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case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

Hearings; powers.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings as it deems advisable, and, within the limitations of its appropriations, the joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants, to procure such printing and binding, and to make such expenditures, as it deems necessary and advisable. The cost of stenographic services to report hearings of the joint committee, or any subcommittee thereof, shall not exceed 25 cents per hundred words. The joint committee is authorized to utilize the services, information, and facilities of the departments and establishments of the Government, and also of private research agencies.

Appropriation authorized.
Post, p. 912.

(e) There is hereby authorized to be appropriated for each fiscal year, the sum of $50,000, or so much thereof as may be necessary, to carry out the provisions of this section, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman.

Approved February 20, 1946.

[CHAPTER 34]

AN ACT

February 21, 1946
[S. 1405]
[Public Law 305]

To authorize the President to retire certain officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and for other purposes.

Whereas the wars in which the United States has been engaged are now in the process of being brought to a successful close with the probability that the services of a number of officers of the Navy and Marine Corps, particularly some of those in the higher ranks, cannot be utilized: Therefore

Retirement boards.
Regular Navy and Marine Corps.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy shall, whenever he deems it advisable, appoint boards of officers to consider and recommend for retirement officers of the line and staff corps of the Regular Navy serving in the ranks of rear admiral and commodore and officers of the Regular Marine Corps serving in the ranks of major general and brigadier general.

Composition.

SEC. 2. (a) The boards to consider and recommend for retirement officers of the Navy serving in the ranks of rear admiral and commodore shall consist of not less than five officers of the Regular Navy serving in ranks above that of rear admiral except that officers of the staff corps of the rank of rear admiral may be appointed as members of any board appointed for the consideration and recommendation of officers of the staff corps for retirement.

(b) The boards to consider and recommend for retirement officers of the Marine Corps serving in the rank of major general shall consist, so far as practicable, of three line officers of the Regular Marine Corps serving in ranks above that of major general. If there be an insufficient number of such officers available, the deficiency shall be supplied by the appointment to the board of officers of the line of the Regular Navy serving in ranks above that of rear admiral.

(c) The boards to consider and recommend for retirement officers of the Marine Corps serving in the rank of brigadier general shall consist, so far as practicable, of five line officers of the Regular Marine Corps serving in ranks above that of brigadier general. If there be an insufficient number of such officers available, the deficiency shall be supplied by the appointment to the board of officers of the line of the Regular Navy serving in the rank of rear admiral or above.

SEC. 3. The Secretary of the Navy is authorized to convene boards of officers of the Regular Navy and Marine Corps to consider and recommend for retirement officers of the Regular Navy and Marine Corps serving in the ranks of captain and below in the Navy, and colonel and below in the Marine Corps, within such categories or groups of such officers as shall be specified in the precepts convening such boards. The members of such boards shall be senior in permanent rank to the permanent rank of any officer under consideration.

Post, p. 29.

Recommendations.

SEC. 4. The recommendations of each board convened pursuant to this Act shall be submitted by the Secretary of the Navy with his recommendations to the President for approval or disapproval, in whole or in part.

Placement on retired list.

SEC. 5. Each officer recommended for retirement pursuant to this Act shall, if such recommendation be approved by the President, be placed on the retired list on the first day of such month as may be set by the Secretary of the Navy but not later than the first day of the seventh month after the date of approval by the President.

Retirement after 20 years of service.

SEC. 6. When any officer of the Regular Navy or the Regular Marine Corps or the Reserve Components thereof has completed more than twenty years of active service in the Navy, Marine Corps, or Coast Guard, or the Reserve Components thereof, including active duty for training, at least ten years of which shall have been active commissioned service, he may at any time thereafter, upon his own application, in the discretion of the President, be placed upon the retired list on the first day of such month as the President may designate.

Rank and pay.

