

Public Law 88-448

AN ACT

August 19, 1964  
[H. R. 7381]

To simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes.

Dual Compensation Act.

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 "Dual Compensation Act".

TITLE I—DEFINITIONS

SEC. 101. For the purposes of this Act and the amendments made by this Act—

76 Stat. 451.

(1) "uniformed services", "armed forces", "Secretary concerned", "officer", "warrant officer", "grade", "active duty", "active service", and "member" have the definitions given them by section 101 of title 37, United States Code;

(2) "a retired member of any of the uniformed services" means a member or former member of any of the uniformed services who is entitled, under any provision of law, to retired, retirement, or retainer pay on account of his service as such a member;

(3) "civilian office" means a civilian office or position (including a temporary, part-time, or intermittent position), appointive or elective, in the legislative, executive, or judicial branch of the Government of the United States (including each corporation owned or controlled by such Government and including non-appropriated fund instrumentalities under the jurisdiction of the armed forces) or in the municipal government of the District of Columbia.

TITLE II—EMPLOYMENT OF RETIRED MEMBERS OF UNIFORMED SERVICES

Retired pay, reduction.

SEC. 201. (a) Except as provided by subsections (b), (c), and (e) of this section, a retired officer of any regular component of the uniformed services shall receive the full salary of any civilian office which he holds, but during a period for which he receives salary, his retired or retirement pay shall be reduced to an annual rate equal to the first \$2,000 of such pay plus one-half of the remainder, if any. In the operation of the formula for reduction of such pay under this subsection, such amount of \$2,000 shall be increased, from time to time, by appropriate percentage, in direct proportion to each increase in such pay effected pursuant to the provisions of section 1401a(b) of title 10, United States Code, to reflect changes in the Consumer Price Index.

77 Stat. 214.  
10 USC 1401a.

(b) The reduction in retired or retirement pay required by subsection (a) of this section shall not apply to a retired officer of any regular component of the uniformed services whose retirement was based on disability (1) resulting from injury or disease received in line of duty as a direct result of armed conflict or (2) caused by an instrumentality of war and incurred in line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code).

72 Stat. 1106,  
1118.

(c) The reduction in retired or retirement pay required by subsection (a) of this section shall not apply to a retired officer of any regular component of the uniformed services employed on a temporary (full-time or part-time) basis, any other part-time basis, or any inter-

mittent basis, for the first thirty-day period for which he receives salary. The exemption from reduction in retired or retirement pay provided by this subsection shall not apply to a period longer than—

(1) the first thirty-day period for which he receives salary under any one appointment from the civilian office in which he is employed, if he is serving under not more than one appointment, and

(2) the first period for which he receives salary under more than one appointment, in any fiscal year, which consists in the aggregate of thirty days, from all civilian offices in which he is employed, if he is serving under more than one appointment in such fiscal year.

(d) For the purposes of subsections (a) and (c) of this section, "period for which he receives salary" means the full calendar period for which he receives salary when employed on a full-time basis but only the days for which he actually receives salary when employed on a part-time or intermittent basis.

Definition.

(e) Except as otherwise provided in this subsection, the United States Civil Service Commission, subject to the supervision and control of the President, is authorized to prescribe and issue regulations under which exceptions may be made to the restrictions in subsection (a) of this section whenever it is determined by appropriate authority that such exceptions are warranted on the basis of special or emergency employment needs which otherwise cannot be readily met. The President of the Senate with respect to the United States Senate, the Speaker of the House of Representatives with respect to the United States House of Representatives, and the Architect of the Capitol with respect to the Office of the Architect of the Capitol each is authorized to provide for a means by which exceptions may be made to the restrictions in subsection (a) of this section whenever he determines that such exceptions are warranted on the basis of special or emergency employment needs which otherwise cannot be readily met. The Administrator of the National Aeronautics and Space Administration is authorized to except, at any time, any individual in a scientific, engineering, or administrative position appointed pursuant to clause (A) of section 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2)(A)), from the restrictions in subsection (a) of this section, whenever the Administrator determines that such exception is warranted on the basis of special or emergency employment needs which otherwise cannot be readily met; but not more than thirty such exceptions may exist at any one time under such authority.

Restrictions,  
exceptions.

Ante, p. 429.

