

## Public Law 86-415

## AN ACT

April 8, 1960  
[S. 2220]

To strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes.

Public Health  
Service Commissioned  
Corps Personnel Act of 1960.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Public Health Service Commissioned Corps Personnel Act of 1960".

LIMITATION ON APPOINTMENT AND CALL TO ACTIVE DUTY OF OLDER  
COMMISSIONED OFFICERS

58 Stat. 685; 62  
Stat. 40.

SEC. 2. Section 207(a) of the Public Health Service Act (42 U.S.C. 209(a)) is amended by adding at the end thereof the following new paragraph:

Post, p. 33.

"(3) No individual who has attained the age of forty-four shall be appointed to the Regular Corps, or called to active duty in the Reserve Corps for a period in excess of one year, unless (A) he has had a number of years of active service (as defined in section 211(d)) equal to the number of years by which his age exceeds forty-four, or (B) the Surgeon General determines that he possesses exceptional qualifications, not readily available elsewhere in the Commissioned Corps of the Public Health Service, for the performance of special duties with the Service, or (C) in the case of an officer of the Reserve Corps, the Commissioned Corps of the Service has been declared by the President to be a military service."

ADDITIONAL ORIGINAL APPOINTMENTS ABOVE SENIOR ASSISTANT

SEC. 3. Section 207(b) of the Public Health Service Act (42 U.S.C. 209(b)) is amended by inserting "(1)" after "(b)" and by striking out the last sentence and inserting in lieu thereof the following new paragraphs:

"(2) In addition to the number of original appointments to the Regular Corps authorized by paragraph (1) to be made to grades above that of senior assistant, original appointments authorized to be made to the Regular Corps in any year may be made to grades above that of senior assistant, but not above that of director, in the case of any individual who—

"(A) (i) was on active duty in the Reserve Corps on July 1, 1960, (ii) was on such active duty continuously for not less than one year immediately prior to such date, and (iii) applies for appointment to the Regular Corps prior to July 1, 1962; or

"(B) does not come within clause (A) (i) and (ii) but was on active duty in the Reserve Corps continuously for not less than one year immediately prior to his appointment to the Regular Corps and has not served on active duty continuously for a period, occurring after June 30, 1960, of more than three and one-half years prior to applying for such appointment.

"(3) No person shall be appointed pursuant to this subsection unless he meets standards established in accordance with regulations of the President."

## RETIREMENT OF COMMISSIONED OFFICERS OF THE REGULAR AND RESERVE CORPS

SEC. 4. Section 211 of the Public Health Service Act (42 U.S.C. 212) is amended to read as follows:

"SEC. 211. (a) (1) A commissioned officer of the Service shall be retired on the first day of the month following the month in which he attains the age of sixty-four years.

"(2) A commissioned officer of the Service may be retired by the Secretary, and shall be retired if he applies for retirement, on the first day of any month after completion of thirty years of active service.

"(3) Any commissioned officer of the Service who has had less than thirty years of active service may be retired by the Secretary, with or without application by the officer, on the first day of any month after completion of twenty or more years of active service of which not less than ten are years of active commissioned service in any of the uniformed services.

"(4) A commissioned officer retired pursuant to paragraph (1), (2), or (3) who was (in the case of an officer in the Reserve Corps) on active duty with the Service on the day preceding such retirement shall be entitled to receive retired pay at the rate of  $2\frac{1}{2}$  per centum of the basic pay of the highest grade held by him as such officer and in which, in the case of a temporary promotion to such grade, he has performed active duty for not less than six months, (A) for each year of active service, or (B) if it results in higher retired pay, for each of the following years:

"(i) his years of active service (determined without regard to subsection (d)) as a member of a uniformed service; plus

"(ii) in the case of a medical or dental officer, four years and, in the case of a medical officer, who has completed one year of medical internship or the equivalent thereof, one additional year, the four years and the one year to be reduced by the period of active service performed during such officer's attendance at medical school or dental school or during his medical internship;

except that (C) in the case of any officer whose retired pay, so computed, is less than 50 per centum of such basic pay, who retires pursuant to paragraph (1) of this subsection, who has not less than twelve whole years of active service (computed without the application of subsection (e)), and who does not use, for purposes of a retirement annuity under the Civil Service Retirement Act, any service which is also creditable in computing his retired pay from the Service, it shall, instead, be 50 per centum of such pay, and (D) the retired pay of an officer shall in no case be more than 75 per centum of such basic pay.

