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[CHAPTER 325]

AN ACT

July 29, 1941
[S. 1110]
[Public Law 189]

To amend section 1118 of the Revised Statutes, as amended, to eliminate the prohibition against enlistment in the military service of the United States of any person convicted of a felony.

Enlistments, Army.
10 U. S. C. § 622.

Deserters and persons convicted of felonies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1118, Revised Statutes, be, and the same is hereby, amended by omitting the period at the end thereof, by substituting therefor a colon, and by adding after the colon the following: "*Provided, however*, That with relation to deserters and persons convicted of felonies the Secretary of War may, by regulations or otherwise, authorize exceptions in special meritorious cases."

Approved, July 29, 1941.

[CHAPTER 326]

JOINT RESOLUTION

July 29, 1941
[S. J. Res. 88]
[Public Law 190]

To strengthen the common defense by suspending section 24b of the National Defense Act and authorizing a more expeditious procedure to vitalize the active list of the Army.

Act to strengthen national defense.
6 F. R. 2617.
41 Stat. 773.
10 U. S. C. § 571.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That during the national emergency announced by the President on May 27, 1941, section 24b of the National Defense Act, as amended, is hereby suspended.

Removal of certain Army officers.
6 F. R. 2617.

SEC. 2. That during the time of the national emergency announced by the President on May 27, 1941, the Secretary of War, for such causes and under such regulations as he may prescribe, may remove any officer from the active list of the Regular Army: *Provided*, That such removal be made from among officers whose performance of duty, or general efficiency, compared with other officers of the same grade and length of service, is such as to warrant such action, or whose retention on the active list is not justified for other good and sufficient reasons appearing to the satisfaction of the Secretary of War: *Provided further*, That each officer so removed from the active list shall have been recommended for removal by a board of not less than five general officers convened for this purpose by the Secretary of War: *Provided further*, That such officer is allowed a hearing before said board. The action of the Secretary of War in removing an officer from the active list shall be final and conclusive. Officers removed from the active list who have less than seven completed years of commissioned service at the time of removal shall be honorably discharged. Officers removed from the active list who have seven or more completed years of commissioned service at the time of removal shall be retired with retirement pay computed as follows: Any officer so retired who has over thirty years' service or any officer so retired who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall be retired with annual pay equal to 75 per centum of his active duty annual pay at the time of his retirement; any other officer so retired shall be retired with annual pay equal to 2½ per centum of his active duty annual pay at the time of his retirement, multiplied by a number equal to the number of complete years of his service counted for pay purposes under existing laws not in excess of thirty years. All officers retired under the provisions of this section shall be placed on the unlimited retired list.

Provisos.
Officers affected.

Action upon board's recommendation.

Hearing allowed.

Honorable discharge.

Retirement.

Approved, July 29, 1941.