(f) Notwithstanding subsection (a) of this section, a retired officer of any regular component of the uniformed services who was employed in a civilian office on the day immediately preceding the effective date of this subsection—

(1) if, on such immediately preceding day, he was exempt from limitations on compensation, may elect (A) to remain subject to and continue under such exemption or (B) to be subject to applicable limitations and exemptions of subsections (a), (b), (c), and (e) of this section; or

(2) if, on such immediately preceding day, he was subject to limitations on compensation, may elect (A) to remain subject to and continue under such limitations, or (B) to be subject to applicable limitations and exemptions of subsections (a), (b), (c), and (e) of this section.

Such election is irrevocable and shall be filed with the department concerned not later than the ninetieth day after the effective date of this subsection. Any such retired officer who does not file such elec-

tion within the prescribed period shall be held and considered to have elected to remain in the status which he occupies, on such immediately preceding day, with respect to limitations on compensation, or exemptions therefrom, as the case may be. In the event of any appointment, reinstatement, or reemployment of such retired officer which is made after such effective date and follows a break in service of more than thirty days, such retired officer shall be subject to applicable limitations and exemptions of subsections (a), (b), (c), and (e) of this section.

Reserve officers.

61 Stat. 906;  
70A Stat. 677.

Post, p. 494.

Post, p. 492.

Veterans' retention rights, restriction.  
58 Stat. 390.

(g) A member of any of the uniformed services, serving in the Army or Air Force of the United States without component, under an appointment made under section 515 of the Officer Personnel Act of 1947, in a temporary grade higher than, or the same as, the reserve commission he then held, who, prior to the effective date prescribed by section 403 (a) of this Act, was retired for physical disability in such temporary grade, shall not be considered as subject to the restriction on the concurrent receipt of civilian compensation and retired pay contained in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), for any period following such retirement.

(h) A nonregular member of any of the armed forces, who served on active duty in a temporary warrant officer grade and who was retired in that status prior to the effective date prescribed by section 403 (a) of this Act, shall not be considered as subject to the restriction in section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), for any period following such retirement.

SEC. 202. Section 12 of the Veterans' Preference Act of 1944, as amended (5 U.S.C. 861), is amended—

(1) by inserting "(a)" immediately following "SEC. 12.";

(2) by inserting ", subject to subsection (c) of this section," immediately after the word "That" in the first proviso thereof;

(3) by inserting "(subject to subsection (b) of this section)" immediately after "military preference"; and

(4) by adding at the end thereof the following new subsections:

"(b) Notwithstanding any other provision of this Act, an employee who is a retired member of any of the uniformed services included under section 2 of this Act shall be considered a preference employee for the purposes of subsection (a) of this section only if—

"(1) his retirement was based on disability (A) resulting from injury or disease received in line of duty as a direct result of armed conflict or (B) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code); or

"(2) his service does not include twenty or more years of full-time active service (regardless of when performed but not including periods of active duty for training); or

"(3) immediately prior to the effective date of this subsection, he was employed in a civilian office to which this Act applies and, on and after such date, he continues to be employed in any such office without a break in service of more than thirty days.

"(c) In computing length of total service, an employee who is a retired member of any of the uniformed services shall be given credit for—

"(1) the length of time in active service in the armed forces during any war, or in any campaign or expedition (for which a campaign badge has been authorized); or

"(2) if he is included under clause (1), (2), or (3) of subsection (b) of this section, the total length of time in active service in the armed forces."

72 Stat. 1106,  
1118.

Service computation.

SEC. 203. The last two sentences of section 203(a) of the Annual and Sick Leave Act of 1951 (5 U.S.C. 2062(a)) are amended to read as follows: "Except as otherwise provided in this subsection, in determining years of service for the purposes of this subsection, there shall be included all service creditable under the provisions of section 3 of the Civil Service Retirement Act for the purposes of an annuity under such Act and the determination of the period of service rendered may be made upon the basis of an affidavit of the employee. Active military service of a retired member of any of the uniformed services is not creditable in determining years of service for the purpose of this subsection unless—

Annual leave  
accrual.  
65 Stat. 679.

70 Stat. 745.  
5 USC 2253.

"(1) his retirement was based on disability (A) resulting from injury or disease received in line of duty as a direct result of armed conflict or (B) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code); or

72 Stat. 1106,  
1118.

"(2) immediately prior to the effective date of this sentence, he was employed in a civilian office to which this Act applies and, on and after such date, he continued to be employed in any such office without a break in service of more than thirty days; or

"(3) such service was performed in the armed forces during any war, or in any campaign or expedition (for which a campaign badge has been authorized).

