by the Secretary concerned until he completes twenty years of satisfactory Federal service, but not later than that date which is sixty days after the date on which he attains the age of sixty-four, and the separation of any person who, on the effective date of this Act, is a woman warrant officer of a reserve component of the Armed Forces who upon attaining the age of fifty-five has completed less than twenty years of satisfactory Federal service, as defined in section 302, Public Law 810, Eightieth Congress, may be deferred by the Secretary concerned until she completes twenty years of satisfactory Federal service, but not later than that date which is sixty days after the date on which she attains the age of sixty.

ELIMINATION OF UNFIT OR UNSATISFACTORY WARRANT OFFICERS

SEC. 15. Under such regulations as the Secretary may prescribe and subject to the recommendations of a board of officers or a selection board under section 10 of this Act, when the records and reports of any permanent warrant officer of the regular service establish his unfitness or unsatisfactory performance of duty, he shall be retired if eligible for retirement under any provision of law, and his retired pay shall be computed as if he had been retired under the provisions of law under which such eligibility is established. If not eligible for such retirement, his appointment as a permanent warrant officer of the regular service and any other appointment which he may hold in any warrant officer or commissioned officer grade shall be terminated. If a warrant officer being separated under this section has completed more than three years' active service since the date of acceptance of his initial appointment as a permanent warrant officer of the regular service, he shall be separated and he shall be entitled to receive severance pay under section 16 of this Act, but in lieu of severance pay, upon his application he may, in the discretion of the Secretary, be enlisted in such grade as the Secretary may direct. If such a warrant officer has completed less than three years' active service since the date of acceptance of his initial appointment as a permanent warrant officer of the regular service, his appointment shall be terminated under section 6 of this Act.

SEVERANCE PAYMENTS

SEC. 16. (a) Severance payments under this Act to permanent warrant officers of the regular service shall—

(1) if the warrant officer is being separated because of failure of selection for promotion, be computed on the basis of two months' basic pay at the time of separation for each year of active service, but not to exceed a total of two years' basic pay; and

(2) if the warrant officer is being separated because of unfitness or unsatisfactory performance of duty, be computed on the basis of one month's basic pay at the time of separation for each year of active service, but not to exceed a total of one year's basic pay.

A fractional part of a year that is six months or more shall be considered a full year in computing the number of years of active service upon which to base this severance pay.

(b) The acceptance of severance pay under this Act shall not deprive a person of any retirement benefits from the Government to which he would otherwise become entitled, but there shall be deducted from any such retirement benefits to such a person such portion thereof as is attributable to the active service in respect of which severance payment shall have been made to him under this Act until the total of the deductions so made equals the total of such severance payment.

APPOINTMENT OF CERTAIN PERSONS ENTITLED TO PERMANENT WARRANT OFFICER GRADE

SEC. 17. (a) (1) Each person who holds a letter of entitlement to an appointment as a permanent warrant officer of the regular service on the effective date of this Act, and (2) each person who would, if his active service as a commissioned officer were terminated on the effective date of this Act, be entitled, under section 1 of the Act of July 14, 1939 (53 Stat. 1001), to reappointment as a permanent warrant officer of the regular service shall, on the effective date of this Act, be tendered an appointment in the regular service to the permanent warrant officer grade established by this Act which corresponds to the pay grade as a permanent warrant officer to which his status entitled him on the day before the effective date of this Act. Warrant officers appointed pursuant to this subsection shall be appointed under section 5 (a) of this Act and shall be included in any redistribution under section 4 of this Act.

10 USC 598.

(b) If a person tendered an appointment as a permanent warrant officer in the regular service under this section does not accept that appointment within such time as the Secretary may prescribe, his entitlement to a permanent warrant officer grade shall terminate.

SUSPENSION OF LAWS AFFECTING WARRANT OFFICERS

SEC. 18. In time of emergency hereafter declared by the President or by the Congress, and in time of war, the President is authorized, in his discretion, to suspend the operation of all or any part or parts of the several provisions of law pertaining to promotion, mandatory retirement or separation of warrant officers, of any of the Armed Forces.

AMENDMENT OF EXISTING LAWS

SEC. 19. (a) Section 1505 of the Revised Statutes, as amended, is further amended to read as follows: "Any officer of the Navy of the grade of ensign or above on the active list who, upon examination for promotion, is found not professionally qualified, shall be suspended from promotion for a period of six months from the date of approval of said examination, and upon the termination of said suspension from promotion he shall be reexamined. In the case of his success upon such reexamination he shall, if otherwise qualified, be promoted and assigned the date of rank and precedence in the higher grade which he would have held had he not been suspended and shall be entitled to the pay and allowances of such higher grade from the date upon which he became eligible for promotion. Officers of the grade of ensign who fail on such reexamination shall be honorably discharged from the service with a lump-sum payment computed on the basis of two months' active duty pay at the time of discharge for each year of active commissioned service in the Regular Navy and Naval Reserve, exclusive of duty for training, but not to exceed a total of one year's active duty pay."