SEC. 7. (a) Each officer retired pursuant to the foregoing sections of this Act shall be placed on the retired list with the highest rank, permanent or temporary, held by him while on active duty, if his performance of duty in such rank as determined by the Secretary of the Navy has been satisfactory. In any case where, as determined by the Secretary of the Navy, any such officer has not performed satisfactory duty in the highest rank held by him while on active duty, he shall be placed on the retired list with the next lower rank in which he has served but not lower than his permanent rank. Officers retired pursuant to the foregoing sections of this Act shall receive retired pay at the rate of 2½ per centum of the active-duty pay with longevity credit of the rank with which retired, multiplied by the number of years of service for which entitled to credit in the computation of their pay while on active duty, not to exceed a total of 75 per centum of said active-duty pay: *Provided*, That a fractional year of six months or more shall be considered a full year in computing the number of years service by which the rate of 2½ per centum is multiplied: *Provided further*, That officers whose computation of pay on the active list is not based upon years of service shall receive as retired pay 75 per centum of their active duty pay.

Fractional year.

(b) Nothing within this section shall prevent any officer from being placed on the retired list with the highest rank and with the highest retired pay to which he might be entitled under other provisions of law.

(c) The highest rank in which an officer served on or prior to June 30, 1946, or if a prisoner of war at any time during World War II, the highest rank to which an officer was temporarily appointed pursuant to the provisions of the Act approved July 24, 1941 (55 Stat. 603), is the highest rank in which the officer may be retired and upon which his retired pay may be based pursuant to this section, unless under provisions of law other than those contained within this section he is entitled to a higher rank on the retired list or to a higher retired pay, or unless at the time of retirement he is serving in a higher permanent grade or rank.

34 U. S. C., Supp. V, §§ 350-350j.
Post, pp. 28, 955.

34 U. S. C., Supp. V, § 350i.

SEC. 8. (a) Section 10 of the Act approved July 24, 1941 (55 Stat. 605), is hereby amended to read as follows:

Termination of temporary status.

"SEC. 10. (a) Personnel appointed or advanced under the authority of this Act may be continued in their temporary status during such period as the President may determine, but not longer than six months after the termination of war or national emergency or, in the case of reserve and retired personnel, not longer than the period herein specified or the date of release from active duty whichever is the earlier and in no case longer than six months after the termination of war or national emergency. Upon the termination of their temporary status such personnel on the active list of the Regular Navy and Marine Corps shall assume their permanent status and those of the retired list and of the respective Reserve Components, including the Fleet Reserve and Fleet Marine Corps Reserve, shall have, when returned to an inactive status, the highest grade and rank in which, as determined by the Secretary of the Navy, they served satisfactorily under a temporary appointment, unless entitled to the same or higher grade and rank pursuant to section 8 of this Act, as now or hereafter amended.

Retired list and Reserve Components.

55 Stat. 604.
34 U. S. C., Supp. V, § 350g.
Post, p. 995.

"(b) (1) Personnel of the retired list returned to an inactive status with higher rank pursuant to subsection (a) shall receive retired pay computed at the rate prescribed by law and applicable in each individual case but based upon such higher rank.

Advancement upon retirement.

"(2) Personnel of the active list of the Regular Navy and Marine Corps and personnel of the Fleet Reserve and Fleet Marine Corps Reserve appointed or advanced under the authority of this Act shall, when subsequently retired, if not otherwise entitled to the same or higher grade and rank or retired pay, be advanced to the highest grade and rank in which, as determined by the Secretary of the Navy, they served satisfactorily under temporary appointments, and shall receive retired pay computed at the rate prescribed by law and applicable in each individual case but based upon such higher rank.

Prior retirement.

"(c) Personnel of the classes described above who have been retired or released from active duty prior to the date of this amendment shall be entitled to the benefits of this section from the date of retirement or release from active duty, as the case may be.

Recall to active duty, etc.

"(d) Personnel accorded higher rank pursuant to this section shall, if subsequently assigned active duty, be recalled to active duty in the grades, ranks or ratings, with which they were retired or returned to an inactive status unless under other provisions of law they are entitled to higher grades, ranks, or ratings.