"(5) With the approval of the President, a commissioned officer whose service as Surgeon General, Deputy Surgeon General, or Assistant Surgeon General has totaled four years or more and who has had not less than twenty-five years of active service in the Service may retire voluntarily at any time; and his retired pay shall be at the rate of 75 per centum of the basic pay of the highest grade held by him as such officer.

"(b) For purposes of subsection (a), the basic pay of the highest grade to which a commissioned officer has received a temporary promotion means the basic pay to which he would be entitled if serving on active duty in such grade on the date of his retirement.

"(c) A commissioned officer, retired for reasons other than for failure of promotion to the senior grade, may (1) if an officer of the Regular Corps or an officer of the Reserve Corps entitled to retired pay under subsection (a), be involuntarily recalled to active duty

70 Stat. 743.  
5 USC 2251-  
2267.

during such times as the Commissioned Corps constitutes a branch of the land or naval forces of the United States, and (2) if an officer of either the Regular or Reserve Corps, be recalled to active duty at any time with his consent.

“(d) The term ‘active service’, as used in subsection (a), includes:

“(1) all active service in any of the uniformed services;

“(2) active service with the Public Health Service, other than as a commissioned officer, which the Surgeon General determines is comparable to service performed by commissioned officers of the Service, except that, if there are more than five years of such service only the last five years thereof may be included; and

“(3) all active service (other than service included under the preceding provisions of this subsection) which is creditable for retirement purposes under laws governing the retirement of members of any of the uniformed services.

“(e) For the purpose of determining the number of years by which a percentage of the basic pay of an officer is to be multiplied in computing the amount of his retired pay pursuant to section 210(g)(3) or paragraph (4) of subsection (a) of this section, a part of a year of active service of six months or more shall be counted as a whole year and a part of a year of active service which is less than six months shall be disregarded.

“(f) For purposes of retirement or separation for physical disability under chapter 61 of title 10, United States Code, a commissioned officer of the Service shall be credited, in addition to the service described in section 1208(a)(2) of that title, with active service with the Public Health Service, other than as a commissioned officer, which the Surgeon General determines is comparable to service performed by commissioned officers of the Service, except that, if there are more than five years of such service, only the last five years thereof may be so credited. For such purposes, such section 1208(a)(2) shall be applicable to officers of the Regular or Reserve Corps of the Service.”

#### MISCELLANEOUS AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 5. (a) Section 2 of the Public Health Service Act (42 U.S.C. 201) is amended by striking out “and” at the end of subsection (n), striking out the period at the end of subsection (o) and inserting in lieu thereof “; and”, and adding after such subsection (o) the following new subsection:

“(p) The term ‘uniformed service’ means the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, or Coast and Geodetic Survey.”

(b) Section 208(b) of such Act (42 U.S.C. 210(b)) is amended to read as follows:

“(b) In accordance with regulations of the President, commissioned officers on active duty may make allotments from their pay. Such officers, and retired officers entitled to retired pay pursuant to section 210(g)(3), section 211, or section 221(a), shall be permitted to purchase supplies from the Army, Navy, Air Force, and Marine Corps at the same price as is charged officers thereof.”

(c) Section 210(g)(3) of such Act (42 U.S.C. 211(g)(3)) is amended by striking out “of his active duty pay at the time of retirement for each complete year” and inserting in lieu thereof “of the basic pay of the permanent grade held by him at the time of retirement for each year”.

(d) Section 326(a) of such Act (42 U.S.C. 253(a)) is amended by striking out “, including those on shore duty and those on detached duty, whether on active duty or retired” in subparagraphs (1) and (2)

62 Stat. 42.  
42 USC 211.

10 USC 1201 et  
seq.

62 Stat. 469, 601.

42 USC 211.  
Ante, p. 33.  
70A Stat. 619.  
42 USC 213a.

58 Stat. 697.

and inserting in lieu thereof "on active duty, including those on shore duty and those on detached duty", by striking out "or when retired for disability" in subparagraph (1), and by striking out subparagraph (3) and inserting in lieu thereof:

"(3) commissioned officers of the Regular or Reserve Corps of the Public Health Service on active duty;"

#### COVERAGE UNDER CIVIL SERVICE RETIREMENT ACT

SEC. 6. (a) Except as provided in subsection (b), service as a commissioned officer in the Regular Corps of the Public Health Service prior to July 1, 1960, shall be considered, for purposes of credit under the Civil Service Retirement Act, other than section 3(f) thereof, as civilian service performed by an employee (as defined in such Act), and commissioned officers of the Reserve Corps of the Public Health Service, subject to the Civil Service Retirement Act on June 30, 1960, shall be considered as voluntarily separated on that date, with respect to service as such officers, from civilian positions subject to such Act.

