

**The original documents are located in Box 15, folder “12/18/74 S3906 Non-Pilots as Commanders of Air Force Flying Units” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED  
DEC 18 1974

THE WHITE HOUSE

WASHINGTON

ACTION

Last Day: December 23

December 16, 1974

Filed 12/19  
To Archives 12/19

MEMORANDUM FOR THE PRESIDENT  
FROM: KEN COLE  
SUBJECT: Enrolled Bill S. 3906 - Non-Pilots  
as Commanders of Air Force Flying Units

Attached for your consideration is S. 3906, sponsored by Senator Thurmond, which repeals the existing statutory requirement that only certain officers with aeronautical ratings as pilots may command Air Force flying units.

OMB recommends approval and provides you with additional background information in its enrolled bill report at Tab A).

Bill Timmons, Phil Areeda and the NSC recommend approval.

RECOMMENDATION

That you sign S. 3906 (Tab B)



APPROVED  
DEC 18 1974



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 13 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3906 - Non-pilots as commanders  
of Air Force flying units  
Sponsor - Sen. Thurmond (R) South Carolina

Last Day for Action

December 23, 1974 - Monday

Purpose

Repeals the existing statutory requirement that only certain officers with aeronautical ratings as pilots may command Air Force flying units.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval

Discussion

Under existing law, only commissioned Air Force officers who have received aeronautical ratings as pilots in the types of aircraft utilized in the Air Force may command Air Force flying units. This restriction was enacted in 1920 to protect the integrity of the then fledgling Army Air Service and assist its independent development.

Enactment of the enrolled bill would repeal this statutory requirement which the Air Force no longer considers necessary in today's environment and would permit qualified commissioned officers who are not rated as pilots to command flying units.

Assistant Director for  
Legislative Reference

Enclosures

10.  
Kathleen Hendricks  
12-13-74  
4:45 p.m.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 13 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3906 - Non-pilots as commanders  
of Air Force flying units  
Sponsor - Sen. Thurmond (R) South Carolina

Last Day for Action

December 23, 1974 - Monday

Purpose

Repeals the existing statutory requirement that only certain officers with aeronautical ratings as pilots may command Air Force flying units.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval

Discussion

Under existing law, only commissioned Air Force officers who have received aeronautical ratings as pilots in the types of aircraft utilized in the Air Force may command Air Force flying units. This restriction was enacted in 1920 to protect the integrity of the then fledgling Army Air Service and assist its independent development.

Enactment of the enrolled bill would repeal this statutory requirement which the Air Force no longer considers necessary in today's environment and would permit qualified commissioned officers who are not rated as pilots to command flying units.

*Alfred H. Remmel*

Assistant Director for  
Legislative Reference

Enclosures



## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 779

Date: December 13, 1974

Time: 6:00 p.m.

FOR ACTION: NSC/S *o.k.*  
Bill Timmons *ok.*  
Phil Areeda *o.k.*

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 2:00 p.m.

SUBJECT:

Enrolled Bill S. 3906 - Non-pilots as commanders  
of Air Force flying units

## ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

## REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President



THE WHITE HOUSE

WASHINGTON

December 16, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS *WET*

SUBJECT: Action Memorandum - Log No. 779  
Enrolled Bill S. 3906 - Non-pilots as  
commanders of Air Force flying units

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 779

Date: December 13, 1974

Time: 6:00 p.m.

FOR ACTION: NSC/S  
Bill Timmons  
Phil Areeda ✓

cc (for information): Warren Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 19

Time: 2:00 p.m.

SUBJECT:

Enrolled Bill S. 3906 - Non-pilots as commanders  
of Air Force flying units

## ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

## REMARKS:

Please return to Judy Johnston, Ground Floor, West Wing

Sign  
P. Areeda

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

DEPARTMENT OF THE AIR FORCE  
WASHINGTON 20330



CE OF THE SECRETARY

12 DEC 1974

Dear Mr. Director:

Reference is made to your request for the views of the Department of Defense with respect to the enrolled enactment of S.3906, 93rd Congress, an Act "To amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The primary purpose of the enrolled enactment is to remove from the law the provision that commanders of Air Force flying units shall be commissioned officers who have received aeronautical ratings as pilots. The legal barrier to command of flying units by commissioned officers who have not received aeronautical ratings as pilots is unnecessary in the contemporary environment and the foreseeable future. It no longer serves the purposes for which it was originally intended.

