

[CHAPTER 78]

JOINT RESOLUTION

February 27, 1948
[S. J. Res. 173]
[Public Law 423]

To continue until March 1, 1949, the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes.

Maritime Commission.
Post, pp. 62, 217
61 Stat. 190.
50 U. S. C., Supp. I, app. §§ 1744 (a), 1735 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Act entitled "An Act to continue temporary authority of the Maritime Commission until March 1, 1948", approved June 28, 1947 (Public Law 127, Eightieth Congress), is amended by striking out the date "March 1, 1948" and inserting in lieu thereof the date "March 1, 1949".

60 Stat. 43.
50 U. S. C. app. § 1739.

(b) Notwithstanding the provisions of subsection (a), no contract of sale under section 6 of the Merchant Ship Sales Act of 1946 shall be made after March 1, 1948; and nothing contained in this or any other Act shall be deemed to authorize the United States Maritime Commission to charter any war-built vessel (as defined in the Merchant Ship Sales Act of 1946) to any person who is not a citizen of the United States (as defined in the Merchant Ship Sales Act of 1946).

60 Stat. 42.
50 U. S. C. app. § 1736 (g).

SEC. 2. Section 2 of the joint resolution entitled "Joint resolution authorizing the Commandant of the United States Coast Guard to waive compliance with the navigation and vessel-inspection laws administered by the Coast Guard", approved March 31, 1947 (Public Law 27, Eightieth Congress), as amended, is amended by striking out the date "April 1, 1948" and inserting in lieu thereof the date "March 1, 1949".

61 Stat. 33.
46 U. S. C., Supp. I, note prec. § 121.

Approved February 27, 1948.

[CHAPTER 82]

AN ACT

February 28, 1948
[S. 1133]
[Public Law 424]

Providing for the per capita payment of certain moneys appropriated in settlement of certain claims of the Indians of the Fort Berthold Indian Reservation in North Dakota.

Fort Berthold Indian Reservation, N. Dak.
Per capita payment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within sixty days from the date of enactment of this Act the Secretary of the Interior shall withdraw from the Treasury, and pay to the enrolled members of the Indians of the Fort Berthold Indian Reservation in North Dakota, \$300,000 to be distributed per capita, out of the balance of the principal and interest of the amount appropriated in settlement of certain claims of such Indians pursuant to the last paragraph preceding the heading "Miscellaneous Indian Tribal Funds", in the first section of the Interior Department Appropriation Act, 1947, remaining after the fees and expenses authorized by such paragraph to be paid from such appropriation shall have been paid or provided for. The money paid to such members under this Act shall not be subject to any lien or claim of any nature against any of such members.

60 Stat. 350.

Approved February 28, 1948.

[CHAPTER 83]

AN ACT

February 28, 1948
[S. 1454]
[Public Law 425]

To amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes.

Public Health Service Act, amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (j)

of section 2 of the Public Health Service Act, as amended (42 U. S. C., ch. 6A), is amended by inserting immediately after the semicolon at the end thereof the words "isonipecaïne and its derivatives, compounds, salts, and preparations; opiates (as defined in section 3228 (f) of the Internal Revenue Code);".

SEC. 2. Section 203 of such Act is amended by striking out the last sentence thereof.

SEC. 3. Section 205 of such Act is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) The Surgeon General, with the approval of the Administrator, is authorized to create special temporary positions in the grade of Assistant Surgeons General when necessary for the proper staffing of the Service; but the number of such special temporary positions, when added to the eight positions created by section 204 and subsections (a) and (b) of this section, shall not on any day exceed three-fourths of 1 per centum of the highest number, during the ninety days preceding such day, of officers of the Regular Corps on active duty and officers of the Reserve Corps on active duty for more than thirty days. The Surgeon General may assign officers of either the Regular Corps or the Reserve Corps to any such special temporary positions, and while so serving they shall each have the title of Assistant Surgeon General."

SEC. 4. (a) The first sentence of subsection (a) of section 206 of such Act is amended to read: "The Surgeon General, during the period of his appointment as such, shall be of the same grade, with the same pay and allowances, as the Surgeon General of the Army; and the Deputy Surgeon General, while assigned as such, shall have the grade corresponding with the grade of major general, with the same pay and allowances. Assistant Surgeons General, while assigned as such, shall have the grade, with the pay and allowances thereof, corresponding with either the grade of brigadier general or the grade of major general, as may be determined by the Administrator after considering the importance of the duties to be performed: *Provided*, That the number of Assistant Surgeons General having a grade higher than that corresponding to the grade of brigadier general shall at no time exceed one-half of the number of positions created by subsection (b) of section 205 or pursuant to subsection (c) of such section."