61 Stat. 874-
34 USC 283.

10 USC 598.

(b) The first section of the Act of July 14, 1939 (53 Stat. 1001) is amended to read as follows: "That hereafter any enlisted man of the Regular Army or Regular Air Force who shall serve on active duty as a Reserve officer or warrant officer of the Army or Air Force or who shall be discharged to accept appointment as a commissioned officer or warrant officer in the Army or Air Force and whose active service as a commissioned officer or warrant officer shall terminate honorably, shall be entitled, without regard to any physical disqualification incurred, or having its inception, while on active duty in line of duty, to reenlistment in the grade held prior to such service as a commissioned or warrant officer, without loss of service or seniority and without regard to whether a vacancy exists in the appropriate enlisted grade: *Provided*, That application for reenlistment shall be made within six months, or within such other period of time as the appropriate Secretary may prescribe in exceptional circumstances, after the termination of such service as a commissioned officer or warrant officer in each case: *Provided further*, That enlisted men of the Regular Army and Regular Air Force shall be entitled to count active service as a commissioned officer or warrant officer in the Army and Air Force as enlisted service for all purposes."

10 USC 591.

(c) Section 2 of the Act of August 21, 1941 (55 Stat. 652), is amended to read as follows:

"SEC. 2. Original appointments to permanent warrant officer grades in the Regular Army and Regular Air Force shall be made only from among those persons who have served at least one year on active duty in the Army or Air Force."

10 USC 591a.

(d) Section 3 of the Act of August 21, 1941 (55 Stat. 652), is amended to read as follows:

"SEC. 3. Whenever, under authorization from time to time made by the Congress, the total number of commissioned officers serving on active duty exceeds the authorized active list commissioned officer strength of the Regular Army or Regular Air Force, the Secretary of the Army, with respect to the Army, and the Secretary of the Air Force, with respect to the Air Force, shall determine the requirements in each of the several warrant officer grades based upon the total number of warrant officers serving on active duty and the tasks being performed by the Army and the Air Force and such requirements in each of such grades may be filled by the temporary appointment of qualified warrant officers. Such temporary appointments shall be in the Army or Air Force and shall remain in effect at the pleasure of the appropriate Secretary. Persons appointed in the Army or Air Force as temporary warrant officers, while in active Federal service, shall while so serving, be entitled to the rank, pay, and allowances of the grades to which they are temporarily appointed, and shall be entitled to count such service as warrant or enlisted service for all purposes. Such temporary appointees shall be entitled to the benefits of all existing laws and regulations governing retirement, pensions, and disability as are applicable to members of the Army or Air Force when called or ordered into the active military service by the Federal Government under existing statutory authorizations. All persons temporarily appointed as warrant officers in the Army or Air Force under the authority of this section, shall, as long as they continue to hold such appointments, be available for assignment to active duty with any unit of the service in which appointed. Persons temporarily appointed as warrant officers under the authority of this section who, at the time of their respective temporary appointments have a military status in the Army or Air Force, may accept such temporary appointments without prejudice to the military status which they so held, and upon termination of such temporary appointments such persons may revert to the grades which they held at the time of their temporary appointments."

(e) Section 4 of the Act of August 21, 1941 (55 Stat. 653), is amended by deleting the last sentence of that section as it appears in lines 13 to 15, inclusive, of that section, page 653, volume 55, Statutes at Large, and by substituting in lieu thereof: "All warrant officers shall take precedence next below second lieutenants. They shall take precedence among themselves in accordance with the warrant officer grades established by the Warrant Officer Act of 1954, and they shall take rank within each warrant officer grade in accordance with regulations prescribed by the Secretary of their department."

10 USC 593.

(f) Section 5 of the Act of August 21, 1941 (55 Stat. 653), as amended, is amended by deleting therefrom all of the section through the first three provisos as it appears in lines 22 to 34, inclusive, of page 1085, volume 62, Statutes at Large.

10 USC 594.

(g) Section 1 of the Act of October 21, 1943 (57 Stat. 574; 34 U. S. C. 643), is amended by substituting a period for the comma after the word "abolished", as it appears in line 5 of that section, page 574, volume 57, Statutes at Large, and deleting the remainder of that section.

