

subsection, and (B) claim for such credit or refund is filed with the Secretary before July 1, 1955.

“(6) All provisions of law, including penalties, applicable in respect of the tax imposed under subsections (a) and (b) shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the credits and refunds provided for in this subsection.”

Approved March 31, 1954.

Public Law 325

CHAPTER 127

AN ACT

April 1, 1954
[H. R. 5337]

To provide for the establishment of a United States Air Force Academy, 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 “Air Force Academy Act”.

Air Force Acad-
emy Act.

SEC. 2. There is hereby established in the Department of the Air Force a United States Air Force Academy, hereinafter referred to as the “Academy”, for the instruction and preparation for military service of selected persons who shall be known as Air Force cadets.

Location.

SEC. 3. (a) The Secretary of the Air Force shall determine the location of the Academy within the United States in the following manner:

(1) The Secretary of the Air Force shall establish immediately a commission, and appoint five members thereof, to advise him in connection with the selection of a permanent location for the Academy. The commission shall make its report to the Secretary as soon as practicable.

(2) The Secretary shall accept the unanimous decision for a permanent location by such commission. In the event such recommendation is not unanimous, the commission by a majority vote shall submit to the Secretary three sites from which the Secretary shall select one as the permanent location.

(b) Following the selection of a location for the Academy, the Secretary of the Air Force is authorized—

(1) to acquire land from other Government agencies without reimbursement, with the consent of such agencies;

(2) to acquire lands and rights pertaining thereto, or other interests therein, including the temporary use thereof, by donation, purchase, exchange of Government owned lands, or otherwise, without regard to section 601, Act of September 28, 1951 (65 Stat. 365; 40 U. S. C. 551);

(3) to prepare plans, specifications, and designs, to make surveys and to do all other preparatory work, by contract or otherwise, as he deems necessary or advisable in connection with the construction, equipping and organization of the Academy at such location; and

(4) to construct and equip temporary or permanent Public Works, including buildings, facilities, appurtenances, and utilities, at such location.

SEC. 4. For the purpose of providing temporary facilities and enabling early operation of the Academy, the Secretary of the Air Force is authorized to provide for the erection of the minimum additional number of temporary buildings and the modification of existing structures and facilities at an existing Air Force base and to provide for the proper functioning, equipping, maintaining, and repairing thereof; and to contract with civilian institutions for such operation or instruction as he may deem necessary.

Temporary facil-
ities.

- Applicable laws.** SEC. 5. All appropriate provisions of law, not inconsistent with the purposes of this Act, which pertain to the United States Military Academy shall, by the authority of this section, also pertain to the United States Air Force Academy. All references in these laws to the Secretary of the Army, the Army, or any officer or agency thereof shall, in pertaining to the Air Force Academy, be construed as referring, respectively, to the Secretary of the Air Force, the Air Force, and such officers and agencies of the Air Force as he may designate. The organization of the Air Force Academy shall be prescribed by the Secretary of the Air Force.
- Organization.**
- Appointment of Air Force cadets.** SEC. 6. To permit an orderly increase in the number of Air Force cadets during the period ending not more than four years after the entrance of the initial class at the Academy, the Secretary of the Air Force may limit the number to be appointed each year during that period in the following manner:
- (a) Each Senator and Representative shall nominate not to exceed ten persons, who shall be eligible to take a competitive examination which shall be held annually. The number of vacancies allocated to each State shall be proportional to the representation in Congress from that State. Appointments from each State shall be made from among qualified candidates nominated from that State in the order of merit established by the examinations.
- (b) Vacancies allocated to other sources shall be filled from among qualified candidates in each category in order of merit established by similar competitive examinations and shall not exceed 15 per centum of the total number of appointments authorized.
- SEC. 7. Section 302 (b) of the Air Force Organization Act of 1951 (65 Stat. 329; 10 U. S. C. 1832 (b)) is amended by inserting after the words "provided by law," the words "the professors and cadets of the Air Force Academy,".
- Service preference for appointment as officer.** SEC. 8. (a) Notwithstanding any other provision of law, each cadet at the United States Military Academy and the United States Air Force Academy and each midshipman at the United States Naval Academy shall, prior to his graduation from such Academy, be afforded an opportunity to state a preference for appointment as a commissioned officer of the United States Army, the United States Navy, the United States Air Force, or the United States Marine Corps, upon his graduation, and, with the consent of the Secretaries of the military departments having jurisdiction over such Academy and over the armed force in which he prefers appointment, shall, upon his graduation, be accepted for appointment in such armed force, except that not more than 12½ per centum of the members of any graduating class of any such Academy shall be appointed as commissioned officers in armed forces other than the one administering such Academy. For the purpose of the foregoing limitations, graduates of the United States Naval Academy appointed as commissioned officers in the United States Marine Corps shall not be considered as having been commissioned in armed forces other than the United States Navy.
- (b) The Secretary of Defense shall by regulation provide for the equitable and fair distribution of appointments made pursuant to this section in the event that more than 12½ per centum of a graduating class of any academy referred to herein expresses a preference to be so appointed.
- (c) The provisions of this section shall take effect (1) in the year in which the first class of the United States Air Force Academy graduates, or (2) upon the rescission of the present agreement under which graduates of the United States Military and Naval Academies may volunteer for appointment in the United States Air Force, whichever is earlier.