(b) Such section is further amended by adding at the end thereof the following new subsections:

"(c) Any commissioned officer below the grade of director who is assigned to serve as chief of a division shall, for the duration of such assignment, have the grade of director and receive the pay and allowances applicable to such grade.

"(d) Within the total number of officers of the Regular Corps authorized by the appropriation Act or Acts for each fiscal year to be on active duty, the Administrator shall by regulation prescribe the maximum number of officers authorized to be in each of the grades from the junior assistant grade to the director grade, inclusive. Such numbers shall be determined after considering the anticipated needs of the Service during the fiscal year, the funds available, the number of officers in each grade at the beginning of the fiscal year, and the anticipated appointments, the anticipated promotions based on years of service, and the anticipated retirements during the fiscal year. The number so determined for any grade for a fiscal year may not exceed the number limitation (if any) contained in the appropriation Act or Acts for such year. Such regulations for each fiscal year shall be prescribed as promptly as possible after the appropriation Act fixing the authorized strength of the corps for that year, and shall be

58 Stat. 683.
42 U. S. C. § 201 (j).

60 Stat. 38.
26 U. S. C. § 3228 (f);
Supp. I, § 3228 note.

58 Stat. 683.
42 U. S. C. § 204.

58 Stat. 684.
42 U. S. C. § 206.

Special temporary
positions.

58 Stat. 684.
42 U. S. C. §§ 205,
206 (a), (b).

58 Stat. 684.
42 U. S. C. § 207 (a).
Surgeon General.

Deputy Surgeon
General and Assistant
Surgeons General.

58 Stat. 684.
42 U. S. C. § 206 (b).
Supra.

Officer below grade
of director.

Authorized num-
bers.

subject to amendment only if such authorized strength or such number limitation is thereafter changed. The maxima established by such regulations shall not require (apart from action pursuant to other provisions of this Act) any officer to be separated from the Service or reduced in grade."

SEC. 5. (a) Such Act is further amended by striking out section 207 thereof and by redesignating sections 208 and 209 as sections 207 and 208, respectively.

(b) Paragraph (1) of the section herein redesignated as section 207 is amended by striking "surgery," therefrom. Graduates of colleges of osteopathy whose graduates are eligible for licensure to practice medicine or osteopathy in a majority of the States of the United States, or approved by a body or bodies acceptable to the Administrator, shall be eligible, subject to the other provisions of this Act, for appointment as commissioned medical officers in the Public Health Service. The second sentence of paragraph (2) of such subsection is amended to read: "Reserve commissions shall be for a period of not more than five years and may be terminated at any time, as the President may direct."

(c) Subsection (b) of such section is amended to read:

"(b) Not more than 10 per centum of the original appointments to the Regular Corps authorized to be made during any fiscal year may be made to grades above that of senior assistant, but no such appointment may be made to a grade above that of director. For the purpose of this subsection the number of original appointments authorized to be made during a fiscal year shall be (1) the excess of the number of officers of the Regular Corps authorized by the appropriation Act or Acts for such year over the number of officers on active duty in the Regular Corps on the first day of such year, plus (2) the number of such officers of the Regular Corps who, during such fiscal year, have been or will be retired upon attainment of age sixty-four or have for any other reason ceased to be on active duty. In determining the number of appointments authorized by this subsection an appointment shall be deemed to be made in the fiscal year in which the nomination is transmitted by the President to the Senate. No person shall be appointed pursuant to this subsection unless he meets standards established in accordance with regulations of the President."

(d) Such section is further amended by redesignating subsections (c), (d), (e), and (f) thereof as subsections (e), (f), (g), and (h), respectively; by changing "subsection (c)" to "subsection (e)" and changing "subsection (d)" to "subsection (f)" in the subsection hereby designated as subsection (g); and by inserting after subsection (b) the following new subsections:

"(c) Commissions evidencing the appointment by the President of officers of the Regular or Reserve Corps shall be issued by the Administrator under the seal of the Federal Security Agency.

"(d) (1) For purposes of pay and pay period and for purposes of promotion, any person appointed under subsection (a) to the grade of senior assistant in the Regular Corps, and any person appointed under subsection (b), shall, except as provided in paragraphs (2) and (3) of this subsection, be considered as having had on the date of appointment the following length of service: Three years if appointed to the senior assistant grade, ten years if appointed to the full grade, seventeen years if appointed to the senior grade, and eighteen years if appointed to the director grade.

