

Public Law 88-647

AN ACT

October 13, 1964
[H. R. 9124]

To amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reserve Officers' Training Corps Vitalization Act of 1964".

Reserve Officers'
Training Corps
Vitalization Act of
1964.

TITLE I—JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM

SEC. 101. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 101:

70A Stat. 119.
10 USC 2001.

"CHAPTER 102.—JUNIOR RESERVE OFFICERS' TRAINING CORPS

"Sec.

"2031. Junior Reserve Officers' Training Corps.

"§ 2031. Junior Reserve Officers' Training Corps

"(a) The Secretary of each military department shall establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to this section. Not more than 200 units may be established by all of the military departments each year beginning with the calendar year 1966, and the total number of units which may be established and maintained by all of the military departments under authority of this section, including those units already established on the date of enactment of this section, may not exceed 1,200. The President shall promulgate regulations prescribing the standards and criteria to be followed by the military departments in selecting the institutions at which units are to be established and maintained and shall provide for the fair and equitable distribution of such units throughout the Nation.

"(b) No unit may be established or maintained at an institution unless—

"(1) the unit contains at least 100 physically fit male students who are at least 14 years of age and are citizens of the United States;

"(2) the institution has adequate facilities for classroom instruction, storage of arms and other equipment which may be furnished in support of the unit, and adequate drill areas at or in the immediate vicinity of the institution, as determined by the Secretary of the military department concerned;

"(3) the institution provides a course of military instruction of not less than three academic years' duration, as prescribed by the Secretary of the military department concerned; and

"(4) the institution agrees to limit membership in the unit to students who maintain acceptable standards of academic achievement and conduct, as prescribed by the Secretary of the military department concerned.

"(c) The Secretary of the military department concerned shall, to support the Junior Reserve Officers' Training Corps program—

"(1) detail noncommissioned and commissioned officers of an armed force under his jurisdiction to institutions having units of the Corps as administrators and instructors;

“(2) provide necessary text materials, equipment, and uniforms; and

“(3) establish minimum acceptable standards for performance and achievement for qualified units.

“(d) Instead of, or in addition to, detailing noncommissioned and commissioned officers on active duty under subsection (c) (1), the Secretary of the military department concerned may authorize qualified institutions to employ, as administrators and instructors in the program, retired noncommissioned and commissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve, whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

“(1) retired members so employed are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between their retired pay and the active duty pay and allowances which they would receive if ordered to active duty, and one-half of that additional amount shall be paid to the institution concerned by the Secretary of the military department concerned from funds appropriated for that purpose.

“(2) notwithstanding any other provision of law, such a retired member is not, while so employed, considered to be on active duty or inactive duty training for any purpose.”

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

“102. Junior Reserve Officers' Training Corps..... 2031.”

SEC. 102. Regulations implementing section 2031(a) of title 10, United States Code, shall be issued by the President and by the Secretary of each military department not later than January 1, 1966.

TITLE II—SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM

SEC. 201. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 102:

“CHAPTER 103.—SENIOR RESERVE OFFICERS' TRAINING CORPS

“Sec.

“2101. Definitions.

“2102. Establishment.

“2103. Eligibility for membership.

“2104. Advanced training; eligibility for.

“2105. Advanced training; failure to complete or to accept commission.

“2106. Advanced training; commission on completion.

“2107. Financial assistance program for specially selected members.

“2108. Advanced standing; interruption of training; delay in starting obligated service; release from program.

“2109. Field training; practice cruises.

“2110. Logistical support.

“2111. Personnel: administrators and instructors.

“§ 2101. Definitions

“In this chapter—

“(1) ‘program’ means the Senior Reserve Officers' Training Corps of an armed force;

“(2) ‘member of the program’ means a student who is enrolled in the Senior Reserve Officers' Training Corps of an armed force; and

“(3) ‘advanced training’ means the training and instruction offered in the Senior Reserve Officers' Training Corps to students

in the third and fourth years of a four-year Senior Reserve Officers' Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers' Training Corps course.