Highest rank.

"(e) The highest rank in which an officer served on or prior to June 30, 1946, or if a prisoner of war at any time during World War II the highest rank to which an officer was temporarily appointed pursuant to the provisions of this Act, is the highest rank in which the officer may be retired and upon which his retired pay may be based pursuant to this section, unless under provisions of law other than those contained within this section he is entitled to a higher rank on the retired list or to a higher retired pay, or unless at the time of retirement he is serving in a higher permanent grade or rank."

50 U. S. C., Supp. V, app. § 812.

(b) Nothing contained in this section shall be construed as altering or amending any provision of section 7 of the Act approved June 30, 1942 (56 Stat. 465).

Regular Navy and Marine Corps.
Rank below fleet admiral.

SEC. 9. When any officer of the Regular Navy or Marine Corps serving in a rank below that of fleet admiral has attained the age of sixty-two years, he shall be placed upon the retired list by the President with the highest rank, permanent or temporary, held by

him while on active duty and with retired pay at the rate of 2½ per centum of the active-duty pay with longevity credit of the rank with which retired, multiplied by the number of years of service for which entitled to credit in the computation of his pay while on active duty, not to exceed a total of 75 per centum of said active-duty pay: *Provided*, That a fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ per centum is multiplied: *Provided further*, That an officer whose computation of pay on the active list is not based upon years of service shall receive as retired pay 75 per centum of his active duty pay: *Provided, however*, That the President may, in his discretion, defer placing any such officer on the retired list for the length of time he deems advisable but not later than the date upon which such officer attains the age of sixty-four years, except that not more than ten officers whose retirement is so deferred shall be on the active list at any one time: *And provided further*, That no officer of the Navy or Marine Corps shall be placed upon the retired list pursuant to this section until the first day of the sixth month following the date of approval of this Act or until the date upon which he would be retired for age pursuant to law existing prior to the date of approval of this Act, whichever may be the earlier.

Retired pay.

Fractional year.

Deferment by President.

Time restriction.

SEC. 10. The provisions of this Act, except as may be necessary to adapt the same thereto, shall apply to personnel of the Coast Guard in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Navy in relationship to the Navy: *Provided*, That wherever authority is given to the Secretary of the Navy, similar authority shall be deemed given to the Secretary of the Treasury to be exercised with respect to the Coast Guard at such time or times as the Coast Guard shall be operating under the Treasury Department: *Provided further*, That the boards to consider and recommend for retirement officers of the Coast Guard serving in the ranks of rear admiral and commodore shall be composed of senior Coast Guard officers if available or otherwise as the Secretary shall determine.

Coast Guard.

SEC. 11. The following Acts and parts of Acts are hereby repealed:

Repeals.

(a) Section 13 and subsection (e) of section 15 of the Act of June 23, 1938 (52 Stat. 951 and 952).

34 U. S. C. §§ 398a, 687.

(b) Section 1444 of the Revised Statutes of the United States as amended by that portion of the Act of August 29, 1916 (39 Stat. 579), reading: "except as herein otherwise provided, hereafter the age for retirement of all officers of the Navy shall be sixty-four years instead of sixty-two years as now prescribed by law"; section 2 of the Act of January 28, 1929 (ch. 109, 45 Stat. 1142); and section 6 of the Act of June 30, 1942 (56 Stat. 465).

34 U. S. C. § 384.

34 U. S. C. § 384; 50 U. S. C., Supp. V, app. § 811.

(c) Subsection 12 (e) of the Act of June 23, 1938 (52 Stat. 950).

34 U. S. C. § 404 (e).

SEC. 12. The provisions of section 3 of this Act shall terminate on June 30 of the fiscal year following that in which the present war shall be declared to be ended by proclamation of the President or by an Act or resolution of Congress.

Ante, p. 27.

Approved February 21, 1946.