

Compensation; duties.

of the Senate. Each of the Assistant Secretaries of Labor shall receive compensation at the rate of \$10,000 a year and shall perform such duties as may be prescribed by the Secretary of Labor or required by law.

37 Stat. 736.
5 U. S. C. § 612.

42 Stat. 766.
5 U. S. C. §§ 613, 614.

SEC. 3. The office of Assistant Secretary of Labor established by section 2 of the Act entitled "An Act to create a Department of Labor", approved March 4, 1913, is hereby abolished, and such section 2 is amended by striking out the first two sentences thereof. The office of Second Assistant Secretary of Labor established by the Act entitled "An Act creating the positions of Second Assistant Secretary and private secretary in the Department of Labor", approved June 30, 1922, is hereby abolished, and such Act of June 30, 1922, is repealed.

Approved April 17, 1946.

[CHAPTER 141]

AN ACT

April 18, 1946
[S. 1907]
[Public Law 347]

To increase the authorized enlisted strength of the active list of the Regular Navy and Marine Corps, to increase the authorized number of commissioned officers of the active list of the line of the Regular Navy, and to authorize permanent appointments in the Regular Navy and Marine Corps, and for other purposes.

Regular Navy.

Declaration of policy of Congress.

Equality of opportunities for advancement, etc.

Regular Navy and Marine Corps.
Authorized enlisted strength.

Regular Navy.
Authorized number of commissioned officers.

Regular Navy and Marine Corps.
Permanent appointments to warrant or commissioned grades.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to remove any apprehension on the part of Naval Reserve officers regarding their opportunities for advancement in event of their transfer to the Regular Navy, it is hereby declared to be the policy of the Congress that in all matters relating to commissioned officers in the Regular Navy there shall be no discrimination whatsoever against officers because of the source from which they entered the Regular Navy, and that no preference shall be given officers by reason of the fact that they entered the Regular Navy from any particular source; and, among other things, that all commissioned officers in the Regular Navy, regardless of the source from which they entered the Regular Navy, shall receive the same treatment with respect to opportunities for (1) promotion or advancement to all grades in the Navy, (2) holding any positions or assignments in the Navy including proportionate representation on selection boards, and (3) attending the Naval War College, postgraduate schools, or other schools, or otherwise receiving advanced or technical training.

SEC. 2. (a) The authorized enlisted strength of the active list of the Regular Navy shall hereafter be five hundred thousand.

(b) Hereafter the authorized enlisted strength of the active list of the Regular Marine Corps shall be 20 per centum of the authorized enlisted strength of the active list of the Regular Navy.

SEC. 3. The number of enlisted men of the Navy and Marine Corps provided for shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year.

SEC. 4. The authorized number of commissioned officers of the active list of the line of the Regular Navy, exclusive of commissioned warrant officers, shall hereafter be equal to 7 per centum of the authorized enlisted strength of the active list of the Regular Navy.

SEC. 5. (a) The President may appoint male officers of the Naval Reserve and of the Marine Corps Reserve, officers of the Regular Navy and Marine Corps without permanent appointments therein, commissioned warrant and warrant officers of the Regular Navy and Marine Corps with temporary appointments in higher grades and ranks, and any person who served on active duty in any such capacity during World War II and shall have been separated from such officer status under honorable conditions, to permanent warrant grades or,

with the advice and consent of the Senate, to permanent commissioned grades and ranks in the Regular Navy and Marine Corps, respectively, but no such person shall be appointed to a grade or rank higher than the highest grade or rank in which he served on active duty. Appointments pursuant to this subsection to commissioned warrant and warrant grades shall be in such numbers as the President may determine, and to other grades and ranks in such numbers that, exclusive of commissioned warrant and warrant officers, the total number of officers of the line and of each of the Staff Corps of the Navy, and of the Marine Corps, will not exceed the authorized numbers of such officers.

(b) (1) Each appointee who is serving on active duty in a higher grade or rank than that in which appointed under subsection (a) of this section shall also be appointed for temporary service pursuant to, and subject to the limitations of, the Act of July 24, 1941 (55 Stat. 603), as now or hereafter amended, to such higher grade or rank and with the precedence held by him at the time of acceptance of permanent appointment; each appointee not serving on active duty in an officer grade or rank who is appointed under subsection (a) of this section to a grade or rank lower than the highest grade or rank held while on active duty in World War II other than by virtue of a temporary appointment which by its terms was of limited duration, may be similarly appointed to such higher grade or rank and with precedence determined in accordance with regulations promulgated under subsection (c) of this section.

(2) During such period as the Secretary of the Navy may determine but not later than six months after June 30 of the fiscal year following that in which the present wars shall terminate, notwithstanding date of rank and lineal position assigned upon permanent appointment under subsection (a) of this section, (A) each officer who receives a permanent appointment in the same grade or rank in which he is then serving on active duty in the Naval or Marine Corps Reserve shall retain the precedence held by him at the time of such appointment; (B) each person not serving on active duty in an officer grade or rank or serving on active duty in his permanent commissioned warrant or warrant grade who is appointed under subsection (a) of this section to the highest grade or rank held while on active duty in World War II other than by virtue of a temporary appointment which by its terms was of limited duration, shall have precedence determined in accordance with regulations promulgated under subsection (c) of this section.