The restriction on command of Air Force units dates back to 1920, when the Army Air Service sought to protect the integrity of its organization as a separate arm of the service. This original law, a sentence in Section 13a of the Act of June 3, 1916, ch. 134, added by Section 13 of the Act of June 4, 1920, ch. 227 (41. Stat. 769), shielded the fledgling Army Air Service from the parochial interests of competitive branches of the Army, and prohibited the assignment of non-flying commanders who may have inadvertently, or otherwise, inhibited the development of a viable Air Service. To this extent the original law achieved its purpose. Today, the need for a law restricting the command of flying units to pilots has been increasingly questioned, and is viewed by some as discriminatory.



The enrolled enactment of S. 3906 will repeal a provision of law no longer considered necessary by the Air Force and will remove a statutory barrier to command of flying units for a large number of commissioned officers. Accordingly, the Department of the Air Force, on behalf of the Department of Defense, recommends the approval and signature by the President.

Implementation of this enrolled enactment will not result in increased budgetary requirements for the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in dark ink, reading "David P. Taylor". The signature is fluid and cursive, with the first name "David" being the most prominent.

DAVID P. TAYLOR  
Assistant Secretary of the Air Force  
Manpower and Reserve Affairs

Honorable Roy L. Ash  
Director  
Office of Management and Budget

THE WHITE HOUSE  
WASHINGTON

12/13/74

TO: WARREN HENDRIKS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*RL*  
Robert D. Linder

## REPEALING THE REQUIREMENT THAT COMMANDERS OF AIR FORCE FLYING UNITS BE PILOTS

---

SEPTEMBER 30, 1974.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

---

Mr. STRATTON, from the Committee on Armed Services,  
submitted the following

### REPORT

[To accompany S. 3906]

The Committee on Armed Services, to whom was referred the bill (S. 3906) to amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

At present, section 8577 of title 10, United States Code, provides that Air Force flying units must be commanded by commissioned officers with aeronautical ratings as pilots in the types of aircraft utilized in the Air Force. This legislation will simply remove this requirement and allow the selection of commanders of flying units to be made from all officers on a best-qualified basis.

#### BACKGROUND

The requirement for pilots to command flying units was first instituted in 1920 to protect the integrity of the Air Service from its opponents. In 1926, when the Air Service had achieved its own stature, recognition of the technical expertise and unique qualifications necessary in aviation became the rationale for this restriction. Typical of the prevailing view was this statement made to the House by Representative Fiorello La Guardia on May 5, 1926: "Flying officers will have confidence in their superior officers only if they are fliers."

Recently, however, aviation technology has changed dramatically resulting in the current situation in which a significant number of aircrew personnel (over one-third) are not pilots themselves. So, while expertise experience remain prime requisites for command, the composition of the force has changed in a manner which may justify non-pilot commanders of flying units in certain circumstances. The removal of the present legal restriction will also extinguish an undue distinction between pilots and other Air Force officers which has caused unnecessary frictions.

In 1970, a similar restriction applicable to the Navy was amended to allow naval flight officers (navigators) the opportunity to command flying units. Since that time, approximately 16 naval flight officers have successfully completed these command assignments.

The Air Force indicated during the hearings that, in practice, command positions of flying units will only be offered to navigators, and that in the installation of navigators in command flying positions they will proceed cautiously.

#### FISCAL DATA

There will be no increase in budgetary requirements from the passage of this legislation.

#### DEPARTMENTAL POSITION

This bill, to which the Office of Management and Budget interposes no objection, is part of the legislative program of the Department of Defense, as indicated in the following correspondence which is hereby made a part of this report.

MAY 16, 1974.

HON. CARL ALBERT,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: There is forwarded herewith a draft of proposed legislation "To amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force."

This proposal is a part of the Department of Defense Legislative Program for the 93rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by Congress.

## PURPOSE OF THE LEGISLATION

The proposed legislation would remove from the law the provision that commanders of Air Force flying units shall be commissioned officers who have received aeronautical ratings as pilots (10 U.S.C. 8577). The legal barrier to command of flying units by commissioned officers who have not received aeronautical ratings as pilots is unnecessary in the contemporary environment. It no longer serves the purposes for which it was originally intended.

The restriction on command of Air Force units dates back to 1920, when the Army Service sought to protect the integrity of its organization as a separate arm of the service. The original law, a sentence in section 13a of the act of June 3, 1916, ch. 134, added by section 13 of the act of June 4, 1920, ch. 227 (41 Stat. 769), shielded the fledgling Army Air Service from the parochial interests of competitive branches of the Army, and prohibited the assignment of non-flying commanders who could have inadvertently, or otherwise, inhibited the development of a viable Air Service. The original law achieved its purpose. Today, the need for a law restricting the command of flying units to pilots has been increasingly questioned, and is viewed by some as discriminatory.