"(2) For purposes of pay and pay period, any person appointed under subsection (a) to the grade of senior assistant in the Regular Corps, and any person appointed under subsection (b), shall, in lieu of the credit provided in paragraph (1), be credited with the service for which he is entitled to credit under any other provision of law if

58 Stat. 685.
42 U. S. C. §§ 208,
209, 210.

58 Stat. 685.
42 U. S. C. § 209 (a)
(1), (2).

Graduates of osteop-
athy colleges.

Reserve commis-
sions.

58 Stat. 685.
42 U. S. C. § 209 (b).
Original appoint-
ments.

58 Stat. 686.
42 U. S. C. § 209 (c),
(d), (e), (f).

Issuance of commis-
sions.

Service credit.
Senior assistants,
etc.

58 Stat. 685.
42 U. S. C. § 209 (a).
Supra.

Infra; post, p. 41.

Service credit under
other provision of law.
58 Stat. 685.
42 U. S. C. § 209 (a).
Supra.

such service exceeds that to which he would be entitled under such paragraph.

“(3) For purposes of promotion, any person originally appointed in the Regular Corps to the senior assistant grade or above who has had active service in the Reserve Corps shall be considered as having had on the date of appointment the length of service provided for in paragraph (1), plus whichever of the following is greater: (A) The excess of his total active service in the Reserve Corps (above the grade of junior assistant) over the length of service provided in such paragraph, to the extent that such excess is on account of service in the Reserve Corps in or above the grade to which he is appointed in the Regular Corps or (B) his active service in the same or any higher grade in the Reserve Corps after the first day on which, under regulations in effect on the date of his appointment to the Regular Corps, he would have had the training and experience necessary for such appointment.

“(4) For purposes of promotion, any person whose original appointment is to the assistant grade in the Regular Corps shall be considered as having had on the date of appointment service equal to his total active service in the Reserve Corps in and above the assistant grade.”

(e) Beginning as of the date of enactment of this Act, any officer of the Regular Corps of the Public Health Service on active duty on such date shall, in lieu of the service with which he was credited for the purposes of pay and pay period at the time of his appointment to such corps, receive credit, if it is greater, for three years if his appointment was to the senior assistant grade, twelve years if it was to the full grade, twenty years if it was to the senior grade, and twenty-six years if it was to the director grade.

(f) Any person appointed to any grade above the assistant grade in the Regular Corps of the Public Health Service after enactment of this Act and prior to July 1, 1948, shall, for purposes of pay and pay period, and (except in the case of an appointment to the director grade) for purposes of promotion, receive the credit provided under section 207 of the Public Health Service Act, as amended by this Act, or shall receive credit, if it is greater, of three years if appointed to the senior assistant grade, twelve years if appointed to the full grade, twenty years if appointed to the senior grade, and twenty-six years if appointed to the director grade. In the case of an officer so appointed to the full or senior grade (1) he shall receive two years' seniority in grade if appointed to the full grade and three years' if appointed to the senior grade, and (2) he shall be considered as having completed the one year of service in grade required for promotion to a restricted grade or to the director grade, as the case may be.

(g) Subsection (b) of the section herein redesignated as section 208 is amended to read:

“(b) Reserve officers, except when otherwise provided by law, shall receive the same pay and allowances when on active duty as commissioned officers of the Regular Corps, including allowances for travel and transportation of household goods and effects.”

(h) Subsection (h) of the section herein redesignated as section 208 is amended by striking out “section 208 (d)” and inserting in lieu thereof “section 207 (f)”.

(i) Such Act is further amended by inserting after the section herein redesignated as section 208 the following new section:

“PROFESSIONAL CATEGORIES

“SEC. 209. (a) For the purpose of establishing eligibility of officers of the Regular Corps for promotions, the Surgeon General shall by

Active service in Reserve Corps.

Ante, p. 40.

Assistant grade.

Officer of Regular Corps on active duty.

Appointment above assistant grade.

58 Stat. 685,
42 U. S. C. § 209.
Ante, p. 40.

Appointment to full or senior grade.