“§ 2102. Establishment

“(a) For the purpose of preparing selected students for commissioned service in the Army, Navy, Air Force, or Marine Corps, the Secretary of each military department, under regulations prescribed by the President, may establish and maintain a Senior Reserve Officers' Training Corps program, organized into one or more units, at any accredited civilian educational institution authorized to grant baccalaureate degrees, and at any school essentially military that does not confer baccalaureate degrees, upon the request of the authorities at that institution.

“(b) No unit may be established or maintained at an institution unless—

“(1) the senior commissioned officer of the armed force concerned who is assigned to the program at that institution is given the academic rank of professor;

“(2) the institution fulfills the terms of its agreement with the Secretary of the military department concerned; and

“(3) the institution adopts, as a part of its curriculum, a four-year course of military instruction or a two-year course of advanced training of military instruction, or both, which the Secretary of the military department concerned prescribes and conducts.

“(c) At those institutions where a unit of the program is established membership of students in the program shall be elective or compulsory as provided by State law or the authorities of the institution concerned.

“§ 2103. Eligibility for membership

“(a) To be eligible for membership in the program a person must be a student at an institution where a unit of the Senior Reserve Officers' Training Corps is established. However, a student at an institution that does not have a unit of the Corps is eligible, if otherwise qualified, to be a member of a unit at another institution.

“(b) Persons from foreign countries may be enrolled as members of the program when their enrollment is approved by the Secretary of the military department concerned under criteria approved by the Secretary of State.

“(c) A medical, dental, pharmacy, veterinary, or sciences allied to medicine, student may be admitted to a unit of the program for a course of training consisting of 90 hours of instruction a year for four academic years.

“(d) Under such conditions as the Secretary of the military department concerned may prescribe, a medical, dental, pharmacy, veterinary, or sciences allied to medicine, student who is a commissioned officer of a reserve component of an armed force may be admitted to and trained in a unit of the program.

“§ 2104. Advanced training; eligibility for

“(a) Advanced training shall be provided to eligible members of the program and, if the institution concerned so requests, to eligible applicants for membership in the program, who have two academic years remaining at such educational institution.

“(b) To be eligible for continuation, or initial enrollment, in the program for advanced training, a person must—

“(1) be a citizen of the United States;

“(2) be selected for advanced training under procedures prescribed by the Secretary of the military department concerned;

"(3) enlist in a reserve component of an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

"(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

"(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary; and

"(6) complete successfully—

"(A) the first two years of a four-year Senior Reserve Officers' Training Corps course; or

"(B) field training or a practice cruise of not less than six weeks' duration which is prescribed by the Secretary concerned as a preliminary requirement for admission to the advanced course.

"(c) A member of the program who is ineligible under subsection (b) for advanced training shall be released from the program.

"(d) This section does not apply to cadets and midshipmen appointed under section 2107, or foreign students enrolled under section 2103(b), of this title.

"§ 2105. Advanced training; failure to complete or to accept commission

"A member of the program who is selected for advanced training under section 2104 of this title, and who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than two years.

"§ 2106. Advanced training; commission on completion

"(a) Upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under section 2104 of this title may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

"(b) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be, in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

"(c) In computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training.

"§ 2107. Financial assistance program for specially selected members

"(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under his jurisdiction any eligible member of the program who will be under 25 years of age on June 30 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine Corps, as the case may be. However, a member whose enrollment in

Nonapplicability.

the Senior Reserve Officers' Training Corps program contemplates less than four years of participation in the program may not be appointed a cadet or midshipman under this section, or receive any financial assistance authorized by this section.

“(b) To be eligible for appointment as a cadet or midshipman under this section a member must—

Eligibility for appointment.

“(1) be a citizen of the United States;

“(2) be specially selected for the financial assistance program under procedures prescribed by the Secretary of the military department concerned;

“(3) enlist in the reserve component of the armed force in which he is appointed as a cadet or midshipman for the period prescribed by the Secretary of the military department concerned;

“(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

“(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that, if he is commissioned as a regular officer and his regular commission is terminated before the sixth anniversary of his date of rank, he will accept an appointment, if offered, in the reserve component of that armed force and not resign before that anniversary; and

“(6) agree in writing to serve on active duty for four or more years.