SEC. 9. There is hereby authorized to be appropriated not to exceed the sum of \$126,000,000 to carry out the provisions of this Act, of which not to exceed \$26,000,000 shall be appropriated for any period beginning prior to January 1, 1955. Of the amount so appropriated for any such period, not to exceed \$1,000,000 may be utilized for the purpose of section 4 of this Act.

Approved April 1, 1954.

Appropriation.

Public Law 326

CHAPTER 128

AN ACT

April 1, 1954
[S. 1548]

To provide for the exchange between the United States and the Commonwealth of Puerto Rico of certain lands and interests in lands in Puerto Rico.

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

U. S. and Puerto
Rico.
Exchange of
lands.

TITLE I

SEC. 101. The Secretary of the Army is authorized to convey to the Commonwealth of Puerto Rico, in exchange for the land identified in title IV hereof, all right, title, and interest of the United States in and to real estate identified in titles II and III and more fully described on maps and in descriptions on file in the Office, Chief of Engineers, United States Army.

TITLE II

SEC. 201. Those lands acquired by the United States of America, without payment of compensation, under the Treaty of Paris and set aside for military purposes by Executive order, dated June 30, 1903, identified as follows:

(a) A strip of land alongside of Munoz Rivera Avenue, San Juan, and east of Army medical building, containing four and eight-tenths acres; the site of the San Sebastian Guardhouse at 205 Sol Street, San Juan, containing five one-hundredths acre; old walls around La Fortaleza containing sixty-six one-hundredths acre; driveway to Insular Department Justice containing eleven one-hundredths acre, and all shown in detail on drawing numbered 15-02-142, dated August 15, 1951, entitled "Fort Brooke Military Reservation."

(b) Fort Mayaguez Military Reservation, comprising seven and five one-hundredths acres and shown on drawing numbered 18-01-180, dated August 17, 1949, entitled "Fort Mayaguez Military Reservation."

TITLE III

SEC. 301. Those lands acquired by the United States of America through condemnation proceedings and payment of just compensation as determined thereby, identified as follows:

(a) Punta Las Marias Military Reservation, comprising eighty-seven one-hundredths acre, and shown on drawing numbered 18-01-150, dated November 24, 1948, entitled "Punta Las Marias SL and FC Site."

(b) Punta Cangrejos (Battery Lancaster) Military Reservation, comprising fifteen and eight one-hundredths acres, and shown on drawing numbered 18-01-114, dated November 10, 1948, entitled "Battery Lancaster (Numbered 264) Military Reservation."