58 Stat. 686,
42 U. S. C. § 210 (b).
Ante, p. 40.
Reserve officers.

58 Stat. 687,
42 U. S. C. § 210 (h).
Ante, p. 40.

- regulation divide the corps into professional categories. Each category shall, as far as practicable, be based upon one of the subjects of examination set forth in section 207 (a) (1) or upon a subdivision of such subject, and the categories shall be designed to group officers by fields of training in such manner that officers in any one grade in any one category will be available for similar duty in the discharge of the several functions of the Service.
- 58 Stat. 685.
42 U. S. C. § 209 (a)
(1).
Ante, p. 40.
- Assignment. " (b) Each officer of the Regular Corps on active duty shall, on the basis of his training and experience, be assigned by the Surgeon General to one of the categories established by regulations under subsection (a). Except upon amendment of such regulations, no assignment so made shall be changed unless the Surgeon General finds (1) that the original assignment was erroneous, or (2) that the officer is equally well qualified to serve in another category to which he has requested to be transferred, and that such transfer is in the interests of the Service.
- Authorized number. " (c) Within the limits fixed by the Administrator in regulations under section 206 (d) for any fiscal year, the Surgeon General shall determine for each category in the Regular Corps the maximum number of officers authorized to be in each of the grades from the assistant grade to the director grade, inclusive.
- Excess of authorized number. " (d) The excess of the number so fixed for any grade in any category over the number of officers of the Regular Corps on active duty in such grade in such category (including, in the case of the director grade, officers holding such grade in accordance with section 206 (c)) shall for the purpose of promotions constitute vacancies in such grade in such category. For purposes of this subsection, an officer who has been temporarily promoted or who is temporarily holding the grade of director in accordance with section 206 (c) shall be deemed to hold the grade to which so promoted or which he is temporarily holding; but while he holds such promotion or grade, and while any officer is temporarily assigned to a position pursuant to section 205 (c), the number fixed under subsection (c) of this section for the grade of his permanent rank shall be reduced by one.
- Ante, p. 39.
- Temporary promotions, etc. " (e) The absence of a vacancy in a grade in a category shall not prevent an appointment to such grade pursuant to section 207, a permanent length of service promotion, or the recall of a retired officer to active duty; but the making of such an appointment, promotion, or recall shall be deemed to fill a vacancy if one exists.
- Ante, p. 39.
- Absence of vacancy. " (f) Whenever a vacancy exists in any grade in a category the Surgeon General may increase by one the number fixed by him under subsection (c) for the next lower grade in the same category, without regard to the numbers fixed in regulations under section 206 (d); and in that event the vacancy in the higher grade shall not be filled except by a permanent promotion, and upon the making of such promotion the number for the next lower grade shall be reduced by one."
- 58 Stat. 687.
42 U. S. C. § 209.
Ante, p. 40.
- Vacancies. SEC. 6. (a) Section 210 of such Act is amended to read:
"SEC. 210. (a) Promotions of officers of the Regular Corps to any grade up to and including the director grade shall be either permanent promotions based on length of service, other permanent promotions to fill vacancies, or temporary promotions. Permanent promotions shall be made by the President, by and with the advice and consent of the Senate, and temporary promotions shall be made by the President. Each permanent promotion shall be to the next higher grade, and shall be made only after examination given in accordance with regulations of the President.
- Ante, p. 39.
- "Restricted grade." " (b) The President may by regulation provide that in a specified professional category permanent promotions to the senior grade, or

to both the full grade and the senior grade, shall be made only if there are vacancies in such grade. A grade in any category with respect to which such regulations have been issued is referred to in this section as a 'restricted grade'.

"(c) Examinations to determine qualification for permanent promotions may be either noncompetitive or competitive, as the Surgeon General shall in each case determine; except that examinations for promotions to the assistant or senior assistant grade shall in all cases be noncompetitive. The officers to be examined shall be selected by the Surgeon General from the professional category, and in the order of seniority in the grade, from which promotion is to be recommended. In the case of a competitive examination the Surgeon General shall determine in advance of the examination the number (which may be one or more) of officers who, after passing the examination, will be recommended to the President for promotion; but if the examination is one for promotions based on length of service, or is one for promotions to fill vacancies other than vacancies in the director grade or in a restricted grade, such number shall not be less than 80 per centum of the number of officers to be examined.

"(d) Officers of the Regular Corps, found pursuant to subsection (c) to be qualified, shall be given permanent promotions based on length of service, as follows:

"(1) Officers in the junior assistant grade shall be promoted at such times as may be prescribed in regulations of the President.

"(2) Officers with permanent rank in the assistant grade, the senior assistant grade, and the full grade shall (except as provided in regulations under subsection (b)) be promoted after completion of three, ten, and seventeen years, respectively, of service in grades above the junior assistant grade; and such promotions, when made, shall be effective, for purposes of pay and pay period and for purposes of seniority in grade, as of the day following the completion of such years of service. An officer with permanent rank in the assistant, senior assistant, or full grade who has not completed such years of service shall be promoted at the same time, and his promotion shall be effective as of the same day, as any officer junior to him in the same grade in the same professional category who is promoted under this paragraph.