(c) (1) Appointments under subsection (a) of this section shall be made pursuant to regulations prescribed by the President for the administration of this section.

(2) Such regulations shall include, among other provisions, (A) provisions establishing standards and qualifications for appointment thereunder to the several grades and ranks and for the determination of the lineal position and precedence of appointees; and (B) provisions for the assignment of running mates to officers appointed thereunder to the Staff Corps of the Regular Navy.

(3) Such regulations may provide for (A) readjustment of the lineal position and precedence of persons heretofore or hereafter appointed under other provisions of law to commissioned grades or ranks in the Regular Navy subsequent to September 8, 1939, and in the Regular Marine Corps subsequent to June 30, 1939, and (B) reassignment of running mates to persons so appointed to commissioned grades or ranks in the Staff Corps of the Regular Navy.

(d) Except as provided in subsection (b) the authority granted by this section shall expire six months after June 30 of the fiscal

Active duty appointees.
Temporary appointments to higher grades.

34 U. S. C., Supp. V, §§ 350-350j.
Ante, p. 28; *post*, p. 995.
Nonactive duty appointees.

Precedence.

Regulations.

Standards and qualifications, etc.

Running mates.

Readjustment of lineal position, etc.

Running mates.

Expiration of authority.

year following that in which the present war shall terminate or two years after the effective date of this Act, whichever shall be the later.

Revocation of commission.

SEC. 6. (a) The commission of any appointee under subsection (a) of section 5 may be revoked by the Secretary of the Navy until the latest date on which the commission of any officer (or in the case of officers of the Staff Corps of the Navy, an officer in his corps) senior in lineal position to that assigned such appointee pursuant to regulations established under subsection (c) of section 5 of this Act is revocable.

Discharge.

(b) Each officer (other than officers appointed or reappointed pursuant to subsection (c)) whose commission is so revoked shall thereupon be discharged from the naval service without advanced pay or allowances.

Reappointments.
Post, p. 245.

(c) Each officer above the grade of commissioned warrant officer whose commission is so revoked and who (1) at the time of his appointment under subsection (a) of section 2 held permanent status as a commissioned warrant officer may be reappointed by the President to such permanent status without examination, with the lineal position and other rights and benefits to which he would have been entitled had his service subsequent to reappointment under such subsection (a) been rendered in such permanent status, or (2) at the time of his appointment under subsection (a) of section 2 held permanent status as a warrant or petty officer, may be appointed by the President without examination to permanent commissioned warrant or warrant grade with the same lineal position and other rights and benefits which he would have had or normally would have attained in due course had he not been appointed pursuant to subsection (a) of section 2, or (3) at the time of his appointment under subsection (a) of section 2 held permanent status as a petty officer may be reenlisted as a chief petty officer (permanent appointment) and shall be entitled to the same rights and benefits to which he would have been entitled or normally would have attained in due course had he not been appointed pursuant to subsection (a) of section 2.

Accrued leave.

SEC. 7. Notwithstanding any other provision of law, each officer of the Naval Reserve and of the Marine Corps Reserve and each officer of the Regular Navy and Marine Corps without permanent appointments therein, appointed to officer rank in the United States Navy or United States Marine Corps pursuant to this Act, who at the time of such appointment had to his credit leave accrued but not taken, may, subsequent to appointment, be granted such leave without loss of pay or allowances.

Repeals.

SEC. 8. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed, and the provisions of this Act shall be in effect in lieu thereof and such repeal shall include but shall not be limited to the following Acts and parts of Acts:

(a) That portion of the first sentence after the subheading: "International naval rendezvous and review;" in chapter 212, Twenty-seventh Statutes at Large, page 715, which appears at page 730 and which reads as follows: "; and the number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, and coal heavers, and including one thousand five hundred apprentices and boys, hereby authorized to be enlisted annually, shall not exceed nine thousand".

(b) That portion of the sentence after the heading "Pay of the Navy" in chapter 186, Twenty-eighth Statutes at Large, page 825, which appears at page 826 and which reads as follows: "and the Secretary of the Navy is hereby authorized to enlist as many additional seamen as in his discretion he may deem necessary, not to exceed one thousand;".

(c) Section 2 of chapter 120, Twenty-ninth Statutes at Large, page 96, at page 97.

(d) That portion of the sentence after the heading "Pay of the Navy" in chapter 399, Twenty-ninth Statutes at Large, page 361, which appears at page 361 and which reads as follows: "and the Secretary of the Navy is hereby authorized to enlist at any time after the passage of this Act as many additional men as in his discretion he may deem necessary, not to exceed one thousand,".

(e) That proviso at the end of the first sentence after the heading "Bureau of Supplies and Accounts. Pay of the Navy:" in chapter 130, Thirty-eighth Statutes at Large, page 392, which appears at page 403 and which reads as follows: "Provided, That hereafter the number of enlisted men of the Navy and Marine Corps provided for shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year".