In the case of an officer or employee who is not paid on the basis of biweekly pay periods, the leave provided by this title shall accrue on the same basis as it would accrue if such officer or employee were paid on the basis of biweekly pay periods."

SEC. 204. (a) A retired member of any of the armed forces may be appointed to serve in a civilian office in or under the Department of Defense during the period of one hundred and eighty days immediately following his retirement only if—

Defense Dept.  
appointments,  
conditions.

(1) the proposed appointment is authorized by the Secretary concerned (or his designee for the purpose), and, if such civilian office is in the competitive civil service, after approval by the United States Civil Service Commission; or

(2) the minimum rates of basic compensation for such civilian office have been increased under authority of section 504 of the Federal Salary Reform Act of 1962 (5 U.S.C. 1173); or

76 Stat. 842.

(3) a state of national emergency exists.

(b) A request by appropriate authority for the authorization, or the authorization and approval, as the case may be, required by subsection (a) (1) of this section shall be accompanied by a statement which shows the actions taken to assure that—

(1) full consideration, in accordance with placement and promotion procedures of the department concerned, was given to eligible career employees; and

(2) when selection is by other than certification from an established civil service register, the vacancy has been publicized to give all interested candidates an opportunity to apply; and

(3) qualification requirements for the position have not been written in a manner designed to give advantage to such retired member; and

(4) the position has not been held open pending the retirement of such retired member.

Presidential report to Congress.

SEC. 205. The President shall transmit to the Congress on or before January 1, 1966, a comprehensive report of the operations under this title of the departments and agencies in the executive branch.

### TITLE III—LIMITATION ON DUAL COMPENSATION FROM MORE THAN ONE CIVILIAN OFFICE

SEC. 301. (a) Except as provided by subsections (b), (c), (d), and (e) of this section, civilian personnel shall not be entitled to receive basic compensation from more than one civilian office for more than an aggregate of forty hours of work in any one calendar week (Sunday through Saturday).

Restrictions, exceptions.

(b) Except as otherwise provided by subsection (c) of this section, the United States Civil Service Commission, subject to the supervision and control of the President, is authorized to prescribe and issue regulations under which exceptions may be made to the restrictions in subsection (a) of this section whenever it is determined by appropriate authority that such exceptions are warranted on the ground that personal services otherwise cannot be readily obtained.

(c) Unless otherwise authorized by law, no money appropriated by any Act shall be available for payment to any person of salary from more than one civilian office if the aggregate amount of the basic compensation from such offices exceeds the sum of \$2,000 per annum, and if (1) one of such salaries is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives or (2) one of such offices is under the Office of the Architect of the Capitol.

Exemptions.

(d) Subsection (a) of this section does not apply to—

(1) compensation on a when-actually-employed basis received from more than one consultant or expert position if such compensation is not received for the same hours of the same day;

(2) compensation consisting of fees paid on other than a time basis;

(3) compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the summer vacation period;

(4) compensation paid by the Tennessee Valley Authority to employees performing part-time or intermittent work in addition to their normal duties when the Authority deems it to be in the interest of efficiency and economy;

(5) compensation received by any person holding an office or position the compensation for which is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives or any office or position under the Architect of the Capitol;

(6) compensation paid by the United States Coast Guard to employees occupying part-time positions of lamplighters; and

(7) compensation within the purview of any of the following provisions of law:

(A) section 9 of the Act of October 6, 1917 (40 Stat. 384; D.C. Code, sec. 31-631), relating to teachers in the public schools of the District of Columbia who also are employed in night schools and vacation schools;

(B) section 6 of the Act of March 3, 1925 (43 Stat. 1108), as amended by the Act of January 27, 1926 (44 Stat. 2),

relating to employees of the Library of Congress (2 U.S.C. 162; 5 U.S.C. 60);

(C) the Act of July 1, 1942 (56 Stat. 467; D.C. Code, sec. 31-631a), relating to custodial employees of the Board of Education of the District of Columbia;