"(e) Officers in a professional category of the Regular Corps, found pursuant to subsection (c) to be qualified, may be given permanent promotions to fill any or all vacancies in such category in the senior assistant grade, the full grade, the senior grade, or the director grade; but no officer who has not had one year of service with permanent or temporary rank in the next lower grade shall be promoted to any restricted grade or to the director grade.

"(f) If an officer who has completed the years of service required for promotion to a grade under paragraph (2) of subsection (d) fails to receive such promotion, he shall (unless he has already been twice examined for promotion to such grade) be once reexamined for promotion to such grade. If he is thereupon promoted (otherwise than under subsection (e)), the effective date of such promotion shall be one year later than it would have been but for such failure. Upon the effective date of any permanent promotion of such officer to such grade, he shall be considered as having had only the length of service required for such promotion which he previously failed to receive.

"(g) If, for reasons other than physical disability incurred in line of duty, an officer of the Regular Corps in the junior assistant grade is found pursuant to subsection (c) not to be qualified for promotion he shall be separated from the Service. If, for reasons other than physical disability incurred in line of duty, an officer of the Regular

Examinations.

Recommendation
for promotion.Permanent promo-
tions.
*Supra.*Officers with per-
manent rank.*Ante*, p. 42.Officers in profes-
sional category.
*Supra.*Failure to receive
promotion.
*Supra.*Separation from
Service.*Supra.*

Corps in the assistant, senior assistant, or full grade, after having been twice examined for promotion (other than promotion to a restricted grade), fails to be promoted—

“(1) if in the assistant grade he shall be separated from the Service and paid six months’ pay and allowances;

“(2) if in the senior assistant grade he shall be separated from the Service and paid one year’s pay and allowances;

“(3) if in the full grade he shall be considered as not in line for promotion and shall, at such time thereafter as the Surgeon General may determine, be retired from the Service with retired pay (unless he is entitled to a greater amount by reason of another provision of law) at the rate of 2½ per centum of his active duty pay at the time of retirement for each complete year, not in excess of thirty, of his active commissioned service in the Service.

Refusal to take examination.

“(h) If an officer of the Regular Corps, eligible to take an examination for promotion, refuses to take such examination, he may be separated from the Service in accordance with regulations of the President.

Review of officer’s record.

“(i) At the end of his first three years of service, the record of each officer of the Regular Corps originally appointed to the senior assistant grade or above, shall be reviewed in accordance with regulations of the President and, if found not qualified for further service, he shall be separated from the Service and paid six months’ pay and allowances.

Order of seniority.

“(j) (1) The order of seniority of officers in a grade in the Regular Corps shall be determined, subject to the provisions of paragraph (2), by the relative length of time spent in active service after the effective date of each such officer’s original appointment or permanent promotion to that grade. When permanent promotions of two or more officers to the same grade are effective on the same day, their relative seniority shall be the same as it was in the grade from which promoted. In all other cases of original appointments or permanent promotions (or both) to the same grade effective on the same day, relative seniority shall be determined in accordance with regulations of the President.

Credit for active service in Reserve Corps.

“(2) In the case of an officer originally appointed in the Regular Corps to the grade of assistant or above, his seniority in the grade to which appointed shall be determined after inclusion, as service in such grade, of any active service in such grade or in any higher grade in the Reserve Corps, but (if the appointment is to the grade of senior assistant or above) only to the extent of whichever of the following is greater: (A) His active service in such grade or any higher grade in the Reserve Corps after the first day on which, under regulations in effect on the date of his appointment to the Regular Corps, he had the training and experience necessary for such appointment, or (B) the excess of his total active service in the Reserve Corps (above the grade of junior assistant) over three years if his appointment in the Regular Corps is to the senior assistant grade, over ten years if the appointment is to the full grade, or over seventeen years if the appointment is to the senior grade.

Temporary promotions.

“(k) Any commissioned officer of the Regular Corps in any grade in any professional category may be recommended to the President for temporary promotion to fill a vacancy in any higher grade in such category, up to and including the director grade. In time of war, or of national emergency proclaimed by the President, any commissioned officer of the Regular Corps in any grade in any professional category may be recommended to the President for promotion to any higher grade in such category, up to and including the director grade, whether or not a vacancy exists in such grade. The selection of officers to be recommended for temporary promotions shall be made in accordance with regulations of the President. Promotion of an

War or emergency promotions.

officer recommended pursuant to this subsection may be made without regard to length of service, without examination, and without vacating his permanent appointment, and shall carry with it the pay and allowances of the grade to which promoted. Such promotions may be terminated at any time, as may be directed by the President.

