Public Law 87-304

September 26, 1961
[H. R. 2555]

AN ACT

To authorize pay with respect to civilian employees of the United States in cases of emergency evacuations, to consolidate the laws governing allotment and assignment of pay by such employees, and for other purposes.

Civilian employees of U. S.
Emergency evacuation.
Pay authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act, the term—

(1) "department" means—

(A) each executive department of the Government of the United States of America;

(B) each agency or independent establishment in the executive branch of such Government;

(C) each corporation wholly owned or controlled by such Government;

(D) the judicial branch of such Government;

(E) the General Accounting Office;

(F) the Library of Congress; and

(G) the municipal government of the District of Columbia.

(2) "head of each department" or "department head" means—

(A) the Director of the Administrative Office of the United States Courts with respect to the judicial branch of the Government; and

(B) the Board of Commissioners of the District of Columbia with respect to the municipal government of the District of Columbia.

(3) "United States", when used in a geographic sense, means the several States of the United States of America and the District of Columbia.

Advance payment.

SEC. 2. (a) The head of each department is authorized to provide for the payment, in advance, of compensation, allowances, and differentials, or any of them, covering a period of not more than thirty days, to or for the account of each employee of such department (or, under emergency circumstances and on a reimbursable basis, an employee of any other department) whose evacuation (or that of his dependents or immediate family, as applicable) from a place within or outside the United States is ordered for military or other reasons which create imminent danger to the life or lives of such employee or of such dependents or immediate family.

Authorized rates.

(b) Subject to adjustment of the account of such employee in accordance with section 4 of this Act and other applicable law, such advance payment of compensation, allowances, and differentials shall be at rates then currently authorized with respect to such employee, on the date such advance payment is made, under procedures of such department governing advance payments under this subsection; but such rates so authorized shall not exceed the rates to which such employee was entitled immediately prior to the issuance of such order of evacuation.

Amounts recoverable.

(c) An advance of funds under subsection (a) of this section shall be recoverable by the Government of the United States or the municipal government of the District of Columbia, as the case may be, from such employee or his estate—

(1) by setoff against accrued compensation, amount of retirement credit, or other amount due such employee from the Government of the United States or the municipal government of the District of Columbia, and

(2) by such other method as may be provided by law.

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(d) The head of the department concerned is authorized to waive in whole or in part any right of recovery of an advance of funds under subsection (a) of this section, if it is shown that such recovery would be against equity and good conscience or against the public interest.

Waiver.

SEC. 3. (a) The head of each department is authorized—

Duration of payment.

(1) to provide for the payment of monetary amounts, covering a period of not more than sixty days (except that the President may extend such period with respect to the executive branch for not more than one hundred and twenty additional days if he determines that the extension of such period is in the interest of the United States), to or for the account of each employee of such department (or, under emergency circumstances and on a reimbursable basis, an employee of any other department)—

(A) whose evacuation from a place within or outside the United States is ordered for military or other reasons which create imminent danger to the life of the employee, and

(B) who is prevented, by circumstances beyond his control and beyond the control of the Government of the United States or the municipal government of the District of Columbia, or both, as applicable, from performing the duties of the position which he held immediately prior to the issuance of such order of evacuation; and

(2) to provide for the termination of payment of such amounts.

(b) Subject to adjustment of the account of such employee in accordance with section 4 of this Act and other applicable law, each payment under this section shall be at rates of compensation, allowances, and differentials, or any of them, then currently authorized with respect to such employee, on the date such payment is made, under procedures of such department governing payments under this section. Such rates so authorized shall not exceed the rates to which such employee was entitled immediately prior to the issuance of the order of evacuation, except that any such employee in the executive branch may be granted such additional allowance payments as the President determines necessary to offset the direct added expenses incident to the evacuation.

Authorized rates.

(c) Each period for which payment of amounts may be made under this section to or for the account of an employee shall be held and considered, for all purposes with respect to such employee, as a period of active service (without break in service) rendered by such employee in the employment of the Government of the United States or the municipal government of the District of Columbia.

Active service period.

SEC. 4. The head of each department—

Review of accounts.

(1) shall provide for the review of the account of each employee of such department in receipt of payments in accordance with section 2 or 3, or both, as the case may be, of this Act, and

(2) shall provide for the adjustment of the amounts of such payments on the basis of (A) the rates of compensation, allowances, and differentials to which such employee would have been entitled, under applicable law other than this Act, for the respective periods covered by such payments, if he had rendered active service, in accordance with the terms of his appointment, during each such period in the position which he held immediately prior to the issuance of the applicable order of evacuation and (B) such additional amounts as such employee may be authorized to receive in accordance with a determination of the President under section 3(b) of this Act.

SEC. 5. The head of each department is authorized to establish procedures under which each employee of such department is permitted

Assignments of amounts.

to make allotments and assignments of amounts out of his compensation for such purpose as such department head deems appropriate.

Coordination of procedures.

SEC. 6. (a) To the extent practicable in the public interest, the President shall coordinate the policies and procedures of the respective departments in the executive branch under this Act.