(D) section 2 of the Act of July 22, 1947, as amended (61 Stat. 400, 74 Stat. 11; 33 U.S.C. 873), relating to extra compensation paid in connection with instrument observation or recording, the observation of tides or currents, or the tending of seismographs or magnetographs;

(E) section 3 of the Act of June 2, 1948, as amended (62 Stat. 286, 74 Stat. 11; 15 U.S.C. 327), relating to extra compensation paid in connection with the taking and transmitting of meteorological observations;

(F) section 10(b) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 217; 5 U.S.C. 2358(b)), relating to the compensation of certain teachers employed in another position in recess periods;

(G) section 102 of chapter 7 of title 2, Canal Zone Code (76A Stat. 15), relating to teachers in the public schools of the Canal Zone who also are employed in night schools or in vacation schools or programs;

(H) section 23(b) of title 13, United States Code, relating to the payment of compensation to employees for the field work of the Bureau of the Census, Department of Commerce; or

(I) subsection (a) or (c) of section 3335 of title 39, United States Code, relating to dual employment and extra duties in the postal field service.

74 Stat. 911.

74 Stat. 612.

(e) With respect to the compensation of persons serving on the effective date of this section in more than one position under properly authorized appointments, subsection (a) of this section shall not apply for the duration of the appointment or appointments concerned.

(f) This title shall not be applicable to persons employed under the joint resolution approved July 6, 1961 (75 Stat. 199; Public Law 87-82), or under section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public Law 812, 76th Congress).

40 USC 174j-1-174j-7.

40 USC 174k.

#### TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. (a) Section 18 of the Act of December 20, 1944, as added by section 2 of the Act of August 19, 1950 (64 Stat. 466; D.C. Code, sec. 2-1226), is amended by inserting immediately before the period at the end thereof a comma and the following: "subject to section 201 of the Dual Compensation Act".

(b) The second paragraph of section 2 of the Act of August 11, 1950 (64 Stat. 438; D.C. Code, sec. 6-1202), is amended to read as follows:

Ante, p. 484.

"Notwithstanding the limitation of any law, there may be employed in such Office of Civil Defense any person who has been retired from any of the uniformed services of the United States or any office or position in the Federal or District governments, and except as hereinafter provided, while so employed in such Office of Civil De-

fense any such retired person may receive the compensation authorized for such employment or the retirement compensation or annuity, whichever he may elect, and upon the termination of such employment, he shall be restored to the same status as a retired officer or employee with the same retirement compensation or annuity to which he was entitled before having been employed in such Office of Civil Defense. While any person who has been retired from any of the uniformed services of the United States is so employed in such Office of Civil Defense, he may receive the compensation authorized for such employment and his retired or retirement pay, subject to section 201 of the Dual Compensation Act.”

*Ante*, p. 484.

(c) Section 13(b) of the Peace Corps Act (75 Stat. 619; 22 U.S.C. 2512(b)) is amended—

*Post*, p. 494.

(1) by striking out “section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a),”; and

(2) by inserting immediately before the period at the end thereof a comma and the following: “subject to section 201 of the Dual Compensation Act”.

(d) Section 44 of the Arms Control and Disarmament Act (75 Stat. 636; 22 U.S.C. 2584) is amended—

(1) by striking out “section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a),”; and

(2) by inserting immediately before the period at the end thereof a comma and the following: “subject to section 201 of the Dual Compensation Act”.

(e) Section 626(b) of part III of the Act entitled “An Act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic development and internal and external security, and for other purposes”, approved September 4, 1961 (75 Stat. 451; 22 U.S.C. 2386(b)), is amended—

(1) by striking out “section 212 of Public Law 72-212, as amended (5 U.S.C. 59a),”; and

(2) by inserting immediately before the period at the end thereof a comma and the following: “subject to section 201 of the Dual Compensation Act”.

(f) Section 28 of the Atomic Energy Act of 1954 (68 Stat. 926; 42 U.S.C. 2038) is amended by striking out “Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, or in addition to his retired pay, an amount equal to the difference between such pay and allowances, including special and incentive pays, or between his retired pay, and the compensation prescribed for the Chairman of the Military Liaison Committee.” and inserting in lieu thereof the following: “Any such active officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation fixed for such Chairman. Any such retired officer serving as Chairman of the Military Liaison Committee shall receive the compensation fixed for such Chairman and his retired pay, subject to section 201 of the Dual Compensation Act.”