Enactment of this proposed legislation will repeal a provision of law no longer considered necessary by the Air Force, and will remove a statutory barrier to command of flying units for a large number of commissioned officers.

## COST AND BUDGET DATA

Enactment of this proposal would not result in increased budgetary requirements for the Department of Defense.

Sincerely,

(S) WILLIAM W. WOODRUFF,  
*Assistant Secretary of the Air Force*  
*(Financial Management).*

Attachment.

A BILL To amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
 That title 10, United States Code is amended by repealing section 8577 (relating to the command of flying units of the Air Force) and by striking out the corresponding item in the analysis of chapter 845.

## COMMITTEE POSITION

The Committee on Armed Services on September 24, 1974, a quorum being present, approved the bill by a vote of 22 to 9.

## CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, there is herewith printed in parallel columns the text of existing law which would be repealed or amended by the various provisions of the bill as reported.

### EXISTING LAW

#### Title 10, United States Code

#### Chapter 845.—Rank and Command

##### SEC.

- 8571. Rank: commissioned officers on active duty.
- 8572. Rank: commissioned officers serving under temporary appointments.
- 8573. Rank: commissioned officers in regular grades of brigadier general and major general; seniority list.
- 8574. Rank: commissioned officers in regular grades below brigadier general.
- 8575. Rank: warrant officers.
- 8577. Command: flying units.
- 8579. Command: commissioned officers in certain designated categories.
- 8581. Command: chaplains.
- 8582. Command: retired officers.

\* \* \* \* \*

#### § 8577. *Command: flying units*

Flying units shall be commanded by commissioned officers of the Air Force who have received aeronautical ratings as pilots of service types of aircraft.

### THE BILL AS REPORTED

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 10, United States Code, is amended by repealing section 8577 (relating to the command of flying units of the Air Force) and by striking out the corresponding item in the analysis of chapter 845.

**SUMMARY****PURPOSE OF THE BILL**

To repeal the legal requirement in section 8577 of title 10, United States Code, that Air Force flying units be commanded by commissioned officers with aeronautical ratings as pilots in service types of aircraft.

**FISCAL DATA**

There will be no increased budgetary requirements from the passage of this legislation.

**DEPARTMENTAL POSITIONS**

The Department of Defense supports this legislation and the Office of Management and Budget interposes no objection.

**COMMITTEE POSITION**

The Committee on Armed Services on September 24, 1974, a quorum being present, approved the bill by a vote of 22 to 9.



## COMMAND OF FLYING UNITS OF THE AIR FORCE BY COMMISSIONED OFFICERS WHO HAVE NOT RECEIVED AERONAUTICAL RATINGS AS PILOTS

AUGUST 15, 1974.—Ordered to be printed

Mr. THURMOND, from the Committee on Armed Services,  
submitted the following

### REPORT

[To accompany S. 3906]

The Committee on Armed Services, having had under consideration the question of command of flying units in the United States Air Force, reports the following bill (S. 3906), to amend Title 10, United States Code, to repeal the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force and recommends that it do pass.

#### PURPOSE OF THE BILL

The proposed legislation would remove from the law the provision that commanders of Air Force flying units shall be commissioned officers who have received aeronautical ratings as pilots (10 U.S.C. 8577). The legal barrier to command of flying units by commissioned officers who have not received aeronautical ratings as pilots is unnecessary in the contemporary environment. It no longer serves the purposes for which it was originally intended.

The restriction on command of Air Force units dates back to 1920, when the Army Air Service sought to protect the integrity of its organization as a separate arm of the service. The original law, a sentence in Section 13a of the Act of June 3, 1916, ch. 134, added by Section 13 of the Act of June 4, 1920, ch. 227 (41 Stat. 769), shielded the fledgling Army Air Service from the parochial interests of competitive branches of the Army, and prohibited the assignment of non-flying commanders who could have inadvertently, or otherwise, in-



hibited the development of a viable Air Service. The original law achieved its purpose. Today, the need for a law restricting the command of flying units to pilots has been increasingly questioned, and is viewed by some as discriminatory.

Enactment of this proposed legislation will repeal a provision of law no longer considered necessary by the Air Force, and will remove a statutory barrier to command of flying units for a large number of commissioned officers.