“(1) Whenever the number of officers of the Regular Corps on active duty, plus the number of officers of the Reserve Corps who have been on active duty for thirty days or more, exceeds the authorized strength of the Regular Corps, the Administrator shall determine the requirements of the Service in each grade in each category, based upon the total number of officers so serving on active duty and the tasks being performed by the Service; and the Surgeon General shall thereupon assign each officer of the Reserve Corps on active duty to a professional category. If the Administrator finds that the number of officers fixed under section 209 (c) for any grade and category (or the number of officers, including officers of the Reserve Corps, on active duty in such grade in such category, if such number is greater than the number fixed under section 209 (c)) is insufficient to meet such requirements of the Service, officers of either the Regular Corps or the Reserve Corps may be recommended for temporary promotion to such grade in such category. Any such promotion may be terminated at any time, as may be directed by the President.

“(m) Any officer of the Regular Corps, or any officer of the Reserve Corps on active duty, who is promoted to a higher grade shall, unless he expressly declines such promotion, be deemed for all purposes to have accepted such promotion; and shall not be required to renew his oath of office, or to execute a new affidavit as required by the Act of December 11, 1926, as amended (5 U. S. C. 21a).”

(b) Except as provided in subsection (d) of this section, no promotion shall be made under section 210 of the Public Health Service Act, as amended by this Act, prior to July 1, 1948. Until that date officers of the Regular Corps may receive temporary promotions to higher grades with the pay and allowances thereof pursuant to section 210 (a) (1) of the Public Health Service Act, in force prior to the enactment of this Act, notwithstanding the termination, prior to such date, of the war and of the national emergencies proclaimed by the President. Any officer holding, on June 30, 1948, an appointment pursuant to such section to a higher temporary grade shall continue in such grade until such appointment is terminated, as the President may direct.

(c) Effective as of the date of the enactment of this Act, each officer of the Regular Corps on such date, in addition to the credit he has under preexisting legislation for purposes of promotion, shall be credited with three years of service.

(d) (1) Officers of the Regular Corps who have, or who on or before July 1, 1948, will have, the years of service prescribed in paragraph (2) of section 210 (d) of the Public Health Service Act, as amended by this Act, for promotion to the senior assistant, full, or senior grade, shall be recommended to the President for such promotion, to be effective as of July 1, 1948, whether or not vacancies exist in such grade. Such promotions shall be made without examination, except that no promotions shall be made to the senior grade or any grade immediately below a restricted grade until the officer is found qualified for promotion pursuant to subsection (c) of section 210 of the Public Health Service Act, as amended by this Act. No promotion shall be made pursuant to this paragraph to any grade in any professional category if such grade has been made a restricted grade pursuant to subsection (b) of section 210 of the Public Health Service Act, as amended by this Act. For purposes of seniority an officer promoted under this paragraph shall be credited with the years of service in the grade to

Number exceeding authorized strength.

Ante, p. 42.

Acceptance of promotion.

44 Stat. 918.

Infra.

Ante, p. 42.

Additional service credit.

Promotions to senior assistant.

Ante, p. 42.

Ante, p. 43.

Promotions in restricted grades.

Ante, p. 42.

Crediting of service.

which promoted equal to the excess of his years of service on the date of promotion over the years of service required for promotion to such grade under paragraph (2) of section 210 (d) of the Public Health Service Act, as amended by this Act.

Ante, p. 43.

Officers in junior assistant grade.

(2) Officers in the junior assistant grade in the Regular Corps who have, or who on or before July 1, 1948, will have four or more years of service in the junior assistant grade, shall be recommended to the President for promotion to the assistant grade, to be effective as of July 1, 1948, without examination and whether or not vacancies exist in such grade. For purposes of promotion and seniority in grade, an officer promoted under this paragraph shall be credited with the years of service equal to the excess of his years of service on the date of promotion over four years.

Crediting of service.

(e) For purposes of seniority, any officer of the Regular Corps of the Public Health Service on the date of enactment of this Act shall be considered as having had service in the grade which he holds on such date equal to the excess of the service credited to him for promotion purposes over the length of service required under section 210 (d) (2), as amended by this Act, for promotion to such grade.

Ante, p. 43.

(f) Except as provided in subsection (d) of this section, the provisions of this section shall not, prior to July 1, 1948, affect the term or tenure of office (including any office held under temporary promotion) of any commissioned officer of the Service in office upon the date of the enactment of this Act.