“(c) The Secretary of the military department concerned may provide for the payment of all expenses in his department of administering the financial assistance program under this section, including tuition, fees, books, and laboratory expenses.

“(d) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

“(e) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

“(f) A cadet or midshipman who does not complete the four-year course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than four years.

“(g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service.

“(h) Not more than the following numbers of cadets and midshipmen appointed under section 2107 of this title may be in the financial assistance programs at any one time:

“Army program: 5,500.

“Navy program: 5,500.

“Air Force program: 5,500.

“§ 2108. Advanced standing; interruption of training; delay in starting obligated service; release from program

“(a) The Secretary of the military department concerned may give to any enlisted member of an armed force under his jurisdiction, or any person who has served on active duty in any armed force, such advanced standing in the program as may be justified by his education and training.

“(b) In determining a member's eligibility for advanced training, the Secretary of the military department concerned may credit him with any military training that is substantially equivalent in kind to that prescribed for admission to advanced training and was received while he was taking a course of instruction in a program under the jurisdiction of another armed force or while he was on active duty in the armed forces.

“(c) The Secretary of the military department concerned may excuse from a portion of the prescribed course of military instruction, including field training and practice cruises, any person found qualified on the basis of his previous education, military experience, or both.

“(d) A person may become, remain, or be readmitted as, a member of the advanced training program after receiving a baccalaureate degree or completing pre-professional studies if he has not completed the course of military instruction or all field training or practice cruises prescribed by the Secretary of the military department concerned. If a member of the program has been accepted for resident graduate or professional study, the Secretary of the military department concerned may delay the commencement of that member's obligated period of active duty until the member has completed that study.

“(e) The Secretary of the military department concerned may, when he determines that the interest of the service so requires, release any person from the program and discharge him from his armed force.

“§ 2109. Field training; practice cruises

“(a) For the further practical instruction of members of the program, the Secretary of the military department concerned may prescribe and conduct field training and practice cruises (other than field training and practice cruises prescribed under section 2104(b) (6) (B) of this title) which members must complete before they are commissioned.

“(b) The Secretary of the military department concerned may—

“(1) transport members of the program to and from the places designated for field training or practice cruises and furnish them subsistence while traveling to and from those places, or, instead of furnishing them transportation and subsistence, pay them a travel allowance at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for travel by the shortest usually traveled route from the places from which they are authorized to proceed to the place designated for the training or cruise and return, and pay the allowance for the return trip in advance;

“(2) furnish medical attendance and supplies to members of the program while attending field training and practice cruises, and admit them to military hospitals;

“(3) furnish subsistence, uniform clothing, and equipment to members of the program while attending field training or practice cruises or, instead of furnishing uniform clothing, pay them allowances at such rates as he may prescribe;

“(4) use any member of an armed force, or any employee of the department, under his jurisdiction, and such property of the United States as he considers necessary, for the training and administration of members of the program at the places designated for training or practice cruises.

“§ 2110. Logistical support

“(a) The Secretary of the military department concerned may issue to institutions having units of the program, or to the officers of the armed force concerned who are designated as accountable or responsible for such property—

“(1) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and education materials; and

“(2) uniform clothing, except that he may pay monetary allowances for uniform clothing at such rate as he may prescribe.

“(b) The Secretary of the military department concerned may provide, or contract with civilian flying or aviation schools or educational institutions to provide, the personnel, aircraft, supplies, facilities, services, and instruction necessary for flight instruction and orientation for properly designated members of the program. The Secretary of each military department shall report to Congress in January of each year on the progress of the flight instruction program.

Report to
Congress.

“(c) The Secretary of the military department concerned may transport members of, and designated applicants for membership in, the program to and from installations when it is necessary for them to undergo medical or other examinations or for the purposes of making visits of observation. He may also furnish them subsistence, quarters, and necessary medical care, including hospitalization, while they are at, or traveling to or from, such an installation.

“(d) The Secretary of the military department concerned may authorize members of, and designated applicants for membership in, the program to participate in aerial flights in military aircraft and in indoctrination cruises in naval vessels.

“(e) The Secretary of the military department concerned may authorize such expenditures as he considers necessary for the efficient maintenance of the program.