63 Stat. 514.

(h) Title 14, United States Code, section 230, is amended to read as follows: "Any commissioned officer, except a commissioned warrant officer, who has reached the age of sixty-two shall be retired from active service, with retired pay of the grade with which retired."

ACTS AND PARTS OF ACTS REPEALED

SEC. 20. All Acts or parts of Acts inconsistent with the provisions of this Act are repealed on the effective date of this Act, and this repeal shall include, but shall not be limited to the following:

- (a) Sections 1405 and 1406 of the Revised Statutes.
- (b) Section 1 of the Act of June 17, 1898 (30 Stat. 474).
- (c) Sections 12, 14, and 15 of the Act of March 3, 1899 (30 Stat. 1007).
- (d) That part of the Act of March 3, 1909 (35 Stat. 771), which appears in lines 10 to 23, inclusive, page 771, volume 35, Statutes at Large, as amended.
- (e) That part of the Act of March 3, 1915 (38 Stat. 942), which appears in lines 22 to 60, inclusive, page 942, and in lines 1 to 28, inclusive, page 943, volume 38, Statutes at Large, as amended.
- (f) That part of the Act of August 29, 1916 (39 Stat. 573), which appears in lines 54 to 59, inclusive, page 572, and in lines 1 to 12, inclusive, page 573, volume 39, Statutes at Large, as amended.
- (g) Section 12 of the Act of March 4, 1925 (43 Stat. 1274).
- (h) Section 1 of the Act of June 14, 1938 (52 Stat. 677).
- (i) The first section of the Act of August 21, 1941 (55 Stat. 651), as amended.
- (j) The Act of July 28, 1942 (56 Stat. 724).
- (k) Section 2 of the Act of October 21, 1943 (57 Stat. 574).
- (l) The Act of June 30, 1947 (61 Stat. 210).
- (m) Section 316 (a) of the Officer Personnel Act of 1947 (61 Stat. 795, 867).
- (n) Section 201 (c) of the Career Compensation Act of 1949 (63 Stat. 802, 807).
- (o) Title 14, United States Code, sections 303, 304, 305, 307, 308, and 313.

63 Stat. 518.

SAVINGS PROVISION FOR CERTAIN WARRANT OFFICERS

SEC. 21. (a) This Act shall not affect any right, privilege, or benefit of any warrant officer under title 14, United States Code, sections 431, as amended, 432, or 433, as amended.

63 Stat. 526.

(b) In the case of a warrant officer distributed or redistributed under section 4 or appointed under section 17 of this Act, the term "active service" as used in this Act, shall include all service which he has performed before the effective date of this Act, and which under laws in effect on the day before the effective date of this Act, would be credited in determining his eligibility for retirement as a permanent warrant officer of the regular service.

(c) The effective date of the retirement of any person retired pursuant to this Act shall be subject to the Act of April 23, 1930 (ch. 209, 46 Stat. 253).

5 USC 47a.

EFFECTIVE DATE

SEC. 22. This Act shall be effective on the first day of the sixth month following the month in which it is enacted.

Approved May 29, 1954.

Public Law 380

CHAPTER 250

June 1, 1954
[H. R. 7786]

AN ACT

To honor veterans on the 11th day of November of each year, a day dedicated to world peace.

Veterans Day.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making the 11th day of November in each year a legal holiday", approved May 13, 1938 (52 Stat. 351; 5 U. S. C., sec. 87a), is hereby amended by striking out the word "Armistice" and inserting in lieu thereof the word "Veterans".

Approved June 1, 1954.

Public Law 381

CHAPTER 251

June 3, 1954
[H. R. 4231]

AN ACT

To authorize appointments to the United States Military Academy and United States Naval Academy of sons of certain individuals who were killed in action or who died or shall die as a result of active service in World War I, World War II, or between the period beginning June 27, 1950, and ending on a date proclaimed by the President or the Congress.

U. S. Military,
Naval, and Air
Force Academies.
Appointments.

59 Stat. 586.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the second paragraph of the Act entitled "An Act to establish a department of economics, government, and history at the United States Military Academy, at West Point, New York, and to amend chapter 174 of the Act of Congress of April 19, 1910, entitled 'An Act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes'", approved June 8, 1926, as amended (34 U. S. C., sec. 1036a), as precedes the colon preceding the first proviso thereof is amended to read as follows: "That the number of midshipmen now authorized by law at the United States Naval Academy is hereby increased by forty from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Air Force, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action or who have died, or may hereafter die, of wounds or injuries received, or disease contracted or preexisting injury or disease