58 Stat. 688.
42 U. S. C. § 212 (b).
Retirement.

SEC. 7. (a) The first sentence of subsection (b) of section 211 of such Act is amended to read: "A commissioned officer shall be retired on the first day of the month following the month in which he attains the age of sixty-four years; and a commissioned officer may be retired by the Administrator, and shall be retired if he applies for retirement, on the first day of any month after completion of thirty years of active commissioned service in the Service."

58 Stat. 688.
42 U. S. C. § 212 (c)
(2).

Retired pay for certain officers.

(b) Paragraph (2) of subsection (c) of such section is amended to read:

"(2) The retired pay to which an officer, who has served four years or more as Surgeon General, Deputy Surgeon General, or Assistant Surgeon General, is entitled shall be based on the pay of the highest grade held by him as such Surgeon General, Deputy Surgeon General, or Assistant Surgeon General."

58 Stat. 688.
42 U. S. C. § 212 (d).

(c) Subsection (d) of such section is amended by changing the words "for age" to "under the provisions of subsection (b)".

Retirement of officer in Regular Corps.

(d) Section 211 of such Act is further amended by adding at the end thereof the following new subsections:

"(g) An officer of the Regular Corps in the senior assistant grade in a category in which the full grade is a restricted grade, who has had twenty years of active commissioned or noncommissioned service in the Service (including any active Federal service in the armed forces) or has attained the age of fifty, or an officer of the Regular Corps in the full grade in a category in which the senior grade is a restricted grade, who has had twenty-five years of such service or has attained the age of fifty-five, may be retired in accordance with regulations of the Administrator if he has not been found pursuant to section 210 (c) to be qualified for promotion to the full grade or the senior grade, as the case may be. The retired pay of any such officer shall be at the rate of 2½ per centum of his active-duty pay at the time of retirement for each complete year, not in excess of thirty, of such service.

Ante, p. 43.
Retired pay.

Termination of retired pay.

"(h) Retired pay pursuant to this section shall be terminated if the officer receiving such pay is recalled to active duty or, in the case of an officer of the Reserve Corps, if he is found to have recovered from his disability. Such pay shall be suspended for any period

during which an officer fails without good cause to comply with a request by the Surgeon General that he submit to a medical examination, and shall be terminated if such failure continues for six months."

SEC. 8. Title II of such Act is further amended by adding at the end thereof the following new section:

58 Stat. 683.
42 U. S. C. §§ 202-218.

"TRAINING OF OFFICERS

"SEC. 218. (a) Appropriations available for the pay and allowances of commissioned officers of the Service shall also be available for the pay and allowances of any such officer on active duty in the Regular Corps while attending any educational institution and, subject to regulations of the President and to the limitation prescribed in such appropriations, for payment of his tuition, fees, and other necessary expenses incident to such attendance.

Pay and allowances.

"(b) Any officer whose tuition and fees while attending an educational institution are paid pursuant to subsection (a) shall be obligated to reimburse the Service for such tuition and fees if he voluntarily leaves the Service within two years after the cessation of such attendance."

Reimbursement to Service.

SEC. 9. (a) Sec. 706 of the Act of July 1, 1944 (58 Stat. 682, 713), as amended, is amended to read:

60 Stat. 1049.
42 U. S. C. § 230.

"SEC. 706. In the case of any commissioned officer of the Service appointed prior to July 1, 1944, there shall be included, in determining the amount of retired pay pursuant to subsection (c) (1) of section 211, and in determining whether he should or may be retired pursuant to subsection (b) of such section, noncommissioned service in the Public Health Service, as well as all commissioned service."

Computation of retired pay.

58 Stat. 688.
42 U. S. C. § 212
(c) (1), (b).
Ante, p. 46.

(b) Title VII of such Act is amended by changing sections 711 and 712, and references thereto, to sections 713 and 714, respectively, and by inserting immediately after section 710 the following new sections:

58 Stat. 714; 60 Stat. 1049.
42 U. S. C. § 201 note.

"APPOINTMENTS TO HIGHER GRADES FOR MENTAL HEALTH AND HOSPITAL CONSTRUCTION ACTIVITIES

"SEC. 711. Twenty officers may be appointed to grades in the Regular Corps of the Service above that of senior assistant, but not to a grade above that of director, to assist in carrying out the purposes of this Act with respect to mental health and twenty officers may be appointed to such grades in the Regular Corps to assist in carrying out title VI of this Act. Officers appointed pursuant to this section in any fiscal year shall not be counted as part of the 10 per centum of the original appointments authorized to be made in such year under section 207 (b); but they shall for all other purposes be treated as though appointed pursuant to such section 207 (b). The twenty officers authorized by this section to be appointed to carry out the purposes of this Act with respect to mental health and the twenty officers so authorized to be appointed to carry out title VI shall be reduced by the number of officers appointed under clause (A) and the number appointed under clause (B), respectively, of section 208 (b) (2) of this Act, in effect prior to the enactment of this section.

