

Public Law 90-340

AN ACT

June 15, 1968
[S. 2634]

To amend section 867(a) of title 10, United States Code, in order to establish the Court of Military Appeals as the United States Court of Military Appeals under article I of the Constitution of the United States, and for other purposes.

U.S. Court of
Military Appeals.
Establishment.
70A Stat. 60.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 867(a) (article 67(a)) of title 10, United States Code, is amended to read as follows:

“(a) (1) There is a United States Court of Military Appeals established under article I of the Constitution of the United States and located for administrative purposes only in the Department of Defense. The court consists of three judges appointed from civil life by the President, by and with the advice and consent of the Senate, for a term of fifteen years. The terms of office of all successors of the judges serving on the effective date of this Act shall expire fifteen years after the expiration of the terms for which their predecessors were appointed, but any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Not more than two of the judges of the court may be appointed from the same political party, nor is any person eligible for appointment to the court who is not a member of the bar of a Federal court or the highest court of a State. Each judge is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Court of Appeals, and is eligible for reappointment. The President shall designate from time to time one of the judges to act as chief judge. The chief judge of the court shall have precedence and preside at any session which he attends. The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age. The court may prescribe its own rules of procedure and determine the number of judges required to constitute a quorum. A vacancy in the court does not impair the right of the remaining judges to exercise the powers of the court.

“(2) Judges of the United States Court of Military Appeals may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, or for mental or physical disability, but for no other cause.

“(3) If a judge of the United States Court of Military Appeals is temporarily unable to perform his duties because of illness or other disability, the President may designate a judge of the United States Court of Appeals for the District of Columbia to fill the office for the period of disability.

“(4) Any judge of the United States Court of Military Appeals who is receiving retired pay may become a senior judge, may occupy offices in a Federal building, may be provided with a staff assistant whose compensation shall not exceed the rate prescribed for GS-9 in the General Schedule under section 5332 of title 5, and, with his consent, may be called upon by the chief judge of said court to perform judicial duties with said court for any period or periods specified by such chief judge. A senior judge who is performing judicial duties pursuant to this subsection shall be paid the same compensation (in lieu of retired pay) and allowances for travel and other expenses as a judge.”

SEC. 2. The United States Court of Military Appeals established under this Act is a continuation of the Court of Military Appeals as

it existed prior to the effective date of this Act, and no loss of rights or powers, interruption or jurisdiction, or prejudice to matters pending in the Court of Military Appeals before the effective date of this Act shall result. A judge of the Court of Military Appeals so serving on the day before the effective date of this Act shall, for all purposes, be a judge of the United State Court of Military Appeals under this Act.

Approved June 15, 1968.

June 15, 1968
15-15841

With former and
amended
Maximum term of
Interest charges
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(4) (2) of the Department of Commerce, is amended to read as follows:

"(5) shall secure bonds, notes, or other obligations bearing interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce."

Approved June 15, 1968.

Public Law 90-342

JOINT RESOLUTION

To authorize the President to resign as Chairman of the Joint Chiefs of Staff for an additional term of one year, the effect to expire in that position on April 1, 1968.

June 15, 1968
15-15842

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That, notwithstanding section 132(a) of title 10, United States Code, the President may, by and with the advice and consent of the Senate, resign as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the effect to expire in that position on April 1, 1968.

Approved June 15, 1968.

Enacted by the
Joint Chiefs of
Staff
Representation
15-15843

Public Law 90-343

AN ACT

To amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad.

June 15, 1968
15-15844

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That section 101 of the Federal Voting Assistance Act of 1955 (60 U.S.C. 1451) is hereby amended by striking out paragraphs (2) and (4) and inserting in lieu thereof a new paragraph (3) as follows:

Enacted by
Senate
60-15845