

may be reasonably expected to exceed \$1,000, that a suitable bond shall be provided by such person or persons which may be paid for out of sums due the incompetent.

Finality of determination.

SEC. 4. The determination of the person or persons authorized to receive payments as provided in section 2 above, made by the respective secretaries or by the Federal Security Administrator, or by their duly designated subordinates pursuant to this Act, shall be final and conclusive and not subject to review by any court or Government official.

Approved June 21, 1950.

[CHAPTER 344]

AN ACT

June 23, 1950
[S. 2335]
[Public Law 570]

To make certain revisions in titles I and III of the Officer Personnel Act of 1947, as amended.

Officer Personnel
Act of 1947, amend-
ment.

61 Stat. 811.
34 U. S. C., Sup. III,
§ 626 (b).

61 Stat. 841.
34 U. S. C., Sup. III,
§ 211a (r).

61 Stat. 842.
34 U. S. C., Sup. III,
§ 306b (a) (1).

61 Stat. 798.
34 U. S. C., Sup. III,
§ 3a (d).

61 Stat. 845.
34 U. S. C., Sup. III,
§ 306c (a) (8).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Officer Personnel Act of 1947, as amended, is hereby further amended by:

(a) Deleting in the proviso to subsection (b) of section 114 the comma after the word "thirty-two" and substituting therefor a period and deleting the remainder of the said proviso.

(b) Deleting in subsection (r) of section 304 the words "four" and "thirty-four" and substituting therefor the words "five" and "thirty-five", respectively, and deleting the period at the end of the said subsection and substituting therefor a colon and adding the following proviso: "*Provided*, That those rear admirals of the line not restricted in the performance of duty who attained such status prior to the date of enactment of this amendatory Act shall be continued on the active list only upon the recommendation of the first such board convened thereafter."

(c) Amending paragraph (1) of subsection (a) of section 307 to read as follows:

"(1) Rear admirals not restricted in the performance of duty who attain a status of having completed five years of service in grade and thirty-five years of total commissioned service as defined in subsection 102 (d) of this Act shall be eligible for consideration for recommendation for continuation on the active list by a selection board convened in the fiscal year in which they first attain such status: *Provided*, That those rear admirals not restricted in the performance of duty who attained such status prior to the date of enactment of this amendatory Act shall be eligible for such recommendation by the first such board convened thereafter: *Provided further*, That a rear admiral not restricted in the performance of duty who will attain the age of sixty-two years in the fiscal year in which he would otherwise be eligible for consideration for continuation on the active list shall not be eligible for such consideration."

(d) Amending paragraph (8) of subsection (a) of section 308 to read as follows:

"(8) The number to be furnished the board in respect to rear admirals not restricted in the performance of duty to be continued on the active list shall be determined by the Secretary of the Navy as of the date of the convening of the board. Such number shall be based upon a consideration of the number of vacancies existing among rear admirals not restricted in the performance of duty, plus the number of vacancies estimated to occur during each of the ensuing five years in order to best assure to captains a flow of promotion to the grade of rear admiral and to best assure to rear admirals in succeeding years equality of opportunity for continuation on the active

list. The number to be so furnished the board shall be not less than 50 per centum nor greater than 75 per centum of the number of rear admirals eligible for consideration by the board for continuation on the active list."

(e) Deleting in paragraph (2) of subsection (a) of section 309 the words "equal to" and substituting therefor the words "not exceeding".

(f) Amending subsection (a) of section 313 by inserting after the words "Rear Admirals" the words "of the line not restricted in the performance of duty" and deleting the words "two successive selection boards" and substituting therefor the words "a selection board".