“(f) The Secretary of the military department concerned shall require, from each institution to which property is issued under subsection (a), a bond or other indemnity in such amount as he considers adequate, but not less than \$5,000, for the care and safekeeping of all property so issued except uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction. The Secretary may accept a bond without surety if the institution to which the property is issued furnishes to him satisfactory evidence of its financial responsibility.

“§ 2111. Personnel: administrators and instructors

“The Secretary of the military department concerned may detail regular or reserve members of an armed force under his jurisdiction (including retired members and members of the Fleet Reserve and Fleet Marine Corps Reserve recalled to active duty with their consent) for instructional and administrative duties at educational institutions where units of the program are maintained.”

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

“103. Senior Reserve Officers' Training Corps----- 2101.”

SEC. 202. Title 37, United States Code, is amended as follows:

76 Stat. 458.

(1) Section 205 is amended by adding the following new subsection at the end thereof:

“(e) Notwithstanding subsection (a), a commissioned officer may not count in computing his basic pay any period of service after the enactment of this subsection that he performed concurrently as a member of a uniformed service and as a member of the Senior Reserve Officers’ Training Corps.”

(2) Section 209 is amended to read as follows:

“§ 209. Members of Senior Reserve Officers’ Training Corps

Ante, p. 1065.

“(a) Except when on active duty, a member of the Senior Reserve Officers’ Training Corps who is selected for advanced training under section 2104 of title 10, United States Code, is entitled to retainer pay at the rate of not less than \$40 per month or more than \$50 per month beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than twenty months. Retainer pay under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d)(1)).

65 Stat. 83.

Ante, p. 1066.

“(b) Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to retainer pay at the rate of \$50 a month beginning on the day that he starts his first term of college work under that section and ending upon the completion of his instruction under that section, but not for more than four years.

76 Stat. 453.
37 USC 201.

Ante, p. 396.

“(c) A member of the Senior Reserve Officers’ Training Corps is entitled, while he is attending field training or practice cruises under section 2109 of title 10, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 201(c) of this title. An applicant for membership who is attending field training or practice cruises to satisfy the requirement of section 2104(b)(6)(B) of title 10, United States Code, for admission to advanced training is entitled, while so attending, to pay at the rate prescribed in section 203 of this title for enlisted members of the uniformed services in pay grade E-1 (under 4 months).”

76 Stat. 477.

(3) Sections 415(a) and 416(b) are each amended by striking out the words “or an officer of the Army, or the Air Force, without specification of component,” and inserting in place thereof “, an officer of the Army or the Air Force without specification of component, or a regular officer of an armed force appointed under section 2106 or 2107 of title 10, United States Code.”

(4) Section 422 is amended—

(A) by amending the catchline to read:

“§ 422. Cadets and midshipmen”;

(B) by amending subsection (c) to read as follows:

“(c) A cadet or midshipman appointed under section 2107 of title 10, United States Code, is entitled to the same allowances as are provided for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for—

“(1) initial travel to the educational institution in which matriculated;

“(2) travel while under orders; and

“(3) travel on discharge.

However, no allowance for travel on discharge may be paid to a discharged cadet or midshipman who continues his scholastic instruction at the same educational institution.”

(C) by striking out subsection (d).

(5) The analysis of chapter 3 is amended by striking out the following item:

“209. Members of naval officer candidate programs.”

and inserting the following item in place thereof:

“209. Members of Senior Reserve Officers' Training Corps.”

(6) The analysis of chapter 7 is amended by striking out the following item:

“422. Cadets, midshipmen, and naval officer candidates.”

and inserting the following item in place thereof:

“422. Cadets and midshipmen.”

76 Stat. 479.

TITLE III—CONFORMING AMENDMENTS AND REPEALS

SEC. 301. Title 10, United States Code, is amended as follows:

(1) Section 1475(a)(4) is amended by adding at the end thereof the words “any applicant for membership in a reserve officers' training corps who dies while attending field training or a practice cruise under section 2104(b)(6)(B) of this title or while performing authorized travel to or from the place where the training or cruise is conducted; or”.