60 Stat. 1041.
42 U. S. C. §§ 201-201m.

Ante, p. 40.

60 Stat. 422, 1049.
42 U. S. C. § 209
(b) (2).

"CERTAIN RETIREMENTS FOR DISABILITY

"SEC. 712. An officer of the Reserve Corps of the Public Health Service who was separated from the Service or returned to inactive status by reason of a disability incurred in line of duty after December 6, 1941, and prior to July 1, 1944, and who would have been eligible for retirement by reason of such disability if section 211 of the Public

58 Stat. 688.
42 U. S. C. § 212.
Ante, p. 46.

Health Service Act had been in effect on and after December 7, 1941, shall be considered as though he had been retired at the time of such separation or return to inactive service. Any such officer, and any other officer of the Reserve Corps retired for a disability which was incurred in line of duty after December 6, 1941, and prior to July 1, 1944, shall be entitled, for periods both before and after the date of the enactment of this section, to the same retired pay to which he would have been entitled if such section 211, as amended simultaneously with the enactment of this section, had been in effect on and after December 7, 1941."

Approved February 28, 1948.

[CHAPTER 84]

AN ACT

To amend the Civil Service Retirement Act of May 29, 1930, as amended.

February 28, 1948
[H. R. 4127]
[Public Law 426]

Civil Service Retirement Act, amendments.

46 Stat. 468.
5 U. S. C. § 691;
Supp. I, § 691.
Age and service eligibility.

46 Stat. 472.
5 U. S. C. § 707.
Post, p. 50.

Post, p. 49.

46 Stat. 472.
5 U. S. C. § 707.
Post, pp. 50, 49.

Involuntary separation.

46 Stat. 472.
5 U. S. C. § 707.
Post, p. 50.
Post, p. 49.

Special agents, etc., of FBI.
Post, p. 1221.

46 Stat. 469.
5 U. S. C. § 715;
Supp. I, § 715 note.

5 U. S. C. §§ 715, 715a, 715d; Supp. I, § 715 note.
Automatic separation.

46 Stat. 472.
5 U. S. C. § 707.
Post, p. 50.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended to read as follows:

"SEC. 1. (a) Any officer or employee to whom this Act applies who shall have attained or shall hereafter attain the age of sixty years and have rendered at least thirty years of service computed as prescribed in section 5 of this Act, or who shall have attained or shall hereafter attain the age of sixty-two years and have rendered at least fifteen years of such service, shall, upon separation from the service, be paid an annuity computed as provided in section 4 of this Act.

"(b) Any officer or employee to whom this Act applies who shall have attained or shall hereafter attain the age of fifty-five years and have rendered at least thirty years of service computed as prescribed in section 5 of this Act shall, upon separation from the service, be paid an annuity computed as provided in section 4 of this Act, reduced by one-fourth of 1 per centum for each full month such officer or employee is under the age of sixty years.

"(c) Any officer or employee to whom this Act applies, after having rendered at least twenty-five years of service computed as prescribed in section 5 of this Act, shall, upon involuntary separation from the service not by removal for cause on charges of misconduct or delinquency, be paid an immediate life annuity computed as provided in section 4 of this Act reduced by one-fourth of 1 per centum for each full month such officer or employee is under the age of sixty years. This subsection shall become effective July 1, 1947.

"(d) Any special agent, special agent in charge, inspector, Assistant Director, assistant to the Director, Associate Director, or the Director, who is at least fifty years of age and who has rendered twenty years of service or more as a special agent, or as aforesaid above, in the Federal Bureau of Investigation may, on his own application and with the consent of the Attorney General, retire from the service and such annuity of such employee shall be equal to 2 per centum of his average basic salary for the five years next preceding the date of his retirement, multiplied by the number of years of service, not exceeding thirty years."

SEC. 2. Section 2 of the Act of May 29, 1930, as amended, is amended to read as follows:

"SEC. 2. (a) Except as provided in section 204 of the Act of June 30, 1932 (47 Stat. 404), and section 3 of the Act of July 13, 1937 (50 Stat. 512), any officer or employee to whom this Act applies who shall have completed fifteen years of service computed as provided in section 5 of this Act shall, on the last day of the month in which he attains the age of seventy years, or completes fifteen years of service if then beyond