(g) Amending subsection (b) of section 313 to read as follows:

"(b) (1) Except as otherwise provided in this subsection, each rear admiral designated for engineering duty, aeronautical engineering duty, and special duty, and each rear admiral in the Medical Corps, Supply Corps, Chaplain Corps, Civil Engineer Corps, and Dental Corps, who is not retired or separated from the active list at an earlier date under other provisions of law, shall be placed on the retired list on June 30 of the fiscal year in which he completes seven years' service in the grade of rear admiral or thirty-five years' total commissioned service as defined in subsections 102 (d) and 202 (d) of this Act, whichever is later: *Provided*, That any such officer shall, if recommended in the report of a board of not less than three naval officers convened for that purpose and approved by the Secretary of the Navy, be retained on the active list and if not retired under other provisions of law, shall be placed on the retired list on June 30 of any succeeding fiscal year in which he is not again so recommended for retention on the active list by such a board or in which no such board is convened: *And provided further*, That for the purposes of this subsection, service in grade for an officer promoted to the grade of rear admiral prior to August 7, 1947, and for an officer whose lineal position is adjusted in the grade of rear admiral or who is assigned a new running mate in that grade, in accordance with the provisions of this Act, shall be computed from the date of temporary rank in the grade of rear admiral; and for each other officer promoted to the grade of rear admiral on or after August 7, 1947, from the date of the occurrence of the vacancy to which the officer is promoted to fill.

"(2) The board to consider rear admirals for retention on the active list pursuant to paragraph (1) of this subsection may be convened annually in the discretion of the Secretary of the Navy and shall be convened in any year when the Secretary of the Navy determines that one or more officers who would otherwise be subject to retirement under the provisions of paragraph (1) of this subsection should be retained on the active list. The number of such officers who may be recommended for such retention on the active list shall not exceed the number furnished the board by the Secretary of the Navy, which shall be the number determined necessary by the Secretary of the Navy to meet the needs of the naval service.

"(3) Each officer, when retired pursuant to this subsection, shall receive retired pay at the rate of 2½ per centum of his active-duty pay in the grade in which serving at the time of retirement multiplied by the number of years of service for which he is entitled to credit in the computation of pay on the active list but retired pay so computed shall not exceed a total of 75 per centum of said active-duty pay."

(h) Repealing subsections (c), (d), (e), (f), (g), (h), (i), and (j) of section 313 and redesignating subsection (l) of section 313 as subsection (c).

(i) Repealing subsection (k) of section 313, effective July 1, 1950, except as it applies to officers retired under its provisions prior to that date.

61 Stat. 850.
34 U. S. C., Sup. III,
306d (a) (2).

61 Stat. 861.
34 U. S. C., Sup. III,
§ 410f (a).

61 Stat. 861.
34 U. S. C., Sup. III,
§ 410f (b).

61 Stat. 798, 816.
34 U. S. C., Sup. III,
§§ 3a, 3b.

Repeals.
61 Stat. 861 *et seq.*
34 U. S. C., Sup. III,
§ 410f.

Repeal.
61 Stat. 863.
34 U. S. C., Sup. III,
§ 410f (k).

61 Stat. 865.
34 U. S. C., Sup. III,
§ 626-1 (l).

61 Stat. 798.
34 U. S. C., Sup. III,
§ 3a.

61 Stat. 865.
34 U. S. C., Sup. III,
§ 626-1 (m).

61 Stat. 866.
34 U. S. C., Sup. III,
§ 626-1 (q).

61 Stat. 798.
34 U. S. C., Sup. III,
§ 3a.

(j) Amending subsection (l) of section 314 to read as follows:

"(1) (1) Except as otherwise provided in this subsection, major generals who are not retired or separated from the active list at an earlier date under other provisions of law shall be placed on the retired list on June 30 of the fiscal year in which they complete five years' service in the grade of major general or thirty-five years' total commissioned service as defined in subsection 102 (d) of this Act, whichever is later: *Provided*, That any such officer shall, if recommended in the report of a board of not less than three Regular officers on the active or retired lists of the naval service convened for that purpose and approved by the Secretary of the Navy, be retained on the active list and, if not retired under other provisions of law, shall be placed on the retired list on June 30 of any succeeding fiscal year in which he is not again so recommended for retention on the active list by such a board or in which no such board is convened: *Provided further*, That an officer serving as Commandant of the Marine Corps shall not, while so serving, be subject to retirement under the provisions of this subsection: *And provided further*, That for the purposes of this subsection, service in grade shall be computed from the date of appointment in the grade of major general for officers appointed in that grade prior to August 7, 1947, and from the date of the occurrence of the vacancy in the grade of major general to which the officer is promoted to fill for officers promoted to that grade on or after August 7, 1947.