34 U. S. C. § 153.

(f) The following portions of chapter 417, Thirty-ninth Statutes at Large, page 556:

(1) That portion of the first sentence after the heading "Hospital Corps" in such chapter, which appears at page 572 and which reads as follows: "and shall be in addition thereto".

34 U. S. C. § 34.

(2) That portion of the first sentence after the heading "Bureau of Supplies and Accounts. Pay of the Navy:" in such chapter, which appears at page 575 and which reads as follows: ", and the President is hereafter authorized, whenever in his judgment a sufficient national emergency exists, to increase the authorized enlisted strength of the Navy to eighty-seven thousand men", and that portion of such sentence which reads as follows: "and hereafter the number of enlisted men of the Navy shall be exclusive of those sentenced by court martial to discharge".

(3) That portion of the first sentence after the heading "Commissioned Personnel" in such chapter, which appears at page 576, as amended by the first section of chapter 402, Forty-ninth Statutes at Large, page 487, and which, so amended, reads as follows: "Hereafter the total authorized number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be equal to $4\frac{3}{4}$ per centum of the total authorized enlisted strength of the active list, exclusive of the Hospital Corps, prisoners undergoing sentence of discharge, enlisted men detailed for duty with the Naval Militia, and the Flying Corps."

34 U. S. C. § 2;
Supp. V, § 2.

(4) That portion of the first sentence after the subheading "Pay of enlisted men, active list", in such chapter, which appears at page 612 and which reads as follows: "and hereafter the number of enlisted men of the Marine Corps shall be exclusive of those sentenced by court martial to discharge."

34 U. S. C. § 691a.

(5) The third sentence after the subheading "Pay of enlisted men, active list:" in such chapter, which appears at page 612 and which reads as follows: "The President is authorized, when, in his judgment, it becomes necessary to place the country in a complete state of preparedness, to further increase the enlisted strength of the Marine Corps to seventeen thousand and four hundred: *And provided further*, That the distribution in the various grades shall be in the same proportion as that authorized at the time when the President avails himself of the authority herein granted."

(g) The first and second sections of chapter 20, Fortieth Statutes at Large, page 84, as amended.

34 U. S. C. § 152;
Supp. V, § 152.

(h) That portion of the second sentence after the heading "Maintenance" in chapter 9, Forty-first Statutes at Large, page 131, which appears at page 137 and which reads as follows: "and the President is hereby authorized, whenever in his judgment a sufficient national

34 U. S. C. § 151;
Supp. V, § 151.
Post, p. 96.

emergency exists, to increase the authorized enlisted strength of the Navy to one hundred and ninety-one thousand men".

34 U. S. C. § 691;
Supp. V, § 691.

(i) That portion of the fourth sentence after the heading "Marine Corps. Pay, Marine Corps;" in chapter 228, Forty-first Statutes at Large, page 812, which appears at page 830 and which reads as follows: "The authorized enlisted strength of the active list of the Marine Corps is hereby permanently established at twenty-seven thousand four hundred, distribution in the various grades to be made in the same proportion as provided under existing law: *Provided, That*".

34 U. S. C. § 691-1.

(j) Section 2 and subsection (d) of section 15 of chapter 598, Fifty-second Statutes at Large, page 944, at pages 944 and 952, respectively.

34 U. S. C., Supp. V
§§ 151, 691.
Ante, p. 95.

(k) Chapter 74, Fifty-fifth Statutes at Large, page 145, as amended by chapter 1, Fifty-sixth Statutes at Large, page 3.

Approved April 18, 1946.

[CHAPTER 142]

AN ACT

April 19, 1946
[H. R. 5644]
[Public Law 348]

To facilitate voting by members of the armed forces and certain others absent from the place of their residence, and to amend Public Law 712, Seventy-seventh Congress, as amended.

Servicemen's voting
act, amendments.
58 Stat. 136.
50 U. S. C., Supp.
V, §§ 321-354.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 712, Seventy-seventh Congress, as amended, is amended by striking out titles II, III, and IV, and inserting in lieu thereof the following:

"TITLE II

"RECOMMENDATIONS TO THE STATES

Enactment of ap-
propriate legislation.

"SEC. 201. The Congress hereby expresses itself as favoring, and recommends to the several States the immediate enactment of, appropriate legislation to enable each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, who is eligible to vote in any election district or precinct, to vote by absentee ballot in any primary, special, or general election held in his election district or precinct; and in order to afford ample opportunity for such persons to vote for Federal, State, and local officials and to utilize the absentee balloting procedures of the various States to the greatest extent possible, the following provisions are enacted.

Use of post cards.

"SEC. 202. (a) It is recommended that the several States, in order to avoid expense, duplication of effort, and loss of time, shall accept, as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person to whom this title is applicable) provided pursuant to section 209 (a) of this title, as amended, or pursuant to section 203 of this title prior to its amendment.

Post, p. 99.

Waiver of registra-
tion.

"(b) It is recommended that the several States waive registration of the persons to whom this title is applicable who, by reason of their service, have been deprived of an opportunity to register.

Persons discharged
too late to register.

"(c) It is recommended that the States make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the armed forces too late to register at the time