#### COST AND BUDGET DATA

Enactment of this bill would not result in increased budgetary requirements for the Department of Defense.

#### DEPARTMENTAL POSITION

This proposal is part of the legislative program of the Department of Defense, as is indicated in the following letter which is hereby made a part of this report:

DEPARTMENT OF THE AIR FORCE,  
*Washington, D.C., May 16, 1974.*

HON. GERALD R. FORD,  
*President, U.S. Senate,*  
*Washington, D.C.*

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation "To amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force."

This proposal is a part of the Department of Defense Legislative Program for the 93rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by Congress.

#### PURPOSE OF THE LEGISLATION

The proposed legislation would remove from the law the provision that commanders of Air Force flying units shall be commissioned officers who have received aeronautical ratings as pilots (10 U.S.C. 8577). The legal barrier to command of flying units by commissioned officers who have not received aeronautical ratings as pilots is unnecessary in the contemporary environment. It no longer serves the purposes for which it was originally intended.

The restriction on command of Air Force units dates back to 1920, when the Army Air Service sought to protect the integrity of its organization as a separate arm of the service. The original law, a sentence in Section 13a of the Act of June 3, 1916, ch. 134, added by Section 13 of the Act of June 4, 1920, ch. 227 (41 Stat. 769), shielded

the fledgling Army Air Service from the parochial interests of competitive branches of the Army, and prohibited the assignment of non-flying commanders who could have inadvertently, or otherwise, inhibited the development of a viable Air Service. The original law achieved its purpose. Today, the need for a law restricting the command of flying units to pilots has been increasingly questioned, and is viewed by some as discriminatory.

Enactment of this proposed legislation will repeal a provision of law no longer considered necessary by the Air Force, and will remove a statutory barrier to command of flying units for a large number of commissioned officers.

#### COST AND BUDGET DATA

Enactment of this proposal would not result in increased budgetary requirements for the Department of Defense.

Sincerely,

WILLIAM W. WOODRUFF,  
*Assistant Secretary of the Air Force.*

A BILL To amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 10, United States Code is amended by repealing section 8577 (relating to the command of flying units of the Air Force) and by striking out the corresponding item in the analysis of chapter 845.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law proposed to be made by the bill are shown as follows: Existing law to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.

#### UNITED STATES CODE, TITLE 10—ARMED FORCES

\* \* \* \* \*

##### CHAPTER 845.—RANK AND COMMAND

Sec.

8571. Rank: commissioned officers on active duty.

8572. Rank: commissioned officers serving under temporary appointments.

8573. Rank: commissioned officers in regular grades of brigadier general and major general; seniority list.

8574. Rank: commissioned officers in regular grades below brigadier general.

8575. Rank: warrant officers.

8576: Command: when different commands of Air Force and Marine Corps join.

**[8577. Command: flying units.]**

8578. Command: commissioned officers of Air Force in same grade on duty at same place.

8579. Command: commissioned officers in certain designated categories.

8580. Command: female members of Air Force.

8581. Command: chaplains.

8582. Command: retired officers.

\* \* \* \* \*

**[§ 8577. Command: flying units**

**[Flying units shall be commanded by commissioned officers of the Air Force who have received aeronautical ratings as pilots of service types of aircraft.]**

\* \* \* \* \*



PROVIDING FOR THE CONSIDERATION OF S. 3906

---

OCTOBER 8, 1974.—Referred to the House Calendar and ordered to be printed

---

Mr. MATSUNAGA, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 1421]

The Committee on Rules, having had under consideration House Resolution 1421, by a nonrecord vote reports the same to the House with the recommendation that the resolution do pass.





# Ninety-third Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

### An Act

To amend title 10, United States Code, by repealing the requirement that only certain officers with aeronautical ratings may command flying units of the Air Force.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 10, United States Code, is amended by repealing section 8577 (relating to the command of flying units of the Air Force) and by striking out the corresponding item in the analysis of chapter 845.

*Speaker of the House of Representatives.*

---

*~~Vice President of the United States and~~  
President of the Senate.*

9

December 11, 1974

Dear Mr. Director:

The following bills were numbered at the White House on December 11th:

S. 2095 ✓	H.R. 1739 ✓
S. 2063 ✓	H.R. 8398 ✓
S. 3906 ✓	H.R. 8224 ✓
S. 4040 ✓	H.R. 11989
H.R. 6274 ✓	H.R. 14214 ✓
H.R. 6923 ✓	H.R. 17026 ✓

Please let the President know reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Lindner  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D.C.