(g) Section 204(d) of the National Aeronautics and Space Act of 1958 (72 Stat. 432; 42 U.S.C. 2474(d)) is amended by striking out “The compensation received by any such officer for his service as Chairman of the Liaison Committee shall be equal to the amount (if any) by which the compensation fixed by subsection (a)(1) for such Chairman exceeds his pay and allowances (including special

and incentive pays) as an active officer, or his retired pay.” and inserting in lieu thereof “Any such active officer serving as Chairman of the Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation fixed by subsection (a) (1) for such Chairman. Any such retired officer serving as Chairman of the Liaison Committee shall receive the compensation fixed by subsection (a) (1) for such Chairman and his retired pay, subject to section 201 of the Dual Compensation Act.”

*Ante*, p. 484.

(h) Section 3(b) (1) of the Act of August 28, 1958 (72 Stat. 1091; Public Law 85-850), is amended to read as follows:

“(1) One member, who shall serve as Chairman, and who shall be a resident from the area comprising the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins (and intervening areas) embraced within the States referred to in the first section of this Act and who shall not, during the period of his service on the Commission, hold any other position as an officer or employee of the United States, except that a retired military officer or a retired Federal civilian officer or employee may be appointed under this Act without prejudice to his retired status. A retired Federal civilian officer or employee appointed under this Act shall receive compensation as authorized herein in addition to his annuity, but the sum of his annuity and such compensation as may be payable hereunder shall not exceed \$12,000 in any one calendar year. A retired military officer appointed under this Act shall receive compensation as authorized herein and his retired pay, subject to section 201 of the Dual Compensation Act;”.

(i) Section 9 of the Act of October 6, 1917 (40 Stat. 384; D.C. Code, sec. 31-631), is amended by striking out “That section six of the legislative, executive, and judicial appropriation Act, approved May tenth, nineteen hundred and sixteen, as amended by the naval appropriation Act, approved August twenty-ninth, nineteen hundred and sixteen,” and inserting in lieu thereof “Section 301 of the Dual Compensation Act”.

*Post*, p. 493.

*Ante*, p. 488.

(j) Section 6 of the Act of March 3, 1925, as amended by the Act of January 27, 1926 (43 Stat. 1108, 44 Stat. 2; 2 U.S.C. 162, 5 U.S.C. 60), is amended by striking out “nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, as amended (Thirty-ninth Statutes at Large, page 582).” and inserting in lieu thereof “and section 301 of the Dual Compensation Act shall not apply to any additional compensation so paid to such employees.”

(k) The Act of July 1, 1942 (56 Stat. 467; D.C. Code, sec. 31-631a), is amended by striking out “That section 6 of the Act entitled ‘An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917’, approved May 10, 1916 (39th Stat. 120), and Acts amendatory thereto,” and inserting in lieu thereof “That section 301 of the Dual Compensation Act”.

(l) Section 2 of the Act of July 22, 1947, as amended (61 Stat. 400, 74 Stat. 11; 33 U.S.C. 873), is amended by inserting immediately before the period at the end thereof the following: “and without regard to section 301 of the Dual Compensation Act”.

(m) Section 3 of the Act of June 2, 1948, as amended (62 Stat. 286, 74 Stat. 11; 15 U.S.C. 327), is amended by inserting immediately before the period at the end thereof the following: “without regard to section 301 of the Dual Compensation Act”.

(n) Section 10(b) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 217; 5 U.S.C. 2358(b)) is amended by striking out "section 2 of the Act of July 31, 1894 (5 U.S.C. 62), relative to the holding of more than one office, section 6 of the Act of May 10, 1916 (5 U.S.C. 58 and 59), relative to double salaries, and any other law relating to the receipt of more than one salary or the holding of more than one office" and inserting in lieu thereof "section 301 of the Dual Compensation Act".

Ante, p. 488.

(o) Section 102 of chapter 7 of title 2, Canal Zone Code (76A Stat. 15), is amended by striking out "Section 2 of the Legislative, Executive, and Judicial Appropriation Act, approved July 31, 1894, as amended (28 Stat. 205; 5 U.S.C., sec. 62), and section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended (39 Stat. 120; 5 U.S.C., sec. 58), do" and inserting in lieu thereof "Section 301 of the Dual Compensation Act does".