Provisions relating to death benefits.
72 Stat. 1452.

Ante, p. 1065.

(2) Section 1478(a)(4) is amended—

(A) by striking out “section 4385(c) or 9385(c) of this title” and inserting in place thereof “the first sentence of section 209(c) of title 37, United States Code”; and

70A Stat. 247,
569.

(B) by adding the following sentence at the end thereof: “A person covered by section 1475(a)(4) of this title who dies while attending field training or a practice cruise under section 2104(b)(6)(B) of this title, or while traveling directly to or from the place where the training or cruise is conducted, is considered to have been entitled, on the date of his death, to the pay prescribed by the second sentence of section 209(c) of title 37, United States Code.”

Ante, p. 1070.

70A Stat. 112.

(3) Section 1481(a)(4) is amended by striking out the words “the Army Reserve Officers' Training Corps, Naval Reserve Officers' Training Corps, or Air Force Reserve Officers' Training Corps” and inserting the words “, or applicant for membership in, a reserve officers' training corps” in place thereof.

(4) Section 3201 is amended—

(A) by inserting the words “in a reserve officers' training corps or” after the word “members” in clause (5) of subsection (a); and

72 Stat. 1462.

(B) by inserting the words “in a reserve officers' training corps or” after the word “members” in clause (4) of subsection (b).

(5) Section 3355 is repealed.

Repeal.
70A Stat. 194.

(6) The analysis of chapter 337 is amended by striking out the following item:

“3355. Commissioned officers; Army Reserve: appointment; R.O.T.C. graduates.”

(7) Section 3540 is repealed.

Repeal.

(8) The analysis of chapter 343 is amended by striking out the following item:

“3540. Educational institutions: detail of members of regular or reserve components as professors and instructors in military science and tactics.”

70A Stat. 243.

(9) Section 4348 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

"(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Army to the Army Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years."

70A Stat. 27;
72 Stat. 1440.Repeal.
10 USC 4381-
4387.

(10) Chapter 405 is repealed.

(11) The chapter analysis of subtitle B, and the chapter analysis of part III of subtitle B, are each amended by striking out the following item:

"405. Reserve Officers' Training Corps----- 4381."

70A Stat. 297.

(12) Section 5404(b) is amended—

(A) by inserting "and" at the end of clause (3);

(B) by striking out "; and" at the end of clause (4) and inserting a period in place thereof; and

(C) by striking out clause (5).

(13) Section 5504(h) is amended by striking out "5573, 6904, 6906" and inserting "2106, 2107, 5573" in place thereof.

(14) Chapter 541 is amended—

(A) by striking out the following item in the analysis:

72 Stat. 1495.

"5652b. Regular Navy: Lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title."

and inserting the following item in place thereof:

"5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 2106, 2107, 5573, or 6909 of this title."; and

(B) by striking out from the catchline and the text of section 5652b "5573, 6904, 6906" and inserting "2106, 2107, 5573" in place thereof.

70A Stat. 376.

(15) Section 6023(a) is amended by striking out clause (2) and renumbering clause (3) as clause "(2)".

(16) Section 6387(a) is amended by striking out "6904, 6906," and inserting "2106, 2107," in place thereof.

Repeals.

(17) Chapter 601 is amended by repealing sections 6901, 6902, 6903, 6904, 6905, 6906, 6908, and 6910.

(18) The analysis of chapter 601 is amended by striking out the following items:

"6901. Naval Reserve Officers' Training Corps: administration.

"6902. Transfer of graduates of Naval Reserve Officers' Training Corps to Regular Navy.

"6903. Officer candidate training program: administration; qualifications for enrollment.

"6904. Officer candidate training program: members enrolled from Naval Reserve Officers' Training Corps; appointment as midshipmen; pay; allowances; commissioning.

"6905. Officer candidate training program: members enrolled as naval aviation officer candidates; instruction; pay; allowances.

"6906. Officer candidate training program: naval aviation candidates; appointment as midshipmen; flight training; appointment as ensigns.

"6908. Officer candidate training program: naval aviators; retention or transfer to reserve.

"* * * * *
"6910. Payment of expenses."

70A Stat. 432.