70 Stat. 743.  
5 USC 2251-2267.

(b) If a commissioned officer of the Regular or Reserve Corps of the Public Health Service is retired after June 30, 1960, and becomes entitled to retired pay from the Public Health Service, all service in the Regular or Reserve Corps of the Public Health Service prior to July 1, 1960, together with any other service which is performed at any time with the Public Health Service, other than as a commissioned officer, and which is credited to the officer for purposes of such retirement, shall be considered as military service for purposes of section 3(b) of the Civil Service Retirement Act; except that, in the case of any such officer who is retired pursuant to subsection (a) of section 211 of the Public Health Service Act, any such service which was performed prior to July 1, 1960, which was subject to the Civil Service Retirement Act, and with respect to which he has not, prior to his retirement, received a refund of deductions under the Civil Service Retirement Act, shall not be considered as military service for purposes of such section 3(b), but only if he waives his right to have such service included for purposes of computing the amount of his retired pay from the Service.

5 USC 2253.

Ante, p. 33.

(c) Section 1(r) of the Civil Service Retirement Act is amended by inserting after "Coast Guard of the United States," the phrase "or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service,".

5 USC 2251.

#### ELECTION OF BENEFITS UNDER THE SOCIAL SECURITY ACT AND THE CIVIL SERVICE RETIREMENT ACT

SEC. 7. Section 215 of the Social Security Act (42 U.S.C. 415) is amended by adding at the end thereof the following new subsection:

64 Stat. 506.

"(h) (1) Notwithstanding the provisions of the Civil Service Retirement Act, remuneration paid for service to which the provisions of section 210(m) (1) of this Act are applicable and which is performed by an individual as a commissioned officer of the Reserve Corps of the Public Health Service prior to July 1, 1960, shall not be included in computing entitlement to or the amount of any monthly benefit under this title, on the basis of his wages and self-employment income, for any month after June 1960 and prior to the first month with respect to which the Civil Service Commission certifies to the Secretary that, by reason of a waiver filed as provided in paragraph (2), no further annuity will be paid to him, his wife, and his children, or, if he has died, to his widow and children, under the Civil Service Retirement Act on the basis of such service.

70 Stat. 870.  
42 USC 410.



“(2) In the case of a monthly benefit for a month prior to that in which the individual, on whose wages and self-employment income such benefit is based, dies, the waiver must be filed by such individual; and such waiver shall be irrevocable and shall constitute a waiver on behalf of himself, his wife, and his children. If such individual did not file such a waiver before he died, then in the case of a benefit for the month in which he died or any month thereafter, such waiver must be filed by his widow, if any, and by or on behalf of all his children, if any; and such waivers shall be irrevocable. Such a waiver by a child shall be filed by his legal guardian or guardians, or, in the absence thereof, by the person (or persons) who has the child in his care.”

## EFFECTIVE DATES

SEC. 8. (a) The amendments made by sections 2 and 5(b) shall become effective July 1, 1960.

(b) The amendment made by section 4 shall become effective on the date of enactment of this Act in the case of commissioned officers of the Regular Corps of the Public Health Service, and on July 1, 1960, in the case of commissioned officers of the Reserve Corps of the Public Health Service.

Ante, p. 33.

(c) An officer in the Regular Corps on active duty on the date of enactment of this Act may be retired and have his retired pay computed under section 211 of the Public Health Service Act, as amended by this Act, or, if he so elects, under such section as in effect prior to the date of enactment of this Act.

Ante, p. 34.

(d) The limitation under subsection (f) of section 211 of the Public Health Service Act, as amended by this Act, on the amount of active service with the Public Health Service, other than as a commissioned officer, which may be counted for purposes of retirement or separation for physical disability, shall not apply in the case of any officer of the Reserve Corps of the Public Health Service on active duty on June 30, 1960.

Approved April 8, 1960.

## Public Law 86-416

## AN ACT

April 8, 1960  
[H. R. 6132]

Relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies.

Documentary  
stamp tax rate.  
72 Stat. 1293.  
26 USC 4301.

68A Stat. 268; 72  
Stat. 1638, 1674.  
26 USC 851-855.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of section 4301 of the Internal Revenue Code of 1954 (relating to imposition of documentary stamp tax on original issue of shares or certificates of stock) is amended by inserting before the period at the end thereof the following: “; except that such rate shall be 4 cents instead of 10 cents in the case of shares or certificates issued by a corporation to which subchapter M of chapter 1 applies for the taxable year during which such share or certificate is issued”.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to shares and certificates issued after the date of the enactment of this Act.

Approved April 8, 1960.