74 Stat. 911.

(p) Section 23(b) of title 13, United States Code, is amended by inserting immediately before the period at the end thereof the following: "without regard to section 301 of the Dual Compensation Act".

74 Stat. 612.

(q) Subsections (a) and (c) of section 3335 of title 39, United States Code, each are amended by striking out "sections 58, 62, 69, and 70 of title 5" and inserting in lieu thereof "sections 69 and 70 of title 5 and section 301 of the Dual Compensation Act".

Repeals.

SEC. 402. (a) The following laws and parts of laws are hereby repealed:

(1) Section 1763 of the Revised Statutes (5 U.S.C. 58), relating to the receipt of compensation from more than one office.

(2) Section 2074 of the Revised Statutes (25 U.S.C. 50), prohibiting the holding of more than one office at the same time under title XXVIII of the Revised Statutes.

(3) Section 4395 of the Revised Statutes as amended by the Act of January 20, 1888 (25 Stat. 1), providing for the appointment of a Commissioner of Fish and Fisheries who shall not hold any other office.

(4) The Act of July 2, 1882 (22 Stat. 176), authorizing additional pay or compensation for Government employees engaged in cataloging Government publications at the direction of the Joint Committee on Printing.

(5) The sentence in the Act of February 25, 1885 (23 Stat. 329), which reads as follows: "And hereafter no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or an interpreter."

(6) Joint Resolution Numbered 3 of February 5, 1889 (25 Stat. 1019), authorizing the President to appoint an officer of the United States Coast and Geodetic Survey as a delegate to the International Geodetic Association to serve without extra salary or additional compensation.

(7) Section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended by the Act of May 31, 1924 (43 Stat. 245), by section 6 of the Act of July 30, 1937 (50 Stat. 549), and by the Act of June 25, 1938 (52 Stat. 1194), relating to the holding of two offices (5 U.S.C. 62).

(8) The paragraph in the Act of February 20, 1895 (28 Stat. 676), providing for the compensation of members of a commission established to recommend the location of a certain building, which reads as follows:

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses: *Provided, however,* That the

member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses."

(9) Section 7 of the Act of June 3, 1896 (29 Stat. 235; 5 U.S.C. 63), relating to the employment of retired officers of the Army and Navy in connection with river and harbor improvements.

(10) Section 7 of the Act of June 28, 1902 (32 Stat. 483), relating to the appointment and compensation of certain officers employed under such Act.

(11) The paragraph of the Act of March 4, 1909 (35 Stat. 931), relating to the pay of retired Army and Navy officers and enlisted men then in the employ of the Isthmian Canal Commission, which reads as follows:

"Authority is hereby granted for the payment of salaries and wages accrued or hereafter earned of retired army and navy officers and enlisted men now in the employment of the Isthmian Canal Commission, in addition to their retired pay, where their compensation under such employment does not exceed two thousand five hundred dollars per annum."

(12) The second paragraph under the center heading "THE ISTHMIAN CANAL" with the side heading "National Waterways Commission:" in the Act of August 5, 1909 (36 Stat. 130), authorizing the National Waterways Commission to pay not to exceed three officers or employees of the Government without regard to the Act of July 31, 1894, and other laws.

(13) Section 12 of the Act of August 20, 1912 (37 Stat. 319; 7 U.S.C. 165), relating to the appointment of members of a Federal Horticultural Board from among employees of the Department of Agriculture.

(14) Section 6 of the Act of May 10, 1916 (39 Stat. 120; 5 U.S.C. 58), as amended by the Act of August 29, 1916 (39 Stat. 582; 5 U.S.C. 59), relating to double salaries.

(15) Section 8 of the Act of March 21, 1918 (40 Stat. 455-456), authorizing the President to avail himself of the assistance of Government employees in the operation of transportation facilities taken over by the President.

(16) Sections 3 and 4 of the War Finance Corporation Act (40 Stat. 507; 15 U.S.C. 333, 334), authorizing the appointment of Government employees to membership on the Board of Directors of the War Finance Corporation and providing for their compensation.

(17) The last paragraph under the heading "DISTRICT OF COLUMBIA" and under the subheading "PUBLIC SCHOOLS" contained in the first section of the Act of July 8, 1918 (40 Stat. 823; D.C. Code, sec. 31-631), relating to the application of section 6 of the Act of May 10, 1916, to employees of the community center department of the public schools of the District of Columbia.