(19) Section 6959 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

"(b) A midshipman who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Navy to the

Naval Reserve or the Marine Corps Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes but not for more than four years."

70A Stat. 27.
72 Stat. 1440.

(20) Section 8201 is amended—

(A) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (6) of subsection (a); and

72 Stat. 1514.

(B) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (4) of subsection (b).

(21) Section 8355 is repealed.

Repeal.
70A Stat. 520.

(22) The analysis of chapter 837 is amended by striking out the following item:

"8355. Commissioned officers; Air Force Reserve: appointment; A.F.R.O.T.C. graduates."

(23) Section 8540 is repealed.

Repeal.

(24) The analysis of chapter 843 is amended by striking out the following item:

"8540. Educational institutions: detail of members of regular or reserve components as professors and instructors in air science and tactics."

(25) Section 9348 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

70A Stat. 565.

"(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Air Force to the Air Force Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years."

(26) Chapter 905 is repealed.

Repeal.
10 USC 9381-9387.

(27) The chapter analysis of subtitle D, and the chapter analysis of part III of subtitle D, are each amended by striking out the following item:

"905. Air Force Reserve Officers' Training Corps----- 9381."

SEC. 302. Section 4 of the Act of August 1, 1956, chapter 830 (5 U.S.C. 802), is amended as follows:

70 Stat. 805.

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

"(a) The Federal Employees' Compensation Act (ch. 458, 39 Stat. 742), as amended (5 U.S.C. 751-793), applies in the case of the disability or death of the following members of, and applicants for membership in, the Reserve Officers' Training Corps of the Army, Navy, and Air Force:

63 Stat. 854.

"(1) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while engaged in a flight or in flight instruction under chapter 103 of title 10, United States Code; or

"(2) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while performing authorized travel to or from, or while attending, field training or a practice cruise under chapter 103 of title 10, United States Code.

Ante, p. 1064.

For the purposes of this section, an injury shall be considered to have been incurred in line of duty only if it is the proximate result of the performance of military training by the member concerned, or of his travel to or from that military training, during the periods of time indicated in clause (2). Any member or applicant for membership who contracts a disease or illness which is the proximate result of the

performance of training during the periods of time indicated in clause (2) shall be considered for the purposes of this section to have been injured in line of duty during that period."

70 Stat. 806.

(2) The last sentence of subsection (d) is amended to read as follows: "However, reimbursement may not be made for any hospitalization or medical or surgical care provided a person while attending field training or a practice cruise under chapter 103 of title 10, United States Code."

Ante, p. 1064.

TITLE IV—MISCELLANEOUS PROVISIONS

Validation of student payments.
70 A Stat. 569.

SEC. 401. All payments made and supplies issued under sections 9385-9387 of title 10, United States Code, in connection with the training of a person at an Air Force Reserve Officers' Training Corps unit while such person was a student at a civil educational institution where a unit of the corps was not established, are hereby validated.

Separability.

SEC. 402. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Effective dates.

Ante, p. 1067.

SEC. 403. Insofar as it relates to the Army program and the Air Force program, section 2107(h) of title 10, United States Code, becomes effective on September 1, 1968. Until that date, not more than four thousand cadets may be in either of those programs at any one time. So far as it relates to the Navy program, section 2107(h) of title 10 becomes effective on September 1, 1965.

Approved October 13, 1964.

Public Law 88-648

AN ACT

October 13, 1964
[S. 2654]

To change the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal.

Point Pleasant Canal, N.J. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, which is located in the Borough of Point Pleasant, New Jersey, shall hereafter be known as Point Pleasant Canal and any law, regulation, document, or record of the United States in which such canal is designated or referred to under the name Bay Head-Manasquan Canal or Manasquan River-Barnegat Bay Canal shall be held to refer to such canal under and by the name of Point Pleasant Canal.

Approved October 13, 1964.

Public Law 88-649

JOINT RESOLUTION

October 13, 1964
[H. J. Res. 1192]

Fixing the time of assembly of the Eighty-ninth Congress.

89th Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eighty-ninth Congress shall assemble at noon on Monday, January 4, 1965.

Approved October 13, 1964.