"(2) Each officer, when retired pursuant to this subsection, shall receive retired pay at the rate of 2½ per centum of his active-duty pay in the grade in which serving at the time of retirement multiplied by the number of years of service for which he is entitled to credit in the computation of pay on the active list, but retired pay so computed shall not exceed a total of 75 per centum of said active-duty pay."

(k) Amending subsection (m) of section 314 to read as follows:

"(m) The board to consider major generals for retention on the active list may be convened annually in the discretion of the Secretary of the Navy and shall be convened in any year when three or more such officers would otherwise be subject to retirement under the provisions of subsection (l) of this section. The number of officers which may be recommended for retention by each such board shall not exceed the number furnished it by the Secretary of the Navy. The number so furnished shall be that which the Secretary of the Navy shall determine to be necessary to meet the requirements of the Marine Corps and, in any year when the number of officers otherwise subject to retirement under the provisions of subsection (l) of this section is three or more, the number so furnished shall not be less than the number of such officers in excess of two."

(l) Amending subsection (q) of section 314 to read as follows:

"(q) (1) Except as otherwise provided in this subsection, brigadier generals designated for supply duty who are not retired or separated from the active list at an earlier date under other provisions of law, shall be placed on the retired list on June 30 of the fiscal year in which they complete five years' service in grade or thirty-five years' total commissioned service as defined in subsection 102 (d) of this Act, whichever is later: *Provided*, That any such officer shall, if recommended in the report of a board of not less than three officers serving in ranks above that of brigadier general convened for that purpose and approved by the Secretary of the Navy, be retained on the active list and if not retired under other provisions of law, shall be placed on the retired list on June 30 of any succeeding fiscal year in which he is not again so recommended for retention on the active list by such a board or in which no such board is convened: *Provided further*, That an officer serving as Quartermaster General of the Marine Corps

shall not, while so serving, be subject to retirement under the provisions of this subsection: *And provided further*, That for the purposes of this subsection, service in grade shall be computed from date of appointment in the grade of brigadier general for officers appointed in that grade prior to August 7, 1947, and from the date of the occurrence of the vacancy in the grade of brigadier general to which the officer is promoted to fill for officers promoted to that grade on or after August 7, 1947.

"(2) Each officer, when retired pursuant to this subsection, shall receive retired pay at the rate of $2\frac{1}{2}$ per centum of his active-duty pay in the grade in which serving at the time of retirement multiplied by the number of years of service for which he is entitled to credit in the computation of pay on the active list but retired pay so computed shall not exceed a total of 75 per centum of said active-duty pay."

(m) Amending subsection (r) of section 314 to read as follows:

"(r) The board to consider brigadier generals designated for supply duty for retention on the active list may be convened annually in the discretion of the Secretary of the Navy and shall be convened in any year when two or more such officers would otherwise be subject to retirement under the provisions of subsection (q) of this section. The number of officers which may be recommended for retention by each such board shall not exceed the number furnished it by the Secretary of the Navy. The number so furnished shall be that which the Secretary of the Navy shall determine to be necessary to meet the requirements of the Marine Corps and, in any year when the number of officers otherwise subject to retirement under the provisions of subsection (q) of this section is two or more, the number so furnished shall not be less than the number of such officers in excess of one."

(n) Repealing subsection (s) of section 314.

(o) Repealing subsections (t) and (y) of section 314, effective July 1, 1950, and repealing subsection (v) of section 314, effective July 1, 1950, except as it applies to officers heretofore retired under its provisions.

(p) Redesignating subsection (u) of section 314 as subsection (s); redesignating subsection (w) of section 314 as subsection (t) and deleting in the said subsection the words "equal to" and substituting therefor the words "not exceeding"; and redesignating subsection (x) of section 314 as subsection (u).

SEC. 2. The Officer Personnel Act of 1947, as amended, is further amended by deleting in subsections 114 (h) and 314 (h) the word "four" and substituting in lieu thereof the word "three".

SEC. 3. Section 305 (a) (2) of the Officer Personnel Act of 1947, as amended, is amended to read as follows:

"The officers composing the board for the recommendation of rear admirals for continuation on the active list shall be officers on the active or retired list of the Navy. The officers composing other boards shall be officers on the active list of the Navy. No officer may be a member of two successive boards for the consideration of officers for promotion to the same grade."