(18) The ninth paragraph under the heading "DISTRICT OF COLUMBIA" and under the subheading "PUBLIC SCHOOLS" contained in the first section of the Third Deficiency Act, fiscal year 1920 (41 Stat. 1017; D.C. Code, sec. 31-631), relating to the application of section 6 of the Act of May 10, 1916, to employees of the school garden department of the public schools of the District of Columbia.

(19) That part of the proviso contained in the paragraph under the heading "BUREAU OF THE BUDGET" in the Act of February 17, 1922 (42 Stat. 373; 5 U.S.C. 64), relating to the application of section 2 of the Act of July 31, 1894, to retired officers of the Army, Navy, Marine Corps, or Coast Guard appointed to certain offices in the Bureau of the Budget, which reads as follows: "Provided, That section 2 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending

*Ante*, p. 492.

June 30, 1895, and for other purposes, approved July 31, 1894, shall not be construed as having application to retired officers of the Army, Navy, Marine Corps, or Coast Guard who may be appointed to the offices created by section 207 of the Budget and Accounting Act, 1921, approved June 10, 1921, within the meaning of precluding payment to such officers of the difference in pay prescribed for such offices and their retired pay;”

42 Stat. 22.  
31 USC 16.

(20) Section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended by section 3 of the Act of July 15, 1940 (54 Stat. 761), by the Act of February 20, 1954 (68 Stat. 18), by section 2 of the Act of August 4, 1955 (69 Stat. 498), by section 2201(11) of the Act of June 17, 1957 (71 Stat. 158), and by section 13(d) of the Act of September 2, 1958 (72 Stat. 1264), relating to the limitation on the amount of retired pay received for commissioned officer service when combined with Government civilian salary (5 U.S.C. 59a).

(21) The Act of September 13, 1940 (54 Stat. 885), authorizing Jesse H. Jones, Federal Loan Administrator, to exercise the duties of the Office of Secretary of Commerce.

(22) The Act of March 29, 1945 (59 Stat. 38), authorizing the Doorkeeper of the House of Representatives during the Seventy-ninth Congress to employ Government employees for folding speeches and pamphlets.

(23) The Act of August 10, 1946 (60 Stat. 978), as amended by the Act of October 29, 1951 (65 Stat. 662), providing authority for the employment of certain retired officers in the Veterans' Administration (formerly contained in 5 U.S.C. 64a), which authority has expired.

(24) The fifth sentence of section 3 of the Reconstruction Finance Corporation Act, as in effect on June 30, 1947 (47 Stat. 6), and as continued by section 3(a) of such Act, as amended (61 Stat. 203, 62 Stat. 262; 15 U.S.C. 603(a)), relating to employees of the Reconstruction Finance Corporation, which reads: “Nothing contained in this or in any other Act shall be construed to prevent the appointment and compensation as an employee of the corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof.”

(25) Section 2 of the Act of July 11, 1947 (61 Stat. 311; D.C. Code, sec. 4-183), relating to the position of director of the band in the Metropolitan Police force of the District of Columbia.

62 Stat. 197.

(26) Section 3 of the Act of April 21, 1948, as amended (7 U.S.C. 438), relating to the Remount Service in the Department of Agriculture.

(27) That part of section 9 of the Act of June 4, 1948 (62 Stat. 342; D.C. Code, sec. 2-1709), relating to personnel of the Armory Board of the District of Columbia, which reads: “, and without regard to any prohibition against double salaries contained in any other law”.

(28) Section 5(f) of the Central Intelligence Agency Act of 1949, as amended (65 Stat. 89, 72 Stat. 337; 50 U.S.C. 403f(f)), authorizing employment of not more than fifteen retired officers who must elect between civilian salary and retired pay.

(29) That part of the second sentence of section 103 of the American-Mexican Treaty Act of 1950 (64 Stat. 847), relating to the International Boundary and Water Commission, United States and Mexico, which reads: “, and who shall be entitled to receive, as compensation for such temporary service, the difference between the rates of pay established therefor and their retired pay during the period or periods of such temporary employment”.