Issuance of regulations.

(b) The President, with respect to the executive branch, and the head of the department concerned, with respect to the appropriate department outside the executive branch, shall prescribe and issue, or provide for the formulation and issuance of, such regulations as are necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration, of this Act. Such regulations shall be issued on or before the ninetieth day following the date of enactment of this Act and shall become effective on the ninetieth day following the date of issuance.

(c) The head of each department in the executive branch is authorized to prescribe and issue such regulations (not inconsistent with the regulations of the President issued under subsection (b) of this section) as are necessary and appropriate to carry out the functions of such department head under this Act.

Allotments of pay.

SEC. 7. Notwithstanding any provision of this Act or the repeal or amendment thereby of any provision of law, and until such time as regulations prescribed by or under authority of the President are issued under section 6(b) of this Act and become effective, allotments and assignments of pay of employees in the executive branch may be made in accordance with such provisions of law so amended or repealed and the regulations issued thereunder; and such regulations may be amended or revoked in accordance with such provisions of law.

Funds reimbursable.

SEC. 8. Funds available to each department for payment of compensation, allowances, and differentials to or for the accounts of civilian officers and employees of such department also shall be available for payment of compensation, allowances, and differentials to or for the accounts of employees of any other department in accordance with this Act and on a reimbursable basis.

Repeals.

SEC. 9. (a) The following provisions of law are hereby repealed:

(1) The Joint Resolution entitled "Joint Resolution authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska", approved March 21, 1906 (34 Stat. 824; 48 U.S.C. 171);

(2) The paragraph in the first section of the Act of June 30, 1906, under the heading "Under the Department of the Interior", under the subheading "United States Geological Survey", and under the caption "Scientific Assistants of the Geological Survey" (34 Stat. 727; 43 U.S.C. 35), which reads as follows:

U. S. Geological Survey.

"The Secretary of the Interior is hereby authorized to permit scientific and other employees of the United States Geological Survey, employed in the field, to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the United States Geological Survey. And the Secretary of the Interior is further authorized, in his discretion, under such regulations as he may prescribe, to reimburse the scientific and other employees for expenses incurred by them in the discharge of their duties in the field and paid from their personal funds.";

(3) That part of the first section of the Act of May 27, 1908, under the heading "Under the Department of the Interior", under the subheading "United States Geological Survey", and under the caption "For General Expenses of the Geological Survey" (35 Stat. 350; 43 U.S.C. 382), which reads as follows:

Reclamation Service.

"The Secretary of the Interior is hereby authorized to permit the employees of the Reclamation Service, while employed in the field, to

make assignments of their pay under such regulations as he may prescribe.";

(4) The second paragraph under the center heading "MISCELLANEOUS" and under the side heading "Paper Tests" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and ten", approved March 4, 1909 (35 Stat. 1057; 5 U.S.C. 529), which reads as follows:

"And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department.";

Agriculture Department.

(5) The proviso contained in the second paragraph under the center heading "DEPARTMENT OF COMMERCE AND LABOR" and under the side heading "Office of the Secretary" in the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eleven, and for other purposes", approved June 17, 1910 (36 Stat. 524; 5 U.S.C. 595), which reads as follows: "*Provided*, That the Secretary of Commerce and Labor is hereby authorized, under such regulations as he may prescribe, to permit officers and employees of the several bureaus and divisions of the Department of Commerce and Labor to assign their salaries while absent from Washington, District of Columbia, and employed in the field"; and

(6) The Act entitled "An Act authorizing allotment of pay by civilian personnel stationed abroad", approved May 14, 1937 (50 Stat. 166; 5 U.S.C. 75c).

(b) That part of the first section of the Act of March 4, 1907, under the heading "Under the Department of Commerce and Labor" and under the subheading "Coast and Geodetic Survey", as amended by the first section of the Act of June 21, 1955 (69 Stat. 169; 33 U.S.C. 862), relating to assignments and allotments of pay of personnel of the United States Coast and Geodetic Survey, is amended to read as follows:

Coast and Geodetic Survey.

"Commissioned officers of the United States Coast and Geodetic Survey are authorized to make assignments or allotments of their pay under such regulations as the Secretary of Commerce may prescribe.".

(c) Section 3689(d) of title 10 of the United States Code is amended—

70A Stat. 213.

(1) by inserting the word "or" immediately following the semicolon at the end of clause (1);

(2) by striking out the word "or" immediately following the semicolon at the end of clause (2); and

(3) by striking out clause (3) which reads:

"(3) permanent civilian employee of the Department of the Army on duty outside the United States;".

(d) Section 8689(d) of title 10 of the United States Code is amended—

70A Stat. 537.

(1) by inserting the word "or" immediately following the semicolon at the end of clause (1);

(2) by striking out the word "or" immediately following the semicolon at the end of clause (2); and

(3) by striking out clause (3) which reads:

"(3) permanent civilian employee of the Department of the Air Force on duty outside the United States;".

Approved September 26, 1961.

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