SEC. 4. As soon as practicable after June 30, 1950, the Secretary of the Navy shall convene a board of not less than five officers of the Regular Navy of the grade of rear admiral or above to consider and recommend for continuation on the active list officers of the line of the Regular Navy not restricted by law in the performance of duty serving in the grade of captain who were serving in that grade on June 30, 1948, and who on that date had completed twenty-nine or more years of total commissioned service as defined in section 102 of the Officer Personnel Act of 1947, as amended, and whose names are not on a promotion list. Such officers recommended for continuation on the active list in the report of such board, as approved by the

61 Stat. 866.
34 U. S. C., Sup. III,
§ 626-1 (r).

Ante, p. 252.

Repeals.
61 Stat. 866, 867.
34 U. S. C., Sup. III,
§ 626-1 (s), (t), (y), (v).

Redesignations,
61 Stat. 866, 867.
34 U. S. C., Sup. III,
§ 626-1 (u), (w), (x).

61 Stat. 812, 864.
34 U. S. C., Sup. III,
§§ 626 (h), 626-1 (h).

61 Stat. 841.
34 U. S. C., Sup. III,
§ 306 (a) (2).

61 Stat. 798.
34 U. S. C., Sup. III,
§ 3a.

61 Stat. 795.
34 U. S. C., Sup. III,
§ 3a note.

Secretary of the Navy, shall be so continued under the provisions of the Officer Personnel Act of 1947, as amended. Each such officer not so recommended shall be placed on the retired list on the first day of the sixth month following the month of enactment of this Act with retired pay at the rate of $2\frac{1}{2}$ per centum of his basic pay on the active list at the time of retirement, multiplied by the number of years of service for which entitled to credit in the computation of his pay on the active list, not to exceed a total of 75 per centum of said basic 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 $2\frac{1}{2}$ per centum is multiplied: *Provided further*, That nothing in this section shall be held to reduce the retired rank or pay to which such officer would be entitled under other provisions of law.

SEC. 5. No officer shall be retired pursuant to this amendatory Act prior to the first day of the sixth month following the month of its enactment.

Approved June 23, 1950.

[CHAPTER 345]

AN ACT

June 23, 1950
[H. R. 7057]
[Public Law 571]

To amend Veterans Regulation Numbered 1 (a) with respect to the computation of estimated costs of teaching personnel and supplies for instruction in the case of colleges of agriculture and the mechanic arts and other nonprofit educational institutions.

38 U. S. C. note foll.
§ 739; Sup. III, note
foll. § 744.
Post pp 339, 341.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of December 28, 1945, paragraph 5 of part VIII of Veterans Regulation Numbered 1 (a), as amended, is amended by adding at the end thereof the following: "In the computation of such estimated cost of teaching personnel and supplies for instruction in the case of any college of agriculture and the mechanic arts, no reduction shall be made by reason of any payments to such college from funds made available pursuant to the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts', approved July 2, 1862, as amended and supplemented (U. S. C., 1946 edition, title 7, secs. 30-329, inclusive); and in the computation of such estimated cost of teaching personnel and supplies for instruction in the case of any nonprofit educational institution, no reduction shall be made by reason of any payments to such institution from State or municipal or other non-Federal public funds, or from private endowments or gifts or other income from nonpublic sources."

12 Stat. 503.
7 U. S. C. §§ 301-329.

SEC. 2. Upon receipt of appropriate claims therefor, the Administrator of Veterans' Affairs is authorized to make adjustments in accordance with this Act in contracts which are in effect on the date of approval of this Act as well as prior contracts and is authorized to make back payments and refunds in accordance with such adjustments.

Approved June 23, 1950.

[CHAPTER 351]

JOINT RESOLUTION

June 23, 1950
[S. J. Res. 190]
[Public Law 572]

Extending the period of effectiveness of the Selective Service Act of 1948 for fifteen days.

62 Stat. 625.
50 U. S. C., Sup. III,
app. § 467 (b).
Post, p. 318.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 17 of the Selective Service Act of 1948 is amended by striking