(30) That part of section 401(a) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1254; 50 U.S.C. App. 2253(a)), which reads: “and, notwithstanding the provisions of any other law,

except those imposing restrictions upon dual compensation, employ, in a civilian capacity, with the approval of the President, not to exceed twenty-five retired personnel of the armed services on a full- or part-time basis without loss or reduction of or prejudice to their retired status.”

(31) Subparagraph (g) of the third paragraph of the Act of August 5, 1953 (67 Stat. 366), as amended by the Act of August 9, 1955 (69 Stat. 590), and by the Act of August 28, 1957 (71 Stat. 457), relating to the Corregidor-Bataan Memorial Commission (36 U.S.C. 426(g)).

(32) Section 12 of the District of Columbia Teachers' Salary Act of 1955 (69 Stat. 529; D.C. Code, sec. 31-1541), authorizing employment of retired members of the armed services of the United States as teachers of military science and tactics in public high schools of the District of Columbia.

(33) Section 8 of the Act of September 7, 1957 (71 Stat. 628; 36 U.S.C. 748), relating to appointment and pay of certain retired officers by the Civil War Centennial Commission.

(34) Section 203(b)(11) of the National Aeronautics and Space Act of 1958 (72 Stat. 431; 42 U.S.C. 2473 (b)(11)), authorizing the employment of retired commissioned officers subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a).

(35) Section 626(c) of the Act of September 4, 1961 (75 Stat. 451; 22 U.S.C. 2386(c)), authorizing employment of retired officers under the Act for International Development of 1961 or the International Peace and Security Act of 1961.

(36) Section 201(d) of chapter 7 of title 2, Canal Zone Code (76A Stat. 21), relating to retired members of a regular component of the Armed Forces or the Public Health Service of the United States employed in the Canal Zone Government or the Panama Canal Company.

(37) The matter contained in section 507 of the Department of Defense Appropriation Act, 1964 (77 Stat. 264; Public Law 88-149), relating to retired military personnel on duty at the United States Soldiers' Home, which reads: “: *Provided*, That section 212 of the Act of June 30, 1932 (5 U.S.C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home”, and provisions to the same effect contained in other appropriation Acts enacted prior to the effective date of this section relative to retired military personnel on duty at the United States Soldiers' Home (5 U.S.C. 59b).

(38) The next to the last sentence of section 4103(b) of title 38, United States Code, relating to the application of certain provisions of law to the Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration, which reads: “Section 62 of title 5 of the United States Code shall not apply to any individual appointed Chief Medical Director before January 1, 1964; however, section 59a of title 5 shall apply, in accordance with its terms, to any such individual.”

(b) All other provisions of law, general or specific, inconsistent with this Act and the amendments made by this Act, are hereby repealed.

(c) Nothing contained in this Act shall be construed to repeal or modify the provisions of the last paragraph under the heading “Administrative Provisions” in the appropriations for the Senate contained in the Legislative Branch Appropriation Act, 1957 (70 Stat. 360; 2 U.S.C. 66a).

Effective dates.

SEC. 403. (a) Except as provided in subsection (b) of this section, this Act shall become effective on the first day of the first month which begins later than the ninetieth day following the date of enactment of this Act.

(b) This section and sections 201(g) and 201(h) shall become effective on the date of enactment of this Act.

Savings provision.

SEC. 404. If any provision of this Act shall be held invalid, the remainder of this Act shall not be affected thereby.

Approved August 19, 1964.

Public Law 88-449

AN ACT

August 19, 1964  
[S. 1991]

To charter by Act of Congress the Pacific Tropical Botanical Garden.

Pacific Tropical Botanical Garden. Charter.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

CREATION OF THE CORPORATION

SECTION 1. The following persons: Henry Francis duPont, Winterthur, Delaware; Deane Waldo Malott, Ithaca, New York; Horace Marden Albright, Los Angeles, California; Robert Allerton, Kauai, Hawaii; and Paul Bigelow Sears, New Haven, Connecticut; and their successors, are hereby created and declared to be a body corporate by the name of Pacific Tropical Botanical Garden (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers, limitations, and restriction herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. The persons named in section 1 shall be the incorporators of the corporation and members of the initial board of trustees and are authorized to complete the organization of the corporation by the selection of other trustees and officers, the adoption of bylaws, not inconsistent with this Act, and the doing of such other acts necessary to carry into effect the provisions of this Act.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(a) to establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;

(b) to foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences;

(c) to disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;

(d) to collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction;